

# MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE MEETING



**Monday, November 6, 2023**  
**5:30 pm**

## **Hybrid Meeting**

### **In-person**

Monroe County Government Center  
501 N Morton Street, Room 100B  
Bloomington, Indiana

### **Virtual**

**Zoom Link:** <https://monroecounty-in.zoom.us/j/84585419468?pwd=TKRjdIRKOGRVcWM4VGh1YlhrUmVvUT09>

If calling into the Zoom meeting, dial: 312-626-6799  
Meeting ID: 845 8541 9468  
Password: 418555

**Agenda**  
**Plan Commission Administrative Meeting**  
**5:30 p.m. – 7:00 p.m.**  
**Tuesday, November 6, 2023**  
**VIRTUAL MEETING**

Please take notice that the Monroe County Plan Commission will hold a **hybrid** Administrative (Work Session) meeting on **Monday, November 6, 2023 at 5:30 PM** in the Monroe County Government Center 501 N Morton Street, Bloomington, Indiana Room 100B or via Zoom (<https://www.co.monroe.in.us/egov/apps/document/center.egov?view=item;id=10208>).

The public may attend 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](mailto:PlanningOffice@co.monroe.in.us)) or call (812)349-2560 our office. The work session agenda includes the following agenda items for the regularly scheduled Tuesday, October 26 19, 2023 Plan Commission meeting:

**ADMINISTRATIVE BUSINESS:**

- 1. 2024 Meeting Calendar** **PAGE 4**
  
- 2. SPP-21-3 Emerald Trace –As-builts and Maintenance Bond issue** **PAGE 5**
  
- 3. Planning Presentation to the County Council for the 2024 Budget** **PAGE 9**
  
- 4. Discussion about Subdivision bonds** **PAGE 37**
  
- 5. VAR-23-40 Heard Refund Request for variance from Ch. 833,** **PAGE 17**  
contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)
  
- 6. Follow-up meeting scheduled for BEDC following CDO Listening Session**

**UNFINISHED BUSINESS: None.**

**NEW BUSINESS:**

- 1. RD-23-2 N Maple Grove RD Name Change to John Irvine Way** **PAGE 19**  
**Preliminary Hearing.**  
Washington Township, Sections 25, 31.  
Contact: [drbrown@co.monroe.in.us](mailto:drbrown@co.monroe.in.us)
  
- 2. SAD-23-21 Joann Scroggins Type E Administrative Subdivision Right-of-Way Waiver Request**  
**Waiver of Final Hearing Requested**  
Two (2) parcels totaling 106.61 +/- acres in Bloomington Township, Section 14 at 3905 and 3898 E Bethel LN, Parcels #53-05-14-100-003.000-004 and #53-05-14-400-026.000-004 **PAGE 30**  
Owner: Joann Scroggins  
**Zoned AG/RR.** Contact [shawnsmith@co.monroe.in.us](mailto:shawnsmith@co.monroe.in.us)

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.

## 2024 MEETING SCHEDULE

BOARD OF ZONING APPEALS & PLAN COMMISSION REGULAR SESSION MEETINGS ARE HELD IN JUDGE NAT U. HILL III MEETING ROOM AT 100 W. KIRKWOOD AVENUE, UNLESS OTHERWISE NOTICED  
 ALL OTHER MEETINGS ARE HELD IN THE PLANNING OFFICE, SUITE 224 OR SUITE 100B AT THE MONROE COUNTY GOVERNMENT CENTER (SHOWERS), 501 N. MORTON STREET, UNLESS OTHERWISE NOTICED. HYBRID MEETINGS MAY BE HELD PURSUANT TO INDIANA LAW.  
 INFORMATION FOR VIRTUAL MEETINGS CAN BE FOUND ON OUR WEBSITE: [HTTPS://WWW.CO.MONROE.IN.US/](https://www.co.monroe.in.us/)

Filing Deadline HP	Historic Preservation (HP)	Ordinance Review Committee	Filing Deadline	Board of Zoning Appeals	Plan Review Committee	Plat Committee	Plan Commission Administrative Meeting	Plan Commission Regular Session
3:00 p.m.	5:30 p.m.	4:00 p.m.	3:00 p.m.	5:30 p.m.	5:30 p.m.	4:00 p.m.	5:30 p.m.	5:30 p.m.
Showers 100B		Showers 224		Nat U. Hill Rm	Showers 100B	Showers 224	Showers 100B	Nat U. Hill Rm
January 3	January 22*	January 9	January 8	January 3	January 11	January 18	January 2	January 16
January 31	February 19	February 12	February 7	February 7	February 8	February 15	February 6	February 20
February 28	March 18	March 11	March 6	March 6	March 14	March 21	March 5	March 19
March 27	April 15	April 15*	April 3	April 3	April 11	April 18	April 2	April 16
May 1	May 20	May 13	May 1	May 1	May 9	May 16	May 8*	May 21
May 29	June 17	June 10	June 5	June 5	June 13	June 20	June 4	June 18
June 26	July 15	July 8	July 3	July 10*	July 11	July 18	July 2	July 16
July 31	August 19	August 12	August 7	August 7	August 8	August 15	August 6	August 20
August 28	September 16	September 9	September 4	August 28*	September 12	September 19	September 3	September 26*
October 2	October 21	October 14	October 2	October 2	October 10	October 17	October 1	October 24*
October 30	November 18	November 18*	November 6	November 6	November 14	November 21	Cancelled	November 19
November 27	December 16	December 9	December 4	December 4	December 12	December 11*	December 3	December 16*

\*: Not a standard meeting date, changed meeting location, changed due to holiday or election or community event

Colors denote meeting cycle from filing deadline

\*\* : No Meeting



# MONROE COUNTY PLAN COMMISSION

Public Meeting

Date: **October 3, 2023**

CASE NUMBER	PROPOSED NAME	DETAIL
SPP-21-3	Emerald Trace Preliminary Plat Amendment 2	Preliminary Plat Amendment for Street Tree Waiver request

HISTORY	Approval	Planner: Tammy Behrman
<p><b>Recommended Motion Conditions or Reasoning:</b>            Approve the street tree waiver as the petitioner has provided adequate findings and demonstrated hardship with the following requirements:</p> <ol style="list-style-type: none"> <li>1. Complete all public improvements before April 1, 2022. Submit an as-built of all public improvements once complete</li> <li>2. Submit a final, modified HOA document for recording</li> </ol>		

## DISCUSSION

The Emerald Trace HOA would like the County to add Emerald Trace roadways (E Kylie CT and S Amber DR), sidewalks and stormwater infrastructure including a bioretention pond into the inventory before this winter. The purpose is so that the County can make any future improvements public and roads can be plowed during snow events.




The Plan Commission required conditions of approval (see above) and there is a requirement for a 10% maintenance bond per Ch 858-8. The County cashed the Letter of Credit under SIA-21-8 in the amount of \$90,000. The County put estimates out to bid for the remaining improvements. The work was completed by late 2022/early 2023. The Highway Department conducted an inspection July 21, 2023 and made a final inspection report under record RA-23-3. Though the work to the remaining improvements appear to be complete, the issue is that there were not enough funds to have the required 10% maintenance bond on file for two years and the conditioned as-builts were unable to be obtained, specifically for the stormwater infrastructure. The maintenance bond would be \$10,000 and the as-builts were estimated be anywhere from \$3,000 to \$6,000 according to the MS4 Coordinator.

### Plan Commission can ask the Planning Department to do the following:

1. Submit a preliminary plat amendment 3 to remove the condition of approval for the as-built and waive the requirement for a 10% maintenance bond.
2. Direct the Planning Department to discuss with Legal regarding obtaining funds from the Emerald Trace HOA for the as-built and the maintenance bond (Full amount TBD).
3. Direct the Legal Department to write a letter to the developer, Dan Moore, who walked away from the project, in order to obtain as-built and maintenance bond (Full amount TBD).

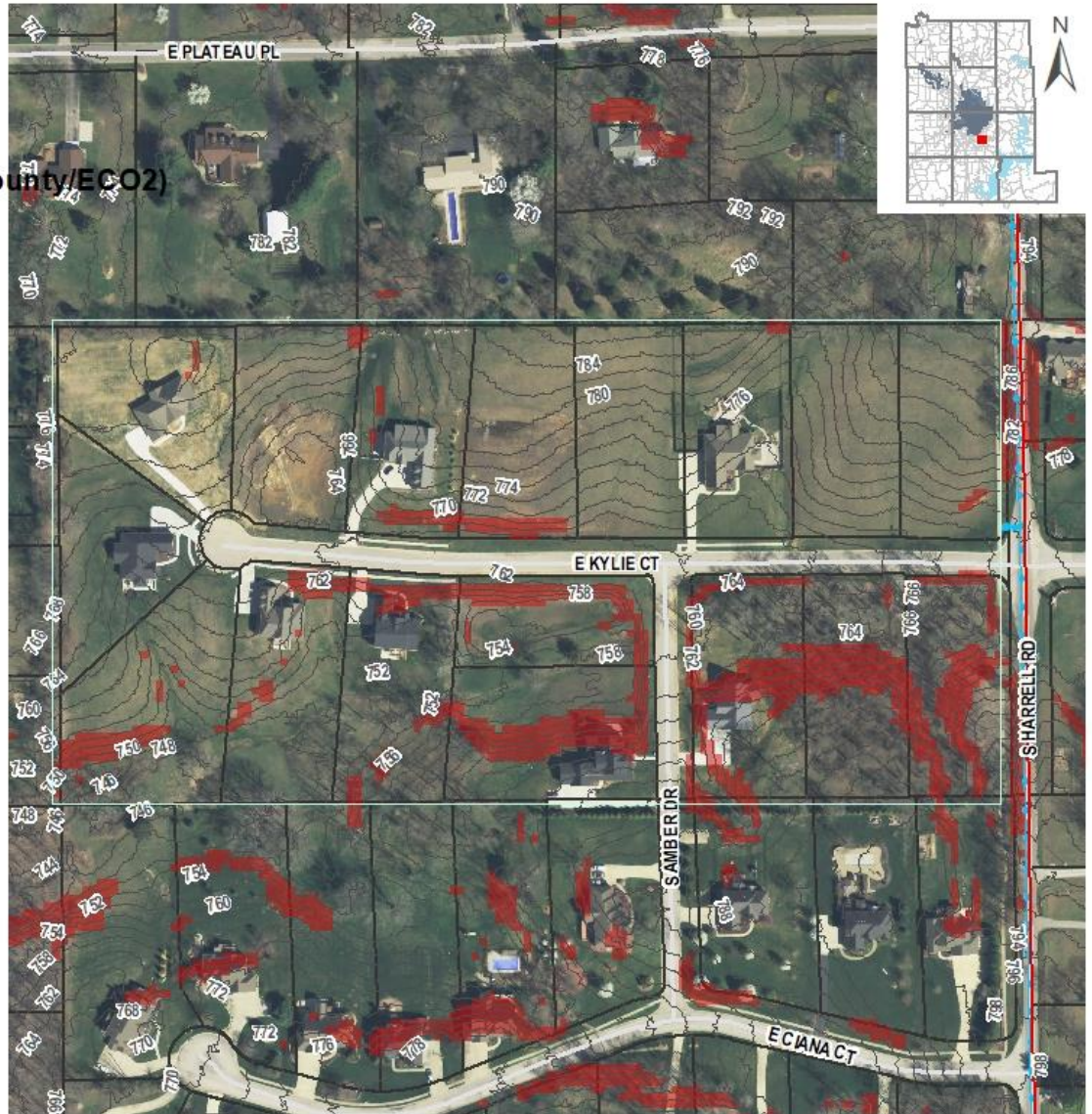
The MS4 Stormwater Coordinator intends to speak at the PC Admin Session regarding the lack of as-built plans for the stormwater infrastructure and 2-year maintenance bond.

# Site Conditions Map

-  Minor Collector [60']
-  Water Pipe
-  2-Foot Contours

## 15% Slope Restriction (County/ECO2)

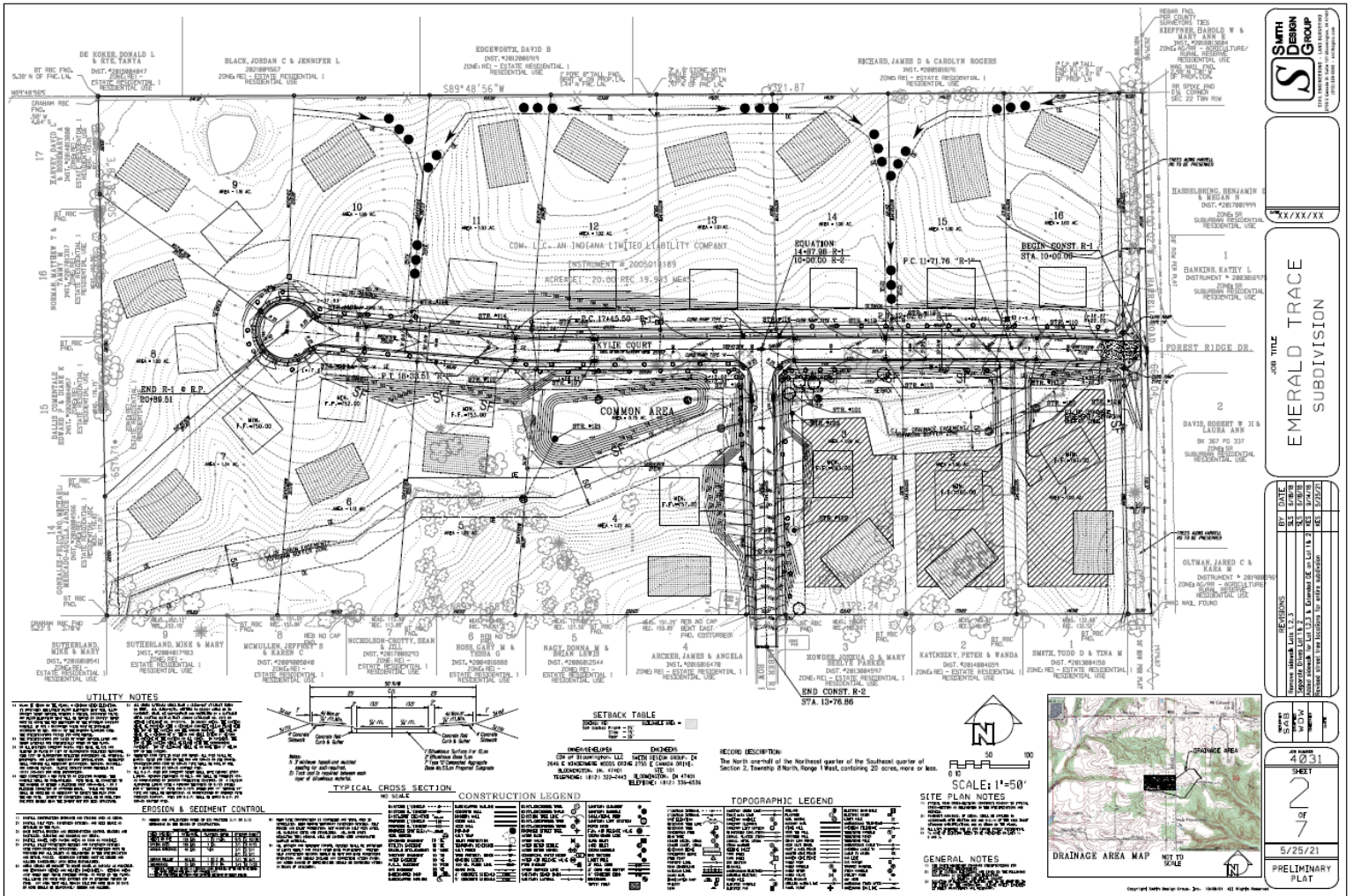
-  0 - 15
-  > 15
-  Local Roads [50']
-  Parcels



0 65 130 260 Feet


 Monroe County  
 Planning Department  
 Source: Monroe County GIS  
 Date: 7/1/2021

Photo 1. Aerial photo from 2020.



**EMERALD TRACE SUBDIVISION**

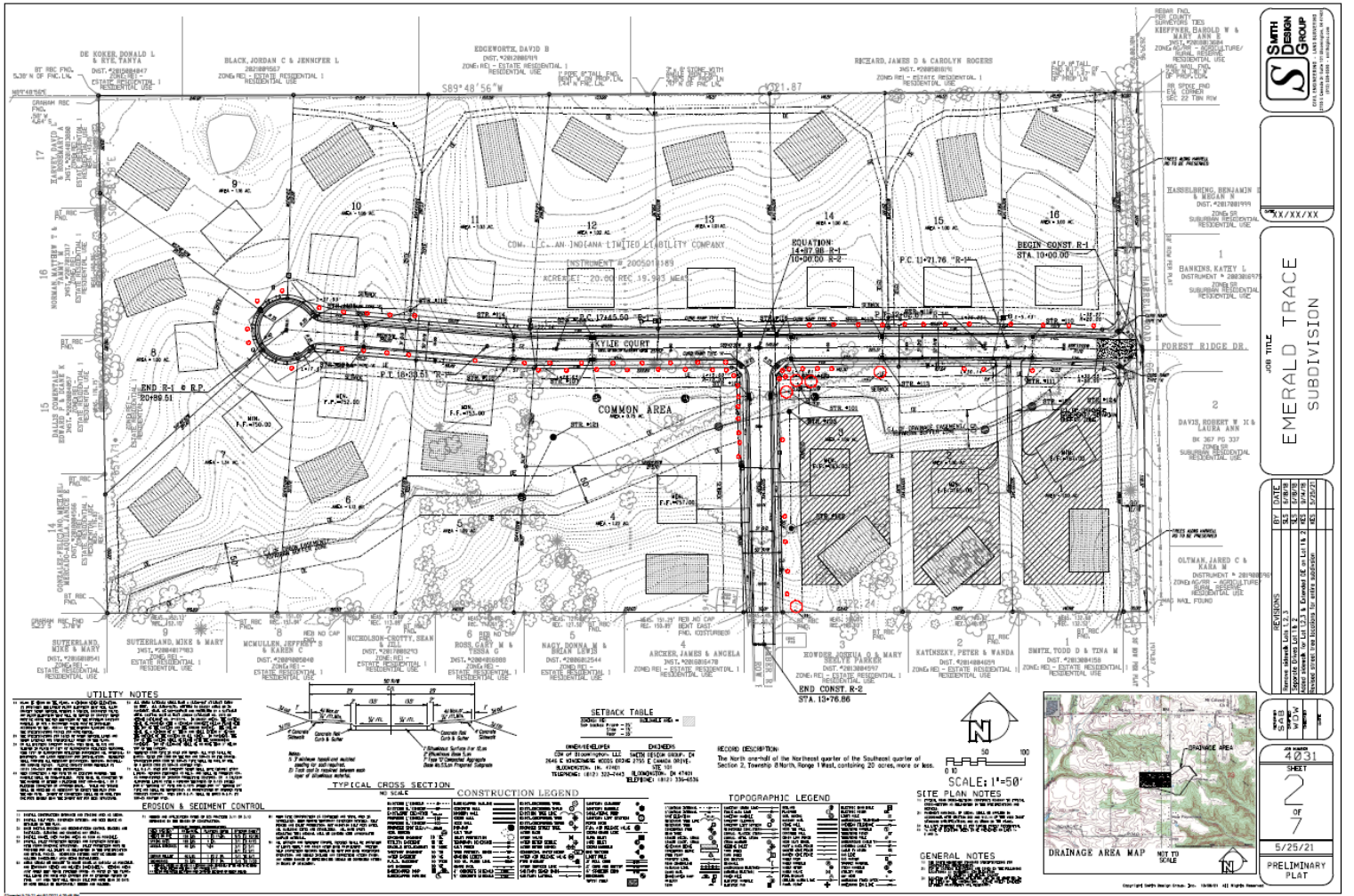
BY	DATE
DESIGNED	11/18/11
DRAWN	11/18/11
CHECKED	11/18/11
APPROVED	11/18/11

**4/23/11**

**SHEET 2 OF 7**

**5/25/21**

**PRELIMINARY PLAT**



EMERALD TRACE  
SUBDIVISION

BY	DATE	REVISIONS

NO.	DATE	DESCRIPTION
1	5/25/21	PRELIMINARY PLAN

**UTILITY NOTES**

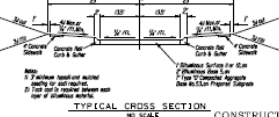
1. All utility lines shown on this plan are assumed to be in place and to conform to all applicable codes and regulations.

2. The utility lines shown on this plan are not to be used for any other purpose than that for which they were installed.

3. The utility lines shown on this plan are not to be used for any other purpose than that for which they were installed.

4. The utility lines shown on this plan are not to be used for any other purpose than that for which they were installed.

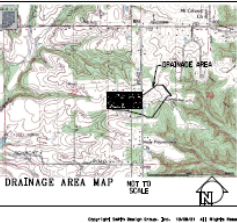
5. The utility lines shown on this plan are not to be used for any other purpose than that for which they were installed.



**SETBACK TABLE**

SETBACK	MINIMUM	MAXIMUM
Front	10'	15'
Side	5'	10'
Rear	5'	10'

**RECORD DESCRIPTION:**  
The North one-half of the Northeast quarter of the Southeast quarter of Section 2, Township 8 North, Range 1 West, containing 20 acres, more or less.





# County Council Work Session

September 7, 2023

Monroe County Planning Department Update

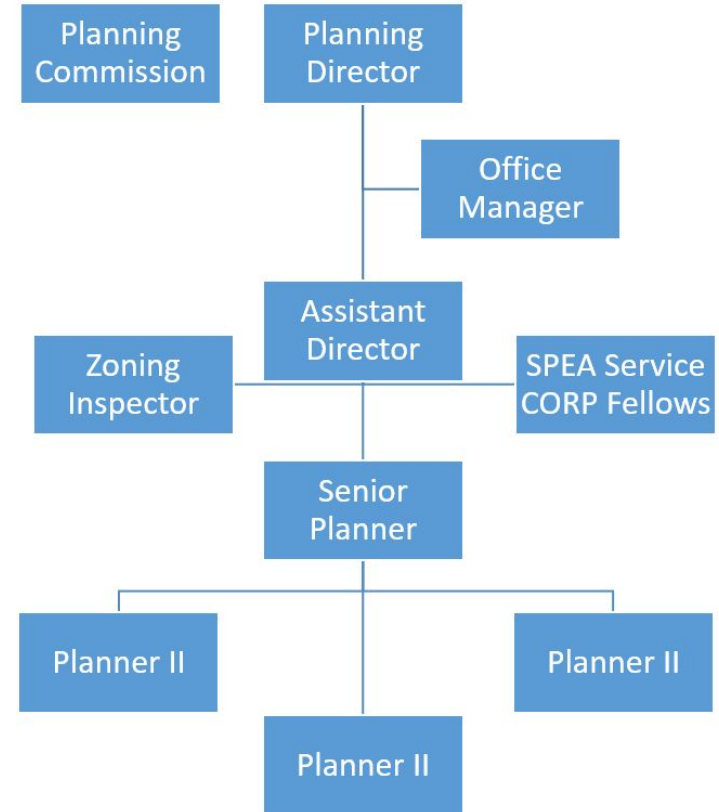
E: [PlanningOffice@co.monroe.in.us](mailto:PlanningOffice@co.monroe.in.us)



# Planning Department Overview

## 8 Full Time Staff Members

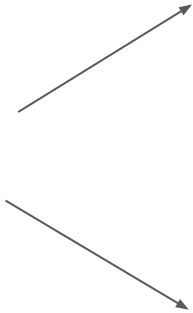
- **Office Manager** - answers all phone calls, handles financials, and transcribes meeting minutes.
- **Zoning Inspector** - all residential building permits and enforcement
- **Planner II's** - serves as "Planner of the Day" at least 3 times per week, assists the public in planning petitions
- **Senior Planner** - Assists Planner II's, staffs Historic Preservation and coordinates meeting packets and attendance
- **Assistant Director** - Assists Planner II's, serves as Floodplain Administrator, assists in long range planning, supervises the Zoning Inspector and shares supervision of SPEA Fellows
- **Director** - Assists all staff and coordinates with other departments, leads long range planning.



# Planning Department Overview



Building Permit  
Application  
(Residential or  
non-residential)



Meets requirements,  
permit can be issued  
(Zoning Inspector)

Needs Planning  
Process(es) prior to  
permit issuance

# 2024 Budget



Since 2018, our budget has remained the same for all categories except:

Salaries per the Salary Ordinance (associated FICA, insurance, PERF)

Consultant Fees

All other categories have not changed in total amount since at least 2018. We would like to propose a \$3,000 reduction in support of the goal of an 8.5% COLA.

# 7/1/2021-6/30/2022

Row Labels	Sum of Amount Paid
Address Request	1950
Administrative Review/Appeal	817
Administrative Subdivision	2657
Conditional Use	2042.5
Final Plat Filing	11770
Floodplain Development Permit	400
Grading Permit	4300
Home Business Permit	300
Improvement Location Permit - General	300
INTERNAL USE ONLY - Miscellaneous Payments	266.67
Logging Permit	4200
Planned Unit Development Plan Review	3142
Preliminary Major Subdivision	1842.5
Preliminary Minor Subdivision	2008
Preliminary Sliding Scale Subdivision	3926
Rezone Application	10368.5
Sign Permit	840
Site Plan Review	14476.8
Temporary Seasonal Activity Permit	100
Variance	11540
Wireless Communication Facility (Planning Department)	1000
Zoning Verification Letter Request	200
<b>Grand Total</b>	<b>78446.97</b>

# 7/1/2022-6/30/2023

Row Labels	Sum of Amount Paid
Address Request	1950
Administrative Review/Appeal	400
Administrative Subdivision	4310
Conditional Use	1225.5
Final Plat Filing	11610
Floodplain Development Permit	600
Grading Permit	3400
Home Business Permit	200
Improvement Location Permit - General	150
Logging Permit	6200
Planned Unit Development Outline Plan	3600.5
Planned Unit Development Plan Review	5375
Preliminary Major Subdivision	883.5
Preliminary Minor Subdivision	5334
Preliminary Sliding Scale Subdivision	5642.5
Rezone Application	5426.5
Sign Permit	230
Site Plan Review	17575.9
Temporary Seasonal Activity Permit	50
Variance	16084.5
Wireless Communication Facility (Planning Department)	1200
Zoning Verification Letter Request	325
<b>Grand Total</b>	<b>91772.9</b>

# 7/1/2021-6/30/2022

Row Labels	Sum of Amount Paid
ILP Accessory Dwelling	600
ILP Accessory Structure	6050
ILP Agricultural Structure	1200
ILP Demolition - County Planning	6200
ILP Guest House	200
ILP Planning Duplex	400
ILP Pool/Spa - County Planning Fee	2400
ILP Single Family Addition	6800
ILP Single Family Residence	26200
ILP Townhome	4200
<b>Grand Total</b>	<b>54250</b>

# 7/1/2022-6/30/2023

Row Labels	Sum of Amount Paid
ILP Accessory Structure	6500
ILP Agricultural Structure	800
ILP Demolition - County Planning	5700
ILP Manufactured Home Placement Fee	1200
ILP Planning Duplex	800
ILP Pool/Spa - County Planning Fee	2050
ILP Residential Addition	100
ILP Single Family Addition	6600
ILP Single Family Residence	18650
<b>Grand Total</b>	<b>42400</b>

# Total Revenue 7/1/2022-6/30/2023



\$134,172.90 (~16.5% of our total budget)

(as compared to \$132,696.97 from 7/1/2021-6/30/2022)

# Changes to 2024 Budget

NEW TOTAL

00000	18001	FT Self Insurance	<del>\$104,000</del>		\$98,528
00000	30004	Repairs; Equipment/Vehicle	<del>\$4,000</del>	-\$2000	\$2,000
00000	30013	Professional Services	<del>\$3,000</del>	-\$1,000	\$2,000

**DIFFERENCE = \$3,000 voluntary decrease**



<b>MONROE COUNTY PLAN COMMISSION</b>		<b>November 6, 2023</b>
<b>PLANNER</b>	Anne Crecelius	
<b>CASE NUMBER</b>	VAR-23-40	
<b>PETITIONER</b>	Berry Heard	
<b>ADDRESS</b>	511 S Village DR, parcel #53-06-31-300-060.000-003	
<b>REQUEST</b>	Refund for VAR-23-40 \$208.50	
<b>ACRES</b>	0.2 +/- acres	
<b>ZONE</b>	RS3.5	
<b>TOWNSHIP</b>	Van Buren	
<b>SECTION</b>	1	
<b>PLATS</b>	Highland Village 5 <sup>th</sup> Addition, Lot 203	
<b>COMP PLAN DESIGNATION</b>	MCUA Suburban Residential	

The petitioners applied and paid for a design standard variance from the Rear Yard Setback standard of Chapter 833. Staff accepted a variance filing for the November 3<sup>rd</sup> BZA which has now been continued to the December 6<sup>th</sup> meeting. The total cost of the variance filing fee is \$208.50. Staff supports a refund of \$100.00.

**BACKGROUND**

The petitioner applied for a residential building permit/Improvement Location Permit (ILP) in 2017 for an addition to the residence (permit 619743/17-R1-178). At that time, it was discovered the petitioner had built an elevated back deck without an Improvement Location Permit. The notes from the Zoning Inspector at that time states that the deck was under 30” in height, which wouldn’t require a permit from the Building Department. The deck structure would still require an ILP from Planning, meaning the structure was still required to meet all setbacks. From the Zoning Inspectors review notes, the deck was then included with the review of permit 619743 & 17-R1-178. The site plan provided shows the deck encroaching approximately 13’ into the required 19’ setback. An ILP review was completed in September 2017 for the addition and the deck despite the deck encroachment. The petitioner paid for and picked up residential building permit #20180177B and ILP on March 8, 2018.

The building permit expired on March 8, 2019 and the ILP expired on March 8, 2020. No permit renewal was received, nor is their evidence that a renewal was required. A Building Dept. inspector completed three inspections of the room addition post permit expiration. The petitioner states that the inspector never communicated that the permit was expired, and the inspector left normal post-inspection notes (“OK to continue”) with the petitioner. The petitioner continued working on the addition despite the permits expiring. The permit issuance date and expiration are located on the front of the building permit and ILP. In September of 2023 the petitioner contacted the Building Dept. for a final electrical inspection for the room addition. The Building Dept. informed him that their permit was expired and that new application was required. Residential building permit R-23-1047 was applied for on October 2<sup>nd</sup>, 2023. The review of said permit then discovered that the deck is encroaching into the rear yard setback. At that time, there were concerns of encroachment into the platted drainage easement – those concerns have been addressed by the MS4 Coordinator. Due to the encroachment, Planning cannot issue a new ILP for the room addition until the deck either receives a variance, or the deck is removed to meet all required setbacks. The request is for a 6 foot rear setback instead of the required 19 foot rear setback. The home addition meets all requirements.

8

10-30-23

To whom it may concern i am  
requesting a refund on my  
Permit Fees due because i was  
signed off by the county Allow  
me to build my deck

Thank you

Barry Heard  
511 S. Village Dr  
Bloomington IN.  
47403

812-606-5762  
BarryHeard1@gmail.com

**MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE****November 6, 2023**

<b>CASE NUMBER</b>	RD-23-2
<b>PLANNER</b>	Daniel Brown
<b>PETITIONER</b>	Monroe County Commissioners
<b>REQUEST</b>	Road Name Change from North Maple Grove Road to John Irvine Way Preliminary Hearing
<b>ADDRESS</b>	North Maple Grove Road
<b>ZONE</b>	Agriculture/Rural Reserve
<b>TOWNSHIP</b>	Washington
<b>SECTION</b>	25, 31
<b>COMP PLAN DESIGNATION</b>	Farm and Forest, Rural Residential

**EXHIBITS**

1. Petitioner Letter
2. Elevate View of Area

**PUBLIC HEARING TIMELINE**

- November 6, 2023 – Plan Commission (Admin) Preliminary Hearing
- November 21, 2023 – Plan Commission (Regular) Preliminary Hearing
- December 5, 2023 – Plan Commission (Admin) Final Hearing
- December 11, 2023 – Plan Commission (Regular) Final Hearing

**SUMMARY**

The petitioner, the Monroe County Commissioners, is requesting a Road Name Change from North Maple Grove Road (the portion between where N Maple Grove Road intersects with N Bottom Road and W Delap Road) to John Irvine Way. Refer to Exhibit 2 for aerial image of the area with road names.

A Road Name Change request was previously approved for this section of road in 2019, project number [19-RD-01](#). 19-RD-01 was triggered by the completion of the Cedar Ford Bridge over Bean Blossom Creek which made a connection between the two road segments N Maple Grove RD and N Old Maple Grove RD. The Highway Department requested to extend the name of N Maple Grove RD and eliminate ‘Old’ out of the title. At the time of 19-RD-01, there were no addresses associated with N Old Maple Grove Road.

Indiana State Statute 36-7-4-405 gives authority to the Plan Commission to assign street names and numbers.

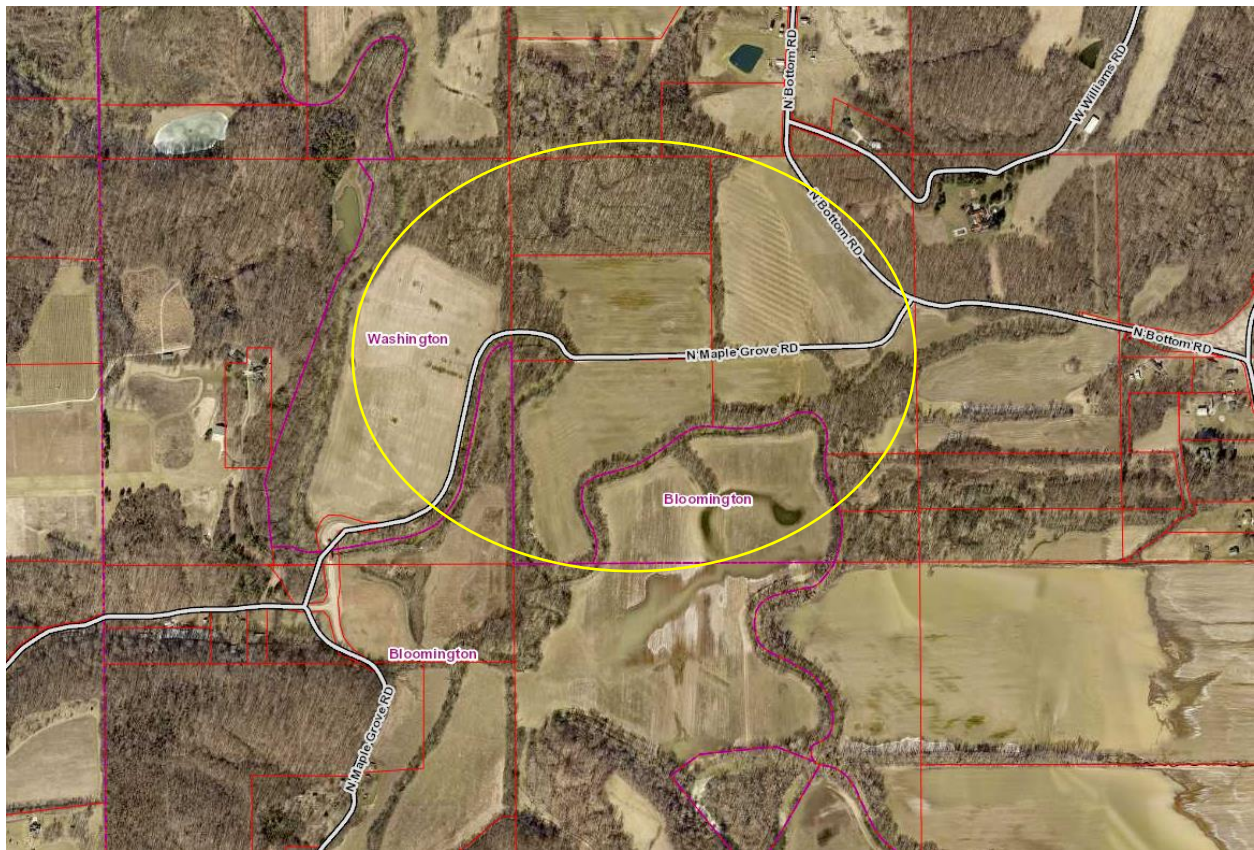


Image 1: Existing portion of road that requires a road name.

Comments from County Departments are included below.

## **COUNTY DEPARTMENT COMMENTS**

### **HIGHWAY DEPARTMENT**

#### **Ben Ayers, Highway Project Manager**

I believe there to be some old family history here with a family that use to live and farm this area for decades years ago. I cannot remember the last name for sure but I believe it to be Ford. They were either grandparents or great grandparents of Larry Stanger who still lives in the area on West Maple Grove Road. I remember Larry telling of this a while back. Might be worth looking into.

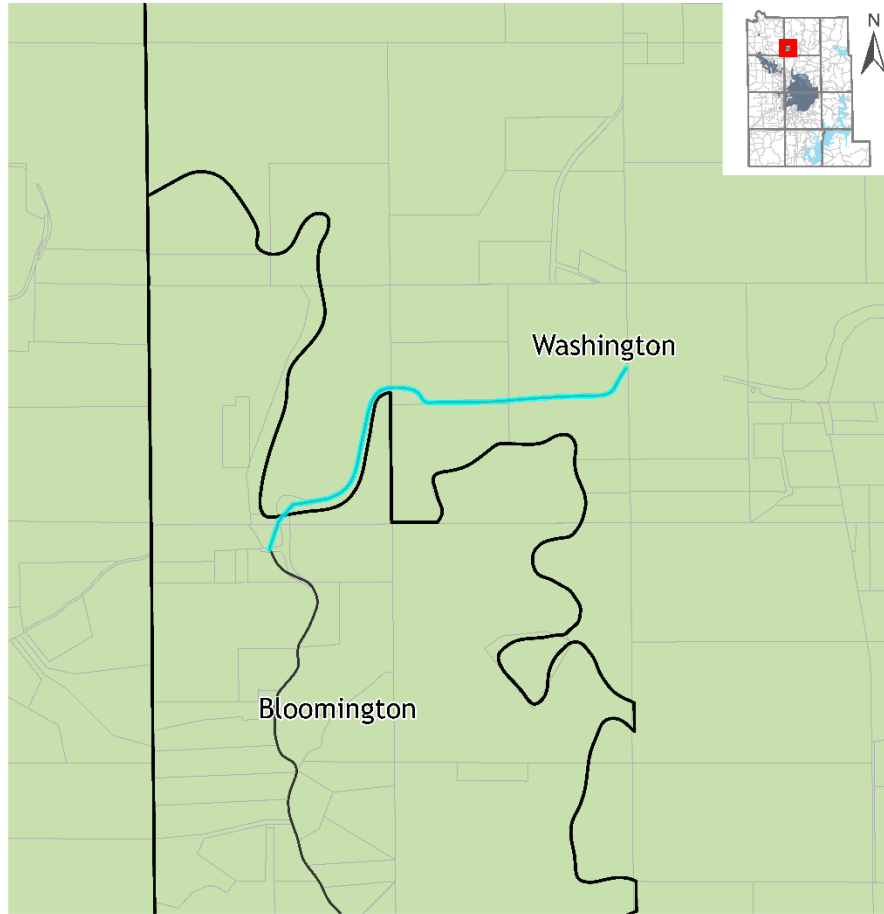
#### **Planning Department – Addressing**

The request will be to change the portion of North Maple Grove Road between the intersections of N Bottom Road and W Delap Road. It appears that no existing addresses will be impacted along this section of roadway.

The entire roadway is located within DNR mapped floodplain, is partially gravel, and includes the covered bridge known as the “Cedar Ford Bridge”.

### Location Map

- Roads
- ▭ Civil (Political) Townships
- Parcels



0 0.13 0.25 0.5 Miles

Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 10/25/2023

### SITE PHOTOS



Image 2: Covered bridge near where W Delap Road intersects with the subject road



Image 3: Traveling north along N Maple Grove Road from W Delap Road



Image 4: Traveling north along N Maple Grove Road from W Delap Road





Image 5: Traveling north along N Maple Grove Road from W Delap Road



Image 6: North-facing view of the intersection of N Maple Grove Road and N Bottom Road

## **EXHIBIT 1: Petitioner Letter**

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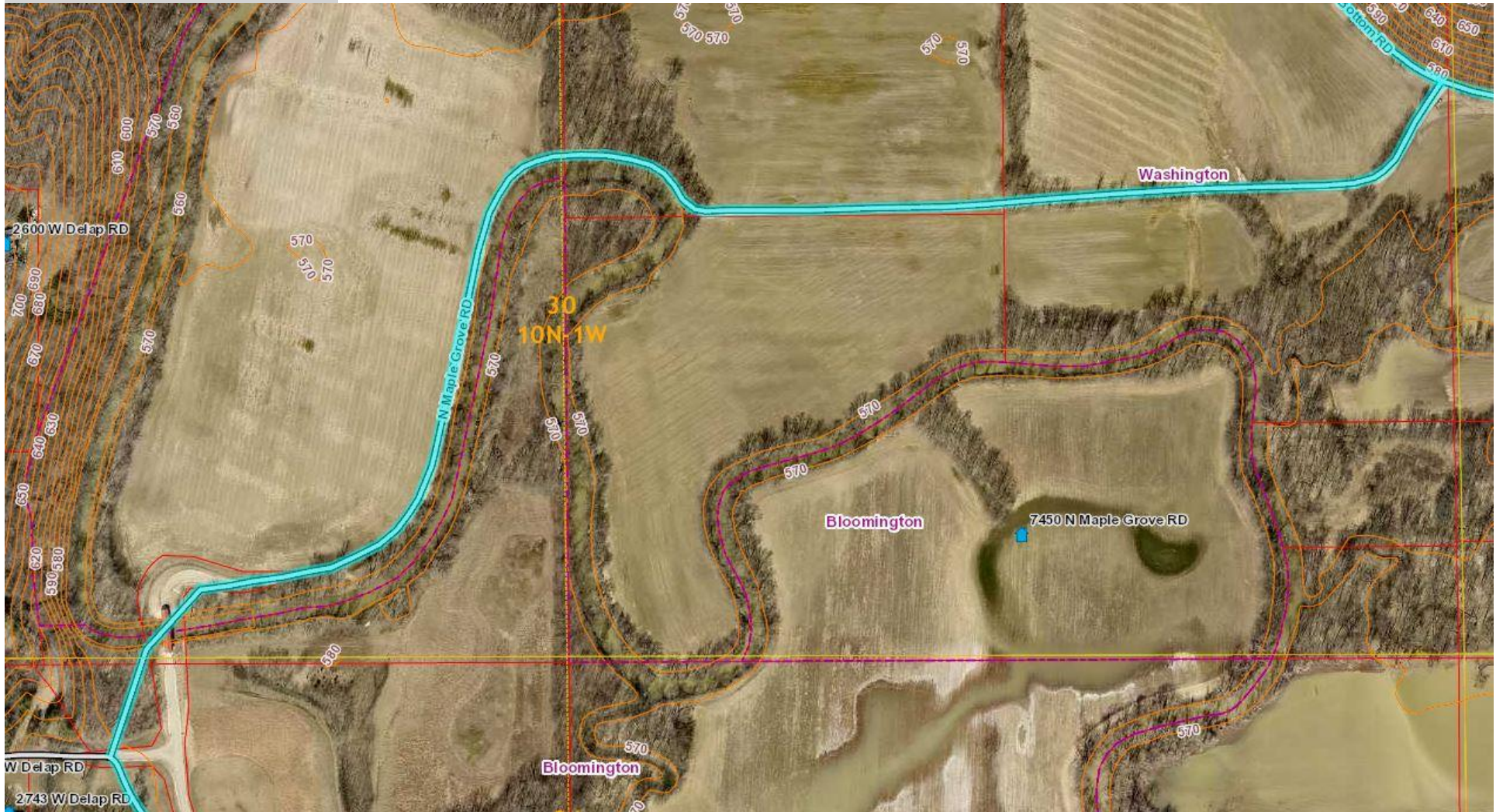
**From:** Lisa Ridge <[ljridge@co.monroe.in.us](mailto:ljridge@co.monroe.in.us)>  
**Sent:** Wednesday, September 13, 2023 4:43 PM  
**To:** Drew Myers <[dmyers@co.monroe.in.us](mailto:dmyers@co.monroe.in.us)>  
**Cc:** Jacqueline N. Jelen <[jnester@co.monroe.in.us](mailto:jnester@co.monroe.in.us)>; Toby Turner <[tturner@co.monroe.in.us](mailto:tturner@co.monroe.in.us)>  
**Subject:** N. Maple Grove Road Renaming

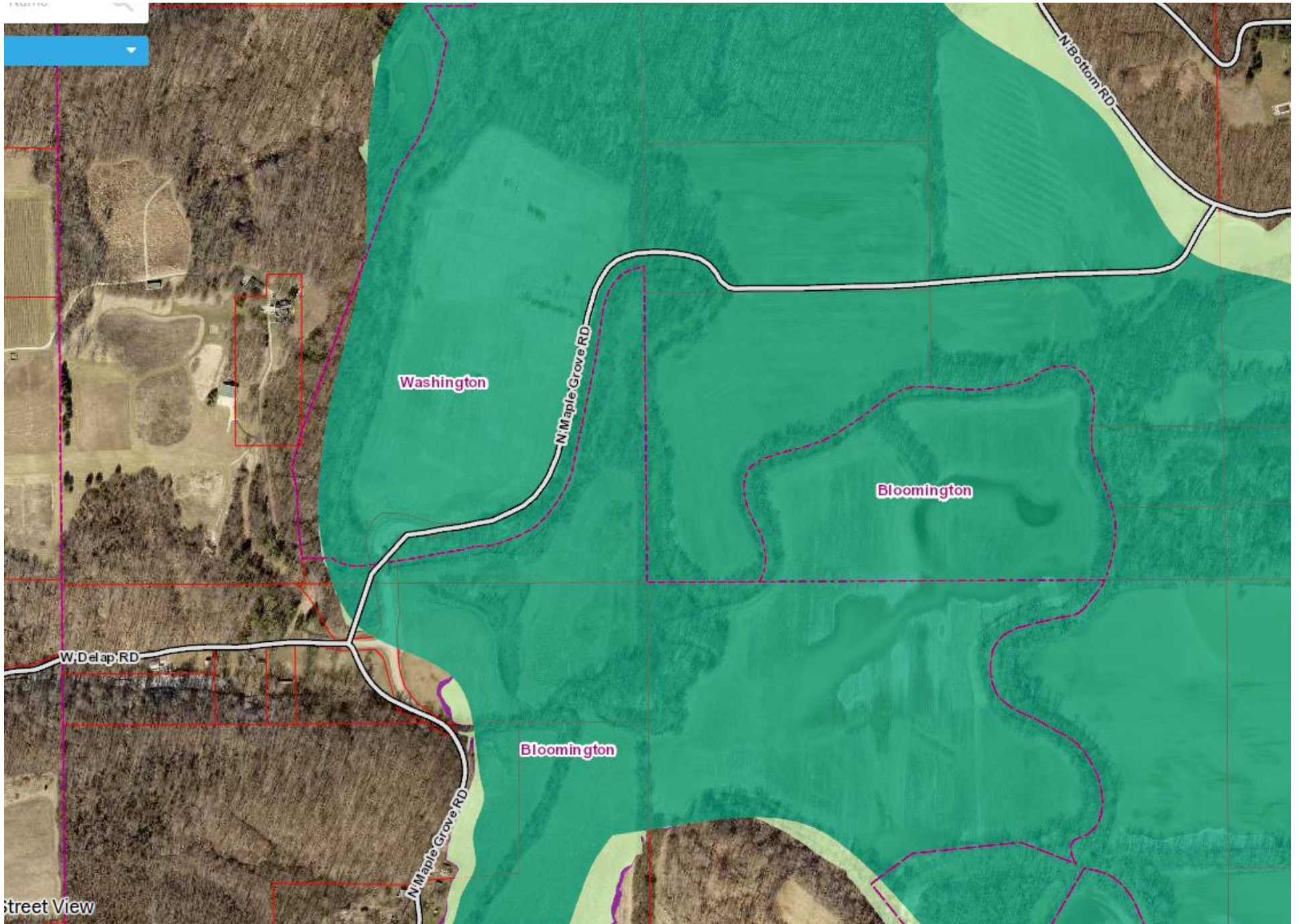
Drew- The Commissioners approached me today about renaming a portion of N. Maple Grove Road. The area would be Delap Road north to Bottom Road. There are no homes on this roadway and I don't believe any addresses would be affected. They are wanting to name the road John Irvine Road. This is the area of the covered bridge. Please let me know what else you might need from highway for this request. Thank you!

***Lisa Ridge, Highway Director  
Monroe County Highway Department  
5900 W. Foster Curry Drive  
Bloomington, Indiana 47403  
[ljridge@co.monroe.in.us](mailto:ljridge@co.monroe.in.us)  
(812)349-2555***

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**EXHIBIT 2: Elevate View of Area**







# MONROE COUNTY Plan Commission

**Public Meeting**

**Date: November 21, 2022**

CASE NUMBER	PROPOSED NAME	DETAIL
SAD-23-21	Joann Scroggins Type E Administrative Subdivision	Right of Way Width Waiver

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

RECOMMENDED MOTION	Approval	Planner: Shawn Smith
<i>Recommended Motion Conditions or Reasoning:</i>		
<p><b>Approve</b> a <u>partial</u> Right of Way Width Waiver request based on the findings of fact and the reports from the Highway Department, and subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Petitioner updates the plat to reflect the partial 25' right of way dedication, and;</li> <li>2. Petitioner provides Findings of Fact.</li> <li>3. Change the subdivision name to be unique per Ch 856</li> </ol>		

<b>Waiver(s) Requested:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes:	Right of Way Width
<b>Waiver of Final Hearing Requested:</b>	<input type="checkbox"/> N/A <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
<b>Plat Vacation:</b>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Partial <input type="checkbox"/> Yes: <b>Scroggins Type E, Tract 1</b>

<b>PETITIONER</b>	William Scroggins c/o Eric Deckard, Deckard Land Surveying	
<b>OWNERS</b>	Joann Scroggins	
<b>ADDRESS</b>	3898 and 3905 E Bethel LN, #53-05-14-400-026.000-004; 53-05-14-100-003.000-004	
<b>TOWNSHIP + SECTION</b>	Bloomington Township, 14	
<b>PLATS</b>	<input checked="" type="checkbox"/> Unplatted <input checked="" type="checkbox"/> Platted:	
<b>ACREAGE +/-</b>	106.35 +/- acres	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	CR and AG/RR	CR and AG/RR
<b>CDO ZONE</b>	Farm and Forest Rural Residential	Farm and Forest Rural Residential
<b>USE</b>	Residential	Residential

<b>SUMMARY</b>
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The petition site contains two parcels totaling 106.35 +/- acres and would derive access from E Bethel LN. These parcels are considered to be conforming, and both contain adequate buildable area with little to no significant environmental conditions that would impede development of the site. The proposed Type E does, however, require a 90ft Right-of-Way **width** (45ft on either side of the road) due to the approved Thoroughfare Plan, which designates E Bethel LN as a Major Collector.

The parcel with the address of 3905 E Bethel LN (the northern parcel) is proposed to absorb the area that has an existing barn structure which is located approximately 30ft from the centerline of E Bethel LN. This would not meet the 45ft dedicated Right-of-Way on this side of Bethel LN that is required by Chapter 856-28(B) of the Subdivision Control Ordinance.

**DISCUSSION**

Highway Department Comments:

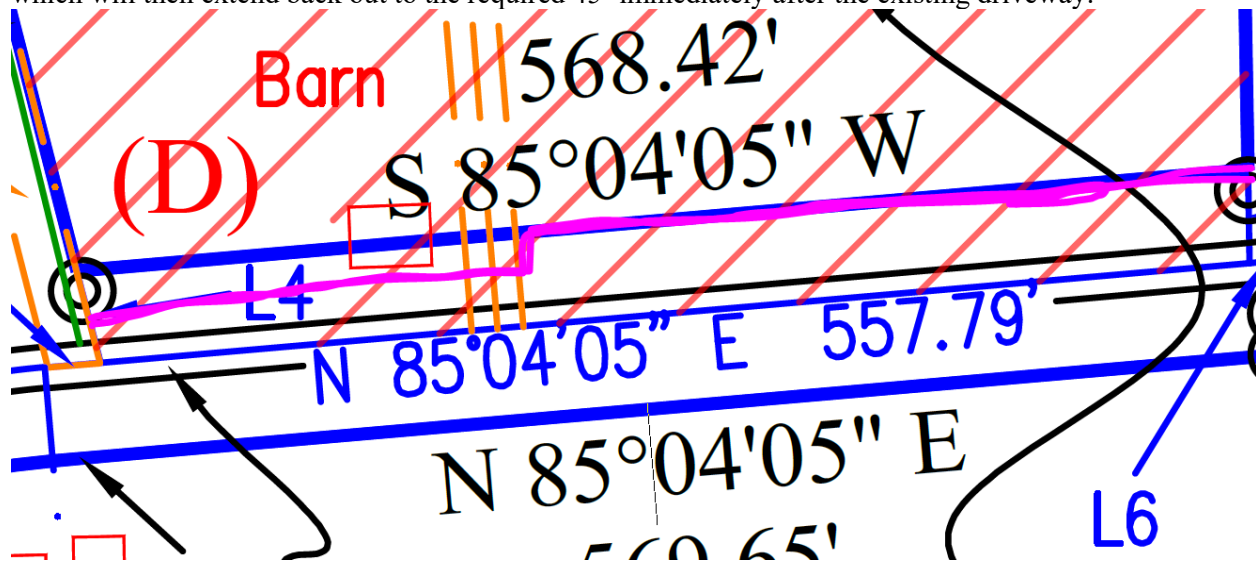


Paul Satterly

Remove Comment • Oct 31, 2023 at 2:37 pm

The Highway Department supports a 25 ft. dedicated right of way from the west property line to the eastern edge of the driveway. At the east edge of the driveway, the dedicated right of way should be increased to 45 ft. and extend to the east property line. The 25 ft. dedicated right of way will allow for the existing barn to remain outside of the dedicated right of way for Bethel Lane.

To illustrate the Highway Department's comments, the pink line represents an approximation of the 25ft, which will then extend back out to the required 45' immediately after the existing driveway:

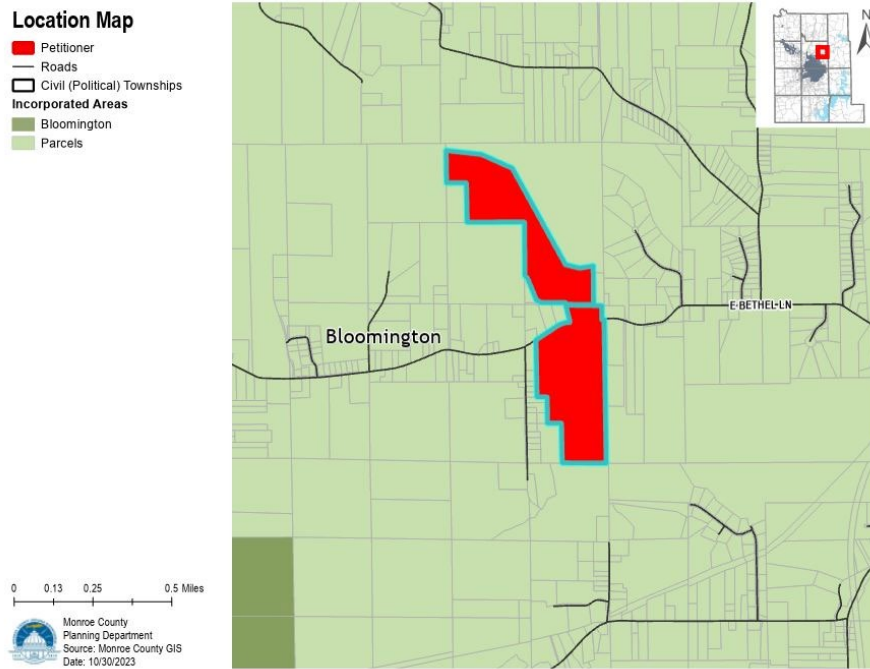


**EXHIBITS - Immediately following report**

1. Location Map
2. Site Conditions
3. Site Photos
4. Preliminary Plat
5. Petitioner Waiver Findings of Fact
6. Staff Findings of Fact

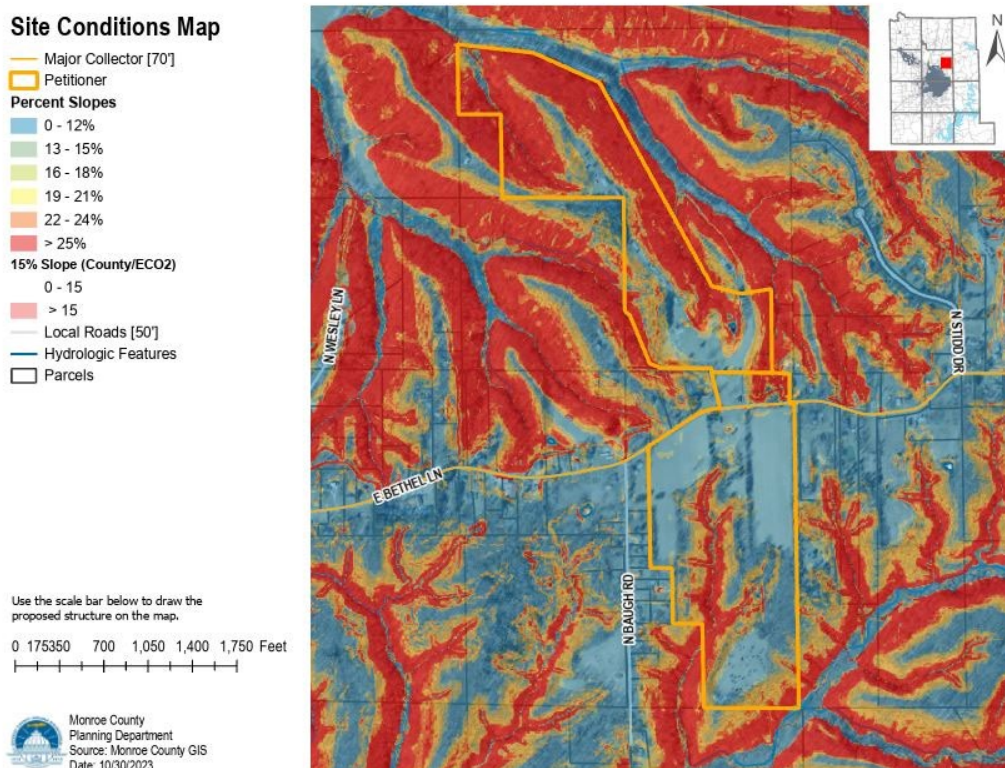
**EXHIBIT ONE: LOCATION MAP**

The petition site is two lots of record addressed 3898 and 3905 E Bethel LN, #53-05-14-400-026.000-004; 53-05-14-100-003.000-004 in Section 14 of Bloomington Township.



**EXHIBIT TWO: SITE CONDITIONS MAP**

The petition site is two parcels totaling 106.35 +/- acres. The lot contains some steep slopes greater than 15% but has adequate Buildable Area. The two proposed lots would derive access from E Bethel LN.





**EXHIBIT FIVE: SITE PICTURES**



**Photo 1.** Google Image, facing West.



**Photo 2.** Google Image, facing East.

## **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 road is classified as a major collector;
- The Thoroughfare Plan adopted in 2018 lists 90’ for right of way for a major collector;
- The Subdivision Control Ordinance requires right of way dedication by way of the Thoroughfare Plan classification;
- The road, E Bethel LN, primarily does not have existing right of way dedication;

### **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 Monroe County Thoroughfare Plan shows E Bethel LN as a major collector requiring a 90’ right of way dedication;
- 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;
- The Highway Engineer has supplied favorable comments to allow for a decreased right of way dedication from 45’ to 25’ to accommodate the existing barn structure, and then increase back to 45’ on the eastern side of the existing driveway;
- The Subdivision Control Ordinance 856-28(B) states *when the ... Thoroughfare Plan...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;*

### **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:**

- Highway Engineer has supplied favorable comments to allow for a decreased right of way dedication from 45’ to 25’ to accommodate the existing barn structure, and then increase back to 45’ on the eastern side of the existing driveway;

- 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 #1, #2, #3;

- 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.



# SUBDIVISION BONDING

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MONROE COUNTY PLAN COMMISSION

ADMINISTRATIVE SESSION – 11/6/23

# Overview

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Three Types of Subdivisions that may come with financial guaranties (AKA “Bonds”):

1. Major Subdivisions – 5 or more lots
2. Minor Subdivisions – 4 or less lots. Available to do on septic with 10 acres or more for each lot.
3. Sliding Scale Subdivisions – 4 lots or less and limited to 3 zones. Can have a parent parcel (55% of total) and smaller parcels (as small as 2.5 acres)

# Key Terms

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**Subdivision Improvement Agreement (SIA)** – the list of improvements to be installed by the developer prior to final platting

**Financial Guaranty (“performance bond”)** – the amount of funds taken in for the required improvements NOT in place at the time of final platting

**County Inventory** – developer applies for improvements to be taken into the County inventory for maintenance.

**Maintenance Bond** – following the approval of all of the work by the County. It is either 10% or \$10,000 whichever is greater. After two years after acceptance, if there are no damages, the County will release the maintenance bond back to the developer.

# Financial Guaranties (AKA “Bonds”)

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Many subdivisions have **Required Improvements** (specifically all Major subdivisions and some minor/sliding scale subdivisions that trigger sidewalks and street trees)–

**If the developer opts to record the subdivision and create the lots without first installing the required public improvements, a financial guaranty is reviewed and accepted by the County at the time of final platting.**



# What are Public Improvements?

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Includes **all improvements the County may have to install if the developer walks away**. This includes, but is not limited to:

- Road construction base coat, and final coat
- Sidewalks
- Stormwater infrastructure (detention ponds, culverts, associated ditching within drainage easements)
- Street trees













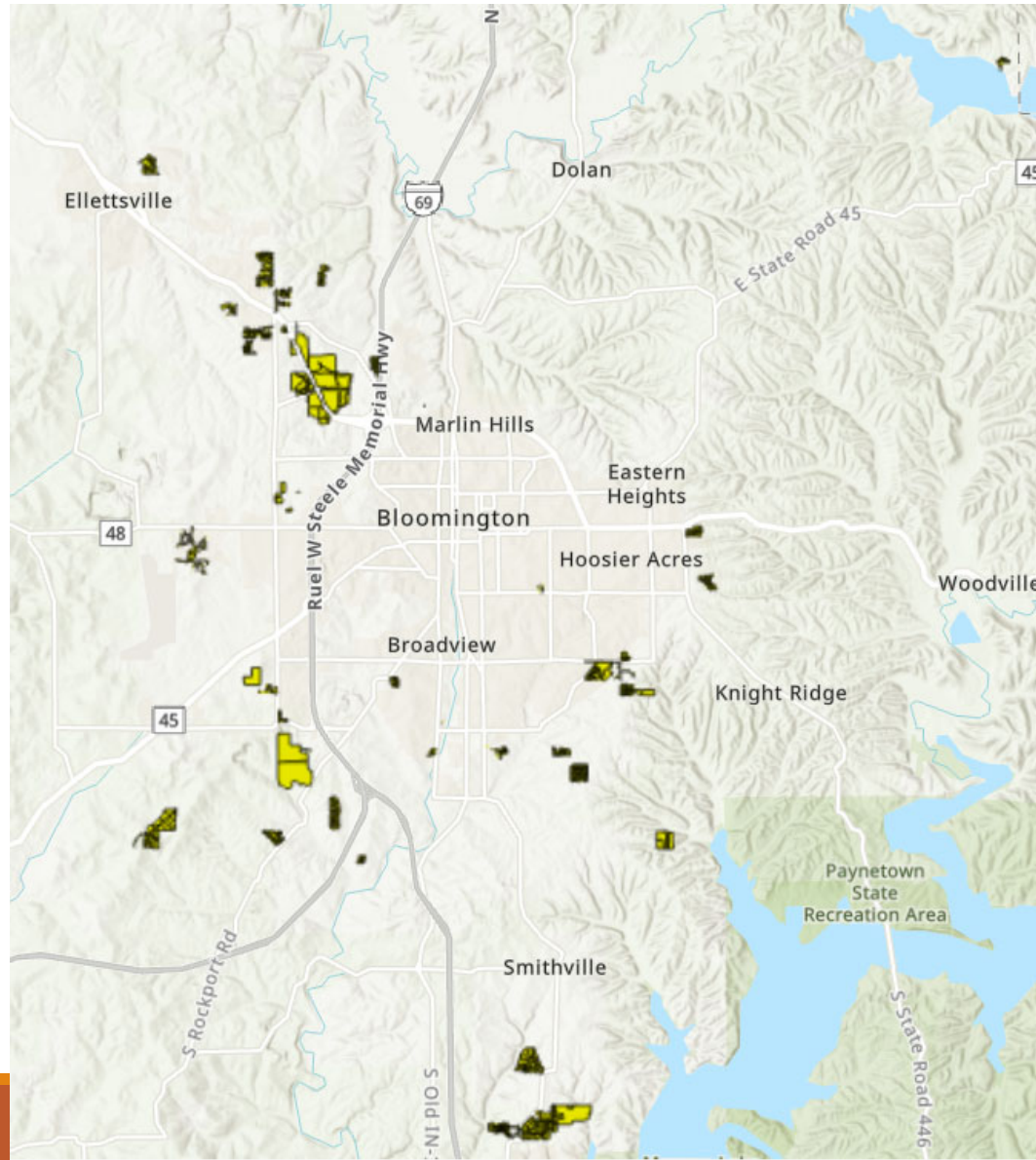
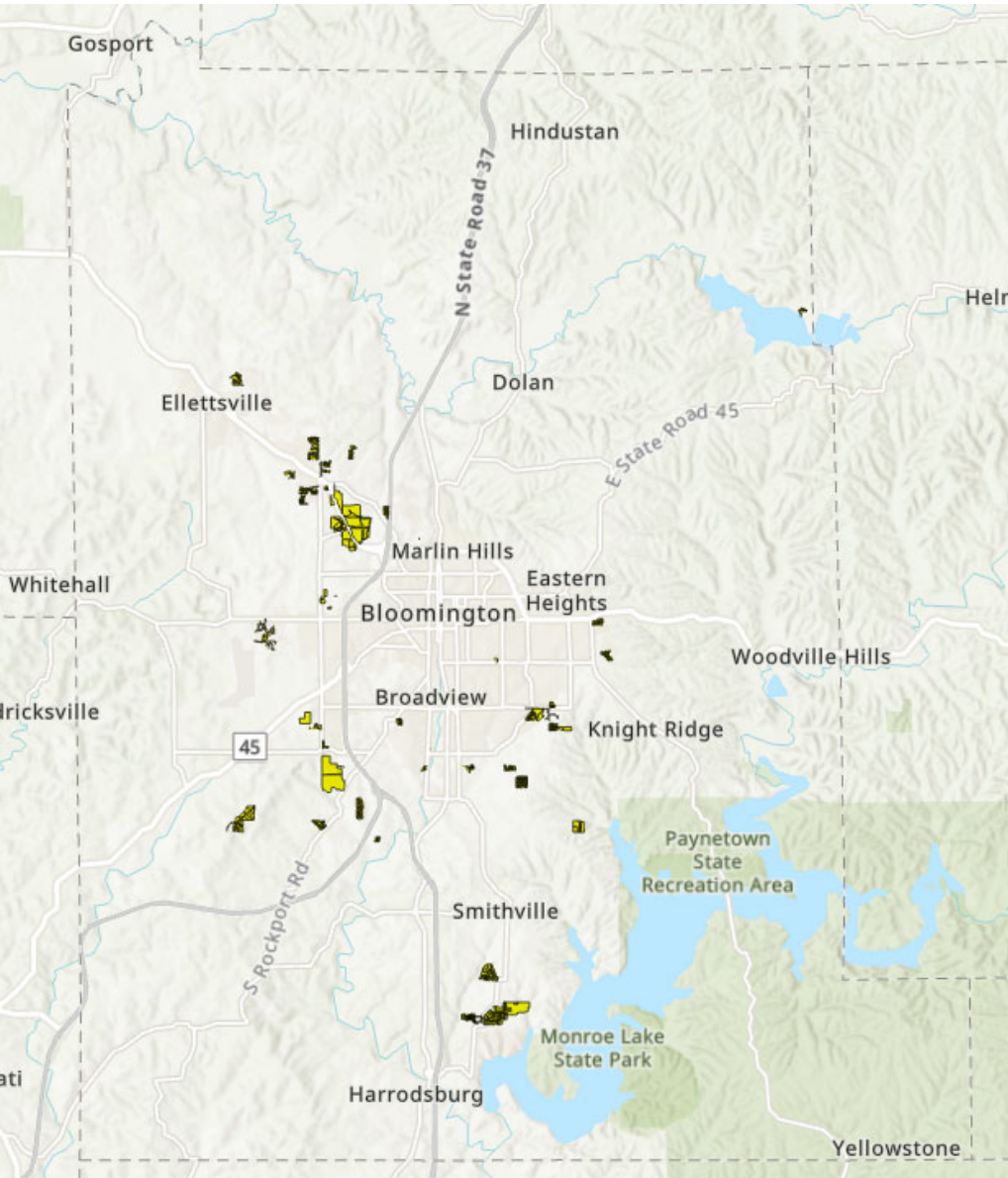






## SUMMARY:

Number of Subdivisions with Outstanding Financial Guaranties	75 subdivisions
Total amount in Financial Guaranties	\$4,836,579



# The Issue(s)

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If or when lots go unsold, sold lots are served by substandard road and infrastructure networks for indeterminate amounts of time

The costs for the installation of the outstanding improvements continue to increase over time

Leaves the County with insufficient bond amounts to cover the actual costs of remaining improvements

State Statute requires us to release permits for lots that have adequate bonds on file.

## Text Amendment (in process)

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To increase the cost of renewal each year

May have unintended consequence of developer walking away

Working with the Highway Department to review subdivisions that are highest priority to spend down the financial guaranty first