

MONROE COUNTY PLAN COMMISSION
Hybrid Meeting - Minutes
July 18, 2023 – 5:30 P.M.

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES – None.

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

ROLL CALL: Geoff Morris, Margaret Clements, Dee Owens, Julie Thomas, Edward Oehlman, Trohn Enright-Randolph, Jerry Pittsford

ABSENT: *Bernie Guerrettaz, Cheryl Munson, Chris Cockerham, City of Bloomington Representative*

STAFF PRESENT: Jackie Jelen, Director, Daniel Brown, Planner II

OTHERS PRESENT: Tech Services, David Schilling, Legal, Kelsey Thetonia MS4 Coordinator, Lisa Ridge, Highway Department Director, Paul Satterly, Highway Engineer

INTRODUCTION OF EVIDENCE:

Jackie Jelen introduced the following items into evidence:

The Monroe County Zoning Ordinance (as adopted and amended)

The Monroe County Comprehensive Plan (as adopted and amended)

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

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

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

The motion to approve the introduction of evidence carried unanimously.

APPROVAL OF AGENDA

Motion to approve the agenda, carried unanimously.

APPROVAL OF MINUTES

No minutes to approve at this time.

ADMINISTRATIVE BUSINESS:

1. **Refund Request R-23-607: \$200**
2. **Discussion of Fee Schedule to waive fees for casualty due to fire, flood, wind, explosion damage.**
3. **CDO Update**

UNFINISHED BUSINESS: None.

NEW BUSINESS:

1. **PUO-23-1** **Whaley PUD Outline Plan Amendment 2
Preliminary Hearing. Waiver of Final Hearing Requested.**
Two (2) 12.34 +/- acre parcels in Van Buren Township, Section 14 at 4810 W State Road 45, Parcel # 53-09-14-102-001.000-015.
Owner: K & S Rolloff Holdings LLC
Zoned PUD. Contact: shawnsmith@co.monroe.in.us
*****CONTINUED BY STAFF*****

2. **REZ-23-2** **Shake Rezone from AG/RR to MR and AG/RR to LB
Preliminary Hearing. Waiver of Final Hearing Requested.**
One 5.04 +/- acre parcel in Richland Township, Section 24 at 3130 N Smith PIKE, Parcel 53-04-24-101-016.000-011.
Owner: Casey Shake DVM LLC.
Zoned AG/RR. Contact: drbrown@co.monroe.in.us

ADMINISTRATIVE BUSINESS

1. Refund Request R-23-607: \$200

STAFF ACTION:

Jelen: This refund request is for a Building Permit for the Improvement Location Permit fee of \$200.00. We had a resident of the county come in and describe that they had tornado damage to their property, and they were picking up their building permit and wanted to know if we had any sort of waiver of our fees for reconstruction. We do not have any kind of waiver in place, so the other option is to request a refund. They wanted to go ahead and submit photos of the damage as well for the Plan Commission to consider. Here is the property. It sustained significant damage from the tornado in March of 2023. I can take any questions that you have.

QUESTIONS FOR STAFF – Refund Request

Clements: Does anyone have any questions for staff?

Owens: It is called an Improvement Location Permit? Is that what you said, Jackie?

Jelen: Yes. That is Planning's permit that they issue to go along with a building permit, that is when we check for setbacks, location and any environmental constraints.

Owens: Ok, thank you.

Clements: I see that Commissioner Thomas has her hand raised.

Thomas: Yes, thank you. I would certainly support refunding fee. We have already worked with the Building Department and created a new fee structure when there is a natural disaster for those building permits so it would be nice to do the same in Planning. As long as they are using the same footprint. I think if they change the footprint of the building then you obviously have to check for setbacks and all of those things. I think the only concern I have forward is it would be great if staff could work on this, the only concern I would have going forward is if the building is a nonconforming grandfathered application. If that is the case, what would we want to do with that? I don't know the answer, but I want to throw that out there. Thank you.

Jelen: Thank you.

Clements: This is under Administrative Business, so we are not required to have public input and I wonder if there is a motion.

Enright-Randolph: I will make a motion, but I wanted to add to that. I think that is a fantastic idea. It was indicated that we should look into that. I was wondering how we could make that more of a formal request because I think that is a fantastic idea and maybe we could just leave it to Planning to bring it to us. It looks like our Director shook her head indicating that might be something that they are able to do because I do think that is a fantastic idea.

Jelen: Yes, we have that actually as the next item for your review under Administrative Business

so we will take a look at it and see if we can get something moving forward.

Enright-Randolph: Absolutely. Yes, anything that can fast track that seems worth wild.

Clements: Is that a motion?

Enright-Randolph: **My motion is to go ahead and refund the \$200.00.**

Owens: **Second.**

Clements: Ok, please call the roll, Ms. Nester Jelen.

Jelen: It has been moved and seconded to refund R-23-607 for a total of \$200.00 back to the applicant. As vote in favor is a vote to approve the refund request. Edward Oehlman?

Oehlman: Yes.

Jelen: Dee Owens?

Owens: Yes.

Jelen: Jerry Pittsford?

Pittsford: Yes.

Jelen: Julie Thomas?

Thomas: Yes.

Jelen: Margaret Clements?

Clements: Yes.

Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Jelen: Geoff Morris?

Morris: Yes.

Jelen: Motion carries 7 to 0.

Motion to approve refund amount of \$200.00 for R-23-607, carried unanimously (7-0).

ADMINISTRATIVE BUSINESS

2. Discussion of Fee Schedule to waive fees for casualty due to fire, flood, wind, explosion damage.

STAFF ACTION:

Jelen: The Building Department has gone through a change of their fee schedule regarding natural disasters and lowering their fees, so it was brought to our attention and with the prior refund request and the number of severe storms and weather that we have been having. We think it is important to have a discussion about our current fee schedule and whether the Plan Commission thinks it is appropriate to have some sort of line item for reconstruction specifically to residential structures. Right now, in our fees we have information for a single family residential. If it is being rebuilt or if it is a new single family residence it is \$200.00. We have lower fees if it's a residential addition, it is only \$100.00 and for accessory structures it is \$50.00. We felt it was appropriate to potentially take forward a request to consider Improvement Location Permit for Single Family Reconstruction or Residential Structure Reconstruction for a total of \$50.00. I do note Julie Thomas' point about pre-existing nonconforming structures, we would want to make sure that a structure could be issued an Improvement Location Permit prior to considering this fee, so if something was nonconforming it would have to still be considered under Chapter 803 and if it were not to be able to be eligible for another permit, we would not be able to reduce the fee or issue a permit. I think that may be taken care of by the ordinance. But some other considerations are just to confirm the natural disaster, making sure that it is by natural causes. I believe the Building Department their discussion was that they would go out and view the property and confirm the damage from there and they would be able to determine that it was significant, and the damage was by a natural cause.

Clements: Well, I think that I appreciate the good thought that has gone into this and also the good will that has gone into this. I would like to open it up to my colleagues here on the Plan Commission and I see a bubble on the chat. I don't know if Dee has a comment, but I know that Julie Thomas has her hand raised as well. Let's start with Commissioner Thomas.

QUESTIONS FOR STAFF – Fee Schedule Discussion

Thomas: Thank you. I don't think \$50.00 is onerous so I ok with that because somebody is going to have to go out and look at the property. There is a cost to that. I am ok with that. I wonder if we want to also include commercial establishments as well especially because this would be catastrophic, storm damage, flooding, tornado, etcetera. I just wanted to throw that out there. Thanks.

Clements: Is it possible to amend this to include commercial right now or would it have to be noticed?

Jelen: No, it is possible since it is administrative business. We don't actually require a separate Improvement Location Permit fees for commercial. We only require site plans. So, if there was a reconstruction of a commercial building and they had an approved site plan and they built to that same footprint, I don't believe there would be incurred any charge.

Thomas: Ok, I didn't know if you would be reviewing site plans if it is the same footprint. Thank you. That helps. Thanks.

Clements: To answer Mr. Shelton's question he wrote a note in the chat. The agenda is in the packet which is on the co.monroe.in.us website and when you click on the calendar you can see the Plan Commission meeting and then a link to both the meeting and the packet is there. The packet contains the agenda so I hope that answers your question and if it doesn't, please write again in the chat and we will respond. Yes, Mr. Pittsford?

Pittsford: First of all, can staff put that link in the comments? It would simplify that. The second question I have is casualty due to fire, flood, etcetera, is that wildfire exclusively in this application or is that all cases of fire, domestic, residentially? Because that is not specific.

Jelen: We had a discussion about fire that may occur just as to one residence or one house. I don't believe I would consider that natural causes but if you would like to add in something that would cover that type of situation, we could become more specific with this.

Pittsford: I think you may want to refer to it as significant environmental fires or wildfire. I know the term forest fire has kind of gone to the waste side. Smokey the Bear told me that they weren't using that anymore. No more forest fire, they are saying wildfire. So, maybe if you just change that to wildfire. Because the way that it written right now if someone lost their house due to any kind of domestic fire, it would qualify. Fire is natural whether it happens by a match set to gasoline in the garage, a can of gasoline in the garage or a forest fire that burns through your residence it is still natural.

Owens: I would like to comment on that.

Clements: Yes, Dee?

Owens: I don't know anybody except perhaps your neighborhood arsonist who sets fire to a house. House fires are accidental, almost exclusively. I don't think that is a distinguishing feature.

Pittsford: No, no, I was saying, sorry, Dee that was a poor example. If the home fire begins in the kitchen, it is a flue fire, it is a candle knocked over into the curtains, all of those kinds of domestic residential fires, the fire itself is a natural occurrence but it is no occurring because of natural disaster and the way this is stated it sys fire or damages caused by natural causes. While fire is still a natural cause the origin of the fire is not coming from nature itself, with a capital N in nature.

Owens: Conversely then if an arsonist does set fire to my house, I am still not eligible and I didn't do it. I don't understand why it is important to distinguish between natural versus human cause disaster is all.

Pittsford: Well, because you have other terms here fire, flood. You can have a flood that is not the result off rising waters in a creek or that sort of thing. I just don't think it is specific enough is

my only point but if we want to dance around on definitions, I am going to defer that to somebody else.

Clements: Mr. Morris.

Morris: I think this is a good conversation, but it seems to me that the commonality here is that it is relating to somebody who is suffering from some sort of tragedy. They are probably suffering from some kind of financial hardship just due to the loss of their house or partial loss of their house, so it seems to me that we word it to include a house fire or a single fire not a natural disaster necessarily.

Clements: We will wait for this bell ring and then Mr. Enright-Randolph.

Enright-Randolph: Mine is going back to the packet. I am sorry, I was maybe having the same issue. Thanks, Jim, for jumping in there. If you are searching for that in the title, it filters it and it says Plan Commission packet. It is not going to bring up today's packet. You have to make sure the title on says Plan Commission. I was not able to get the packet either due to that and I am just now catching up and so I didn't know that we had some of this under the Administrative Business. I concur with the discussion today that I think we need to put a finer point on this. Personally, I think if we can relief any costs on someone that has to deal with any kind of catastrophic issue or loss of property that we should try to subsidize the permitting fees. That is my position on this. But I think we could put a finer point on there to encompass that. I am not sure if that was the intent of this discuss but I think it is an added idea and comment and honestly, I would be in complete support of reducing any cost anyone who has to deal with a loss such as a home or a structure on their property.

Clements: Yes, Mr. Oehlman.

Oehlman: If I may ask Jackie a question. What is the extent of this residential structure permit in term of like if you have flooding in a finished basement and you have to do a whole remodel. Does that still require this permit or is it only of like a full reconstruction of the home required?

Jelen: That is a good question. If there is a remodel occurring and let's say the height is still intact and everything it is just the basement, we would actually not charge a fee regardless. We don't have a fee for a remodel since it does not involve any footprint change.

Oehlman: But let's say you have a garage fire, and it burns off the garage half of your house, but the residential portion is still there. It is still part of your footprint is destroyed and you had to rebuild a portion of your footprint.

Jelen: Yes, that would require a fee.

Clements: I would like to ask members of the Plan Commission if you have proposals for changes in the wording so that we can consider this and vote on it. Yes, Mr. Enright-Randolph.

Enright-Randolph: I don't have suggestions. I was comfortable with maybe deferring to Planning

Staff to put something together and it could be contingent on them preparing it. I guess the real question I had was are we trying to do this for just natural causes or are we trying to do this for anyone that has sustained such a loss.

Clements: I am going to turn now to Dee Owens. She has her hand raised.

Owens: The easy way to fix this is to remove, caused by natural causes. That is redundant anyway.

Clements: Also, to add commercial as Julie had suggested. Yes, Mr. Pittsford.

Pittsford: I just did a quick definition search and casualty insurance is actually a term of art in the insurance industry. When you make a reference to casualty here and you are talking about loss, I think it kind of creates a blurry picture. When you look at the definition, casualty insurance is insurance that covers or is coverage against loss that is accident or property damage that is due to theft, liability, explosion, etcetera but it does not include fire, so, when you say casualty insurance when you talk about life, fire and casualty insurance house fires would not be covered casualty insurance. But a flood would probably be covered under that. I just wanted to make note of that because it is a term of art so we want to be careful not to wonder into using those terms that might have legal implications without understanding them.

Clements: I just want to check in the chat just to make sure that any members of the Plan Commission.

Jelen: I think we are ok. That was just Trohn asking to be a panelist.

Owens: Julie has her hand up.

Clements: Oh, yes, Commissioner Thomas.

Thomas: It sounds like the site plan review doesn't have to happen for commercial, so I dot think we need to include commercial. I would assume that this is something that you are going to have to bring this back anyway because this is administrative right now. Is that correct?

Jelen: I believe we can go ahead and vote on this as administrative business to change the fee schedule. Is that correct?

Schilling: The ordinance authorizes the Plan Commission to adopt the fee schedule, so it is not actually an ordinance.

Thomas: Ok. Thank you.

Clements: Is there a motion to approve this? Yes, Mr. Oehlman?

Oehlman: I'm sorry, I know you are trying to keep things moving but I am kind of hung up in a halfway point between some of the comments Jerry is making and some of the other comments

being made. Because I find this opportunity for there being a pigeonhole where people can try to sneak in on that lower rate fee if we take out that natural causes phrase or if we don't more actively define it and I am thinking about scenarios like let's say somebody misses a turn and runs a truck through your house or situations like that. I know that we want to be considerate about people going through a hardship but there are also people that aren't going through hardships that try to take advantage of situations like this and I don't know. I feel like some of the comments Jerry is making about more adequately defining some of these terms could be very beneficial. I almost wonder if we need to request a more in depth definition before we vote on something. But that is up to the group to decide.

Clements: Is that a motion then to continue this item to the Admin Meeting, for instance?

Oehlman: **I can make a motion to continue this, Administrative Business Line 2, Discussion of Fee Schedule to waive fees for casualty due to fire, flood, wind, explosion damage to the Administrative Meeting.**

Clements: Is there a second?

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

Jelen: It has been moved and seconded to continue the discussion of fee schedule regarding fees for casualty due to fire, flood, wind and explosion damage. A vote in favor is a vote to continue this to the Administrative Meeting, which is August 1st. Dee Owens?

Owens: No.

Jelen: Jerry Pittsford?

Pittsford: Yes. I am sorry, yes.

Jelen: Julie Thomas?

Thomas: Yes.

Jelen: Margaret Clements?

Clements: Yes.

Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes, and with the caveat if anyone has experienced a loss and we haven't had this ironed out, I would support refund of what fees they do incur.

Jelen: Geoffrey Morris?

Morris: Yes.

Jelen: Edward Oehlman?

Oehlman: Yes.

Jelen: Ok, motion passes 6 to 1 to continue this to August 1st.

Motion to continue Discussion of Fee Schedule to waive fees for casualty due to fire, flood, wind, explosion damage to the Administrative Meeting on August 1, 2023, carried (6-1).

ADMINISTRATIVE BUSINESS

3. CDO Update

STAFF ACTION:

Jelen: Ok, we were asked by the Plan Commission a few months back to try to put together a few meetings that could occur out in the county jurisdiction or outside of the City of Bloomington limits to discuss the CDO Module 2, specifically the draft zoning map. We have had over 100 people submit their request for a change or their approval ratings of the draft zoning map online. But then it was also discussed that we could have people come and voice either their opinions that they have already submitted or if they would like to attend and voice their opinions for the first time. Now we are ready to go ahead and discuss scheduling those public meetings. We have identified 5 locations that we think would be appropriate for these types of meetings. We have identified the Ellettsville Town Hall, Benton Township Fire Department, we are contacting them and working with them as, Ivy Tech, the SW Public Library, the new library and then also possibly the North Showers Building if we choose a date that overlaps with one of the administrative meetings. First, off we want to see if those locations may be adequate and go over a few dates with you I am going to look at the dates first. We are looking at the last two weeks in August as well as the first Tuesday in September, which is the Administrative Meeting. So, we would have the CDO Meeting first and the administrative business we would leave to the end and then also September 20th. I think the best course of action is to send out a doodle poll and try to identify which dates we could potentially get a quorum. We discussed having 4 meetings so if we can try and get some of the dates settled, these are some of the dates upcoming that staff was available to host these meetings. Some of the locations that we considered we looked at locations that had at least capacity for 40 people, that they had Wi-Fi and zoom capabilities so that we can continue these hybrid meetings for those would like to attend virtually but there will be space for people to come in person, low to no cost for renting of the space and we want to also consider everyone's schedule in getting a quorum. I want to note that we may end up using a certain space multiple times if we find that another location doesn't fit the needs of our scheduling conflicts. I also want to go over just a few assumptions that we might have for this meeting, for these public meetings and discuss with you maybe things that you would like to see happen differently or if you have different assumptions that will help us to schedule these meetings. The first assumption is that this would be considered a public meeting, so people would come and be able to speak and that there would be a quorum of attendance of the Plan Commission. We would have to pull up Elevate GIS on the screen if people are coming to speak about a draft zone that they were either satisfied or dissatisfied with. So, we would be sort of looking at this as they were talking. We wouldn't really be able to prepare a report in advance like we would a rezone because we are not sure who is ultimately going to show up and speak. We will have to establish ground rules for the meeting just so people understand how much time they are given to speak, how the information from that meeting will be used, things like that. We are thinking that the timing for the meeting would be one and half hours total. Are there any comments so far either on the locations of the meetings we are considering or any of these assumptions?

QUESTIONS/FEEDBACK FOR STAFF – CDO Update

Clements: Do members of the Plan Commission have any feedback for staff? Mr. Enright-Randolph?

Enright-Randolph: Just kind of going through prior with the city, I feel like the one and half hours could be tight if we do get a good turnout. That is m comment. I am thinking if we get 20 plus people that is going to be very tight so maybe we could determine how long the meeting is going to be set by the number of attendees. I am guessing there won't be any virtual component to this or is this going to b, well, it has to be because we adopted the electronic. So, are we then gong to permit attendees to speak virtually and if so, that could really increase the number of public comments that we area going to receive.

Jelen: The hybrid meeting, the form that was signed by the Plan Commission to allow for hybrid meetings gives you the ability to attend either virtually or in person. I don't believe you are required to hold hybrid meetings, but we are wanting to go ahead and host them hybrid at these locations. That is why we want to make sure that there is Wi-Fi available. Dave, is that correct? Ok. Your point about the one and half hours to consider that, I think that is ok. We don't have to establish an end time with the notice, but it is something that we would like to make sure that we are clear on before we move forward with the venues to book those because they will need an end time consideration.

Enright-Randolph: I guess a follow comment to that is maybe we should look at how much time we are going to consider giving the public to speak. Right now, we typically do what 5 minutes?

Jelen: 3 minutes, I believe.

Enright-Randolph: 3 minutes. I would be more curious of what your recommendation would be for that part of this meeting. I don't know. 3 minutes seems a little tight too when people want to express their opinions about their property. Because most likely they might share a persona story of how it relates to their property so I think permitting the public to speak for about 5 minutes would be more considerate for them to really express everything they want. Those are my thoughts. Again, that makes the one and half hour kind of tight.

Clements: Any other comments for staff? Yes, Mr. Morris.

Morris: I think not to disagree with you Trohn, I am thinking the opposite, that if we shorten that time down that it gives more people the opportunity to speak within that one and half hour period. I think even 2 minutes is a lot of time to share information.

Clements: I would like to just suggest too that if we make ourselves available after the meeting for people to come up and speak with us and there would be enough of us that some of the extra comments that people would want to make could be dissipated so an frustration that people might have for not having been heard then we might be able to dissipate that just with our numbers and or availability. But we do want to keep the meeting moving and we do have end times when we are at other facilities. Anyone else?

Oehlman: I just want to second similar thought process on that. I think that we need to keep it shorter than longer, keep the meeting moving and if somebody has more to say they can send an email or other comments.

Clements: Ms. Owens or Commissioner Thomas do you have any comments? I can't see them.

Owens: I am satisfied with what I have heard. Thank you.

Thomas: I am as well. Thank you.

Clements: Ok, Mr. Pittsford.

Pittsford: I just had one late occurring thought. After these we will still have administrative meetings going forward and if we feel like individuals get did not enough time when we went out to see them, we can open administrative meetings or even if somebody seems to want to go longer than their time, if they would like to call and make a connection with staff and say, hey, there is more that I wanted to say, is there any opportunity for me to address the full Plan Commission on this, we could invite them to an administrative meeting, allow them to share without a give and take, we don't want to open the door to you all come and lets hash it out. But we would be able to give them extended time in that venue, I feel like. So, we do have that as an option if we get backed into that situation.

Jelen: I have a few follow-up questions. When we are letting the public know, we are going to be having these meetings at these certain locations, assume you can have this much time to speak, that is all very helpful for us to communicate what they can expect. We would also like to make sur that we are clear on what action you would like to take, if any during these public meetings out in the county following their testimony such as if someone comes forward and asks for a specific zoning of our property of the draft zone and you would like to make a recommendation that staff changes the zone or would you like to make a recommendation that you see it further if staff would like to gather more information for you to make that recommendation. Since it is a draft zoning map we can actually make those changes without, eventually the entire map with go through the Plan Commission and the Commissioners but at this time with it being a draft I would like to make it clear to the public that if they come and speak if there is any action expected by the Plan Commission at that time or if you would like to just hear what people have to say and then refer back to it later if it comes up at that the very end when you are adopting the map or sending a positive recommendation of the map to the Commissioners.

Clements: Do members of the Plan Commission have feedback for staff? I'm sorry?

Enright-Randolph: I just went first last time. I think allowing staff to field the comments, allow the Plan Commission to hear them and then come back at a later time but maybe a way where we could indicate them on a map of particular property owners and their recommendations to us about their desired zoning where we are able to kind of filter it out a bit. I don't know how administratively difficult that would be but honestly, I wouldn't want to make any live decisions in the meeting without weighing that decision.

Clements: Any other comments? Yes, Mr. Pittsford.

Pittsford: I was just said because you mentioned staff response either by gathering further information, I didn't know if that meant specifically for Plan Commission members or for those

present saying hey, I think it should be this and staff would respond by saying let us look into that further. I think you want to be careful not to over promise and under deliver and instead under promise and over deliver. So, I would be really reluctant for staff to make any kind of commitment to investigate or further a process of reconsideration without Plan Commission affirming that is an appropriate response to the concern raised. If the majority of Plan Commission members would not support the idea of this being re-examined for a different zoning because the Comprehensive Plan or the situation just wouldn't support, it then I think that would be the stopper. Don't extend that too far out until we have a much better notion of what this while process is going to look like as far as take community input and then drop back, regroup for a response.

Jelen: Ok.

Clements: Especially since there would be so many meetings, you know, we pretty much would have to tally the comments across the meetings before we can actually deliberate and see which of the changes from multiple sources, email, etcetera.

Pittsford: And we also would be able to establish patterns because if we start to hear the same kind of comment about the same kind of zoning or something like that, then we can have a more generalized or rather if you would a blanket response to these concerns and that way we are not getting to a nitty-gritty level the feels personal when people don't get their desired outcome.

Jelen: So, more of a listening session.

Clements: Interactive and listening.

Jelen: As far as advertising the event are there certain venues that you would like us to promote advertising to? We typically do or monroecdo.com website, we do the county website, we have a Facebook page, and we have a list serve for anyone who has signed up and if anyone is willing to spread the word if it goes on the sit serve some people may response to say can we take this and put it on a list serve. Is there any other places we should promote to advertise it to?

Pittsford: Can we get a billboard?

Clements: Mr. Enright-Randolph?

Enright-Randolph: WTIU. They seem to offer free word of mouth services. I know Councilwoman, Marty Hawk does I am not exactly sure like a weekly thing occasionally with one of the hosts. If you are looking to how to get a contact, I would reach out to her and I am sure she will put you right in touch with someone that would offer, or it looks like Jerry might be a contact.

Pittsford: I would take that one farther. Marty goes on WGCL with a class in the afternoon. I would really like to see a member of Planning Staff get invited to maybe on of Marty's Wednesday slots and talk about it. Let Marty have a Wednesday off and have Planning Staff sit down with Mr. Glasscott and have that discussion. I think that would be just fabulous.

Clements: The same is true with WFHB. But, boy, the giving notice has really changed since the last time we have been through this. Because the importance of the newspaper has dwindled as a source. I don't know if the B-square Bulletin puts any public service announcements in or I don't know on social media the older people just aren't on social media. Speaking for yourself.

Oehlman: What's a newspaper?

Pittsford: Margaret, can you define older for our audience please?

Clements: I will just get into trouble again. I don't know. I think we will need to encourage people to telephone some of the property owners in our community if they have a way. Maybe the township trustees could figure out a way to give notice to residents because a lot of the property owners don't really even have email. So, just to give us a throwback.

Pittsford: I can't believe you went from agism to ruralism. All the old people don't do social media. There is people out in the county that don't have email.

Jelen: That is all helpful information. The last bit of updates that I wanted to share with you is that we have received the Module 2 draft back from the consultants and we are taking a look at that. Our goal is to go ahead and review that at staff level and provide the Plan Commission at the administrative session the cleaned up version so that you can start reviewing that. They have also provided us a redline version of the Use Tables, which I think will be extremely helpful for a discussion of Module 2 in particular and then just a general update, we have \$26,219 remaining in the budget for the consultants to do the remaining work of Module 3 as well as any changes to Module 2. As a reminder Module 3 is design standards parking, landscaping signs, so we are well on our way to having a full draft. I know that I have said that for many years but we want to get this moving and so we want to hear from the public and we want to bring it all together and get something.

Clements: Thank you for your good and hard work on this and your perseverance. Are there any other items with regard to the CDO?

Jelen: I do not have anything.

NEW BUSINESS

1. PUO-23-1

Whaley PUD Outline Plan Amendment 2

Preliminary Hearing. Waiver of Final Hearing Requested.

Two (2) 12.34 +/- acre parcels in Van Buren Township, Section 14 at 4810 W State Road 45, Parcel # 53-09-14-102-001.000-015.

Owner: K & S Rolloff Holdings LLC

Zoned PUD. Contact: shawnsmith@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION: Petition has been continued by staff.

NEW BUSINESS

2. REZ-23-2

Shake Rezone from AG/RR to MR and AG/RR to LB

Preliminary Hearing. Waiver of Final Hearing Requested.

One 5.04 +/- acre parcel in Richland Township, Section 24 at 3130 N Smith PIKE, Parcel 53-04-24-101-016.000-011.

Owner: Casey Shake DVM LLC.

Zoned AG/RR. Contact: drbrown@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Brown: Thank you. This is a request from AG/RR to MR and LB with a waiver of final hearing. The petitioner was originally proposing to amend the zoning map so that 1.05 acre portion of the property is rezoned from Agricultural/Rural Reserve to Medium Density Residential. After the Plat Review Committee however the petitioner made an addition to the proposal requesting that a sliver of the parcel measuring an estimated 0.09 acres also be rezoned as Limited Business so that they may be added to the LB property directly to the north. The newly proposed 0.96 acre MR lot would satisfy all lot and building requirements listed in Chapter 804 and the remaining 0.09 acre sliver will be transferred to an adjacent property to the north again through a subdivision process. Here is the Comprehensive Plan discussion. Would the committee like me to go through this?

Owens: I am good.

Brown: Alright. Here are the findings of fact for a rezone and I apologize. This is a little blurry, but this is the petitioner letter. Here are the maps. The one on the left is the location map showing its location relative to nearby areas and the one on the right is the site conditions map. As you can see, this is a very flat lot. Here is the current zoning map and on the right is the Comprehensive map. Here are some images. The one on the left is a pictometry view of the subject property. The one on the right is a view of the house, the single family residence that is currently on the property. Here is a field where I believe an accessory structure was on the left and on the right an existing carport. Here is the original amendment that was presented to the Plan Review Committee and here is the updated version that has been at PC Admin and to the regular session. Here are the 2 side by side, the difference of which you may be able to make out. As you can see there is a sliver here where my mouse is that is going to be added to the LB zoning here. Staff recommends forwarding a positive recommendation to the County Commissioners based on petition's compatibility with the Monroe County Comprehensive Plan with the condition that the petitioner submits appropriate subdivision application that demonstrates the 1.05 acre portions rezoned as LB and MR as a separate lot of record and with a waiver of the final hearing.

RECOMMENDATION

Recommendation to the Plan Review Committee:

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

Recommended condition:

1. Submit appropriate subdivision application(s) to demonstrate the 1.05-acre portions rezoned LB and MR as a separate lot of record.

FINDINGS OF FACT - REZONE

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

(A) The Comprehensive Plan;

Findings:

- The Comprehensive Plan designates the petition site as MCUA Mixed Residential;
- “includes rural property, environmentally sensitive areas,”;
- The intention of the petitioner if the rezone is approved is to allow for the existing home to exist on a smaller lot;

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

Findings:

- See Findings under Section A;
- The rezone request is to change a portion of these 5.04 +/- acres from Agricultural/Rural Reserve (AG/RR) to Medium Density Residential (MR) and Limited Business (LB);
- The current use of the petition parcel is residential and is developed – it has one residential structure and one residential accessory structure on-site;
- Adjacent uses are residential or commercial and adjacent zoning is AG/RR, PUD, MR, and LB;

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

Findings:

- See Findings under Section A and Section B;
- The site consists almost entirely of buildable area (slopes 15% and under);
- There are no known karst features;

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

Findings:

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

(E) Responsible development and growth.

Findings:

- See Findings under Section A, Section B, and Section C;
- Access is off of N Smith Pike;

- According to the Monroe County Thoroughfare Plan, N Smith Pike is classified as a Major Collector road;

QUESTIONS FOR STAFF – REZ-23-2 – Shake

Clements: Thank you, Mr. Brown. Do members of the Plan Commission have questions for staff? I don't see any. I don't see Dee and Julie with their hands raised. With that being said, we move to the petitioner. If the petitioner would like to speak about this or the petitioner's representative, oh, thank you. Hello. Please come up to the podium and sign in. Thank you for your patience as we work through the administrative business. If you would kindly state your name and you have 15 minutes to talk with us about this.

PETITIONER/PETITIONER'S REPRESENTATIVE – REZ-23-2 – Shake

Shake: Hi, my name is Casey Shake and don't worry I am not going to take 15 minutes. Daniel did an excellent job presenting my proposed plan. I appreciate you guys taking the time today to hear my plan out. But basically, what I want to do is create a smaller lot for the house. So, if for some reason in the near future I chose to sell the off I can an keep vacant ground, keep the agricultural land for agricultural purpose. The 15 feet sliver sliding it over that is to eliminate conflict potentially because there is a grassy area right next door to the veterinary clinic of which I own. People walk their dogs to eliminate. If the neighbor owns it that could potentially be a conflict because dogs go over there and urinate and defecate so I am just trying to eliminate headaches before they start.

Clements: You are anticipating. That is good.

Shake: Yes, trying to prevent anything from happening but yes, I just want to keep the ground, as much ground as possible for agricultural purposes.

Clements: Great. Do you have anything else to say?

Shake: No, that was all I had to say.

Clements: Great. I am now going to open this up to the public and if they have, they can speak for and against it and if anybody is to speak against it you would have an opportunity to return to the podium and defend or counter what they say. Ok, thank you Mr. Shake. Are there members of the public who are in support of this petition? If you are in the room or of you are online, please come to the podium, raise your virtual hand on zoom or press *9 on the telephone to be recognized. I don't see anyone. Are there members of the public wo are opposed to this petition? If so, please come to the podium, raise your virtual hand on zoom or press *9 on the telephone to be recognized. Ok, so, there is none. I would like to bring it back to the members of the Plan Commission for discussion and/or a motion.

SUPPORTERS - REZ-23-2 – Shake: None

REMONSTRATORS – REZ-23-2 – Shake: None

ADDITIONAL QUESTIONS FOR STAFF – REZ-23-2 – Shake: None

FURTHER QUESTIONS FOR STAFF – REZ-23-2 – Shake

Pittsford: I am prepared to make a motion if there is no further discussion.

Clements: Ok, great. Dee has her hand raised.

Pittsford: Oh, I am sorry.

Owens: No problem. I just as I said at administrative meeting it seems to me that this is just cleaning up the lots and its good. That's it.

Clements: Ok, great, Ms. Owens.

Pittsford: Thank you. I also want to note for the record that Dr. Shake is the veterinarian for the Pittsford family animals and there is no quid pro quo here because I have had the dog in since and there was no reduction in price for the services so there is absolutely no favoritism here and no expectation nether. With that being said, **in case REZ-23-2, this is the Shake petition for rezone from Agricultural/Rural Reserve for a portion of that ground to be zoned Limited Business and Medium Density Residential, it is currently zoned AG/RR. It sits in Richland Township at 3130 North Smit Pike. I would move forwarding this to Monroe County Plan Commissioners with a positive recommendation and that we waive the second hearing. This motion is subject an appropriate subdivision application or applications being filed to demonstrate that the 1.05 acre portions rezoned LB and MR are recorded as separate lots for the record.**

Owens: **Second.**

Jelen: It has been moved and seconded to forward a positive recommendation for REZ-23-2. This includes the staff recommended condition that they submit an appropriate subdivision application to demonstrate the 1.05 acre portions rezoned as LB and MR are recorded as separate lots of record and this also includes a waiver of final hearing. A vote in favor is a vote to send a positive recommendation with the condition and the waiver of final hearing. Julie Thomas?

Thomas: Yes.

Jelen: Margaret Clements?

Clements: Yes.

Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Jelen: Geoffrey Morris?

Morris: Yes.

Jelen: Edward Oehlman?

Oehlman: Yes.

Jelen: Dee Owens?

Owens: Yes.

Jelen: Jerry Pittsford?

Pittsford: Yes.

Jelen: Motion carries 7 to 0.

The motion in case REZ-23-2, Shake Rezone from AG/RR to MR and AG/RR to LB, Preliminary Hearing, Waiver of Final Hearing Requested, to send a positive recommendation to the County Commissioners, with waiver of final hearing and condition as stated in motion, carried unanimously (7-0).

REPORTS:

Clements: Are there any reports for us?

Jelen: I do not have anything.

Clements: Ok, is anyone objecting to our dismissal?

Oehlman: Let's go home.

Pittsford: I move for adjournment.

Clements: Ok, thank you.

Jelen: Thank you.

Planning/Jelen: No reports.

Legal/Schilling: No reports.

The meeting adjourned at 6:24 pm.

Sign:

Attest:

Margaret Clements, President

Jacqueline N. Jelen, Secretary

DRAFT