

MONROE COUNTY PLAN COMMISSION MEETING



Monday, December 11, 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, **December 11, 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 August 15, 2023; September 19, 2023

ADMINISTRATIVE BUSINESS:

- 1. VAR-23-40 Heard Refund Request for variance from Ch. 833** **PAGE 4**

UNFINISHED BUSINESS:

- 1. RD-23-2 N Maple Grove RD Name Change to John Irvine Way
Final Hearing.**

Washington Township, Section 30 and Bloomington Township, Section 31.

Contact: drbrown@co.monroe.in.us

CONTINUED BY PETITIONER

- 2. PUO-23-1 Whaley PUD Outline Plan Amendment 2** **PAGE 6**
Preliminary Hearing. Waiver of Final Hearing Requested.

Two (2) parcels totaling 12.34 +/- acre 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

NEW BUSINESS:

- 1. SAD-23-20 Branson Properties Type “E” Administrative Subdivision** **PAGE 55**
Right-of-Way Width Waiver.

Preliminary Hearing. Waiver of Final Hearing Requested.

Two (2) parcels totaling 6.22 +/- acres in Clear Creek Township, Section 1 at 4099 E Ramp Creek RD, parcel 53-11-01-200-003.000-006, and 4192 E Ramp Creek RD, parcel 53-11-01-200-022.000-006.

Owners: 4099 E Ramp Creek RD LLC and Branson, Kurt & Samantha

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

- 2. REZ-23-3 Worms Way Rezone from AG/RR to PB** **PAGE 69**
Preliminary Hearing. Waiver of Final Hearing Requested.

Two (2) parcels totaling 12.86 +/- acres in Washington Township, Section 28 at 7850 N Wayport Road, Parcel #s 53-02-28-100-006.000-017, 53-02-28-100-002.000-017.

Owner: Ah & Sh LLC

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

- 3. PUO-23-3 Highlands PUD Outline Plan Amendment to Parcel “E”
Preliminary Hearing. Waiver of Final Hearing Requested**

One (1) parcel totaling 1.43 +/- acres in Perry Township Section 17 at the 1200+/- block of W Rangeview Cir, at W Rangeview CIR.
Owner: Range View and Wickens LLC
Zoned Highlands PUD. Contact: shawnsmith@co.monroe.in.us
WITHDRAWN BY PETITIONER

**4. SPP-23-3 North Park Area B-3 Subdivision Preliminary Plat Lot 3 Amd. 1 PAGE 118
Street Tree Waiver Requested.**

Preliminary Hearing. Waiver of Final Hearing Requested.
One (1) parcel on 14.53 acres in Section 25 of Bloomington Township at 2900 N Stone Carver DR, parcel #53-04-25-101-005.013-011.
Owner: Indiana University Health Bloomington Inc.
Zoned North Park PUD. Contact: acrecelius@co.monroe.in.us

**5. PUO-23-6 North Park II PUD Outline Plan Amendment 1
Preliminary Hearing. Waiver of Final Hearing Requested.**

One (1) 98.6 +/- parcel in Bloomington Township, Section 30 at N Packing House RD, parcel #53-05-30-400-014.000-004.
Owner: Packing House Road LLC
Zoned PUD. Contact: acrecelius@co.monroe.in.us
CONTINUED BY PETITIONER

- 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		December 11, 2023
PLANNER	Anne Crecelius	
CASE NUMBER	VAR-23-40	
PETITIONER	Berry Heard	
ADDRESS	511 S Village DR, parcel #53-06-31-300-060.000-003	
REQUEST	Refund for VAR-23-40 \$208.50	
ACRES	0.2 +/- acres	
ZONE	RS3.5	
TOWNSHIP	Van Buren	
SECTION	1	
PLATS	Highland Village 5 th Addition, Lot 203	
COMP PLAN DESIGNATION	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 3rd BZA which has now been continued to the December 6th 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 2nd, 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

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

EXHIBITS

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

RECOMMENDATION

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

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

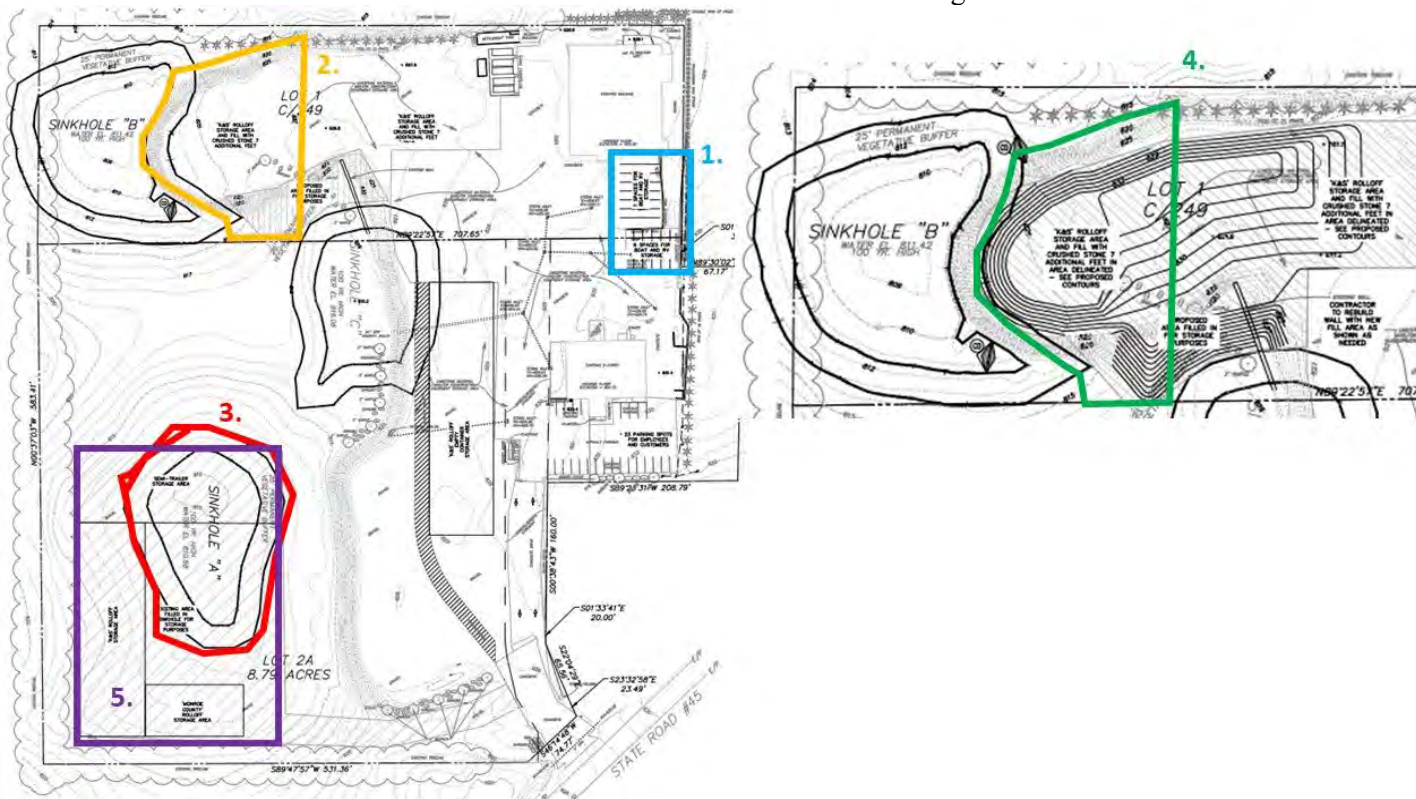
1. Staff recommends forwarding a “**positive recommendation**” to the County Commissioners for adding the use of Boat and RV Storage only in the allocated area per the petitioner’s submitted site plan (Exhibit 2) due to its compatibility with the Comprehensive Plan.
2. Staff recommends forwarding a “**positive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

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

1. Petitioner comply with Drainage Board conditions stated at the 4/5/2023 meeting, including:
 - a. Bioretention design criteria for the site should include release rates aligned with the critical watershed levels.

b. Use amended soils and deep-rooted vegetation with limited maintenance requirements for bioretention infrastructure.

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



MEETING SCHEDULE

PLAN REVIEW COMMITTEE – June 8, 2023

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

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

~~PLAN COMMISSION ADMINISTRATIVE~~ – December 5, 2023 (CDO SESSION)

PLAN COMMISSION Regular – December 11, 2023 (Preliminary Hearing)

Waiver of Final Hearing requested.

PLAN COMMISSION ADMINISTRATIVE – January 2, 2024 (if not waived)

PLAN COMMISSION REGULAR (Final Hearing) – January 16, 2024 (if not waived)

BOARD OF COMMISSIONERS – TBD

SUMMARY

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

1. Boat and RV Storage

The petitioner is no longer requesting development of the site for an already permitted use of Convenience Storage.

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

BACKGROUND

Timeline:

1997 – Property rezoned to PUD 9712-PIO-02

1998 – PUD amended to change a condition

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

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

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

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

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

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

2023 – January 20th: Outline Plan Submitted PUO-23-1

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

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

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

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

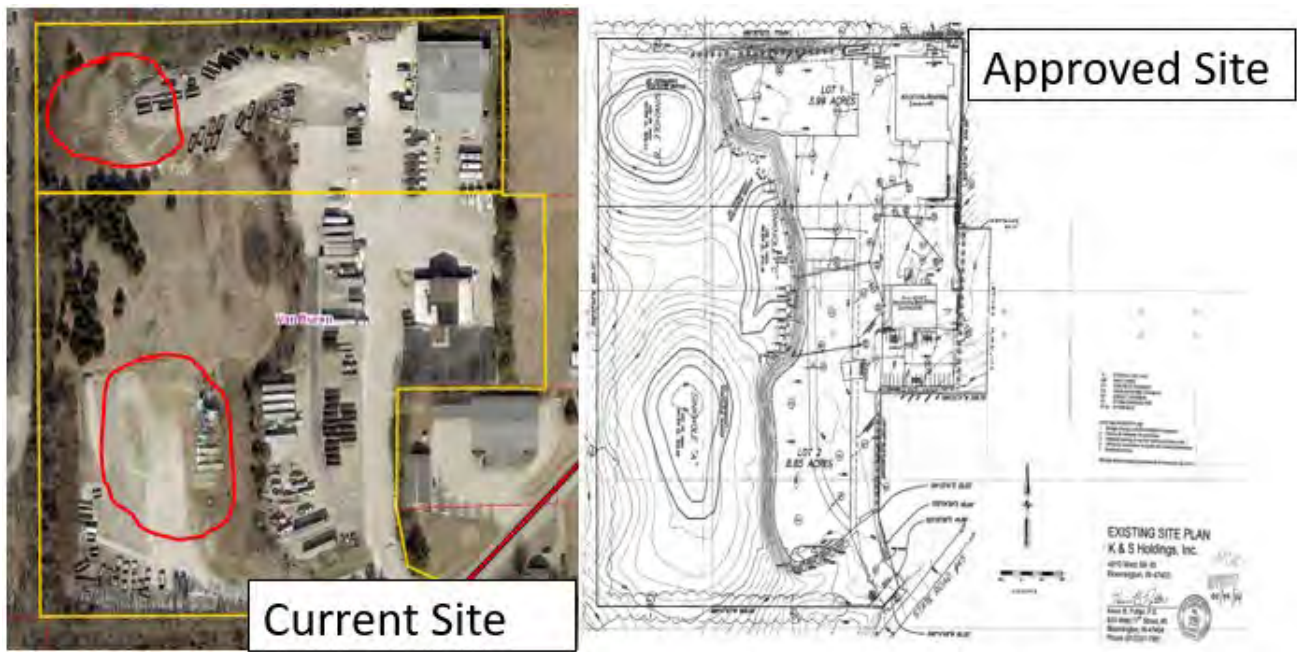


Figure 1. Current Site and Approved Site

Sinkhole Conservancy Area Review

According to a report provided by Hydrogeology inc., they identified sinkhole 1 (Sinkhole A) to show no obvious impacts from the existing lay-down area for parking (Exhibit 5). They identified sinkhole 2 (Sinkhole B) to have been partially filled with pulverized concrete. No obvious impacts were observed during the field study, however, they did mention that due to the elevation of the fill site being higher than the surrounding properties, those properties could be impacted via surface run-off. Any new fill must be 809ft to prevent surface run-off.

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

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

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

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

Use Review

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

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

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

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

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

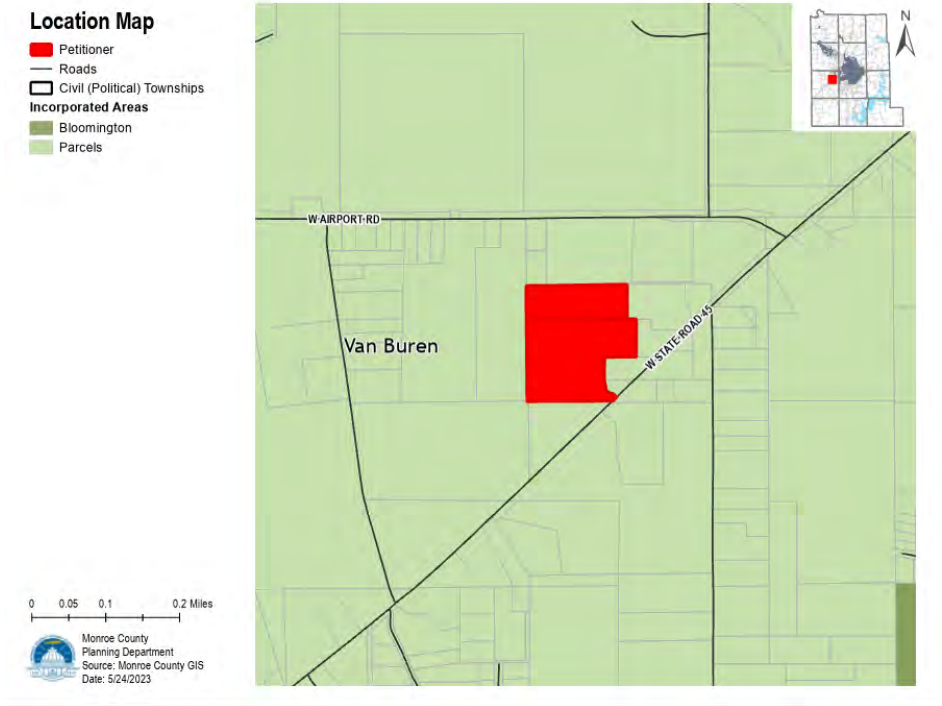
41. Boat Storage facilities shall be permitted subject to the following conditions:
 - A. the required building setbacks shall be applied to all boats stored outside
 - B. all boats stored outside of enclosed buildings shall be screened from adjoining properties by a double staggered row of evergreen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

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

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

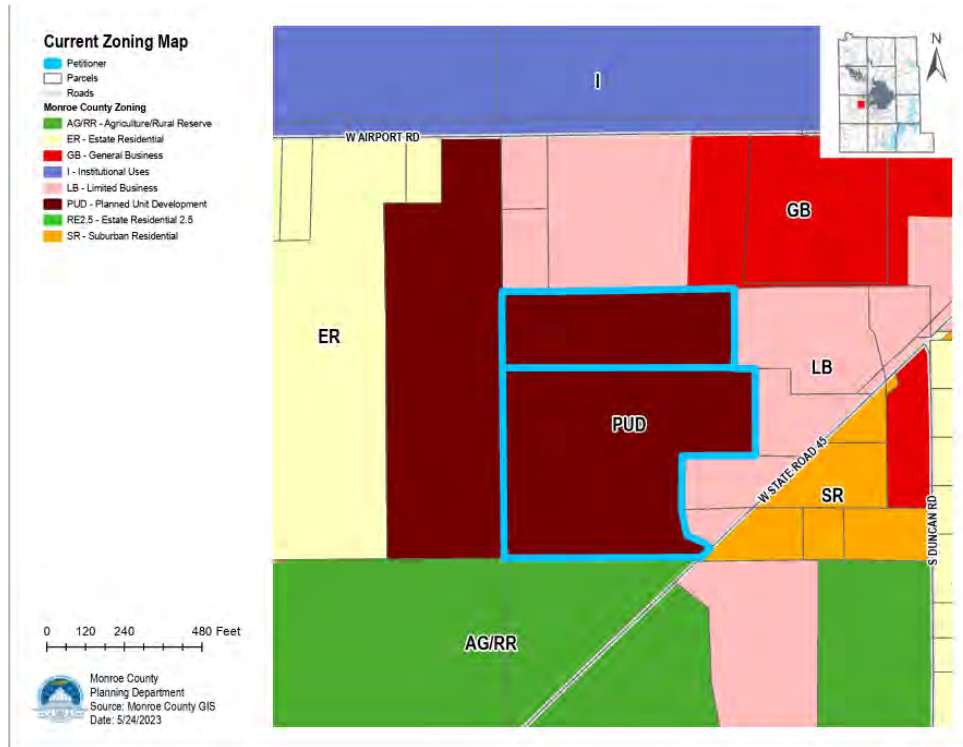
LOCATION MAP

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



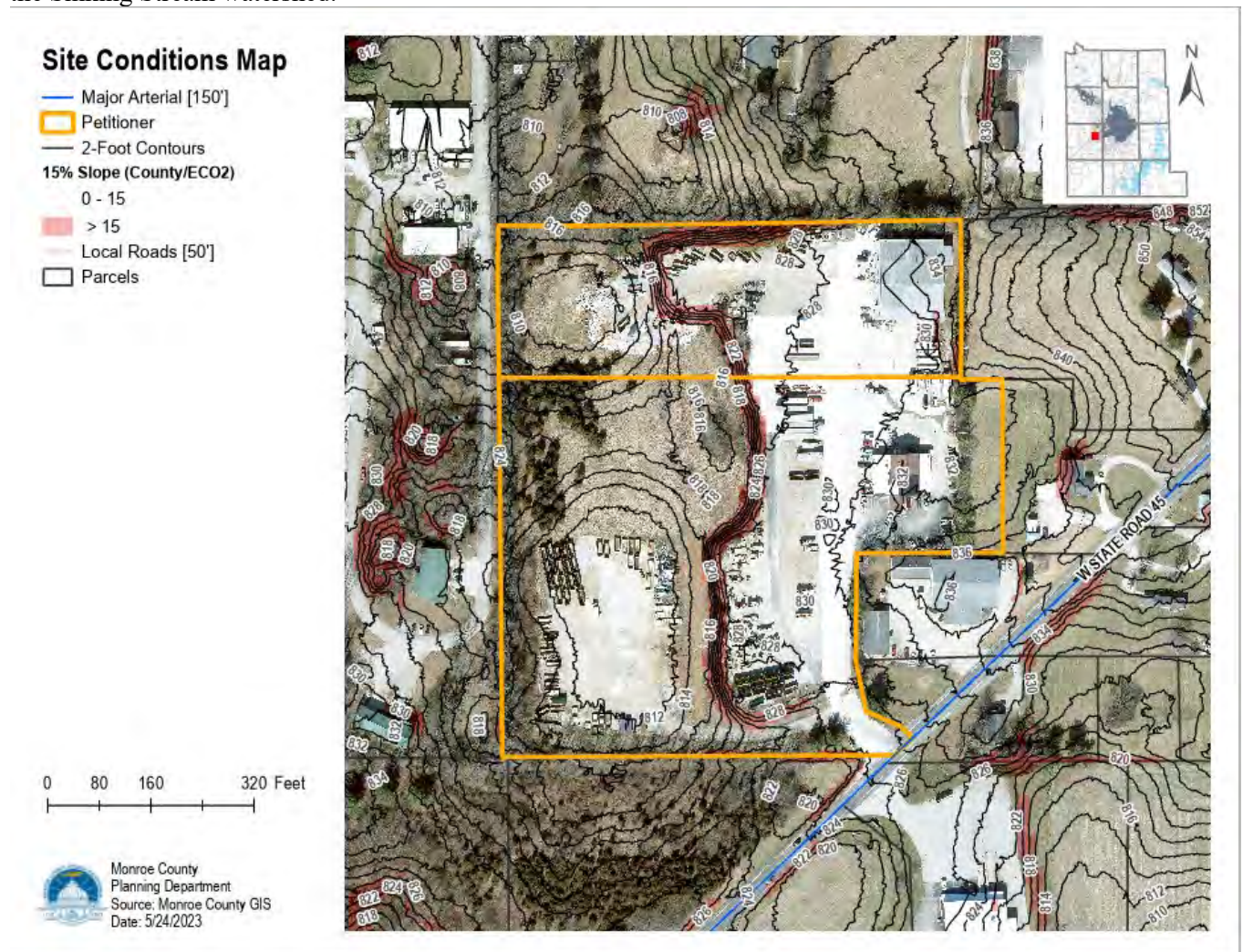
ZONING AND ADJACENT USES

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



SITE CONDITIONS

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



SCAs have been disturbed due to concrete fill. Comments from the April 5, 2023, Drainage Board:

1. Bioretention design criteria for the site should include release rates aligned with the critical watershed levels
2. Recommendation of looking into amended soils and deep-rooted vegetation with limited maintenance requirements.

SITE PICTURES



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



Photo 2. Pictometry from March 2022, Facing East.



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



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



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



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



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

COMPREHENSIVE PLAN DISCUSSION – PHASE I

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

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

A. Transportation

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

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

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

B. Utilities

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

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

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

C. Open space

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

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

D. Public Realm Enhancements

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

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

E. Development guidelines

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

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

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

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

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

LAND USE PLAN & POLICIES

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

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

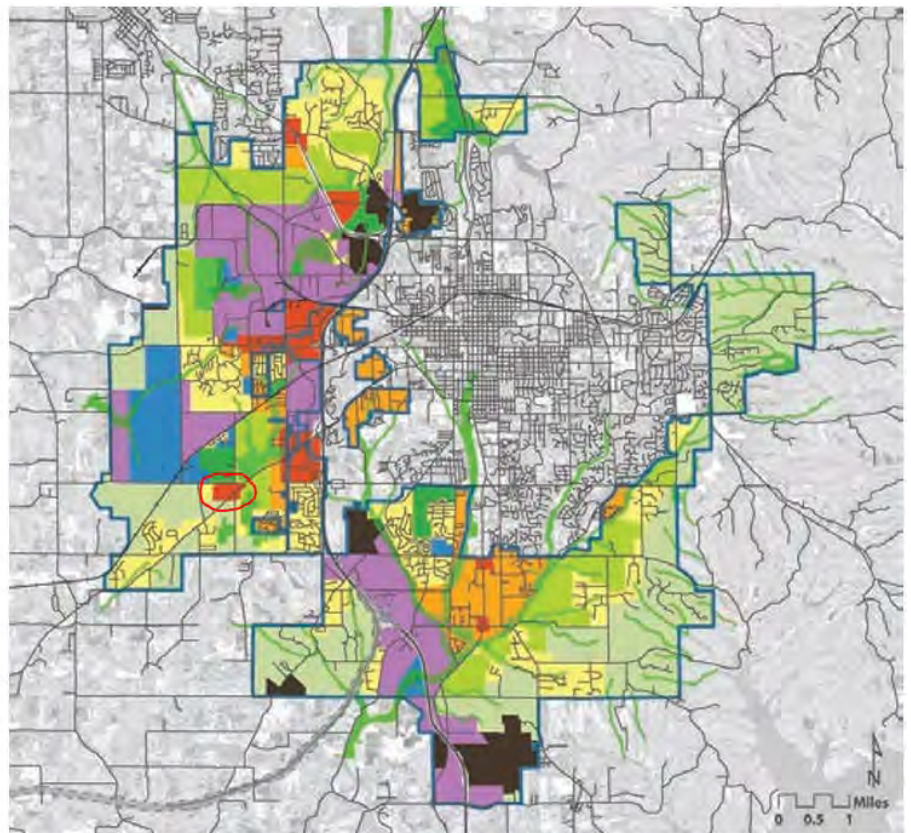


Figure 2. Comprehensive Plan Map (Area circled in red)

COMPREHENSIVE PLAN DISCUSSION – PHASE II

Gateway West

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

Existing Planned Unit Developments

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

Proposed County Development Ordinance

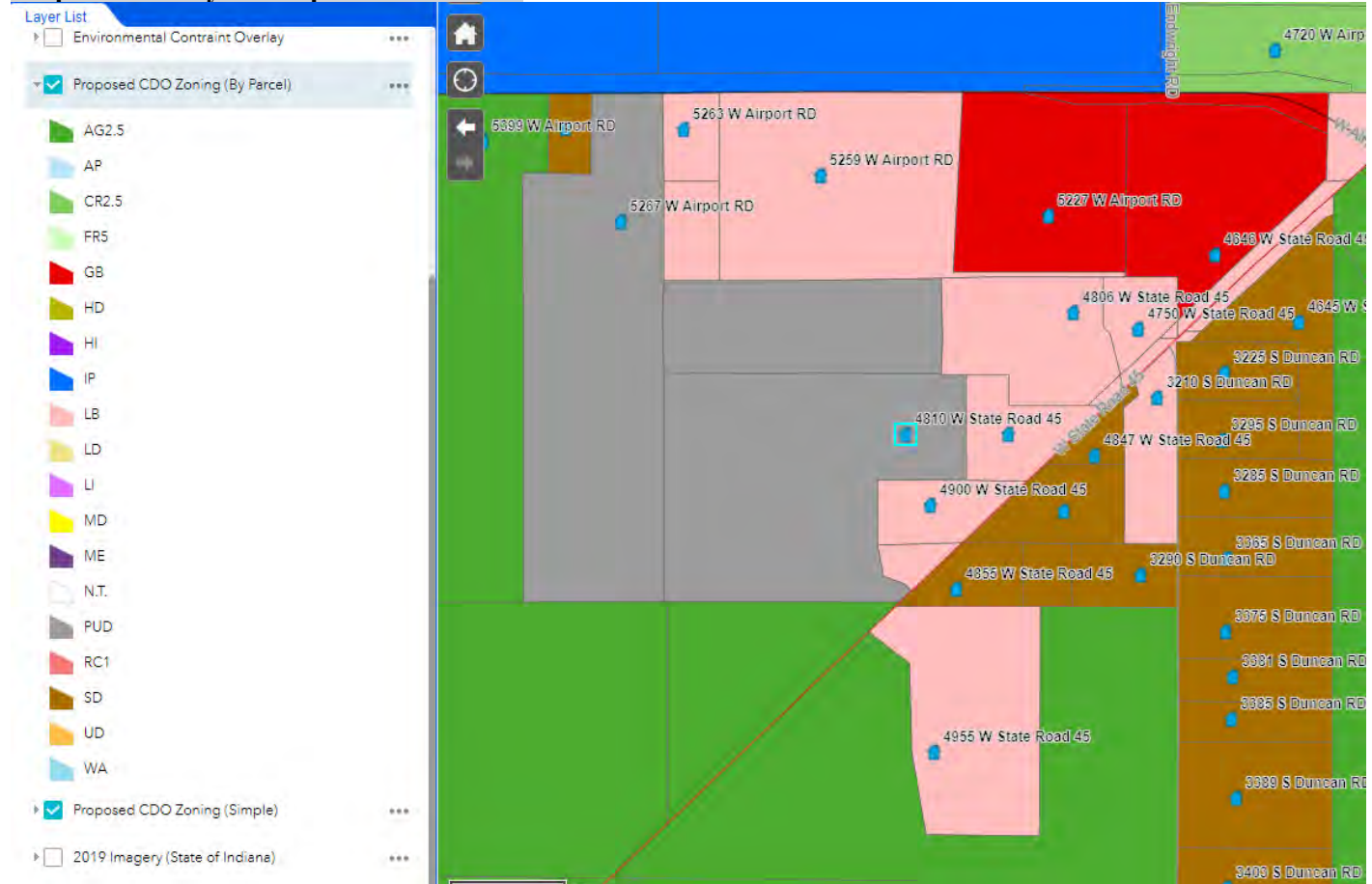


Figure 3. CDO Draft Zoning Map

PUD REVIEW CONSIDERATIONS

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

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

Findings:

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

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

Findings:

- The proposed plan will need use definitions to be defined;
- One design standard (25-foot buffer of the compound sinkhole located on the west portion of the site) was found specifically listed in the PUD documentation;
- The site does not currently meet the requirements of the PUD ordinance due to the disturbance of at least two (2) of the three sinkholes on the property;
- The petitioner has not indicated that any other deviation from the Zoning Ordinance would be sought at this time related to density, dimension, bulk, use, required improvements, and construction and design standards;
- Site plan improvements including bioretention requirements will be addressed at the development plan stage;
- See Findings under section A, regarding use;

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

Findings:

- See Findings under section A;

- One of the purposes of the PUD, under Chapter 811, is to encourage a harmonious and appropriate mixture of uses;
- (4) **The proposal will not be injurious to the public health, safety, and general welfare.**
Findings:
- See Findings (1), (2) and (8);
- (5) **The physical design and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects common open space, and furthers the amenities of light, air, recreation and visual enjoyment.**
Findings:
- The property is an as-built - no change in current use of the site;
 - Parking already exists on site;
 - Much of the property already consists of open space due to the three SCAs.
- (6) **The relationship and compatibility of the proposal to the adjacent properties and neighborhoods, and whether the proposal would substantially interfere with the use of or diminish the value of adjacent properties and neighborhoods.**
Findings:
- See Findings (a), (b) & (d);
 - Other immediately surrounding uses include Dillman Farm to the south, Specialty CNC to the East, an auto repair shop and furniture restoration shop to the west, and Westside Community Church to the northeast.;
 - Much of the surrounding area is zoned Planned Unit Development, Limited Business, and General Business, Suburban Residential, and Agriculture Rural Reserve;
 - Development plan requirements including bioretention requirements will be addressed at the development plan stage.
- (7) **The desirability of the proposal to the County’s physical development, tax base, and economic well-being.**
Findings:
- See Findings under Section 1;
- (8) **The proposal will not cause undue traffic congestion and can be adequately served by existing or programmed public facilities and services.**
Findings:
- Access is derived from W State Road 45 which is designated as a Major Arterial in the Thoroughfare Plan;
 - All utilities except for sewer are available to the petition site;
 - See findings under (d);
- (9) **The proposal preserves significant ecological, natural, historical and architectural resources to the extent possible.**
Findings:
- There are at least 3 sinkhole conservancy areas on the property;
 - Drainage will be reviewed under a PUD Development Plan if the this petition is adopted;
 - The area was originally listed as a ‘light industrial’ prior to rezoning to PUD.

EXHIBIT 1: Petitioner Outline Plan Statement



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

May 5, 2023

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

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

Monroe County Plan Commission or To Whom It May Concern:

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

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

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

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

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

Sincerely, Bynum Fanyo & Associates, Inc.

Daniel Butler, PE, Project Engineer

COPY: BFA FILE #402207

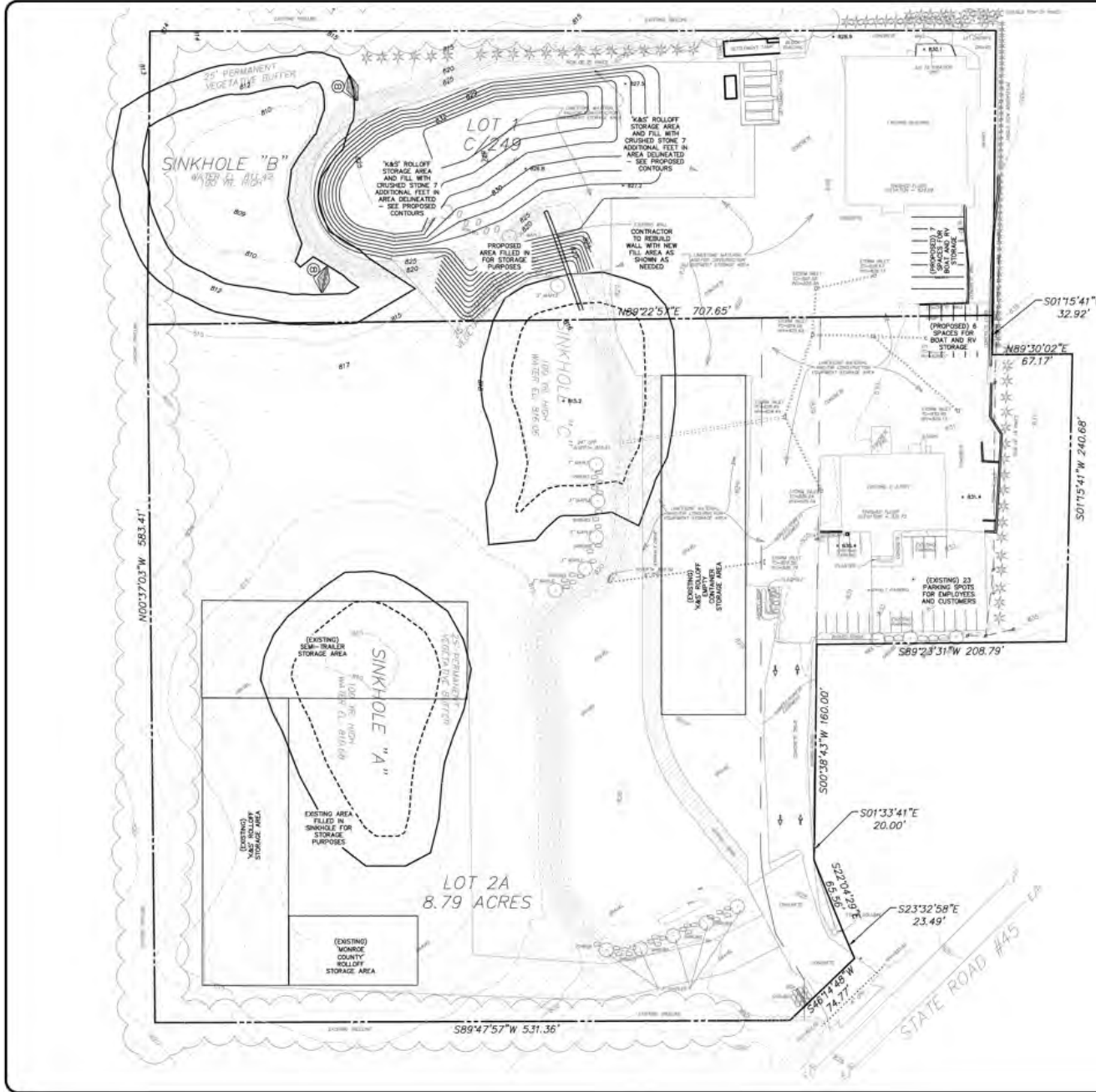
528 NORTH WALNUT STREET

812-332-8030

BLOOMINGTON, INDIANA 47404

FAX 812-339-2990

EXHIBIT 2: Site Plan (Conceptual)



VICINITY/LOCATION MAP
SCALE: 1"=2000'

ADJACENT PROPERTIES USE
EXISTING PROPERTIES SURROUNDING THIS PROPERTY TO THE NORTH, SOUTH AND EAST ARE CURRENTLY USED AS SINGLE FAMILY RESIDENTIAL LOTS OF VARIOUS PROPERTIES. THE PROPERTY TO THE WEST OF THIS PROPERTY IS CURRENTLY USED AS COMMERCIAL RENTAL.

'3D STONE SUBDIVISION' DETAILS
CURRENT USE FOR LOTS 1 AND 2A - TRASH/RUBBLE PICKUP AND ROLLOFF SERVICE
PROPOSED ADDITIONAL USES TO SITE - BOAT AND RV STORAGE.

SITE LEGEND
[Hatched Box] ADDITIONAL FILL AREAS AS NOTED



NOTE TO CONTRACTOR
CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

revisions:

--

ARCHITECTURE
CIVIL ENGINEERING
PLANNING
B&B
BYRUM PANTO & ASSOCIATES, INC.
528 north walnut street
Bloomington, Indiana
(812) 332-8030
(812) 339-2960 (fax)

certified by:

PROPOSED
K & S STORAGE FACILITY
4810 WEST STATE ROAD #45
BLOOMINGTON, IN 47403

title: OVERALL SITE PLAN

designed by: JSF
drawn by: TJN
checked by: JSF
sheet no: C300
project no.: 402207

EXHIBIT 3: 1998 Whaley PUD Ordinance

**PLAN COMMISSION
ORDINANCE # 98-13**

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

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

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

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

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

SECTION I.

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

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

SECTION II.

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

Passed and adopted by the Board of Commissioners of Monroe County, Indiana, this 19th day of June, 1998.

BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA

Yes Votes

No Votes

Norman S. Anderson
Norman S. Anderson, President

Norman S. Anderson, President

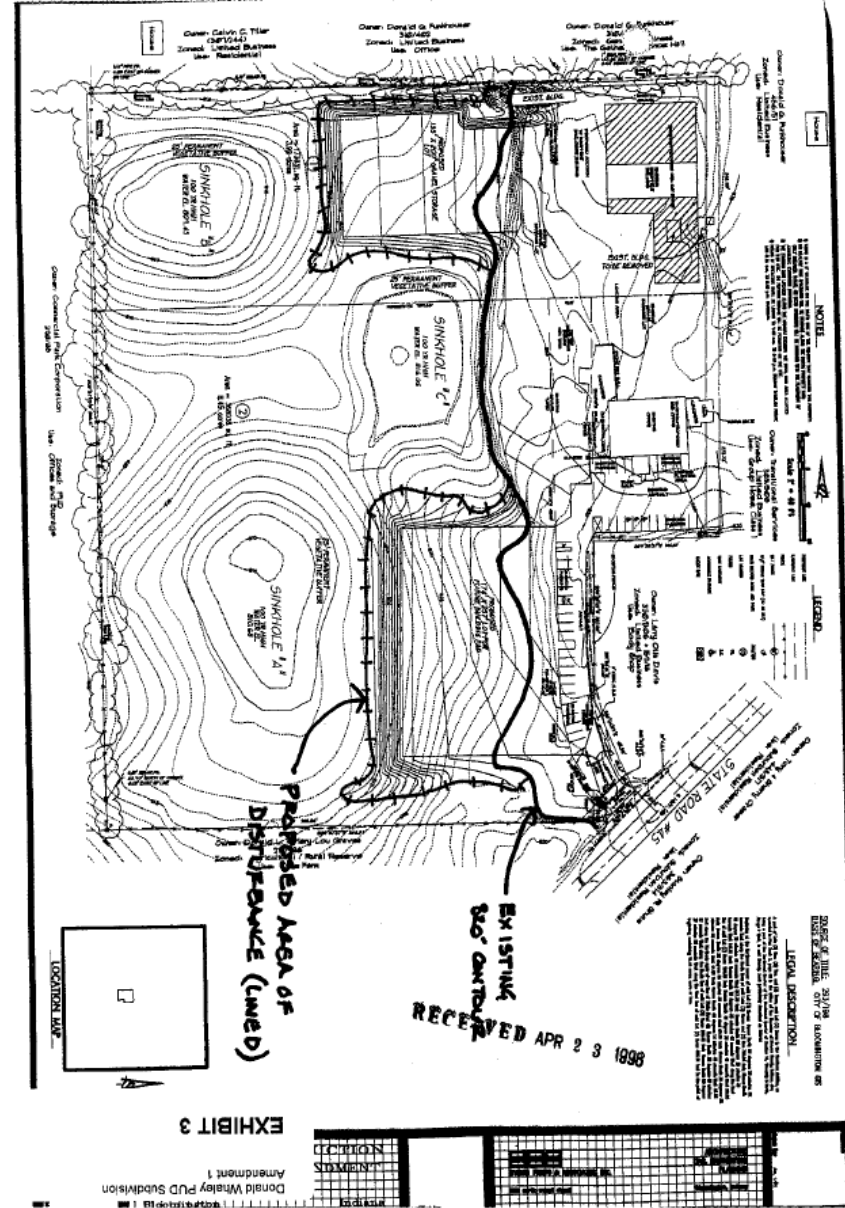
Kirk A. White
Kirk White, Vice President

Kirk White, Vice President

Iris F. Kiesling, Member

Iris F. Kiesling
Iris F. Kiesling, Member

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



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

MCPC ACTION: Landis read the petition.

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

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

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

Landis asked if there were any remonstrators.

There were no remonstrators.

Landis asked Stevenson if the filling would cause drainage problems.

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

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

Ellington state that floodplain maps are not always accurate.

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

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

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

Bynum stated no.

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

Bynum stated no.

Ingle asked what the slope of the graded area would be.

Bynum stated 3:1.

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

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

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

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

EXHIBITS:

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

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

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

SUMMARY

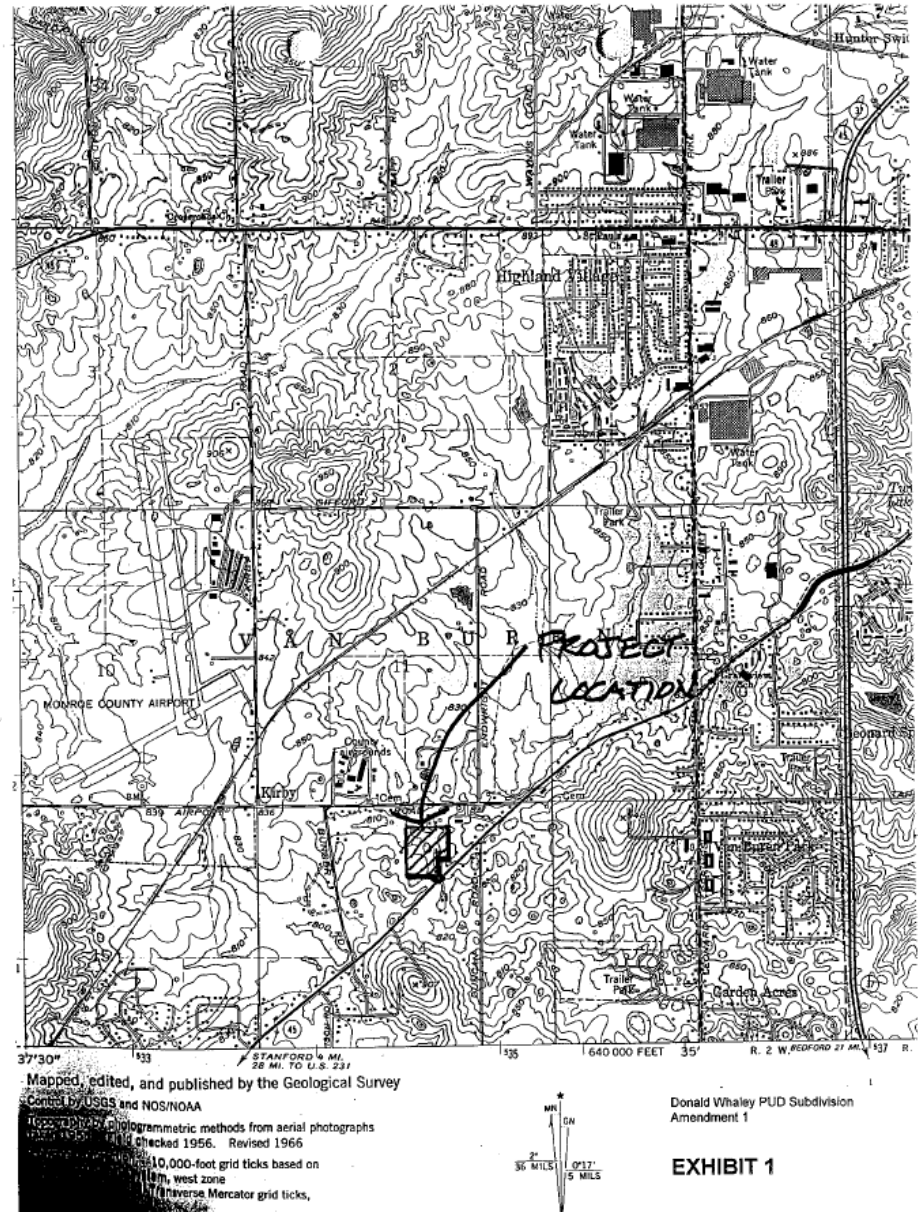
The petitioner is requesting amendment of the conditions of approval for the PUD Outline Plan, in order to enable further development of the area west of the 820-foot contour line as shown on the USGS map. This petition is a result of a conflicting interpretation between staff and the petitioner as to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

PUD OUTLINE PLAN

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

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

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





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

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

Lynn H. Coyne
Of Counsel

James R. Cotner
Retired

*Certified Civil Mediator
*Certified Family Mediator

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P.O. Box 2639
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ahmcc@ahmcc.com
E-mail

Donald Whaley PUD Subdivision
Amendment 1

EXHIBIT 2

RECEIVED

MAY 06 1998

MONROE COUNTY PLANNING

May 4, 1998

Heath Eddy
Monroe County Planning Department
Courthouse
Bloomington, IN 47404

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

Dear Heath:

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

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

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

Monroe County Planning Department
May 4, 1998
Page 2

been submitted with this petition.

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

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

Very truly yours,

Michael L. Carmin
Michael L. Carmin

MLC/mjk
cc: David Whaley
Sherman Bynum

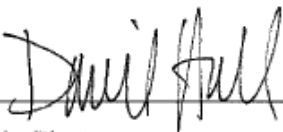
OFFICE OF
MONROE COUNTY PLAN COMMISSION
COURTHOUSE - ROOM 306
BLOOMINGTON, IN 47404

TO: THE COMMISSIONERS OF MONROE COUNTY, INDIANA

CERTIFICATION

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

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



David Hall
Interim Planning Director

6/4/98
Date

EXHIBIT 4: Whaley PUD Permitted Uses

Donald Whaley PUD List of Permitted Uses

Agricultural Uses

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

Public, Semipublic, and Office Facilities

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

Business and Personal Services

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

Retail and Wholesale Trade

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

Automotive and Transportation Services

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

Manufacturing, Mining, Construction, and Industrial Uses

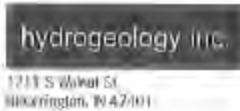
Apparel (7, 16)
Appliance Assembly (7, 16)
Beverage Products (7, 16)
Bottling Machinery (7, 16)
Commercial Printing (6)
Construction Trailer (17)
Cut Stone and Stone Products (15)
Electronic Devices and Instruments (7, 16)
Engineering and Scientific Instruments (7, 16)
Food Products (15)
Furniture (15)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

9712-PIO-02
Donald Whaley

Exhibit 7

List of Permitted Uses

EXHIBIT 5: Hydrogeology inc. Report



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

Date: November 1, 2017

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

Contact:
Jason Krothe

Phone:
812-219-0210

Email: jkrothe@hydrogeologyinc.com

K&S Rolloff Inc.:

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

1 – Overview

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

2 - Geology / Physiography

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

3 – Sinkholes & Springs

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

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

4 – Karst Desktop Review

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

5 – Karst Field Survey

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

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

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

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

Mitigation Measures: SH-02 shows no signs of impacts such as standing water or subsidence from the existing concrete fill. Currently, there are no obvious signs that the existing land use within the sinkhole is adversely impacting the sinkhole or groundwater recharge. However, the top of the fill has an elevation of approximately 826 ft, which is higher than adjacent properties. Continuing to fill at this elevation will eventually cause

hydrogeology inc.

1231 S Walnut St
Bloomington, IN 47401

surface water run-off to adjacent properties that are lower in elevation. To prevent run-off to adjacent properties, any new fill should have a maximum elevation of 809 ft.

6 – Study Limitations

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

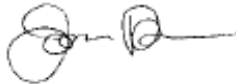
7 – Summary

Two sinkholes were investigated at the Site. SH-01 is currently being used a lay-down area and for parking. No obvious impacts from the existing land use were observed during the field survey. If any signs of subsidence or soil piping are observed in the future, the sinkhole should be reevaluated by a karst expert. SH-02 has been partially filled with pulverized concrete. No obvious impacts from the existing land use were observed during the field survey. However, the top of the fill area is at an elevation higher than surrounding properties, which could result in surface run-off to those properties. To prevent run-off to adjacent properties, any new fill should have a maximum elevation of 809 ft. If any signs of subsidence or soil piping are observed in the future, the sinkhole should be reevaluated by a karst expert. The karst field survey was limited to surface inspection with no subsurface investigation. Unknown karst features are possibly present in the subsurface at the Site.

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

Sincerely,

Hydrogeology Inc.



Jason N. Krothe, LPG IN-2511
President

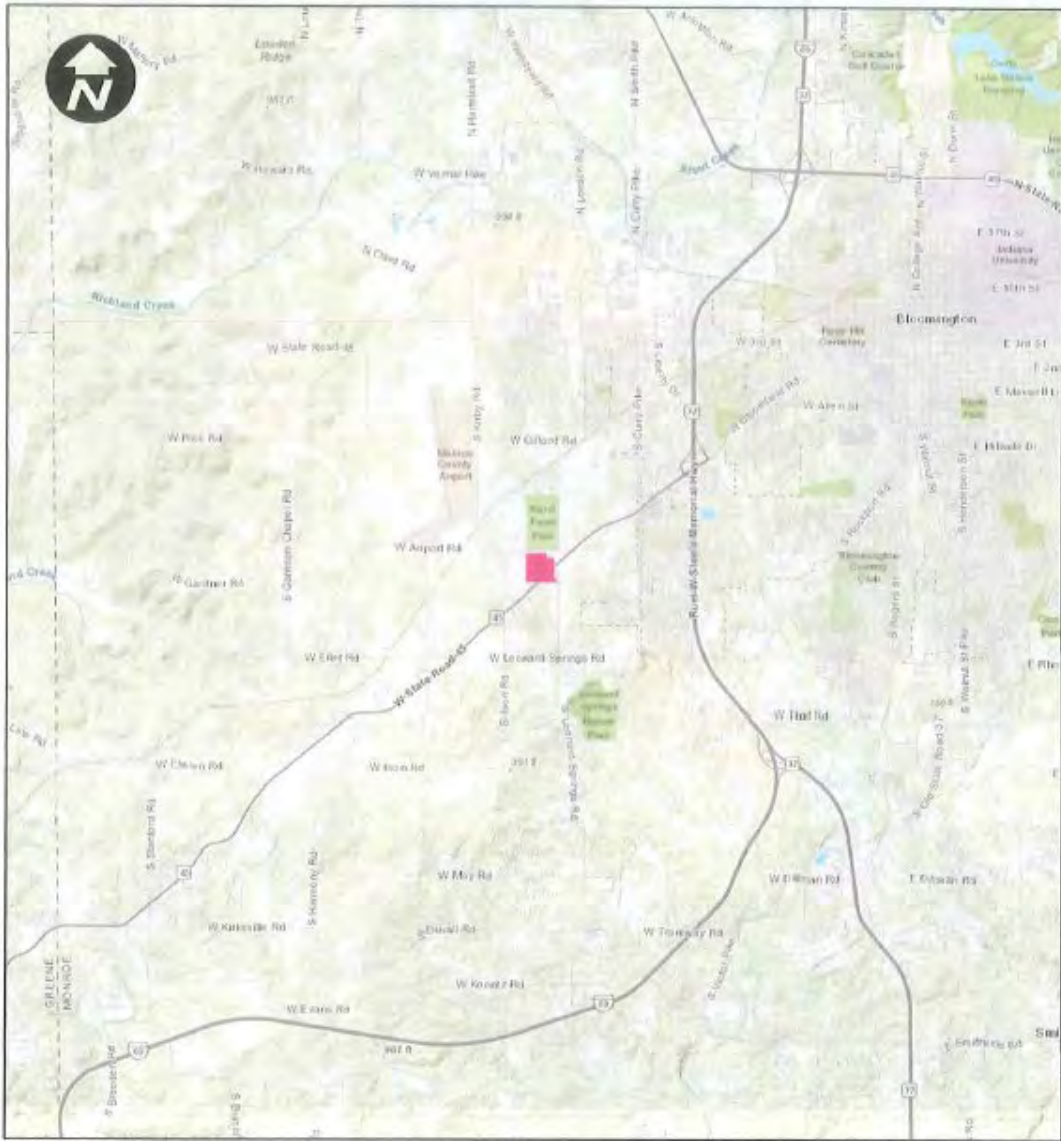
hydrogeology inc.

1211 S Wakarusa St
Bloomington, IN 47401

References

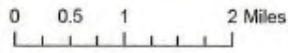
Carr, D. D., Leininger, R. K., and Golde, M. V., 1978, Crushed stone resources of the Blue River Group (Mississippian) of Indiana: Indiana Geological Survey Bulletin 52, 225 p.

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



LEGEND

■ SITE (not to scale)



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

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

SITE LOCATION

hydrogeology inc.

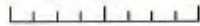
FIGURE
1



LEGEND

□ SITE

0 50 100 200 Feet



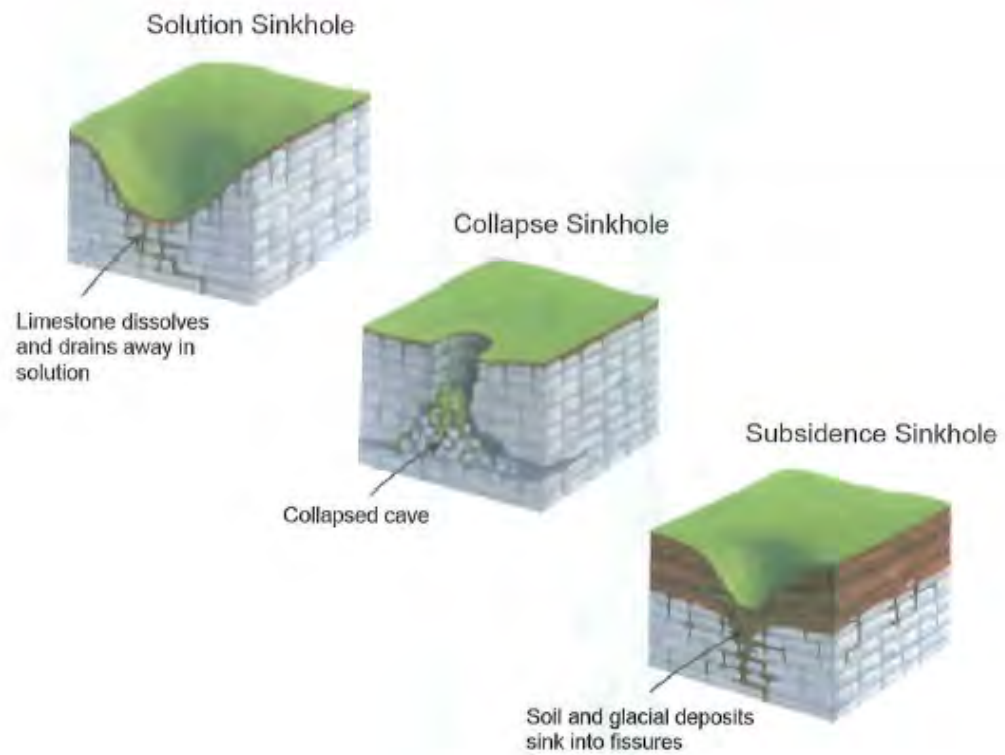
**KARST SURVEY
4810 IN-45
BLOOMINGTON, IN**

SITE

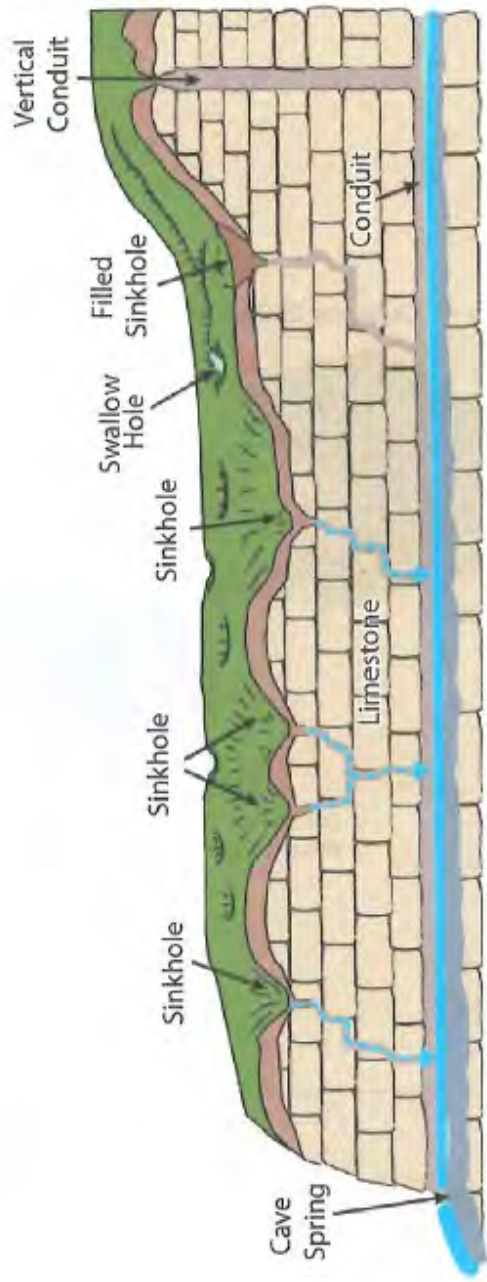
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAD, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

hydrogeology inc.

FIGURE
2



	KARST SURVEY 4810 IN-45 BLOOMINGTON, IN
	SINKHOLE TYPES
	<div style="background-color: #333; color: white; padding: 5px;">hydrogeology inc.</div> <div style="text-align: right;"> <small>FIGURE</small> 3 </div>



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



LEGEND	0 500 1,000 Feet [Scale bar]	KARST SURVEY 4810 IN-45 BLOOMINGTON, IN	
[Pink box] SITE		DYE TRACES	
[Green arrow] DYE TRACE FLOW-PATH		hydrogeology inc.	FIGURE 5
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community			



LEGEND

- SITE
- SINKHOLE

0 50 100 200 Feet

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

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

SINKHOLES

hydrogeology inc.

FIGURE
6

Photograph Number:
1

Coordinates (UTM Meters)
NA

Photograph Date:10-4-22

Comments:
Sinkhole SH-01.

Recommended treatment:
NA



Photograph Number:
2


Coordinates (UTM Meters)
NA

Photograph Date:10-4-22

Comments:
Sinkhole SH-01.


Recommended treatment:
NA




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

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

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

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

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

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

EXHIBIT 6: IDEM Letter



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

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

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

November 21, 2022

VIA E-MAIL

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

Dear Mr. Kline:

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

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

Type of Inspection: Complaint Incident # 104334
Results of Inspection: No violations were observed (see attached inspection report).

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

Sincerely,

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

Enclosure

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





REPORT OF OPEN DUMP INSPECTION
State Form 42033 (r/2-00)

Indiana Department of Environmental Management
Solid Waste Compliance Section
Office of Land Quality
100 North Senate Avenue, Room N-1101
Indianapolis, Indiana 46204-2251

Inspector Name: Tim Hotz
Inspector Phone: 317-407-0082

Inspection Date: 11/17/2022

Time In: 10:00 am
Time Out: 10:45 am

GENERAL INFORMATION		
Name of registration or Tempo (RM): K&S Rolloffs #104334	Location: 4810 W SR 45, Bloomington	County: Monroe
INX #: 00068224	Parcel ID #: 53-09-14-102-001.000-015	Parcel Acreage: 13.34
PROPERTY OWNER(S)		
Name(s) of property owner(s) and/or Company: K&S Rolloff Holdings, LLC Keith Kline, Vice-President		
Address (number, city, state, and zip code): 4810 W SR 45, Bloomington, IN 46184		
Email Address: kshaulingkeith@yahoo.com		Telephone #: (812) 333-0400
RESPONSIBLE PARTY(IES)		
Name(s) of property owner(s) and/or Company: Click here to enter text.		
Address (number, city, state, and zip code): Click here to enter text.		
Email Address: Click here to enter text.		Telephone #: Click here to enter text.

ACREAGE								
<input type="checkbox"/>	020	Less Than ¼ Acre	<input checked="" type="checkbox"/>	021	Between ¼ Acre & 1 Acre	<input type="checkbox"/>	022	Greater than 1 Acre
SOLID WASTE OBSERVED								
<input type="checkbox"/>	001	Tires	<input type="checkbox"/>	002	PCB's	<input type="checkbox"/>	003	Household Waste
<input type="checkbox"/>	004	Asbestos	<input type="checkbox"/>	006	Construction/Demolition Waste	<input type="checkbox"/>	007	Bulky Waste
<input type="checkbox"/>	008	Other Waste						
ACTIVE CONDITIONS								
<input type="checkbox"/>	015	Strong Odor	<input type="checkbox"/>	016	Waste Paper Dated Post Last Inspection	<input type="checkbox"/>	017	Vectors
<input type="checkbox"/>	018	Putrescible Waste	<input type="checkbox"/>	019	Other Evidence of Recent Dumping			
PARAMETERS OBSERVED								
<input type="checkbox"/>	009	Evidence of Burning	<input type="checkbox"/>	010	Waste in Water/Wetland	<input type="checkbox"/>	011	Waste in Suspected Floodway
<input type="checkbox"/>	012	Residence within 600 feet of Waste	<input type="checkbox"/>	013	Access Unrestricted	<input type="checkbox"/>	014	Permission Given to Dump
GENERAL INFORMATION								
<input checked="" type="checkbox"/>	023	Pictures Taken	<input checked="" type="checkbox"/>	038	Initial Inspection	<input type="checkbox"/>	039	Follow-Up Inspection
REFERRALS								
<input type="checkbox"/>	027	Air Management	<input type="checkbox"/>	028	Emergency Response	<input type="checkbox"/>	029	Water management
<input type="checkbox"/>	030	Enforcement	<input type="checkbox"/>	031	Hazardous Waste	<input type="checkbox"/>	032	Dept. of Natural Resources
<input type="checkbox"/>	034	Co. Health Dept./Solid Waste Mgmt District						
COMPLIANCE ACTION NEEDED								
<input type="checkbox"/>	024	Remove waste to approved solid waste management facility	<input type="checkbox"/>	025	As specified below	<input checked="" type="checkbox"/>	026	No Action Needed (In Compliance)

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

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

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

Confidential Information

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

Notice of Oral Report

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

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



Facility Name

K&S Rolloffs, Monroe Co.

Photographer

Tim Hotz

Date/Time

11/17/22 10:30 am

Others Present

Mary Beth King

Description

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



Facility Name

K&S Rolloffs, Monroe Co.

Photographer

Tim Hotz

Date/Time

11/17/22 10:30 am

Others Present

Mary Beth King

Description

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



Facility Name

K&S Rolloffs, Monroe Co.

Photographer

Tim Hotz

Date/Time

11/17/22 10:30 am

Others Present

Mary Beth King

Description

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

EXHIBIT 7: Enforcement Letter AC-22-21

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



June 8, 2022

K & S Rolloff Holdings Llc
4810 W State Road 45
Bloomington, In 47403

Enforcement Letter AC-22-21

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

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



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

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

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

Sincerely,

Jackie Nester Jelen, Director

Cc: Rachel Henry, Zoning Inspector

Tammy Behrman, Assistant Director

David Schilling, Attorney

EXHIBIT 8: Petitioner Commitment Letter



To Area Planning,

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

Signed, *Keith Kline*
Keith Kline, VP

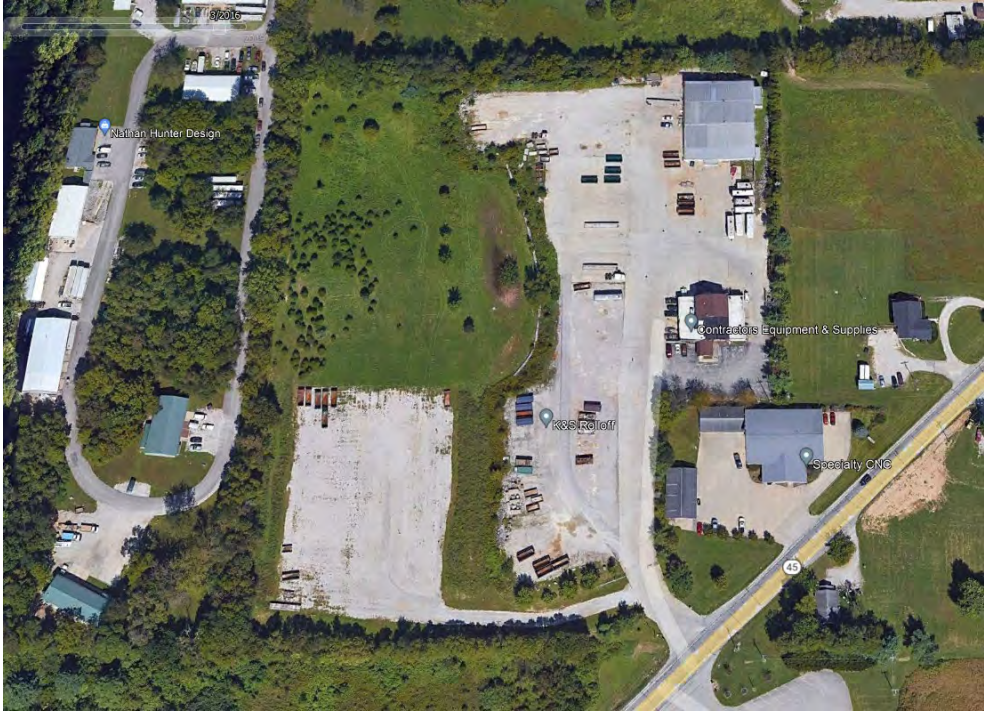
EXHIBIT 9: Aerial imagery 2010-2019



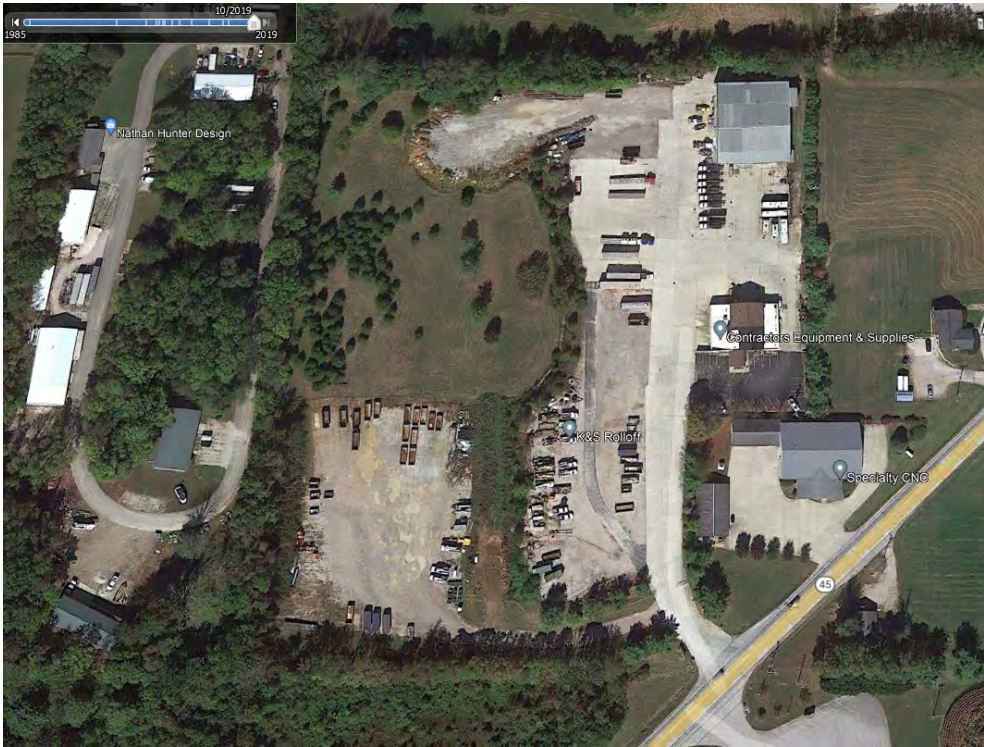
(2010 Aerial)



(2013 Aerial)



(2016 Aerial)



(2019 Aerial)



MONROE COUNTY Plan Commission

Public Meeting

Date: December 11, 2023

CASE NUMBER	PROPOSED NAME	DETAIL
SAD-23-20	Branson Properties 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 with Conditions	Planner: Drew Myers
<i>Recommended Motion Conditions or Reasoning:</i>		
<p>Approve 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"> 1. Petitioner provides Findings of Fact. 2. Petitioner removes the call-out on the plat that states the structures are “to-be removed”. 3. Petitioner satisfy all remaining comments from the Highway Engineer. 		

Waiver(s) Requested:	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes:	Right of Way Width
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	Kurt Branson c/o Eric Deckard, Deckard Land Surveying	
OWNERS	Branson, Kurt & Samantha; 4099 E Ramp Creek LLC	
ADDRESS	4192 and 4099 E Ramp Creek RD, # 53-11-01-200-022.000-006; 53-11-01-200-003.000-006	
TOWNSHIP + SECTION	Clear Creek Township, 1	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	6.86 +/- acres	
	PETITION SITE	ADJACENT
ZONING	SR	SR and AG/RR
CDO ZONE	Rural Residential	Rural Residential
USE	Residential	Residential

SUMMARY

The petition site contains two parcels totaling 6.86 +/- acres each deriving access from E Ramp Creek RD. The purpose of petition is to transfer 0.08 acres from 4192 E Ramp Creek RD (Tract 2) to 4099 E Ramp Creek R (Tract 1). The transfer area is already on the north side of E Ramp Creek RD, the same as proposed Tract 1. The proposed Type “E” Administrative Subdivision requires a Right-of-Way dedication of 90 feet along E Ramp Creek RD according to the Monroe County Thoroughfare Plan for a minor collector roadway. That equates to 45 feet from center line for both Tract 1 and Tract 2. The existing residential structures will become pre-existing nonconforming structures as a result of this administrative subdivision due to the fact that they will no longer meet the front setback requirements of 35 feet.

The requirement for right-of-way dedication for Administrative Subdivisions can be found in Chapter 854-14(D) of the Subdivision Control Ordinance, which reads:

854-14. Administrative Subdivision Procedure

(D) In addition to definitional requirements, a land division qualifying as a type E administrative subdivision (see Monroe County Code Section 802-1 definition of “subdivision”) shall be shown as meeting the following condition: if the parcel has road frontage on a public road, the Land Divider shall dedicate to the public real property of a width sufficient to meet one-half (1/2) of the required right-of-way indicated on the County Thoroughfare Plan or Official Map and of a length along that public road equal to the length of that parcel along the roadway.

Additionally, Chapter 856-1(A)(3) confirms that subdivisions must comply with the Monroe County Thoroughfare Plan and reads (bold added for emphasis):

856-1. General Improvement Requirements

(A) In addition to the requirements established herein, all subdivision plats shall comply with the following laws:

- 1) all applicable State statutory provisions;*
- 2) the County Zoning Ordinance and all other applicable County ordinances, regulations, rules and orders;*
- 3) **the Comprehensive Plan, Official Map or Thoroughfare Plan, Park and Recreation Master Plan, and the Capital Improvements Program of the County including all streets, drainage systems, and parks shown on the Official Map or Comprehensive Plan as adopted;***
- 4) the special requirements of these regulations and any rules or orders of the Health Department and/or appropriate state agencies;*
- 5) the rules and regulations of the Indiana Department of Transportation (“INDOT”) if the subdivision or any lot contained therein abut a state highway or state frontage road;*
- 6) any highway and drainage standards and regulations adopted by the County and all boards, commissions, agencies, and officials of the County; and*
- 7) all pertinent standards contained within still valid planning guides published by the Plan Commission.*

DISCUSSION

The purpose of the **Right-of-Way Width Waiver** is to accommodate two existing structures on proposed Tract 1 that would otherwise be located in the newly dedicated right-of-way area. Please see image below.

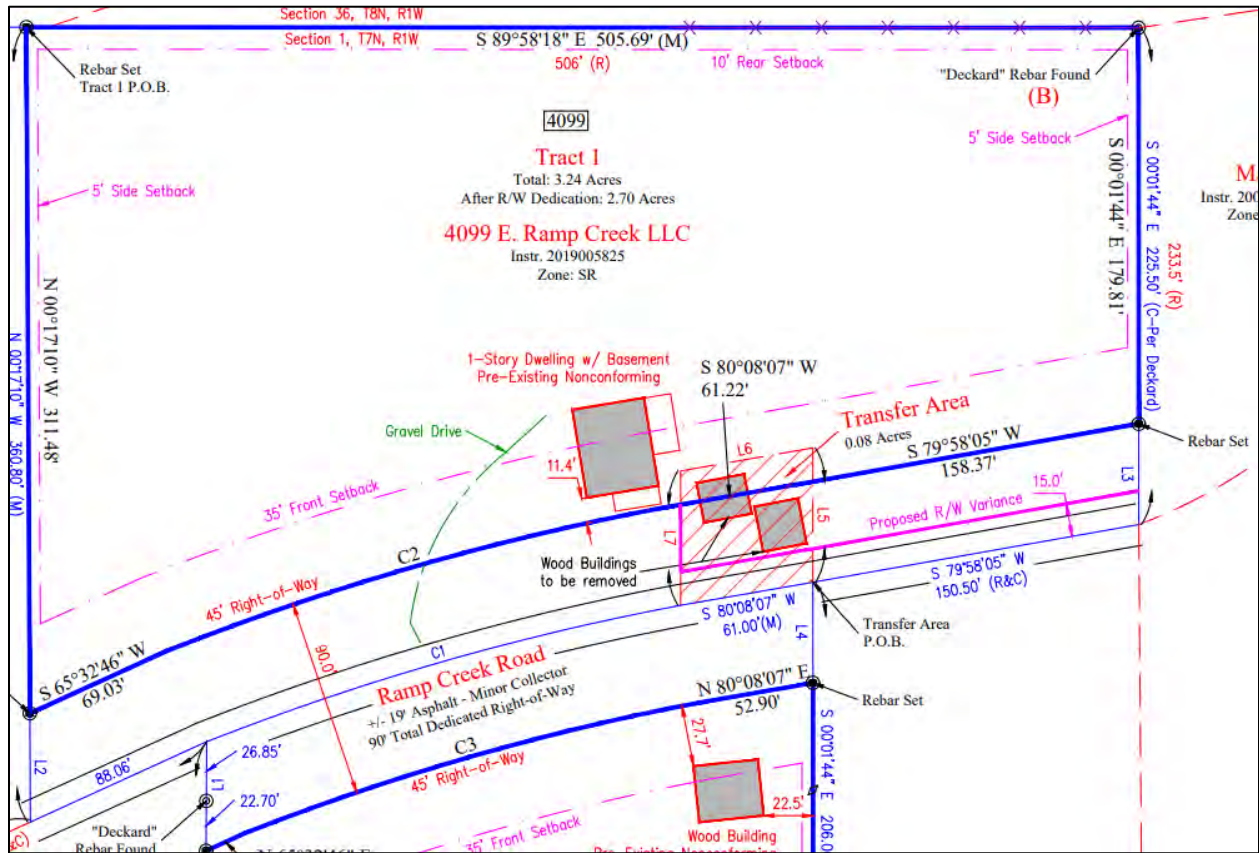


Image 1. Area of interest for the right-of-way width waiver on the type “E” admin subdivision plat.

Originally, the two structures in question were identified as “to-be removed”; however, the petitioner has now stated their preference to keep the structures in their current location. In order to keep the structures, the petitioner is requesting a partial right-of-way width waiver for the section of road frontage where the structures are located. For approximately 210 feet, the petitioner is proposing a reduced right-of-way dedication of 15 feet in place of the required 45 feet. The remaining road frontage for Tract 1 will include the required 45-foot right-of-way dedication. No change to the right-of-way dedication for Tract 2 is proposed under this petition.

HIGHWAY DEPARTMENT REVIEW:

The Highway Engineer has reviewed the right-of-way width waiver request and has requested the proposed right-of-way reduction apply only to the area immediately surrounding the existing structures to remain. The Highway Engineer also requests that setbacks be written out on the plat, a note to the plat stating that the two subject structures will be classified as pre-existing nonconforming is added (with respect to front and side setbacks), and that the language of the structures “to be removed” is taken off the plat. Please see below.

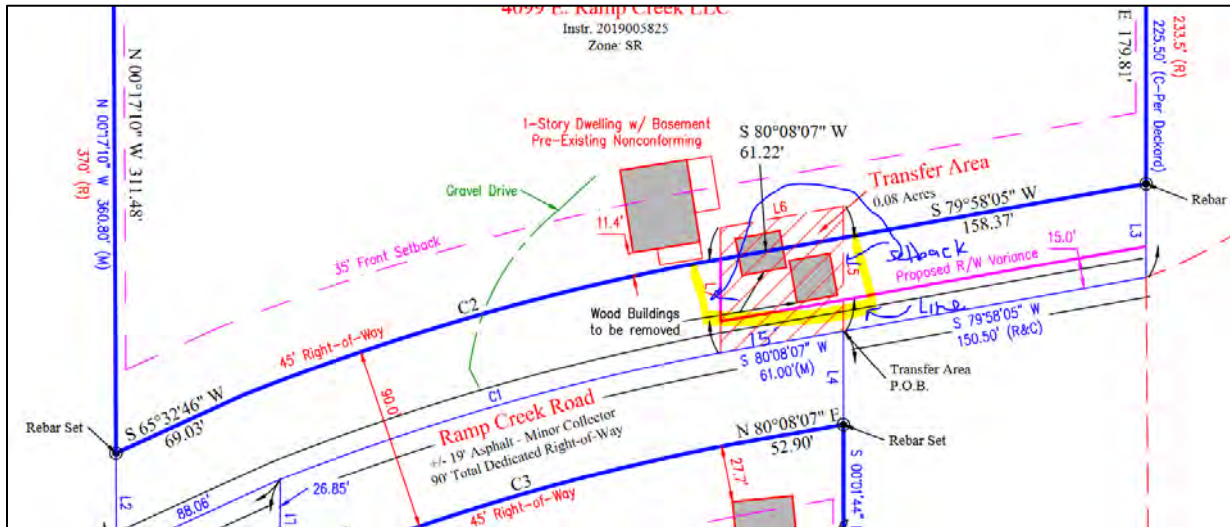


Image 2. Area of interest for the right-of-way width waiver with edits from the Highway Engineer.

EXHIBITS - Immediately following report

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

EXHIBIT ONE: LOCATION MAP

The petition site is two lots of record addressed 4192 and 4099 E Ramp Creek RD, #53-11-01-200-022.000-006 and 53-11-01-200-003.000-006, respectively, in Section 1 of Clear Creek Township.

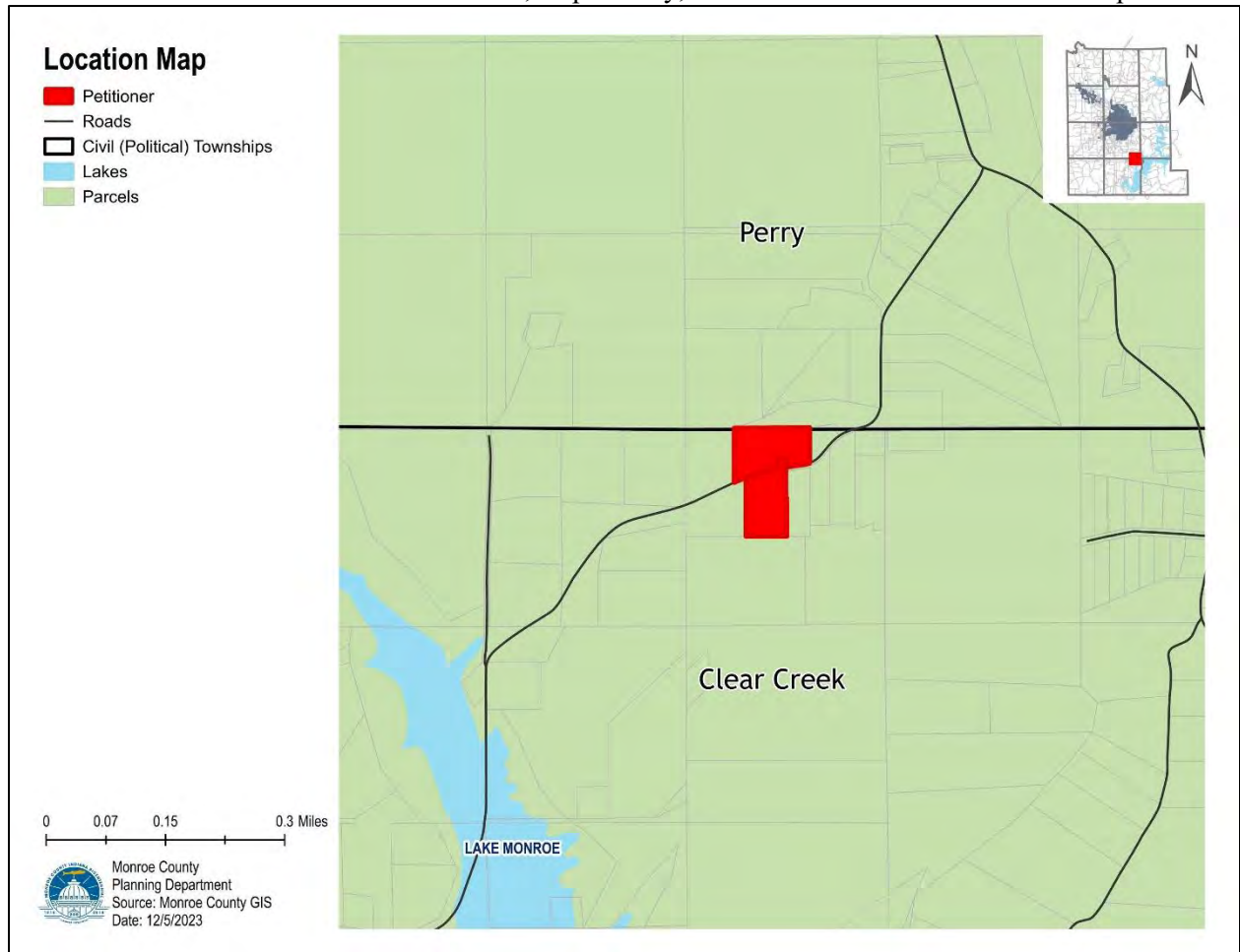


EXHIBIT TWO: SITE CONDITIONS MAP

The petition site is two parcels totaling 6.86 +/- acres. Both existing parcels exhibit steep slopes greater than 15 percent. The two proposed tracts derive existing access from E Ramp Creek RD.

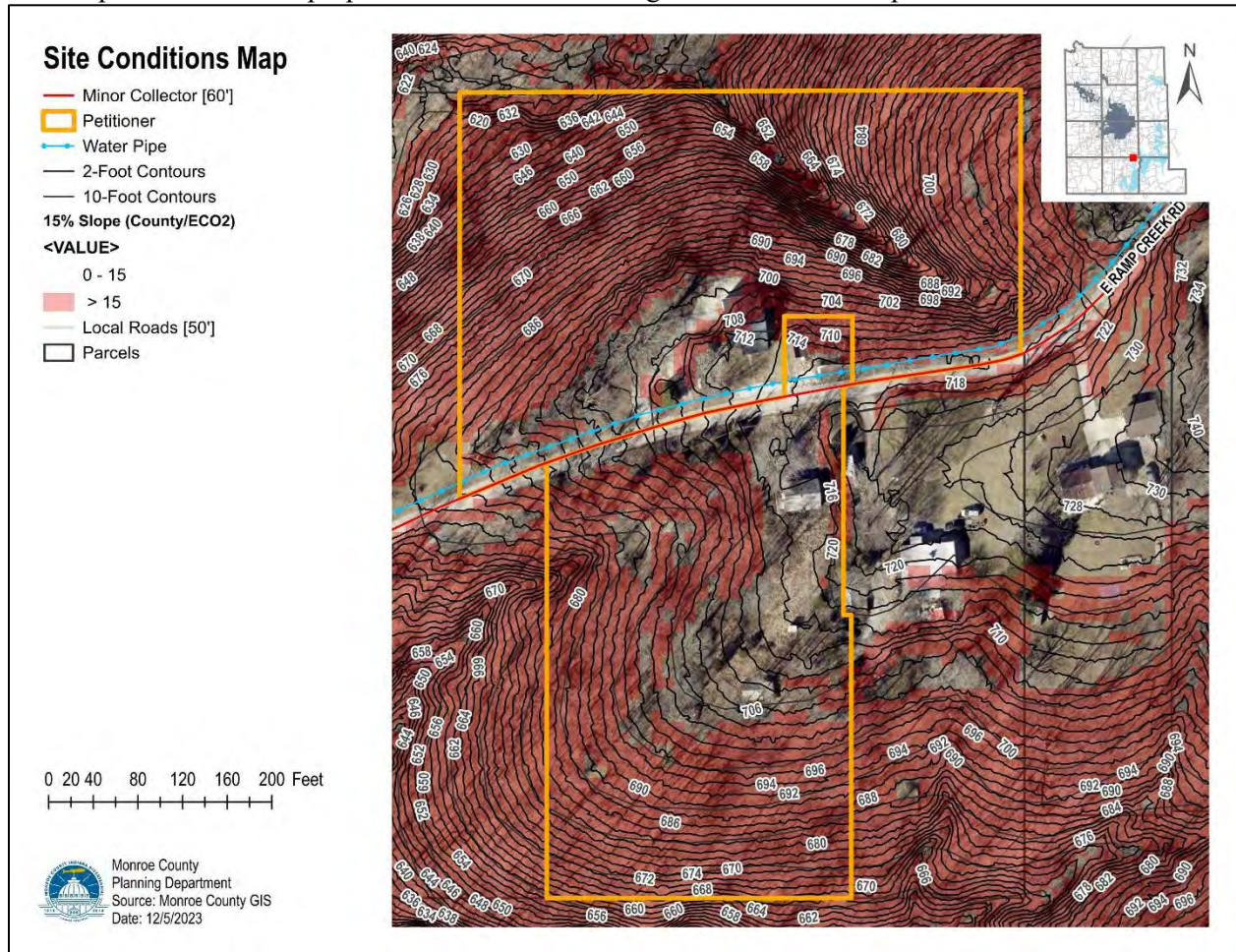


EXHIBIT THREE: SITE PICTURES



Photo 1. Google Image, Proposed Tract 1.



Photo 2. Google Image, Proposed Tract 1.



Photo 3. Google Image, Proposed Tract 1 – showing two structures triggering right-of-way width waiver.



Photo 4. Google Image, Proposed Tract 1 – showing two structures triggering right-of-way width waiver



Photo 5. Google Image, Proposed Tract 2

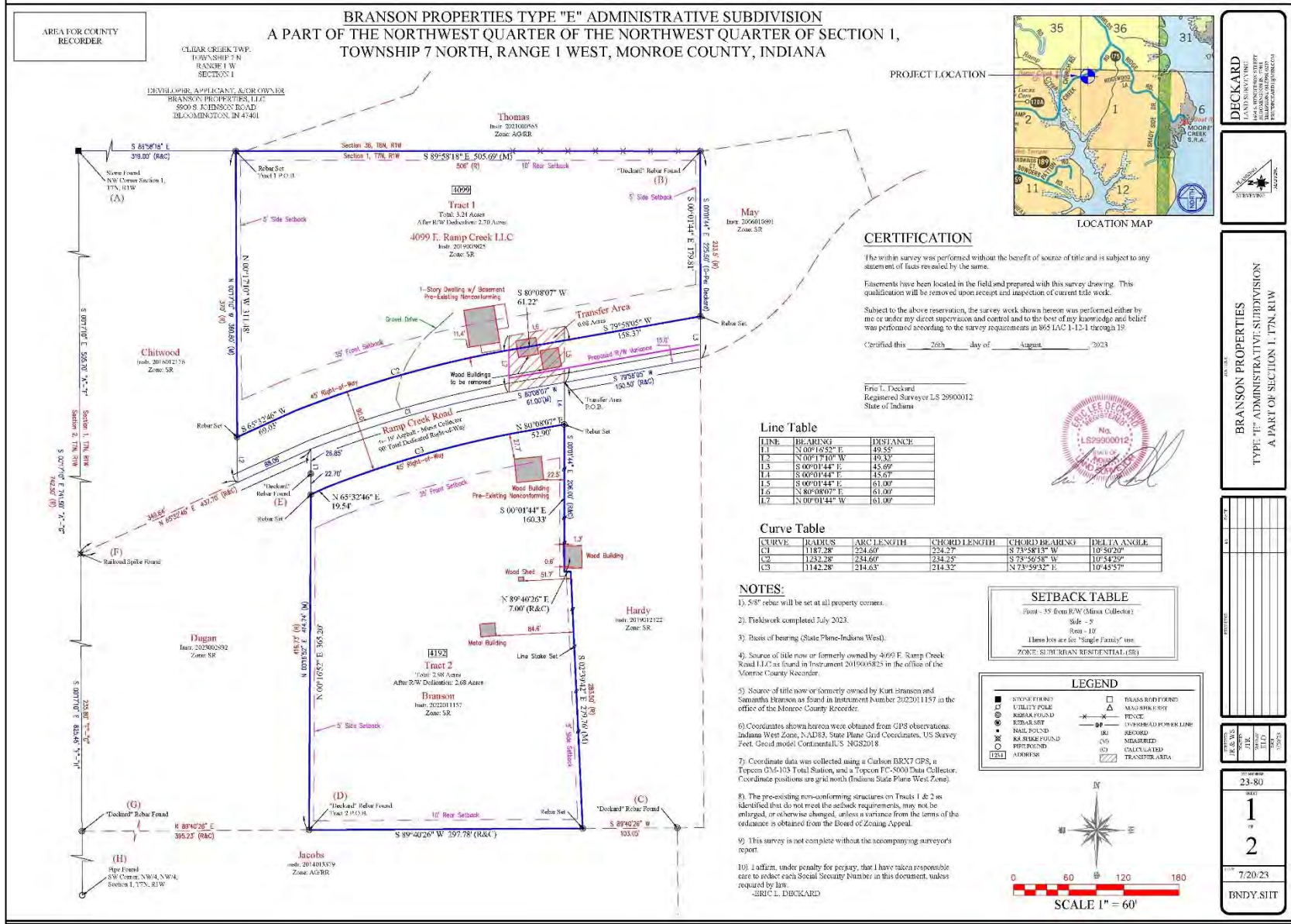


Photo 6. Google Image, Proposed Tract 2



Photo 7. Google Image, Proposed Tract 2

EXHIBIT FOUR: PRELIMINARY PLAT



AREA FOR COUNTY RECORDER

BRANSON PROPERTIES TYPE "E" ADMINISTRATIVE SUBDIVISION
A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1,
TOWNSHIP 7 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA

DEDICATION OF PUBLIC RIGHTS-OF-WAY:

Kurt Branson and Samantha Branson, owners of the real estate shown and described herein do hereby certify, lay off and plat Tracts numbered 1 & 2 to be known as Branson Properties Type E Administrative Subdivision.

The right-of-way to be dedicated for Ramp Creek Road shall measure 45 feet perpendicular to and parallel with the existing centerline of Ramp Creek Road. Any interest that said parties have within said right-of-way is hereby dedicated to Monroe County, Indiana.

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

Witness our hands and seals this day of 20

Kurt Branson (Owner & Representative)
5900 S. Johnson Road
Bloomington, Indiana 47401
(812) 327-9291

Samantha Branson (Owner & Representative)
5900 S. Johnson Road
Bloomington, Indiana 47401
(812) 327-9291

STATE OF INDIANA)
COUNTY OF MONROE)

Before me, the undersigned Notary Public, in and for said County and State, personally appeared Kurt Branson and Samantha Branson (Owners), each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this day of 20

Notary Public:

County of Residence (Seal)

My Commission Expires:

STORM & SURFACE DRAINAGE:

This is to certify that the subject property is located in zone "X", and does not appear to be located in a special flood hazard area, according to FEMA Panel Number 18103C0275D dated December 17th, 2010.

COMMISSION CERTIFICATE:

Under the authority of Chapter 174, Act 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 Administrative Subdivision procedure and approved by the Monroe County Plan Commission on:

Monroe County Plan Commission:

President:

Secretary:

Transfer Area Description:

A part of the Northwest quarter of the Northwest quarter of Section 1, Township 7 North, Range 1 West, Monroe County, Indiana, being that 0.08 acre parcel surveyed by Eric L. DeKard, Indiana Professional Surveyor #2960012 and shown on a plat of survey as DeKard Land Surveying Job No. 23-80, being more particularly described as follows:

Commencing at a stone marking the Northwest corner of said Section 1, thence along the North line of said Section South 89 degrees 58 minutes 18 seconds East for a distance of 824.69 feet to a rebar with a cap stamped "DeKard", passing through a rebar with a cap stamped "DeKard" at 319.00 feet; thence leaving said North line South 00 degrees 01 minutes 44 seconds East for a distance of 225.50 feet to the centerline of Ramp Creek Road, passing through a rebar with a cap stamped "DeKard" at 179.81 feet; thence along said centerline South 79 degrees 58 minutes 05 seconds West for a distance of 150.50 feet to the Point of Beginning; thence South 80 degrees 08 minutes 07 seconds West for a distance of 61.00 feet; thence leaving said centerline North 08 degrees 01 minutes 44 seconds West for a distance of 61.00 feet; thence North 80 degrees 08 minutes 07 seconds East for a distance of 61.00 feet; thence South 00 degrees 01 minutes 44 seconds East for a distance of 61.00 feet to the Point of Beginning containing 0.08 acres, more or less.

Subject to the Right-of-Way of Ramp Creek Road and all other legal easements of record.

Surveyor's Report:

In accordance with Title 865, IAC, 1-12 sections 1-30 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of lines and corners established on this survey as a result of:

- A) (Variances) in the reference monuments
B) (Discrepancies) in the record description and plats
C) (Inconsistencies) in lines of occupation and
D) (Relative Positional Accuracy) "RPA"

The relative positional accuracy (due to random errors in measurement) of this survey is within that allowable for a Suburban class survey (0.13 plus 100 PPM) as defined in A.C.T. Title 865 ("relative positional accuracy" means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements at the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level.")

SUBJECT PROPERTY:

A survey was performed on the property now or formerly owned by 4059 E. Ramp Creek Road LLC as found in Instrument #019005825 and Kurt Branson and Samantha Branson as found in Instrument Number 202301157 in the office of the Monroe County Recorder. The purpose of this survey was to retrace the boundary lines of the subject properties and prepare a Type "E" Administrative Subdivision per client direction. The subject properties are situated in Section 1, Township 7 North, Range 1 West, Monroe County, Indiana.

REFERENCED SURVEYS:

- 1) Survey performed by Eric L. DeKard for Schaad dated May 3rd, 2006 filed as Job No. 05-5 in the office of DeKard Land Surveying.
2) Plat of Jacobs-Kelley Type "E" Administrative Subdivision prepared by Eric L. DeKard dated August 25th, 2014 filed as Job No. 14-36 in the office of DeKard Land Surveying.
3) Survey performed by Eric L. DeKard for Dugan dated June 2nd, 2025 as found in Instrument Number 202500286 in the office of the Monroe County Recorder.

REFERENCED MONUMENTS:

- A) A sandstone with "X" was found marking the Northwest corner of Section 1, Township 7 North, Range 1 West Monroe County, Indiana. This monument is referenced in the office of the Monroe County surveyor as corner L.D. "CCL-1-01". This monument was accepted and held as said corner.
B) A 5/8" diameter rebar with a cap stamped "DeKard" was found flush with grade marking the Northeast corner of Tract 1. This rebar was set by this firm in survey 1 listed above and was accepted and held.
C) A 5/8" diameter rebar with a cap stamped "DeKard" was found 1.0' above grade marking the Northeast corner of Tract 1 in Jacobs-Kelley Type "E" Administrative Subdivision. This rebar was set by this firm in survey 2 listed above and was accepted and held.
D) A 5/8" diameter rebar with a cap stamped "DeKard" was found 0.5' above grade marking the Southwest corner of Tract 2. This rebar was set by this firm in survey 3 listed above and was accepted and held.
E) A 5/8" diameter rebar with a cap stamped "DeKard" was found 0.6' above grade marking a point on the West line of the subject property as shown. This rebar was set by this firm in survey 1 listed above and was accepted and held.
F) A railroad spike was found 0.3' below grade marking the Northwest corner of the land now or formerly owned by Dugan (Instr. 2023012932). The origin of this spike is unknown, however was found to agree with other monuments in the area and was accepted and held as said corner.
G) A 5/8" diameter rebar with a cap stamped "DeKard" was found 0.3' above grade Southwest corner of the land now or formerly owned by Dugan (Instr. 2023012932). This rebar was set by this firm in survey 2 listed above and was accepted and held.
H) A 1" diameter pipe was found 0.3' above grade marking the Southwest corner of the Northwest quarter of the Northwest quarter of Section 1, Township 7 North, Range 1 West. This monument is believed to have been set in a survey by Lee Utz for Kutzler Tract dated December 17, 1980 and was referenced in surveys 2 & 3 listed above. This pipe was found to agree with other monuments in the area and was accepted and held as said corner.

ESTABLISHMENT OF LINES AND CORNERS:

Tract 1

- 1) The Northwest corner of Tract 1 was established by running a record distance of 319.00 feet Easterly from "A" along the North line of Section 1 between "A"-"B".
2) The rebar referenced in line "B" was accepted and held for the Northeast corner of Tract 1.
3) The rebar referenced in line "B" was established per survey 1 listed above. A railroad spike was referenced marking this corner however is believed to have been obliterated.
4) The Southwest corner of Tract 1 was established by running from the calculated Northwest corner of said Tract Southerly parallel with the West line of Section 1 to the centerline of Ramp Creek Road.

Surveyor's Report Continued:

Tract 2

- 1) The Northeast corner of Tract 2 was established by running a record distance of 150.50 feet Westerly along the centerline of Ramp Creek Road from the calculated Southeast corner of Tract 1.
2) The East line of Tract 2 was established by running from the calculated Northeast corner of said Tract a record distance of 206.00 feet Southerly parallel with the established East line of Tract 1. A line was then run Easterly a record distance of 7.00 feet parallel with the South line of Tract 2, then run to the calculated Southeast corner of Tract 2.
3) The Southeast corner of Tract 2 was established by running a record distance of 297.78 feet Easterly from "D" between "D"-"C".
4) The monuments referenced in lines "D" and "C" were accepted and held, establishing the West line of Tract 2.

Transfer Area

The area shown on this plat as the "Transfer Area" (situated on the North side of Ramp Creek Road) was originally described as a part of the original Tract 2, and the original Tract 1 description described around the area. This small area was established as follows:

The Southeast corner of this area was established by running a record distance of 150.50 feet Westerly along the centerline of Ramp Creek Road from the calculated Southeast corner of Tract 1. A record distance of 61.00 feet was then run Westerly parallel with the centerline of Ramp Creek Road. A record distance of 61.00 feet was then run Southerly, again parallel with the established East line of Tract 1, to the centerline of Ramp Creek Road.

RECORD DESCRIPTION:

1) Both record cited descriptions were found to misclose greatly. The purpose of this survey was transfer the small area situated on the North side of Ramp Creek Road to be a part of the new Tract 1 established in this survey.

Tract 1 Description:

A part of the Northwest quarter of the Northwest quarter of Section 1, Township 7 North, Range 1 West, Monroe County, Indiana, being that 3.24 acre parcel surveyed by Eric L. DeKard, Indiana Professional Surveyor #2960012 and shown on a plat of survey as DeKard Land Surveying Job No. 23-80, being more particularly described as follows:

Commencing at a stone marking the Northwest corner of said Section 1, thence along the North line of said Section South 89 degrees 58 minutes 18 seconds East for a distance of 319.00 feet to a rebar with a cap stamped "DeKard", said point being the Point of Beginning; thence continuing South 89 degrees 58 minutes 18 seconds East for a distance of 505.69 feet to a rebar with a cap stamped "DeKard"; thence leaving said North line South 00 degrees 01 minutes 44 seconds East for a distance of 225.50 feet to the centerline of Ramp Creek Road, passing through a rebar with a cap stamped "DeKard" at 179.81 feet; thence along said centerline South 79 degrees 58 minutes 05 seconds West for a distance of 150.50 feet; thence South 80 degrees 08 minutes 07 seconds West for a distance of 61.00 feet; thence 224.69 feet along a 1187.28 foot radius curve to the left whose chord bears South 73 degrees 58 minutes 13 seconds West for a distance of 224.27 feet; thence North 08 degrees 01 minutes 44 seconds West for a distance of 61.00 feet; thence North 80 degrees 08 minutes 07 seconds East for a distance of 61.00 feet to the Point of Beginning, passing through a rebar with a cap stamped "DeKard" at 49.33 feet, containing 3.24 acres, more or less.

Subject to the Right-of-Way of Ramp Creek Road and all other legal easements of record. Containing after said Right-of-Way take 2.70 acres, more or less.

Tract 2 Description:

A part of the Northwest quarter of the Northwest quarter of Section 1, Township 7 North, Range 1 West, Monroe County, Indiana, being that 2.08 acre parcel surveyed by Eric L. DeKard, Indiana Professional Surveyor #2960012 and shown on a plat of survey as DeKard Land Surveying Job No. 23-80, being more particularly described as follows:

Commencing at a stone marking the Northwest corner of said Section 1, thence along the West line of said Section South 00 degrees 17 minutes 10 seconds East for a distance of 741.80 feet to a rebar with cap stamped "DeKard"; thence leaving said West line North 89 degrees 40 minutes 26 seconds East for a distance of 395.33 feet to a rebar with a cap stamped "DeKard", said point being the Point of Beginning; thence North 00 degrees 16 minutes 52 seconds East for a distance of 414.74 feet to the centerline of Ramp Creek Road, passing through rebar with caps stamped "DeKard" at 365.20 feet and 387.90 feet; thence along said centerline 224.00 feet along a 1187.28 foot radius curve to the right whose chord bears North 73 degrees 58 minutes 13 seconds East for a distance of 224.27 feet; thence North 80 degrees 08 minutes 07 seconds East for a distance of 61.00 feet; thence leaving said centerline South 00 degrees 01 minutes 44 seconds East for a distance of 206.00 feet; passing through a rebar with a cap stamped "DeKard" at 45.67 feet; thence North 89 degrees 40 minutes 26 seconds East for a distance of 718.1 feet; thence South 02 degrees 39 minutes 42 seconds East for a distance of 279.78 feet to a rebar with a cap stamped "DeKard"; thence South 89 degrees 40 minutes 26 seconds West for a distance of 297.78 feet to the Point of Beginning containing 2.08 acres, more or less.

Subject to the Right-of-Way of Ramp Creek Road and all other legal easements of record. Containing after said Right-of-Way take 2.68 acres, more or less.

DECKARD LAND SURVEYING AND PROFESSIONAL SURVEYING CORPORATION 177N R/W



BRANSON PROPERTIES TYPE "E" ADMINISTRATIVE SUBDIVISION A PART OF SECTION 1, 17N, R/W

Table with columns: DATE, TIME, BY, CHECKED BY, NOTES

23-80
2
2
7/20/23
BNDY.S11

EXHIBIT FIVE: 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 minor collector;
- The Thoroughfare Plan adopted in 2018 lists 90’ for right of way for a minor collector;
- The Subdivision Control Ordinance requires right of way dedication by way of the Thoroughfare Plan classification;
- The road, E Ramp Creek, primarily does not have existing right of way dedication along the road frontage of the subject parcels;
- If the waiver is denied, the existing structures must be removed or relocated out of the right-of-way;

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 Ramp Creek RD as a minor 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 Subdivision Control Ordinance 854-14(D) states,
 - *“In addition to definitional requirements, a land division qualifying as a type E administrative subdivision (see Monroe County Code Section 802-1 definition of “subdivision”) shall be shown as meeting the following condition: if the parcel has road frontage on a public road, the Land Divider shall dedicate to the public real property of a width sufficient to meet one-half (1/2) of the required right-of-way indicated on the County Thoroughfare Plan or Official Map and of a length along that public road equal to the length of that parcel along the roadway.”*

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 petitioner is requesting a reduction of right-of-way dedication from 45' to 15' to accommodate the existing barn structures, and then increase back to 45' on the western side of the existing structures;
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.

MONROE COUNTY PLAN COMMISSION**December 11, 2023**

CASE NUMBER	REZ-23-3
PLANNER	Drew Myers
PETITIONER	Ah & Sh LLC (Martin Heydt, owner)
REQUEST	Zoning Map Amendment from AG/RR to PB Waiver of Final Hearing Requested
ADDRESS	7850 N Wayport RD 53-02-28-100-002.000-017 & 53-02-28-100-006.000-017
ACRES	Lot B, 53-02-28-100-002.000-017 – 6.21 acres Lot A, 53-02-28-100-006.000-017 – 6.65 acres
ZONE	Agriculture/Rural Reserve (AG/RR)
TOWNSHIP	Washington
SECTION	28
PLATS	Platted; Worms Way Type A
COMP PLAN DESIGNATION	Rural Residential

EXHIBITS

1. Petitioner Letter to the Plan Commission
2. Monroe County Assessor’s Office Letter
3. Site Plan (Conceptual)
4. Worm’s Way Administrative Type “E” Subdivision
5. Agriculture/Rural Reserve (AG/RR) Use Table
6. Limited Business (LB) & General Business (GB) Use Table
7. Letters of Support
8. Letters of Opposition

RECOMMENDATION

Recommendation to the Plan Commission:

- Staff recommends forwarding this petition with a negative recommendation to the Monroe County Board of Commissioners based on the findings of fact, specifically due to its incompatibility with the Monroe County Comprehensive Plan.

Consideration of this petition site under the CDO Draft Zoning should be considered by the Plan Commission and ultimately the County Commissioners to identify a suitable zoning district and whether an amendment to the Comprehensive Plan is warranted. Planning staff has communicated to the petitioner that the property could be requested to be rezoned to General Business (GB) or Limited Business (LB). The County Development Ordinance (CDO) map and text is currently drafted to phase out all properties zoned Pre-existing Business (PB) and rezone those sites to either General Business (GB) or Limited Business (LB) depending on their current use and intensity. Therefore, a rezone to PB would ultimately contrast with the goals of the CDO to eliminate the PB zoning district. The reason for eliminating the PB zoning district is to avoid any confusion on future permitted uses based on prior intensity.

PETITION TIMELINE

~~Plan Review Committee – November 9, 2023 (CANCELLED)~~

~~Plan Commission Administrative – December 5, 2023 (CDO Work Session Only)~~

Plan Commission Regular (Preliminary) – December 11, 2023

Waiver of Final Hearing requested.

Plan Commission Administrative – January 2, 2024 (if not waived)

Plan Commission Regular (Final) – January 16, 2024 (if not waived)

Board of Commissioners – TBD

SUMMARY

The petitioner is seeking to rezone the property at 7850 N Wayport Road from Agriculture/Rural Reserve (AG/RR) to Pre-Existing Business (PB). The subject property includes 6.65-acre Lot A and the 6.21-acre Lot B of Worm's Way Type A Plat and was originally developed pursuant to a 1995 Special Exception for 'Agribusiness and Commercial Greenhouse' to allow for the establishment of Worms Way.

BACKGROUND

In 1995 a 'Special Exception' request was made by Worm's Way to both the Board of Zoning Appeals and Plan Commission for the use 'Agribusiness and Commercial Greenhouse'. On January 17, 1997, the Plan Commission approved the request with several conditions of approval. The Board of Zoning Appeals approved the request on February 15, 1995, citing the same conditions of approval:

1. *The site plan shall include the following:*
 - a. *An existing cemetery,*
 - b. *Existing and proposed buffering, and*
 - c. *Sign placement*
2. *INDOT approval*
3. *All statements in this report are considered to be binding and shall be acknowledged as commitments by the petitioner.*

According to the property report card, the building on Lot A was erected in 1995. The site plan was amended in 2001 to develop the northern parcel to accommodate the expanding business.

RECENT CASES:

- 1905-VAR-28: Use Variance to add "Metal Fabrication"
 - Planning Staff recommended "Denial"
 - **Approved** by BZA (3-2) on June 5, 2019
 - Commercial site plan filing never submitted by property owner
 - [Link to June 5, 2019 BZA packet](#)
- REZ-21-3: Rezone from AG/RR to LI
 - Planning Staff recommended "Denial"
 - Plan Commission gave positive recommendation (7-0) on October 5, 2021
 - **Denied** by County Commissioners 3-0 on October 27, 2021
 - [Link to October 5, 2021 Plan Commission Packet](#)
- VAR-22-34, VAR-22-36: Use Variance to add "General Contractor"
 - Planning Staff recommended "Denial"
 - **Denied** by BZA (3-0) on August 31, 2022
 - Amended application submitted on February 3, 2023
 - **Denied** by BZA (3-0-1) on March 1, 2023
 - [Link to August 31, 2023 BZA packet](#)
 - [Link to March 1, 2023 BZA packet](#)
- PUO-23-4 Planned Unit Development Outline Plan to setup specific land uses
 - Planning Staff recommended "Denial"
 - **Withdrawn** by the petitioner on September 27, 2023
 - Requested the following uses:
 - Religious Facility (Intensity: high; permitted under AG/RR)
 - Pet Services (Intensity: low; permitted in GB)
 - Furniture Sales (Intensity: low; permitted in GB)
 - Transfer or Storage Terminal (Intensity high; permitted in LI & HI)

- General Contractor (Intensity: medium; permitted in GB, LI, & HI)
 - Metal Fabrication (Permitted under 1905-VAR-28)
 - Warehousing and Distribution (Intensity: high; permitted in LI & HI)
- [Link to September 19, 2023 Plan Commission packet](#)

Agriculture/Rural Reserve (AG/RR) District

The character of the Agriculture/Rural Reserve (AG/RR) District is defined as that which is primarily intended for agriculture uses including, but not limited to, row crop or livestock production, forages, pasture, forestry, single family residential uses associated with agriculture uses and limited, very low density, rural non-farm related single family uses and not in (major) subdivisions. Its purposes are to encourage the continuation of agriculture uses, along with the associated single family residential uses, to discourage the development of residential subdivisions and non-farm-related nonresidential uses, to protect the environmentally sensitive areas, such as floodplain and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the AG/RR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the agriculture-related uses. The development of new non-farm residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.

Pre-Existing Business (PB) District

The Pre-Existing Business (PB) District is defined as that which is primarily intended to accommodate commercial and business service uses that were in operation prior to the adoption of this zoning ordinance. The intent of the PB District is to identify locations of commercial activity that are not supported by the Comprehensive Land Use Plan, but where commercial and service operations continue to exist. This District is identified for the purposes of maintaining commercial activities with business zoning, while at the same time not allowing for the expansion of new business activity proximate to the location of the PB District. Expansion of the business is permitted within the lot of record. The type of business may change to one of equal or lower intensity as identified on Table 2-1 Permitted Land Uses.

The use classification “agribusiness/commercial greenhouse” does not appear in the current Zoning Ordinance use tables. Therefore, Planning Staff determined that the same use would be classified as “**Commercial Facilities for the sale, repair, and service of agricultural equipment, vehicles, feed, or supplies**” in the terms of [Chapter 802](#) in the current Zoning Ordinance.

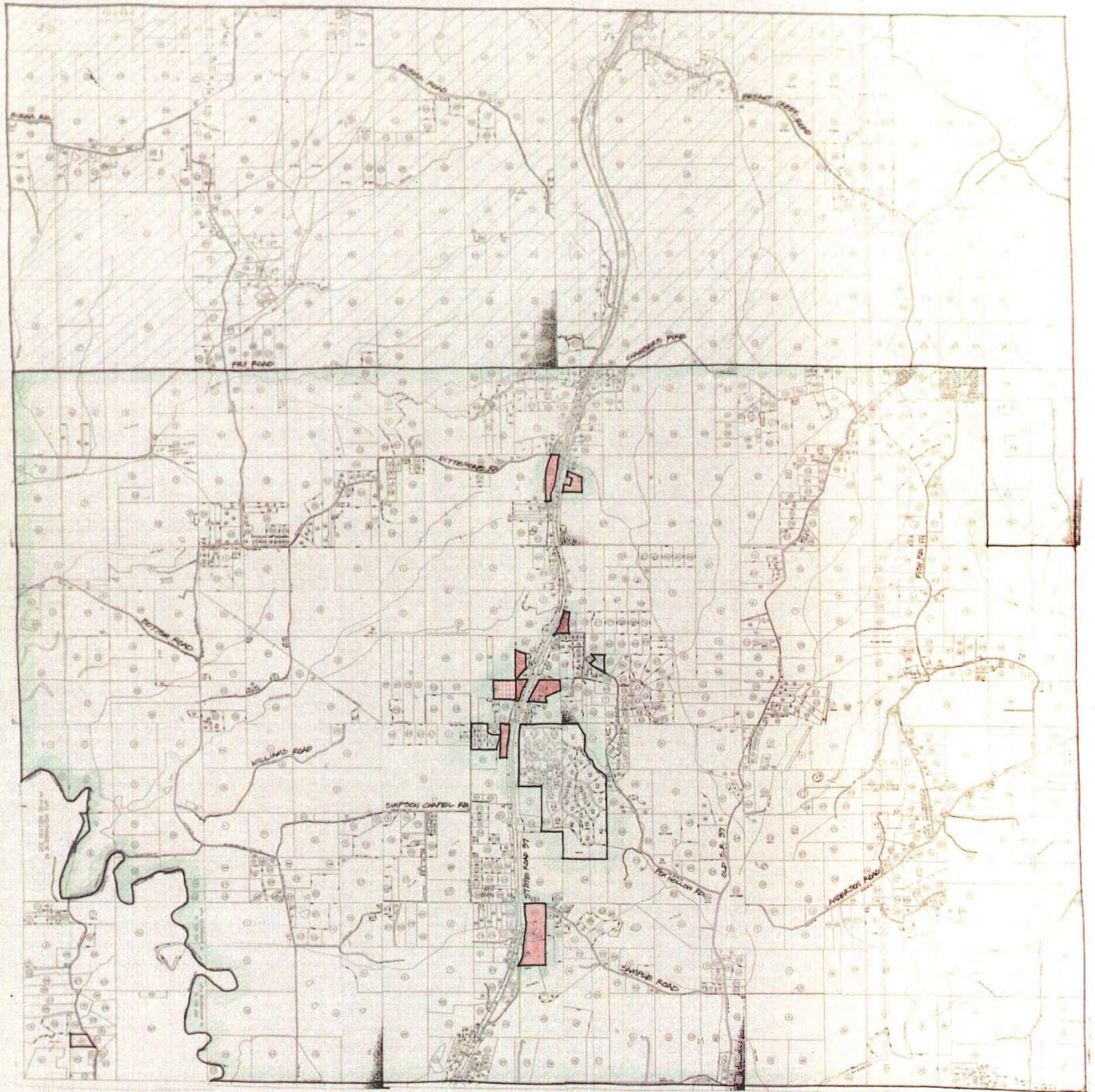
The “**Commercial Facilities...**” use is classified as a *high intensity* use. Therefore, rezoning the property to the Pre-Existing Business (PB) zone would permit any available use that is listed as either *high, medium, or low* intensity in the **General Business (GB)** or **Limited Business (LB)** zone.

According to [Chapter 802](#),

Commercial Facilities for the sale, repair, and service of agricultural equipment, vehicles, feed, or supplies.










Establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

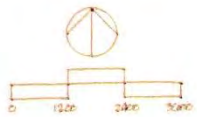
ORIGINAL PRE-1997 ZONING MAP



WASHINGTON TWP.

EXISTING ZONING LEGEND

	A0/RR AGRICULTURE/RURAL RESERVE		LB LIMITED BUSINESS
	FR FOREST RESERVE		I INDUSTRIAL
	R1 RESIDENTIAL WITH SEWER		PUD PLANNED UNIT DEVELOPMENT
	R2 RESIDENTIAL WITH SEPTIC		PCD PLANNED COMMERCIAL DEVELOPMENT
	GB GENERAL BUSINESS		



Existing Zoning Map
9/10/96

WASHINGTON TWP.

EXISTING ZONING LEGEND



AQ/RR AGRICULTURE/RURAL RESERVE



FR FOREST RESERVE



R1 RESIDENTIAL WITH SEWER



R2 RESIDENTIAL WITH SEPTIC



GB GENERAL BUSINESS



LB LIMITED BUSINESS



I INDUSTRIAL

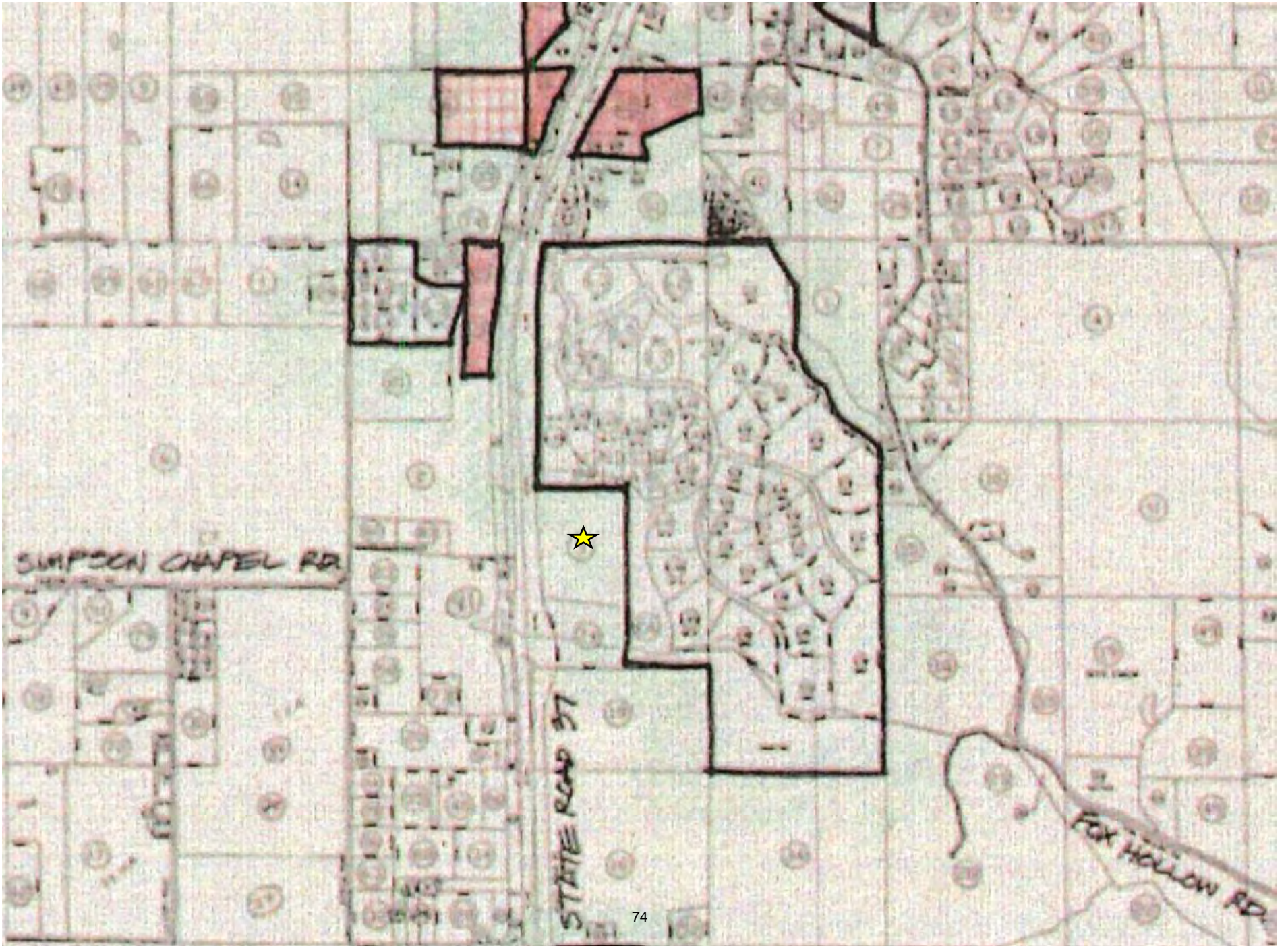


PUD PLANNED UNIT DEVELOPMENT

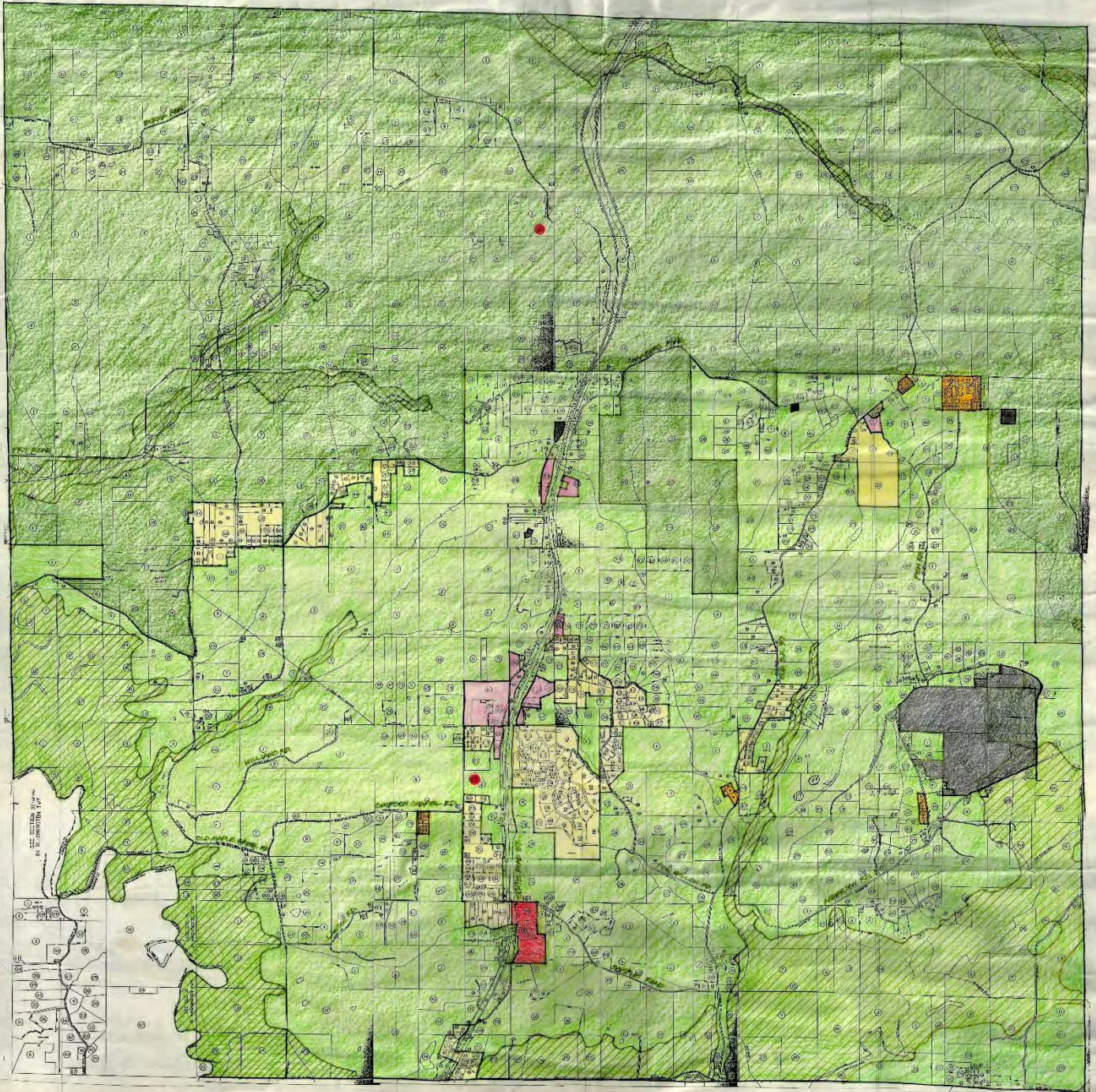


PCD PLANNED COMMERCIAL DEVELOPMENT

Existing Zoning Map
9/10/96
























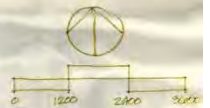
ORIGINAL 1997 ZONING MAP










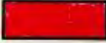
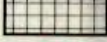












WASHINGTON TWP.

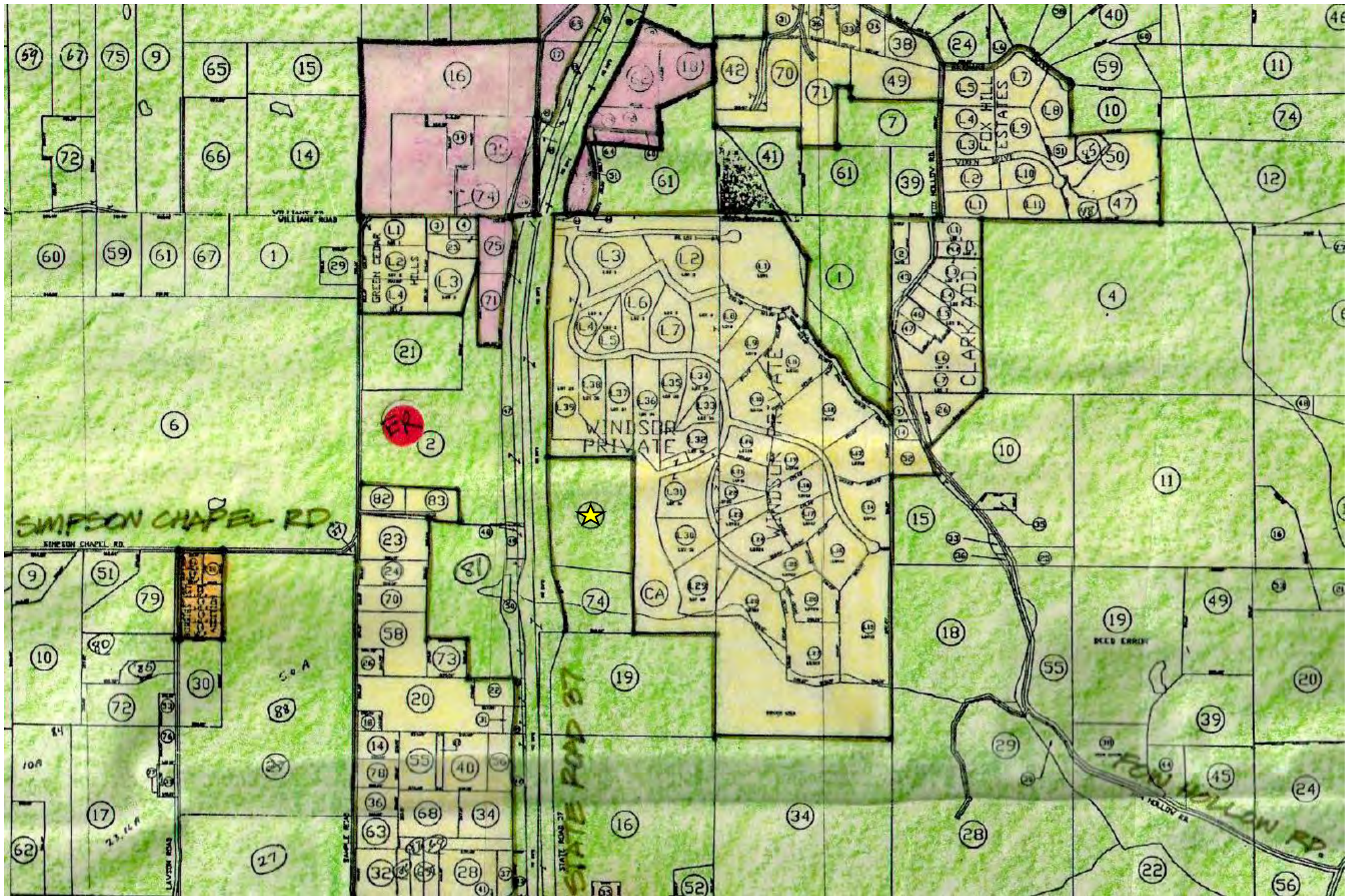
LEGEND

 AG/RR AGRICULTURE/RURAL RESERVE	 UR URBAN RESIDENTIAL	 PUD PLANNED UNIT DEVELOPMENT OVERLAY
 FR FOREST RESERVE	 LB LIMITED BUSINESS	 FH SPECIAL FLOOD HAZARD AREA OVERLAY
 CR CONSERVATION RESIDENTIAL	 GB GENERAL BUSINESS	 HP HISTORIC PRESERVATION OVERLAY
 ER ESTATE RESIDENTIAL	 PB PRE-EXISTING BUSINESS	 ECO ENVIRONMENTAL CONSTRAINTS OVERLAY
 LR LOW DENSITY RESIDENTIAL	 LI LIGHT INDUSTRIAL	 BI BUSINESS AND INDUSTRIAL OVERLAY
 SR SUBURBAN RESIDENTIAL	 HI HEAVY INDUSTRIAL	
 MR MEDIUM DENSITY RESIDENTIAL	 ME MINERAL EXTRACTION	
 HR HIGH DENSITY RESIDENTIAL	 IP INSTITUTIONAL/PUBLIC	



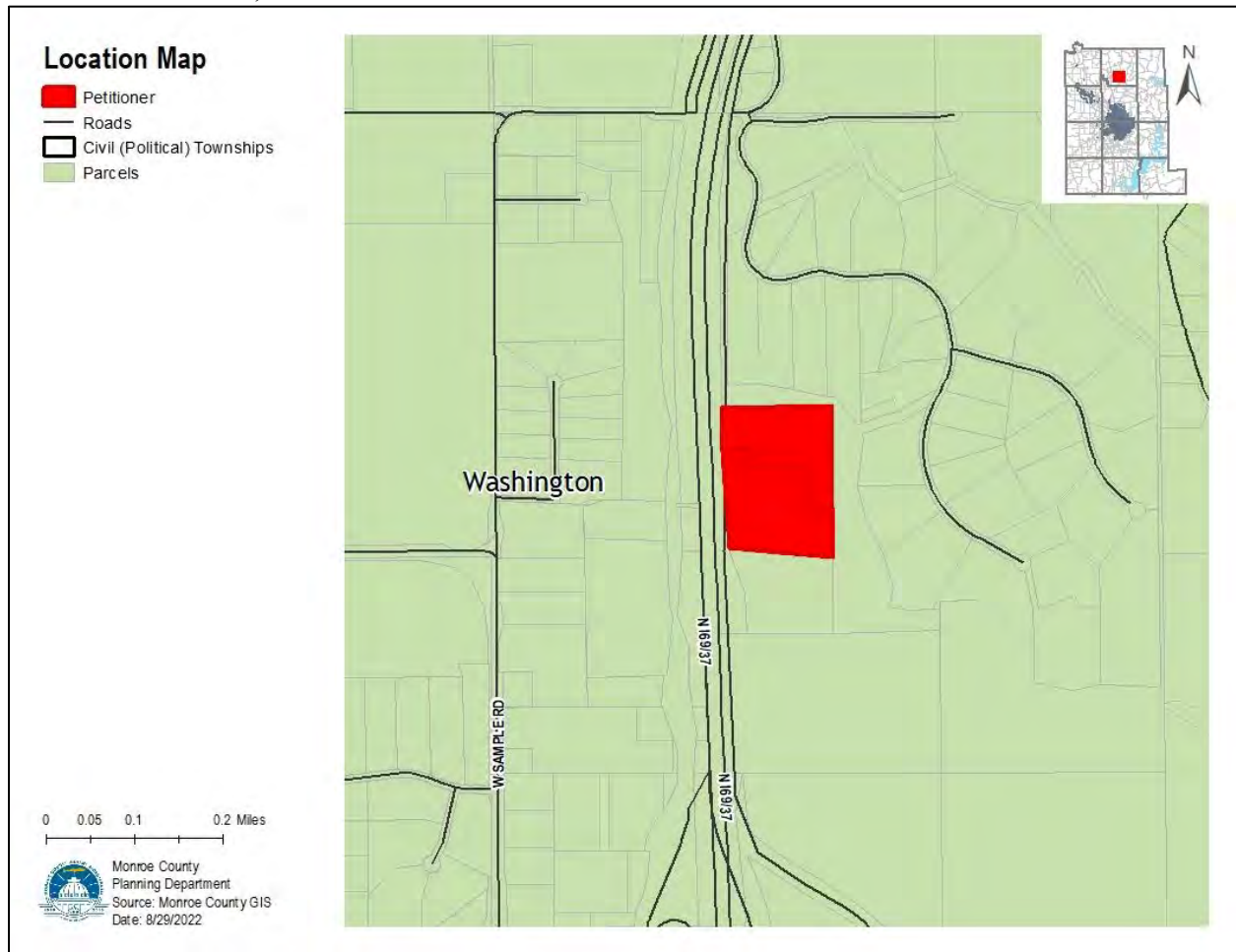
LEGEND

	AG/RR	AGRICULTURE/RURAL RESERVE		UR	URBAN RESIDENTIAL		PUD	PLANNED UNIT DEVELOPMENT OVERLAY
	FR	FOREST RESERVE		LB	LIMITED BUSINESS		FH	SPECIAL FLOOD HAZARD AREA OVERLAY
	CR	CONSERVATION RESIDENTIAL		GB	GENERAL BUSINESS		HP	HISTORIC PRESERVATION OVERLAY
	ER	ESTATE RESIDENTIAL		PB	PRE-EXISTING BUSINESS		ECO	ENVIRONMENTAL CONSTRAINTS OVERLAY
	LR	LOW DENSITY RESIDENTIAL		LI	LIGHT INDUSTRIAL		BI	BUSINESS AND INDUSTRIAL OVERLAY
	SR	SUBURBAN RESIDENTIAL		HI	HEAVY INDUSTRIAL			
	MR	MEDIUM DENSITY RESIDENTIAL		ME	MINERAL EXTRACTION			
	HR	HIGH DENSITY RESIDENTIAL		IP	INSTITUTIONAL/PUBLIC			



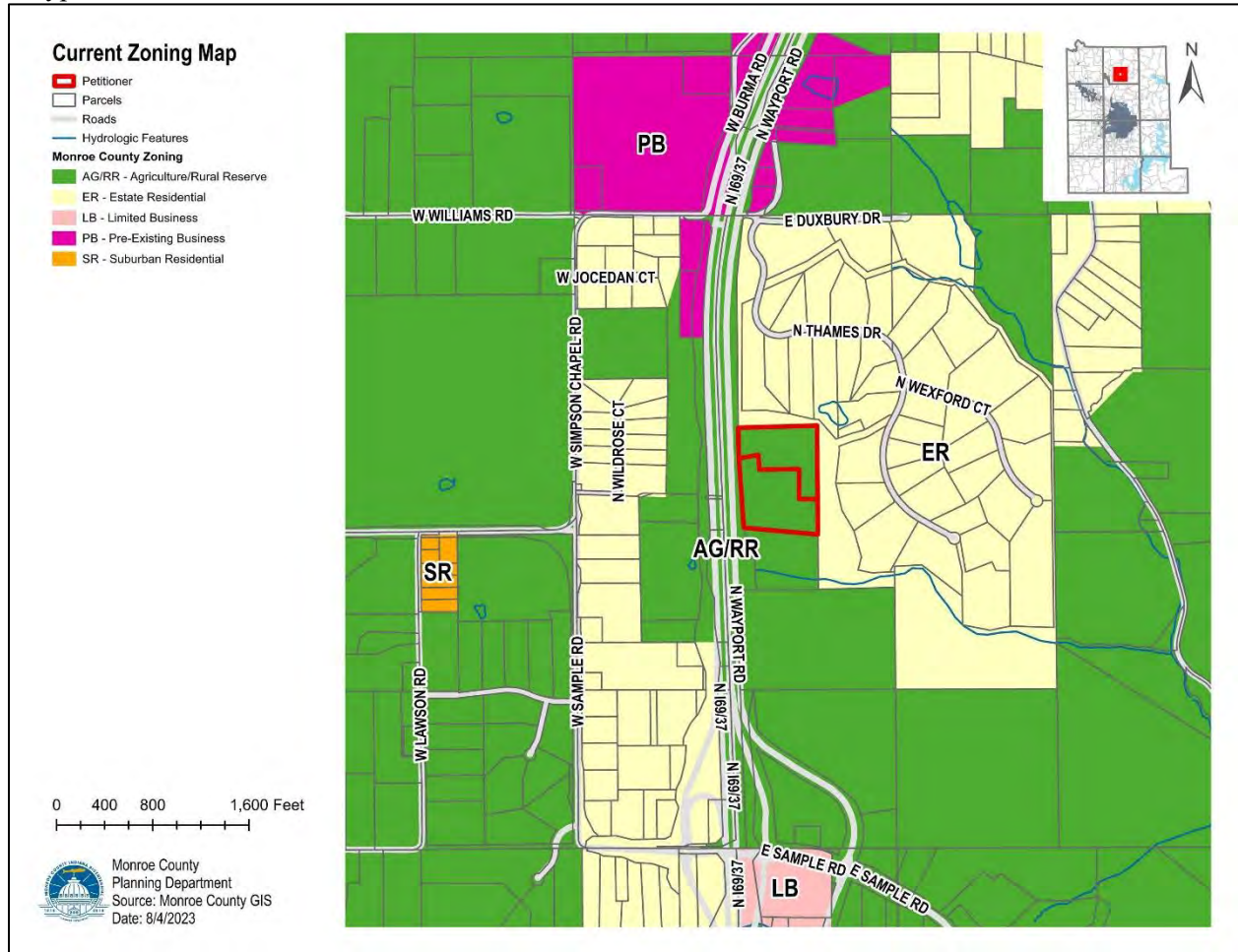
LOCATION MAP

The petition site is located at 7850 N Wayport RD, parcel #s: 53-02-28-100-002.000-017 & 53-02-28-100-006.000-017. The property has frontage along N Wayport RD and is adjacent to I-69. The petition site consists of two lots: Lot A and Lot B of the Worm’s Way Administrative Type “A” Subdivision. Lot A contains 6.65 acres, while Lot B contains 6.21 acres.



ZONING AND ADJACENT USES

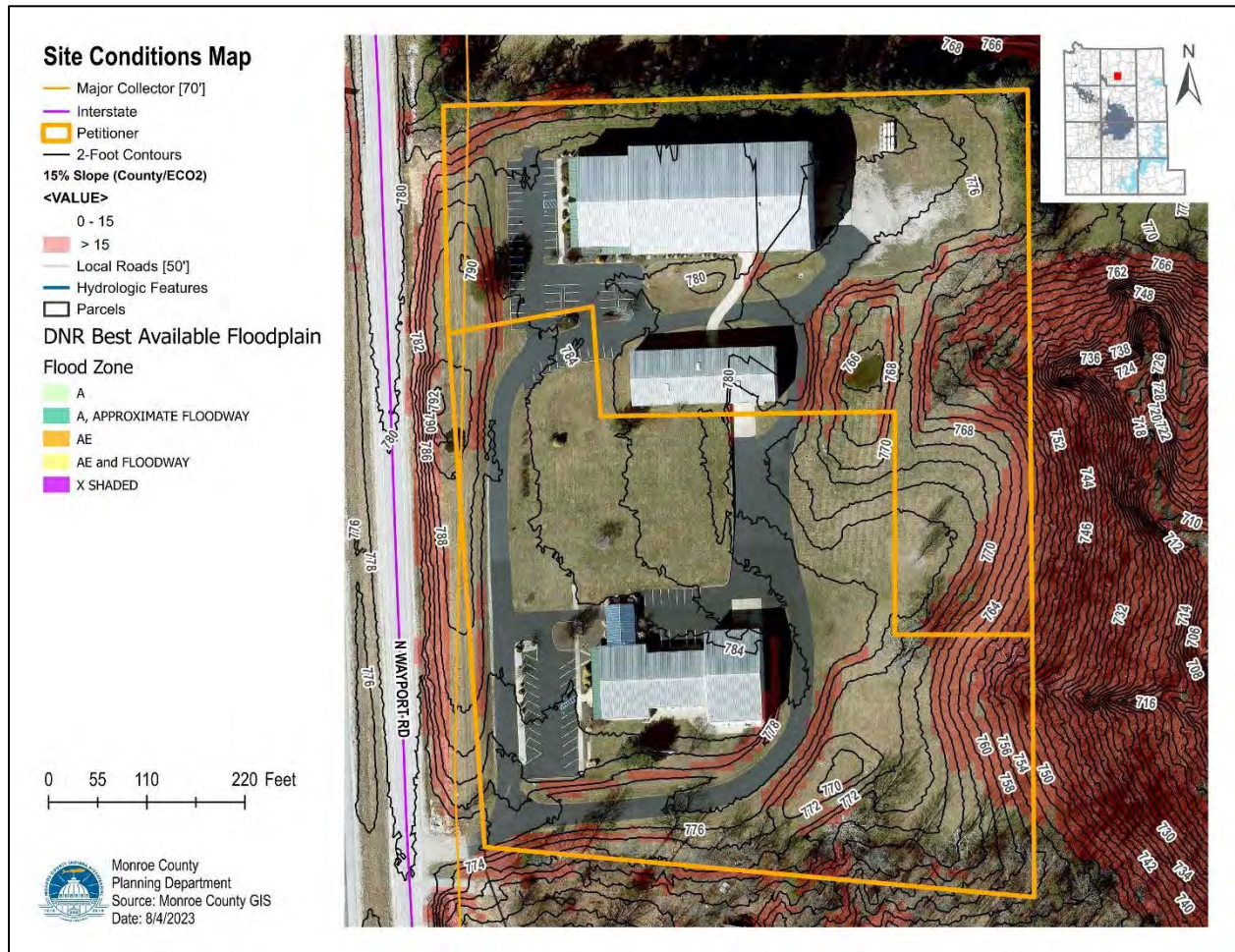
The petition site is zoned Agriculture/Rural Reserve (AG/RR). Adjacent properties to the north and east are zoned Estate Residential (ER) and are located within the Windsor Private Subdivision. Properties to the west and across I-69 are zoned AG/RR. The adjacent property to the south is also zoned AG/RR. The Bloomington Auto Parts junkyard operates two parcels to the south (or approx. 500 feet) at 7650 N Wayport RD.





SITE CONDITIONS

The petition site consists of two individual lots where the agribusiness “Worm’s Way” operated until 2016. The property exhibits frontage to N Wayport RD, which is classified as a Major Collector roadway by the Monroe County Thoroughfare Plan. The site does not exhibit any existing sidewalks or streetscape. According to the petitioner, Washington Township Water (WTWC) and REMC have provided water and electric utilities respectively to the site since 1995. The petition site exhibits some areas greater than 15% slope, which are classified as non-buildable area according to Chapter 804. The property does not exhibit any area designated as DNR floodplain and is not located in the Environmental Constraints Overlay.



SITE PICTURES



Figure 1. Pictometry photo from south



Figure 2. Pictometry photo from north



Photo 1 – facing north



Photo 2 – facing northeast



Photo 3 – facing northeast



Photo 4 – facing northeast



Photo 5 – facing northeast



Photo 6 – facing east



Photo 7 – facing northeast



Photo 8 – facing northeast



Photo 9 – facing east



Photo 10 – facing east



Photo 11 – facing southeast



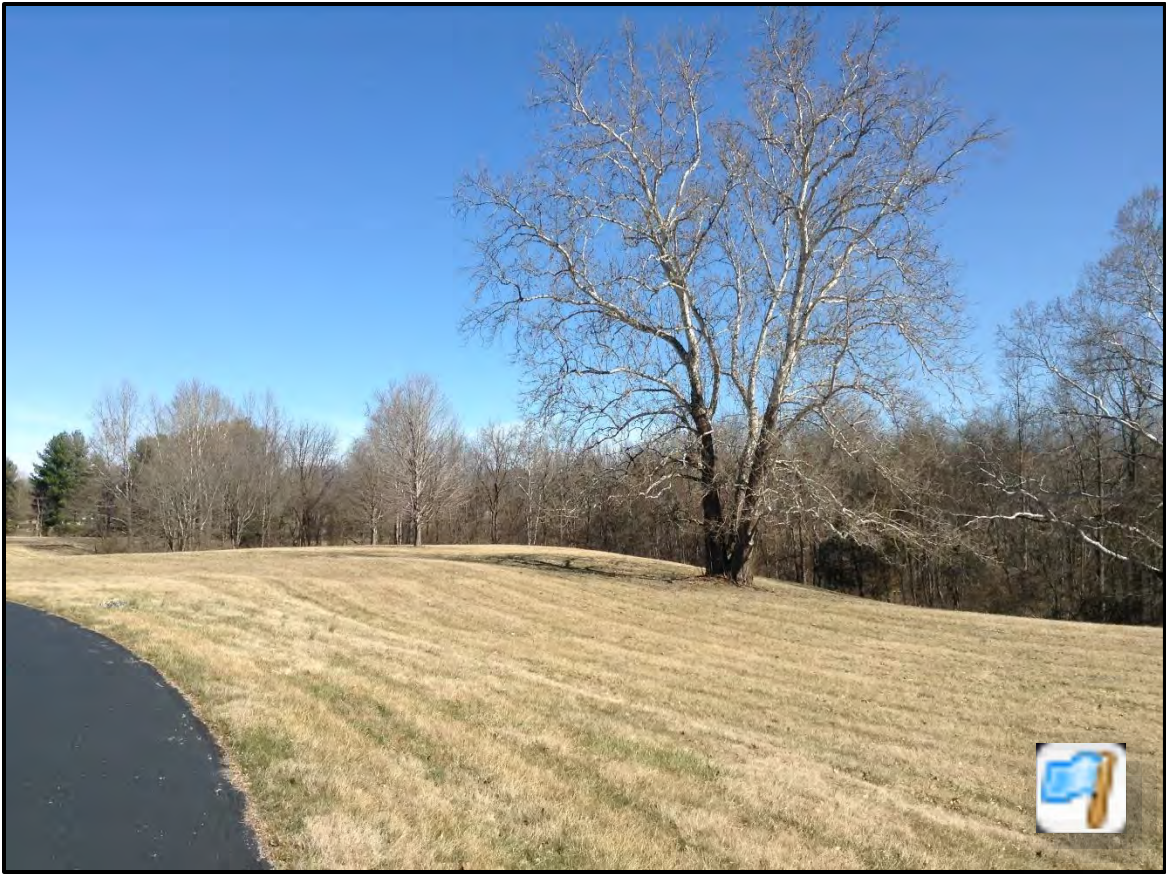
Photo 12 – facing south



Photo 13 – facing southwest

SITE PICTURES: Property Lines













COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the **Rural Residential** designation of the Comprehensive Plan. Points that align with the proposed rezone are highlighted in **green**. Points that differ from the district are highlighted in **grey**.

The petition site is located within the Rural Residential Comprehensive Plan designation which states:


Rural Residential

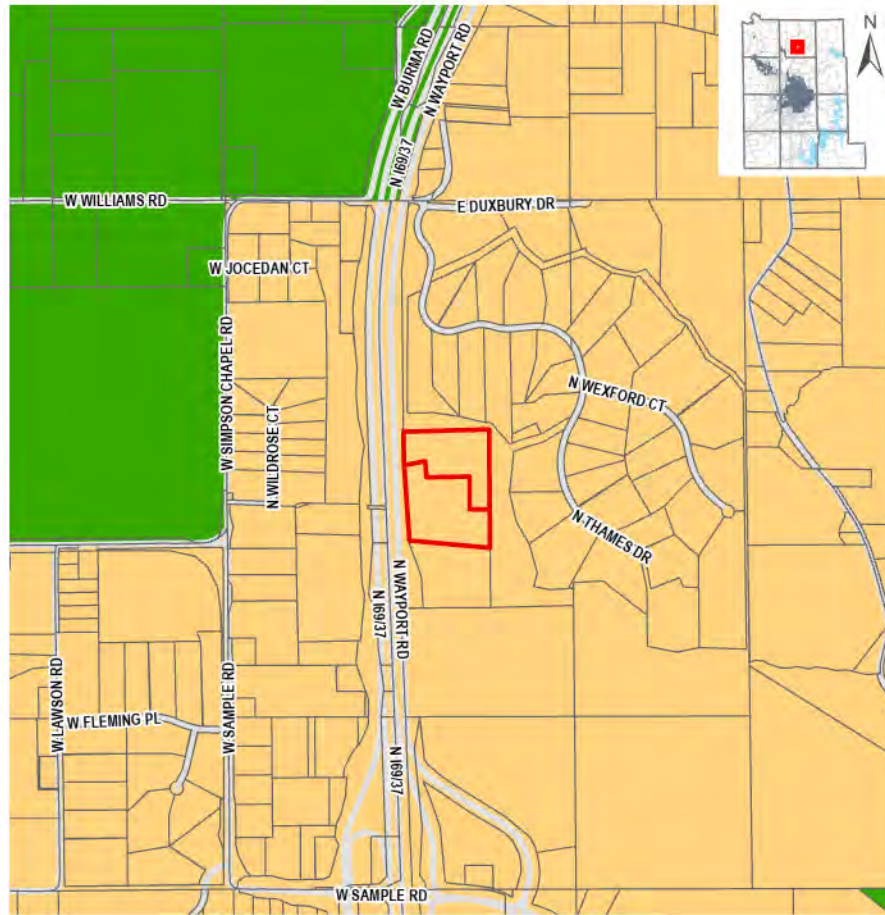
The Rural Residential use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable; however, the sparse population character of the Farm and Forest category is no longer applicable. Generally, these areas are characterized by active or potential mineral extraction operations nearby, steep slopes, and the remaining forest and/or agricultural land where roadways and other public services are minimal or not available.

The Rural Residential use category includes all property in Monroe County that is not within the Farm and Forest Residential area, Bloomington Urbanizing Area or a Designated Community, or an incorporated town or city. Approximately 52,000 acres of rural property in Indian Creek, Clear Creek, Van Buren, Bloomington, Richland, Bean Blossom, Washington, and Benton Townships are designated Rural Residential. Most often this category adjoins or is very close to the Farm and Forest Residential areas. Current Rural Residential densities are usually greater than 64 homes per section and some portions of the Rural Residential area have already been subdivided or developed at urban densities.

To maintain Rural Residential property use opportunities, an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. Where appropriate infrastructure is available, home clustering with open space dedications may be an option in this residential category. Open space can serve a variety of uses including recreational opportunities for local residents, limited accessory agricultural uses, or buffering of an adjoining use. Contiguous Resilient Land shall be available for each dwelling adequate to support either two independent conventional septic fields or one replaceable mound system. Sufficient space for buildings traditionally associated for this type of use must also be provided. In addition, public roadways shall not experience less than the Monroe County Level of Service standard existing at the time this Plan is adopted. New subdivision road traffic lanes that access County roadways shall not exceed the capacity of traffic lanes for adjoining public roadways. State highways, major collectors, or arterial roads are exempt from this requirement.

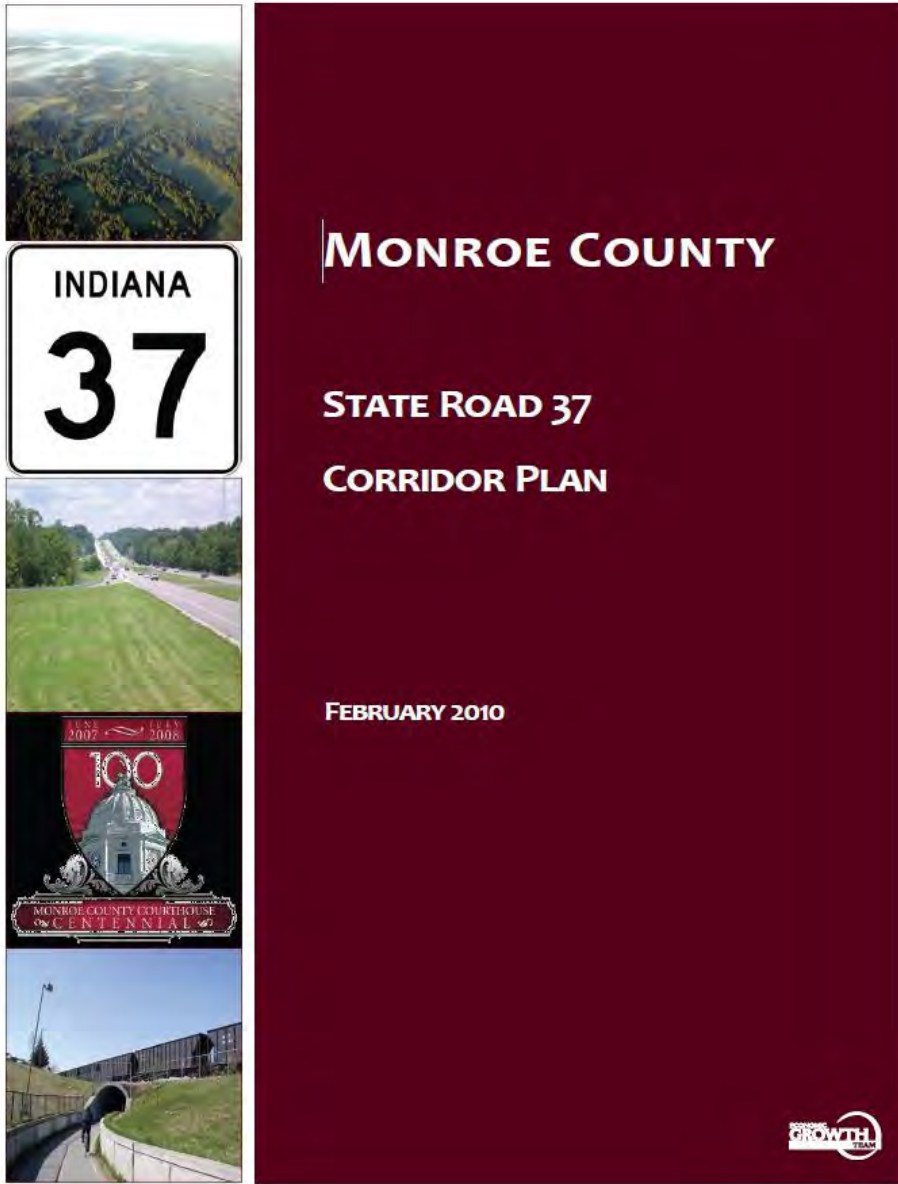
Comprehensive Plan

-  Petitioner
-  Townships
-  Parcels
-  Roads
- Comp. Plan Land Use (Updated 2015)**
-  Farm and Forest
-  Rural Residential



STATE ROAD 37 CORRIDOR PLAN DISCUSSION

The study referenced below points out directly the Worms Way site under the Future Land Use section of the report. *“Existing commercial/industrial businesses should remain and be allowed to expand within previously developed parcels as needed to remain viable. However, the intensity of the uses shall not be allowed to increase beyond current conditions, and such businesses shall not be permitted to expand onto adjacent properties.”*



VIII. LAND USE IMPACTS AND RECOMMENDATIONS

This section of the report provides a summary of existing conditions, current development patterns, and recommended land use principles for the corridor. Transportation and environmental impacts are discussed in later sections of this report.

Recommended land use policies for this section of the corridor are presented to address short term development along SR 37 as well as long term development patterns whether or not SR 37 becomes I-69.

For clarity, areas that have similar development considerations have been grouped and presented together.

Morgan/Monroe County Line to Sample Road

Area Includes:

Morgan/Monroe County Line to one mile south of Sample Road.

Impacted Roads:

SR 37, CR 800 N / Williams Road, Thames Drive, Duxbury Drive, Simpson Chapel Road, Lee Paul Road, Fox Hollow Road, Chambers Pike, Dittmore Road, Crossover Road, Burma Road, Bryants Creek Road, Norm Anderson Road, Sylvan Lane, Sparks Lane and Wayport Road.

Development Intent

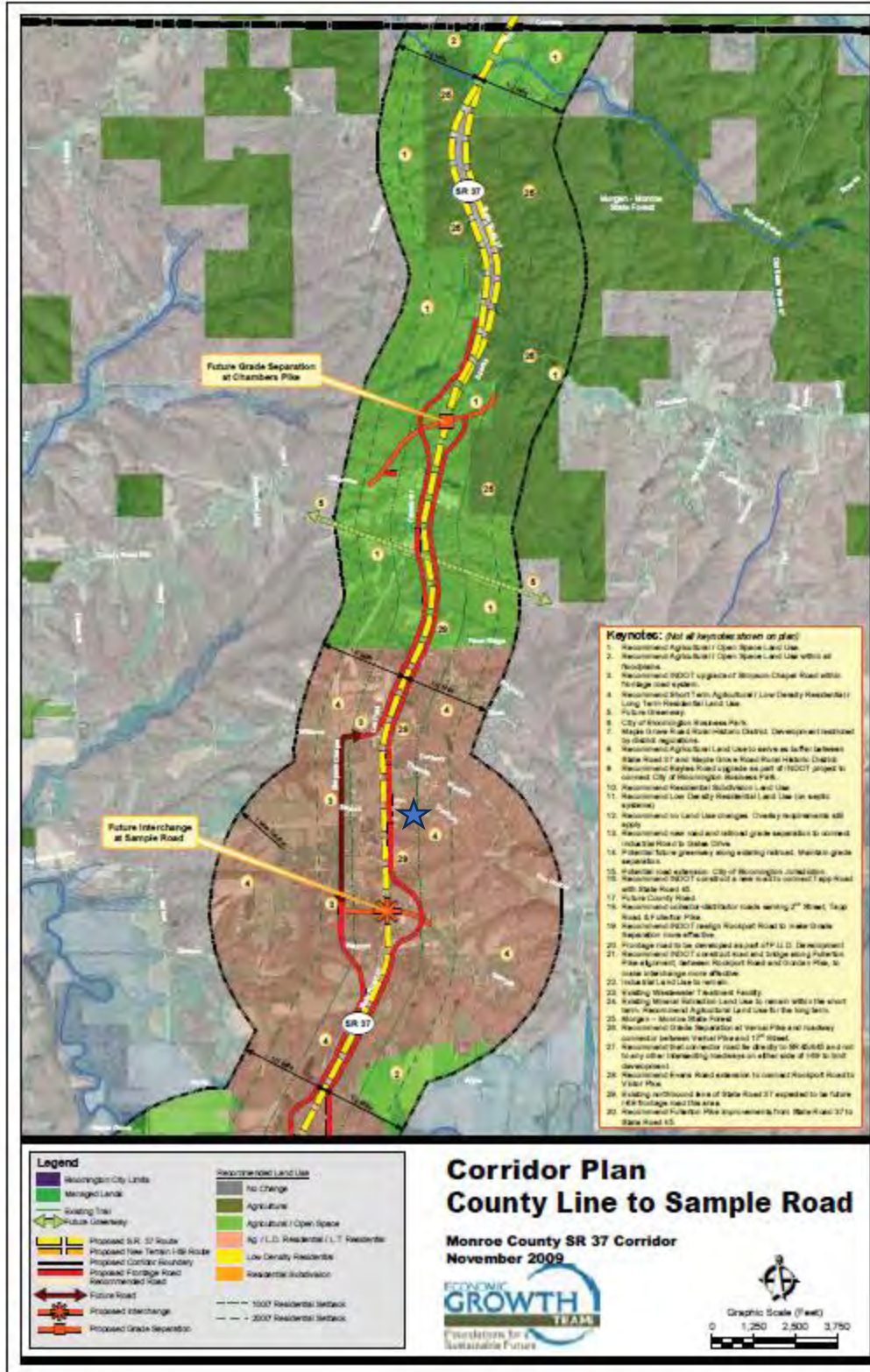
Northern portions of the SR 37 corridor must be protected from both short term and long term development to preserve the natural landscape consistent with rural lifestyles. In areas near the Morgan Monroe State Forest and in the vicinity of Chambers Pike no new development is anticipated. South of Chambers Pike, it is envisioned that the area will be developed to provide additional housing for the community – but such development must be restricted until there is adequate infrastructure to support the development of quality neighborhoods.

Existing Conditions and Development Patterns

SR 37 north of Bloomington is a mostly rural area characterized by rolling and wooded topography interspersed with agricultural lands and homes. Near the Morgan County line, the landscape is largely undeveloped in areas in and around the Morgan Monroe State Forest. Development increases in density in areas closer to Bloomington. Larger businesses along this route include Hoosier Energy, a salvage yard, Oliver Winery, a fabricator shop, and Worm's Way Garden Center.

Development pressures in this portion of the corridor are limited in nature and largely surround the businesses in the above paragraph. Residential development has been limited by a lack of sanitary sewer infrastructure in the area.





I-69 Impact Summary

INDOT is currently proposing development of a grade separation at Chambers Pike and an interchange at Sample Road in this area. Traffic from the north that currently accesses SR 37 will be required to travel south to Sample Road or Old SR 37 to go north toward Morgan County.

As a result, it is appropriate to direct short term development in this portion of the corridor where Sample Road has access to SR 37. Additionally, this plan discourages development at Chambers Pike, and directs development north of Bloomington to the Sample Road corridor, subject to development policies included in this document.

Future Land Use

The area from Chambers Pike to the Morgan County line has little current development and it is intended that the area be protected from additional development. Acceptable land uses in the area are limited to agriculture, open space, or similar public uses. Residential, commercial, and industrial uses are not appropriate in this area. Accordingly, infrastructure capacity not be upgraded in the area in a manner that would attract additional development.

Roadways in the Chambers Pike area should serve only the limited residential and agricultural uses and not be improved further. This includes Chambers Pike, Dittmore Road, Crossover Road, Burma Road, Bryants Creek Road and Norm Anderson Road, Sylvan Lane, and Sparks Lane. Where such roads are upgraded by INDOT to serve as frontage roads, the county should adopt policies that limit new drive entrances along frontage roads so as to prevent unintended development in the corridor.

Further south around Sample Road, there is significant acreage available for development within and beyond the corridor boundaries, but infrastructure is currently limited and no area plan is available. The County may consider this area to be an urban community development area in the future. However, the intent is to pursue high quality neighborhood developments keeping with the county's overall goals. In the long term, it is recommended that the area be developed as the result of an urban community plan or a planned unit development in large increments (minimum of approximately 500 acres).

Until infrastructure is available to support the recommended land uses and an urban community plan is approved, it is recommended that development in the area be limited by re-zoning the area to a low-density land use.

To help preserve the rural nature of the area, no new commercial/industrial businesses are to be allowed on SR 37 in this part of the corridor. Existing commercial/industrial businesses should remain and be allowed to expand within previously developed parcels as needed to remain viable. However, the intensity of the uses shall not be allowed to increase beyond current conditions, and such businesses shall not be permitted to expand onto adjacent properties.

It is noted that prior studies of the SR 37 corridor identified a number of potential short and long term employment sites along the corridor. Through the course of this planning effort, concerns with the prior recommendations



were identified. Specifically, it is noted that there is unsuitable infrastructure in this and other undeveloped portions of the corridor to support development of employment centers. Furthermore, the lack of frontage roads included in current INDOT plans combined with budget concerns about I-69 creates significant uncertainty as to whether there will be adequate frontage roads to support additional businesses along the SR 37 corridor. As a result, this plan is encouraging employment sites to be directed to previously developed areas where they are permitted by current planning policies – and that employment sites be directed away from undeveloped portions of the SR 37 corridor.

In this location and throughout the SR 37/I-69 corridor, the County definitively will not permit truck stops/fueling stations to be developed. It is also noted that at least Morgan County is in the process of adopting a similar policy. Truck stops/fueling stations will have to consider sites further to the north in Johnson or Marion Counties, or further south into Greene County as allowed by their local requirements.

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 rezone request is to change the zone for the petition site from Agriculture / Rural Reserve (AG/RR) to Pre-Existing Business (PB);
- The Comprehensive Plan designates the petition site as Rural Residential;
- According to the Comprehensive Plan, Rural Residential area *“this use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable; however, the sparse population character of the Farm and Forest category is no longer applicable. Generally, these includes all property in Monroe County that is not within the Farm and Forest Residential area, Bloomington Urbanizing Area or a Designated Community, or an incorporated town or city.”*
- The current infrastructure on site is designed more commercial in nature and is not residential in nature;
- The current number of permitted uses in the AG/RR zone is 61. If rezoned, the petitioner would have approximately 127 permitted uses to choose from including some limited multi-use;
- The multi-use ‘Business or Industrial Center’ could allow for a combination of uses in the Business and Personal Services, Retail and Wholesale Trade and Manufacturing, Mining, Construction and Industrial use categories that total 61 different uses;
- If denied there could still be uses permitted in the AG/RR zone plus Metal Fabrication as added in 2019 under use variance petition 1905-VAR-28;
- If approved and the owner would be required to submit a commercial site plan amendment for review by County staff;

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

Findings:

- See Findings under Section A;
- The current use of the petition site is vacant as the previous use has not been in practice in well over 6 months;
- The site was commercially developed under a special exception (1995) to allow for ‘Agribusiness and Commercial Greenhouse’.
- The petition site includes both the 6.65-acre Lot A and the 6.21-acre Lot B of Worm’s Way Type A Plat
- The rezone request is to change the zoning for the entirety of the site to the Pre-Existing Business (PB) District which is described by the County’s Zoning Ordinance, Chapter 802, as follows:

Pre-Existing Business (PB) District. The Pre-Existing Business (PB) District is defined as that which is primarily intended to accommodate commercial and business service uses that were in operation prior to the adoption of this zoning ordinance. The intent of the PB District is to identify locations of commercial activity that are not supported by the Comprehensive Land Use Plan, but where commercial and service operations continue to exist. This District is identified for the purposes of maintaining commercial activities with business zoning, while at the same time not allowing for the expansion of new business activity proximate to the location of the PB District. Expansion of the business is permitted within the lot of record. The type of business may change to one of equal or lower intensity as identified on Table 2-1 Permitted Land Uses.

- The petition site is currently zoned Agriculture/Rural Reserve;
- There is an existing commercial driveway;
- The majority of the site is less than 15% slope (see Slope Map);
- The petition site is not located in DNR Floodplain;
- There are no known karst areas on the petition site;
- There is a cemetery located on the east side of the property;
- There are vacant, open areas that could allow for more development;

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

Findings:

- See Findings under Section A and Section B;
- The surrounding parcels to the north and south are currently zoned AG/RR, and the adjacent parcels to the east are zoned Estate Residential (ER);
- Within a mile of the petition site there is pre-existing business zone to the north (Oliver Wine Company) and Limited Business (LB) to the south (Nature’s Way and vacant former gas station);
- A residential neighborhood (Windsor Private) is located to the east of the petition site and the wooded common area for the subdivision is between the petition site and residential lots;

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

Findings:

- Staff fielded calls and emails from neighboring residents in the Windsor Private neighborhood though none have submitted any letters at this time;
- Neighbors of the Windsor Private neighborhood have submitted letters of opposition during the past zoning/use variance petitions;
- Property value tends to be subjective;
- The effect of the approval of the rezone on property values is difficult to determine;
- The Monroe County Assessor reassessed the property values after an appeal was submitted by the property owner;
- The Monroe County Assessor reduced the assessment from \$2,675,600 to \$531,400 for the tax year 2023 pay 2024 (see Exhibit 2);

(E) Responsible development and growth.

Findings:

- See Findings under Section A, Section B, and Section C;
- According to the Monroe County Thoroughfare Plan, N Wayport Road was recently improved as a part of the I-69 Section 5 project and is designated as a Major Collector;
- The Monroe County State Road 37 Corridor Plan adopted in February 2010 calls out Worms Way business specifically and also states that, *“Existing commercial/industrial businesses should remain and be allowed to expand within previously developed parcels as needed to remain viable. However, the intensity of the uses shall not be allowed to increase beyond current conditions, and such businesses shall not be permitted to expand onto adjacent properties.”*
- The petitioner is proposing to use the existing driveway access off of N Wayport Rd and has interstate access 0.65 miles to the south;
- There is no access to sewer on this property for future use;
- There is room for expansion on this site with more infrastructure;

EXHIBIT 1: Petitioner Letter to the Plan Commission

September 29, 2023

Monroe County Plan Commission
501 N. Morton Street, Suite 224
Bloomington, IN 47404

Subject: Zoning Petition
Petitioner: AH & SH, LLC
Property: 7850 and 7854 N. Wayport Road
Zoning: AG/RR to PB

Petition:

AH & SH, LLC petitions the Monroe County Board of Commissioners to rezone the property located at 7850 N. Wayport Road, Lot 1, and 7854 N. Wayport Road, Lot 2, from Agricultural/Rural Reserve (AG/RR) to Preexisting Business (PB). The property consists of two lots: 6.65 acres and 6.21 acres.

History: AH & SH, LLC is an Indiana limited liability company. Martin Heydt, Managing Member of AH & SH, LLC, first acquired the real estate in 1995. In 2001, he organized AH & SH, LLC and in November, 2002 transferred the real estate to the LLC. The property has been developed with substantial quality commercial buildings. Mr. Heydt developed the Worm's Way business and operated as a special exception agri-business. Worm's Way was a manufacturer of hydroponic equipment. Worm's Way added sales of hydroponic equipment. It was the first retailer to offer a national catalog of hydroponic equipment. The business grew to include primarily mail order sales of hydroponic equipment. The business was sold in 2016 and closed the retail sales. The company, after the sale, continued the mail order sales from the property for a time before complete business closure. The property was vacated in 2017.

Improvements: The property is improved with commercial buildings constructed in 1995 with some modifications and additional onsite paving occurring at different times over the following years. The footprint of the commercial building on Lot 1 is 14,240 square feet. The footprint of the large commercial building on Lot 2 is 30,000 square feet. A smaller accessory building has a footprint of 9,600 square feet. The property fronts on the east side of North Wayport Road less than 2,000 feet south of the Oliver Winery property. The property was occupied and used for the Worm's Way business from 1995 through the sale of the business, reduction of operations and finally closure of the business in 2017.

Area Zoning: The comprehensive zoning map amendment in 1997 placed a placeholder zoning designation AG/RR over the majority of Monroe County properties within the County's planning jurisdiction. AH & SH, LLC's property and most of the surrounding area was placed in the AG/RR zone. Selected properties were zoned PB.

AH & SH, LLC's property was not placed in the PB zone. No explanation was offered. Research demonstrates selective use of PB zoning. The 14 rezones to PB on properties located within two miles of Petitioner's property were the result of Plan Commission or Planning Staff initiatives. None of the 14 PB rezones required the landowner to request the PB zoning. AH & SH, LLC, the owner of the property, was unaware of the opportunity to petition for a specific zone as part of the comprehensive map amendment.

At the time of the 1997 comprehensive map amendment, AH & SH, LLC's property was in open and ongoing business use for the Worm's Way business operation. The commercial buildings were fully constructed and in use. The majority of the parking lot that presently exists had been paved. Notwithstanding the known and existing commercial and manufacturing use of the property, the property was not zoned PB consistent with 14 other parcels in close proximity that were placed in the PB zone. AH & SH, LLC believes this to be a mistake.

Some explanations have been offered as to why Staff did not recommend and carry through with rezoning AH & SH, LLC's property to PB. However, well-intentioned the decision may have been, the result was that AH & SH, LLC's property was singled out and treated differently from similar properties without a proper basis, AH & SH, LLC's property was treated differently than similarly situated properties along what is now the I-69 corridor. AH & SH, LLC's property should have been rezoned PB consistent with the PB zoning applied to the other 14 properties in close proximity to AH & SH, LLC's property. AH & SH, LLC has previously petitioned for a PUD designation on the property as a means to correct the zoning error. Due to objections to a PUO designation, AH & SH, LLC withdrew the PUD petition and is submitting this Petition for rezoning to PB. It is a simple, direct zoning to PB as the best opportunity and the simplest means to correct the 1997 error in the zoning map amendment. The property should have been rezoned at that time to PB and AH & SH, LLC now requests that that be corrected.

Property within the Neighborhood: The property fronts on North Wayport Road, the frontage road created within the I-69 corridor. No traffic going to the property passes through any residential or neighboring properties. The access to the property is direct from the parking lot to North Wayport Road, south 2500 feet to Sample Road. Sample Road has been redeveloped twice. As part of construction of I-69, the Sample Road interchange was created and specifically with a roundabout to facilitate traffic flow from I-69 onto Sample Road and from Sample Road to Wayport. Vehicle traffic to AH & SH, LLC's property is simple and direct access on major county roads. Wayport Road is rated as a major collector. Wayport Road and Sample Road are classified as major collectors.

The buildings are set well within the property line. The distance from the commercial buildings on AH & SH, LLC's property to residences on adjacent properties ranges from 600 feet to 800 feet.

There is substantial open space and “green” area on AH & SH, LLC’s property, approximately 75% of the lot. Only approximately 35% of the lot area has been developed as parking lots, driveways or buildings creating limited impervious surface area.

Storm water drainage is controlled with a detention pond. The size of the pond drainage outlet makes the detention pond dry except for brief periods of time during a significant rain event.

There are numerous mature trees existing on AH & SH, LLC’s property. Adjacent to the east is the Windsor Private residential subdivision. The subdivision was created with a substantial swatch of common areas adjacent to AH & SH, LLC’s property. The common area is heavily treed and is maintained as a permanent tree and landscape buffer between AH & SH, LLC’s property and the residential lots in Windsor Private. An additional mature-tree buffer exists along the north property line.

The AG/RR zone allows limited agricultural-based commercial uses or business uses of the property. None of the permitted uses in the AG/RR zone are reasonably suitable for use and development on AH & SH, LLC’s property. The permitted uses would not and could not make reasonable use of the existing commercial buildings causing economic waste for removal of the buildings or leaving the buildings substantially unused in pursuit of any of the permitted uses within the AG/RR zone.

The AG/RR zone and its limited uses and primarily uses inappropriate to AH & SH, LLC’s property has had a severe impact on the assessed value of the property. A letter by the Monroe County Assessor explaining the impact of the zone and the limited uses on the Assessor’s determination of property tax assessment values is included with this Petition. A marketing history by is discussed in the letter of Andy Peterson, a real estate broker.

Of the approximately 60 uses from the Table of Uses in the Monroe County Zoning Ordinance, 90% of them are not financially viable. For example, permitted uses include a feed lot or a pick your own agricultural operation. Uses include a stockyard and a water treatment facility. Review of the entire list of permitted uses makes it self-evident that the uses are not feasible on AH & SH, LLC’s property.

AH & SH, LLC has made significant efforts to market the property. In seven years, there has not been a single inquiry by a prospective buyer interested in the property for redevelopment or use for any of the permitted uses in the AG/RR zone. The only interest in the property was for proposed uses that would require rezoning or possibly a use variance.

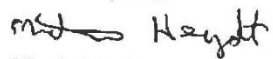
Regulatory Taking: AH & SH, LLC has researched the 1997 comprehensive map amendment and the award of PB zoning to selected parcels. The liberal use of the PB zone on similarly situated properties but not for AH & SH, LLC’s property was not previously fully known. That zoning decision in conjunction with the evidence of loss of value to AH & SH, LLC’s property as demonstrated in part by the letter from the Monroe County Assessor demonstrates that the rezoning of AH & SH, LLC’s property to AG/RR and not to PB constitutes a regulatory taking.

AH & SH, LLC has been denied any reasonable economic return on its property as a result of the AG/RR zoning. The rezoning of the property to PB eliminates the regulatory taking.

Requests: AH & SH, LLC requests that AH & SH, LLC's property be rezoned to Preexisting Business (PB).

Respectfully submitted,

AH & SH, LLC



Martin Heydt, Member

EXHIBIT 2: Monroe County Assessor's Office Letter



JUDITH A. SHARP
Monroe County Assessor
LEVEL III CERTIFIED INDIANA ASSESSOR-APPRAISER

June 14, 2023

Dear Planning Commission Members,

I am writing to you to explain what the Property Tax Board of Appeals did with the value of Martin Heydt's property aka Worms Way. Mr. Heydt appealed this property to the board on 5-12-23. He explained that Worms Way was closed, and no business was being done on this property. He has been trying to sell this property. He contacted the Planning Department because of the zoning to get a variance. This was turned down and the one business that wanted to purchase this property cannot use it for the current zoning.

Mr. Heydt explained to the Board that his property is zoned different from the other properties on either side of him. He has a buyer interested in the property, but the rezone was denied by the Commissioners.

Indiana is a Market Value in "Use" State. The In-Use wording is in the Constitution and makes a huge difference in our assessing in Indiana. The Board decide that since it is no longer a business, and he is not able to sell it for any other use than what it is zone for at this time without a rezone they lowered the assessment.

His assessment before the appeal was \$2,675,600, after the appeal it is now \$531,400. We could no longer call it a commercial property, so the land was revalued to the current agricultural rate set by the State of Indiana. We took the buildings down to what Mr. Heydt told us it was going to cost to remove them from the property. We made these changes for the tax year 23 pay 24.

Judith A. Sharp

Monroe County Assessor

100 W Kirkwood Ave., Room 104 • Bloomington, Indiana 47404
Phone (812) 349-2502 • Fax (812) 349-2898 • jsharp@co.monroe.in.us

EXHIBIT 4: Worm's Way Administrative Type "A" Subdivision

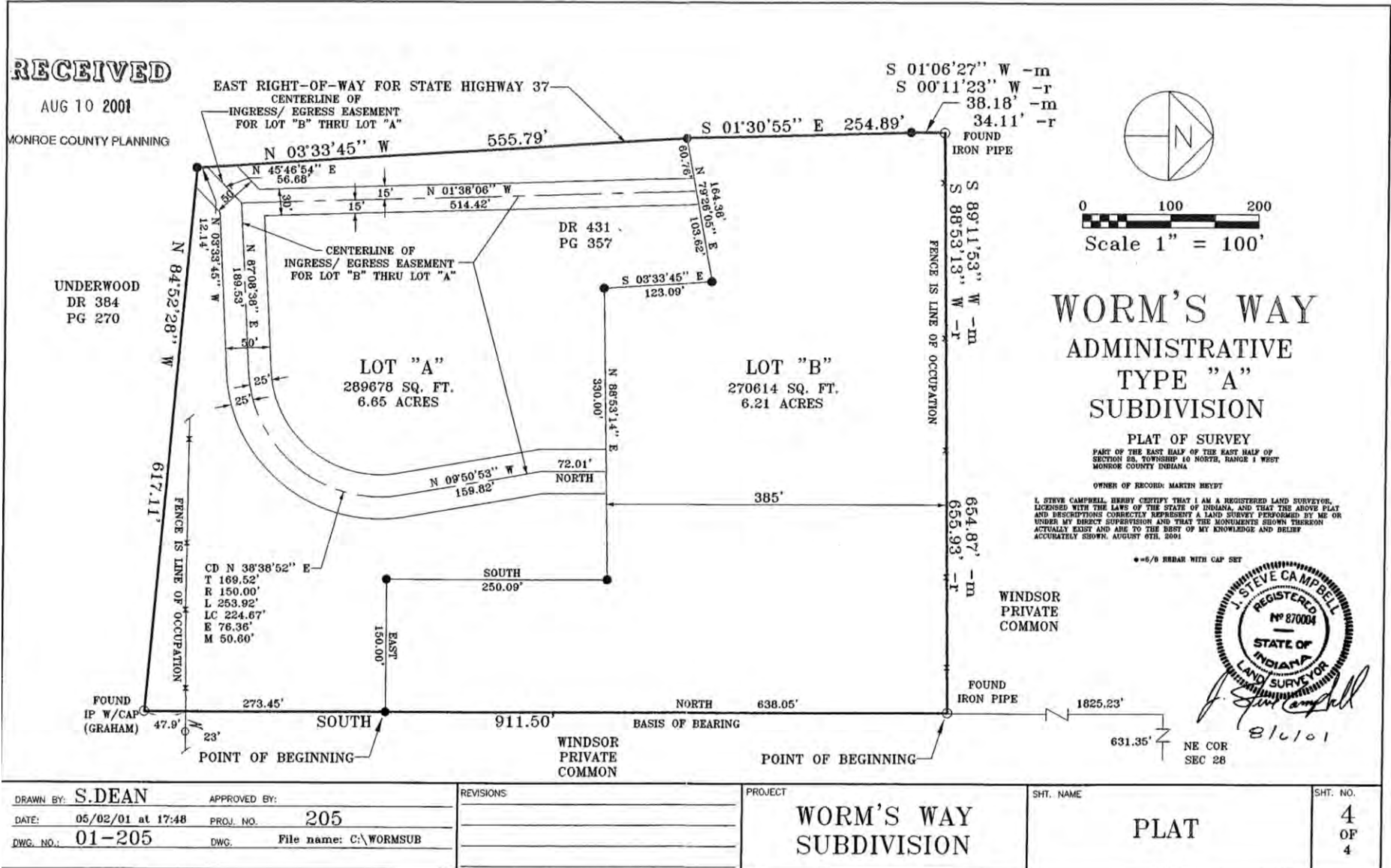


EXHIBIT 5: AG/RR Use Table

Agricultural Uses	(/)	AG	Residential Uses	(/)	AG	Business & Personal Services	(/)	AG
Accessory Use		P	Accessory Apartments	L	P	Accessory Use		P
Accessory Structures for Ag. Use	L	P	Accessory Dwelling Units	L	P	Artisan Crafts	M	C
Agriculture	H	P	Accessory Livestock	L	P	Bed and Breakfast	L	P
Ag. Event Center, Small	H	C	Accessory Use		P	Composting Operation	H	P
Ag. Event Center, Medium	H	C	Guest House	L	P	Greenfill	M	P
Ag. Event Center, High	H	C	Historic Adaptive Reuse		P	Historic Adaptive Reuse		P
Ag.-Related Industry	H	P	Home Based Business	L	P	Kennel, comm. animal breeding ops.	H	C
Ag. Uses-Land Animal	H	P	Home Occupation	L	P	Real Estate Sales office Or Model	L	P
Ag. Uses-Non Animal	H	P	Residential Storage Structure	L	P	Taxidermist	L	P
Agritourism / Agritainment	H	P	Single Family Dwelling	n/a	P	Temporary Seasonal Activity	M	P
Aquaculture	M	P	Temporary Dwelling	L	P	Tourist Home or Cabin	L	P
Christmas Tree Farm	H	P	Two Family Dwelling	n/a	P	Veterinary Service (Indoor)	H	C
Comm. facilities for the sale, repair, and service of Ag. equip., vehicles, feed, or suppl.	H	C	Public & Semipublic	(/)	AG	Veterinary Service (Outdoor)	M	C
Comm. Non-Farm Animals	M	P	Accessory Use		P	Retail & Wholesale Trade	(/)	AG
Confined Feeding Operations	H	C	Cemetery	H	P	Accessory Use		P
Equestrian Center	H	C	Governmental Facility	H	P	Agricultural Sale Barn	H	P
Equine Services	L	P	Historic Adaptive Reuse		P	Fruit Market	L	P
Feed Lot	H	P	Religious Facilities	H	P	Garden Center	H	C
Feed Mill	L	P	Remote Garbage/Rubbish Removal	H	C	Historic Adaptive Reuse		P
Historic Adaptive Reuse		P	Solar Farm	L	C	Automotive & Transportation	(/)	AG
Horse Farm	L	P	Telephone and Telegraph Services	L	P	Automobile Repair Services, Minor	H	C
Nursery/greenhouse	H	P	Utility Service Facility	M	P	Historic Adaptive Reuse		P
Orchard	H	P	Wastewater Treatment Facility	H	C	Amusement and Recreational	(/)	AG
Pick-your-own operation	H	P	Water Treatment Facility	H	C	Accessory Use		P
Roadside farm stand, Permanent	M	P	Wired Communication Services	M	P	Camping Facility	H	P
Roadside farm stand, Temporary	L	P				Historic Adaptive Reuse		P
Stockyard	H	P				Park and Recreational Services	H	C
Winery	H	P				Private Recreational Facility	H	C
						Recreational Vehicle (RV) Park	H	C
						Manufacturing, Mining	(/)	AG
						Accessory Use		P
						General Contractor	M	C
						Historic Adaptive Reuse		P
						Sawmill	H	C
						Wood Products	M	C

EXHIBIT 6: LB and GB Use Table

USES	INTENSITY			USES	INTENSITY			USES	INTENSITY		
Agricultural Uses	i	LB	GB	Retail and Wholesale Trade	i	LB	GB	Manufacturing, Mining	i	LB	GB
Historic Adaptive Reuse		P	P	Accessory Use		P	P	Accessory Use		P	P
Boarding House	L	P	P	Agricultural Supply	H		P	Commercial Printing	H		P
Historic Adaptive Reuse		P	P	Apparel Shop	L	P	P	Construction Trailer	L	P	P
Public and Semipublic	i	LB	GB	Appliance Sales	L		P	General Contractor	M		P
Accessory Use		P	P	Auction House	H		P	Historic Adaptive Reuse		P	P
Charitable, Fraternal, or Social	L		P	Bakery (Retail)	L	P	P	Adult Oriented Businesses	L/M	P	P
Community Center	L	P	P	Bookstore	L	P	P	Multi-Use	i	LB	GB
Daycare Facility	M	P	P	Building Materials	H		P	Business or Industrial Center	H		P
Funeral Home	M		P	Cabinet Sales	L		P	Commerical/Industrial Adaptive Reuse			P
Group Home Class I	L	P	P	Camera and Photographic Supply	L	P	P	Shopping Center			P
Group Home Class II	L	P	P	Confectionery	L	P	P				
Historic Adaptive Reuse		P	P	Convenience Store	H	P	P				
Hospital	H		P	Department Store	M		P				
Medical Clinic	L	P	P	Drapery Sales	L		P				
Nursing Home	L		P	Drugstore	M	P	P				
Religious Facilities	H	P	P	Fertilizer Sales (Packaged)	M		P				
Remote Garbage/Rubbish Removal	H	P	P	Florist (Retail)	L	P	P				
Retirement Center	L	P	P	Florist (Wholesale)	N		P				
Telephone and Telegraph Services	L	P	P	Fruit Market	L	P	P				
Temporary Care Facility	L		P	Furniture Sales	L		P				
Utility Service Facility	M	P	P	Garden Center	H		P				
Water Treatment Facility	H	P	P	General Flooring Sales	L		P				
Business and Personal Services	i	LB	GB	Gift Shop	L	P	P				
Accessory Use		P	P	Grocery Store	M		P				
Air Cargo and Package Service	H		P	Gunshop	M	CU	CU				
Air Craft Charter Service	L		P	Handicrafts	L	P	P				
Airport Transportation Service	M		P	Hardware	M	P	P				
Appliance Repair	L	P	P	Historic Adaptive Reuse		P	P				
Barber Service	L	P	P	Home Improvement Center	H		P				
Beauty Service	L	P	P	Jewelry	L		P				
Caterer	L	P	P	Liquor Store	M	P	P				
Coin Operated Cleaning/Laundry	L	P	P	Marine Supply	L		P				
Convenience Storage	M	P	P	Manufactured Housing Sales	M		P				
Copy Service	L	P	P	Meat Market	L	P	P				
Dry Cleaning and Laundry Pickup	L	P	P	Music Store	L		P				
Dry Cleaning and Laundry Service	L		P	Office Showroom	M		P				
Electrical Repair	L	P	P	Office Supplies	M		P				
Employment Agency	M	P	P	Optical Goods	L		P				
Equipment Rental	M	P	P	Pet shop	L		P				
Estate Services	L	P	P	Restaurant	M	P	P				
Exterminating Service	L		P	Restaurant (Drive-in)	H		P				
Financial Service	M	P	P	Sporting Goods	L	P	P				
Gunsmith	L		P	Tavern	L		P				
Historic Adaptive Reuse		P	P	Used Merchandise (Antiques)	L		P				
Hotel	M		P	Used Merchandise (Flea Market)	H		P				
Insurance Agency	L	P	P	Used Merchandise (General)	L		P				
Interior Decorating	L	P	P	Automotive and Transportation	i	LB	GB				
Legal Service	L	P	P	Accessory Use		P	P				
Locksmith	L	P	P	Automotive Rentals	M		P				
Massage Studio	M	P	P	Automotive/Boat Repair Shop	H		P				
Motel	M		P	Automotive Sales	H		P				
Office	L	P	P	Automotive Supply	M		P				

EXHIBIT 7: Letters of Support



June 12, 2023

RE: 7850 & 7854 N Wayport Rd Bloomington, IN

To whom it may concern,

My name is Andy Peterson and I am a Realtor in Bloomington, IN. I represent Buyers and Sellers in both commercial and residential real estate transactions. I also own investment and commercial properties personally in four Indiana counties.

I have had the opportunity to showcase the properties located at 7850 & 7854 N Wayport Road in Bloomington, IN to potential buyers. Multiple things stand out immediately upon touring this property and the facilities located on them, the property is easily accessible from a major interstate highway and the care that goes into maintaining these vacant properties is extremely evident. I have had clients that this property stands out as the very obvious solution to their needs. I represent a business that would have office staff of approximately 25 people and literally do no work on site except for maintenance of their own equipment that they utilize on jobs elsewhere. This company is growing and very financially secure. They wanted this facility to be their headquarters but due to current zoning that is unable to occur.

It is my opinion that the use or sale of this phenomenal property under the current zoning deems it unviable. The property is zoned AG. Of the 50 or so conforming uses listed in the AG Zoned, most are not financially viable: ie Christmas Tree Farm or Orchard. The others are not practical: ie Government Facility or Utility Service Facility. The property has been listed for sale for over seven years. This valuable commercial property will not be sold unless it is rezoned.

Sincerely Submitted,

A handwritten signature in black ink, appearing to read "Andy Peterson", written over a horizontal line.

Andy Peterson

Peterson Realty, LLC
PO Box 5758 Bloomington, IN 47407

EXHIBIT 8: Letters of Opposition

From: [Andrew Long](#)
To: [Drew Myers](#)
Cc: [Eric Koch](#)
Subject: Opposition to Worms Way property rezone to PB
Date: Thursday, November 30, 2023 3:12:26 PM

Hello, my name is Andrew Long and I am a resident of Windsor Private neighborhood which is adjacent to the Worms Way property we are discussing.

As a Monroe county resident, taxpayer, and VOTER, I feel like we are constantly fighting this issue every few months, each time with the owner coming back with a new request for new variance or rezones. Windsor Private neighborhood residents have formally opposed these variance and rezone requests many times and the Monroe County officials have agreed with the residents and denied these rezone and variance requests. The Monroe County officials now need to stop these constant requests to rezone this property, and manipulation by the owner and his attorney to keep trying different requests until one gets approved.

There is a 12/5/2023 administrative meeting which is mostly CDO related, and then the 12/11/2023 Planning meeting where this rezone request will be discussed and voted on.

The neighbors are not against the owner trying to sell his property, but it needs to fit the surrounding area zoning and use cases. The owner is trying to rezone to Pre-Existing Business (PB). If the owner is granted the PB zone, then they will be able to sell to a company like Arnold Asphalt or a construction company that was previously denied by the planning commission because its use cases are not compatible with the Monroe County Comprehensive Plan, the existing zoning of AG-RR, and also not compatible with uses of the surrounding area.

The Monroe County CDO is also in the process of changing the zoning to AG2.5 Agricultural residential. It seems the owner is trying to get zoning changed before it is automatically changed to AG2.5, which would mean his options to sell to certain industrial companies would be more limited.

The Monroe County Planning Commission has previously denied rezone and variance requests because of incompatibilities with the surrounding area. The Planning Commission needs to deny this new PB zone request, based on previous denials.

Whether its asphalt, metal fabrication, construction storage yards or other uses,

these were all previously denied by the county. Now the owner is trying to get around those denials again, by trying to get it re-zoned PB, which includes many of these same use cases and companies he previously tried to rezone for and was denied.

At the last meeting about the PUD rezone request, a planning commission member asked our neighborhood to meet with the owner to come up with some acceptable businesses. This is not up to our neighborhood to do this. Another planning commission member put the question out there "What do we have to do to get this property sold for the owner?". It is inappropriate for a board member to say this, and it's not up to the county to find a way for the owner to sell at a high price, it's up to the county to protect resident's rights and property values.

Some quick calculations about property values in the area. Worms Way property is listed for over \$2M. However, the property tax valuation is about \$650,000.

Compare this to the Windsor Private Neighborhood, where we have approximately 35 taxpaying family homes, with a total value of approx. \$23.9 million, not including common land and infrastructure.

The planning commission members need to forget about trying to make things easier to sell the property for the owner and remember the tax base of the surrounding neighborhoods. Any incompatible businesses in the Worms Way location will affect our neighborhood as well as lowering property values.

The last planning meeting had a nice speech from the owner, basically blaming either our neighborhood or the previous zoning decisions made 20 years ago. It's not our fault or the county's fault that this property is inappropriate for this zone. If the owner reduces his asking price to a reasonable level for AG-RR, then it may sell to a company that can use it with the AG-RR zoning intact.

The owner needs to accept that he's made his huge profits over the many years of Worms Way, and it's time to sell the property closer to the assessed value for the zoning it's currently in.

This is a residential, agricultural, and rural area, not a business and industrial area. Rezoning to PB or any other zoning could allow incompatible businesses which have business use cases that have already been denied by the county. This latest attempt is again inappropriate for this area, and I am requesting that you please deny this rezone request, and any future rezone requests.

Thank you.

Andrew Long
7871 N Wexford Ct
Bloomington, IN 47408

PLANNER	Anne Crecelius
CASE NUMBER	SPP-23-3
PETITIONER	Indiana University Health Bloomington, Inc c/o Bynum Fanyo & Associates
ADDRESS	2900 N Stone Carver DR, parcel #53-04-25-101-005.013-011
REQUEST	North Park Area B-3 Subdivision Preliminary Plat Lot 3 Amendment 1 Street Tree Waiver Request. Plat Committee Recommendation
ACRES	14.53 +/- acres
ZONE	North Park PUD
TOWNSHIP	Richland Township
SECTION	25
PLATS	North Park Area B-3 Subdivision Final Plat
COMP PLAN DESIGNATION	MCUA Employment

EXHIBITS

1. [North Park Area B-3 Subdivision Preliminary Plat Lot 3 Amendment 1 \(updated 12/4/23\)](#)
2. North Park Area B-3 Subdivision Final Plat (2021)
3. Petitioner Street Tree Waiver Findings and Utility Easement
4. [Stone Carver Drive Extension Infrastructure Plans Link \(updated 12/4/23\)](#)
5. North Park Area B-3 Subdivision Preliminary Plat 2021 Results Letter
6. [North Park PUD Open Space, Linear Park, and Stormwater Management Plan Link](#)
7. [Draft 2 Petitioner Letter Addressing Staff Comments](#)

RECOMMENDATION

Staff recommends forwarding a **positive recommendation** for the North Park Area B-3 Subdivision Preliminary Plat Lot 3 Amendment 1 and the Street Tree Waiver request with the following conditions:

1. Extend the water main to the east and west property lines along Woodyard RD for future service to adjacent properties.
2. Provide a new estimate for GPUD-23-3 (SFP-21-18) and Subdivision Improvement Agreement.

MEETING SCHEDULE & RECOMMENDATIONS

- Plat Committee – November 16, 2023.
 - Forwarded a positive recommendation by a vote 2-0.
- Plan Commission Regular Meeting – December 11, 2023 (Preliminary Hearing)
 - Waiver of final hearing requested.
- Plan Commission Regular Meeting – January 16, 2024 (Final Hearing)

SUMMARY

The petition site is one parcel totaling 14.53 +/- acres located in Richland Township. The petitioner is proposing to amend the North Park Area B-3 Subdivision Preliminary Plat, originally platted in 2021. The petitioner is requesting a partial waiver from the Street Tree requirement of 856-43 for streets trees along Woodyard RD.

BACKGROUND

The proposed amendment would accomplish three actions: 1) dedicate right of way for a N Stone Carver DR road extension from N Lintel DR to W Woodyard RD, 2) propose construction plans for the road extension, and 3) split Lot 3 into two separate buildable lots, separated by the road extension. The road extension is required under the North Park PUD, Section 8.B.22 “A local road connection shall be made between the yet un-named frontage road connecting Curry Pike and Packinghouse Road to Woodyard

Road. This connection shall be completed prior to any land use certificates or certificates of occupancy approval of 50% of the acreage in Use District B.”

Lot 3 is proposed to be bifurcated, with Lot 3A 6.22 acres (4.93 buildable) and Lot 3B totaling 7.42 acres (3.87 buildable). The petitioner is requesting a waiver from the Street Tree requirement of 856-43 for the property boundary along W Woodyard RD. Street trees will be planted on both sides of the proposed N Stone Carver DR extension (see Exhibit 4).

856-43. Preservation of Natural Features and Amenities

(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:

a. the proposed subdivision will connect with an existing or proposed subdivision or business development that has street trees, or has adjoining road frontage to a street that has street trees,

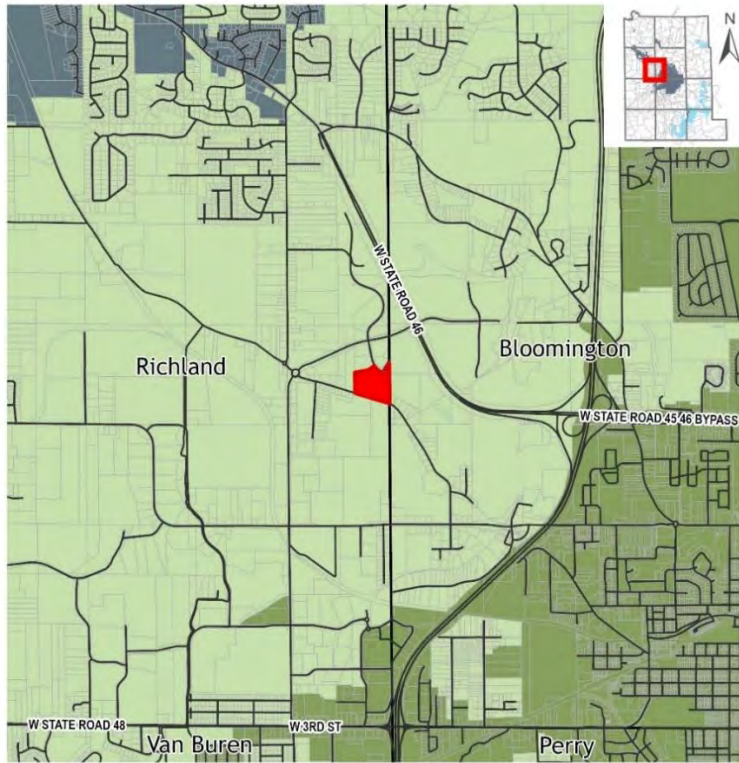
The petitioner has provided waiver findings for request to waive street trees along W Woodyard RD (see Exhibit 3). The petitioner states that the 100’ overhead utilities line easement along W Woodyard is located within the proposed dedicated right-of-way. The petitioner states that street trees “may cause damage to the electric facilities when fully grown”. During the first preliminary plat, a waiver from the Street Tree requirement was requested and approved with conditions (see Exhibit 5). The condition was “Twenty-four (24) trees be preserved or planted on Lot 3 in lieu of street trees”. **The subdivision approval agreement expired on March 23, 2023. The petitioner is stating they will maintain that commitment to plant the original twenty-four additional tree proposed along the north and west property lines. Staff will require a new estimate and SIA for the original condition.**

This partial waiver request is to waive the street trees along Woodyard RD. Staff isn’t proposing relocation of any street trees.

Per staff request, the petitioner has updated the proposed streetscape plan to include a minimum of five (5) tree species from the approved list under Chapter 830.

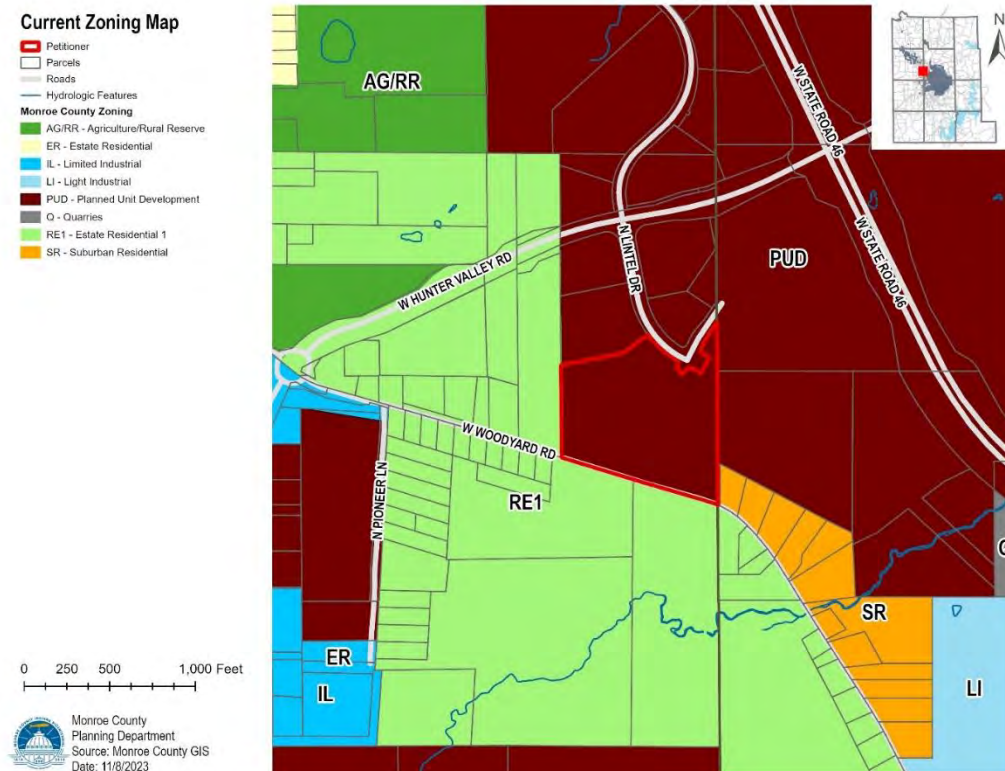
Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Incorporated Areas**
- Bloomington
- Ellettsville
- Parcels



ZONING

The zoning for the petition site is North Park Planned Unit Development. Adjacent zoning is North Park PUD, Estate Residential 1(RE1), and Suburban Residential (SR). The petition site is currently vacant and undeveloped. Adjacent uses included medical facilities to the north, vacant to the east, residential to the southeast and south, and vacant to the west.



SITE CONDITIONS & INFRASTRUCTURE











The site has frontage along N Lintel DR, N Stone Carver DR and W Woodyard. The 2016 Thoroughfare Plan identifies Lintel and Stone Carver drives as Local roads, and Woodyard as Major Collector. The petition site is currently vacant and undeveloped. The property is mainly slopes under 15% slopes. Lot 3 contains a 16' electric underground line easement (see Exhibit 2), and a 100' electric line easement along W Woodyard RD (see Exhibit 3). All of the lots have access to water (City of Bloomington), electricity (Duke Energy), and sewer (South Central Regional Sewer District).

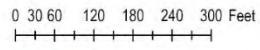
Planning staff requested the petitioner to provide a timeline for the installation of utilities on the two lots. The petitioner stated that “there are currently no plans for development for Lot 3A and 4. Sanitary sewer infrastructure will not be extended with the roadway construction since we are unable to predict the type of sewer service and infrastructure required for future development. There is an existing sanitary sewer main along N. Lintel Drive providing a connection point for future development. Sanitary sewer service will need to be designed at the time of future development.”

The Monroe County Highway Engineer has provided comments to the engineer regarding the roadway design. The Monroe County Highway Dept. Project Manager has received two Right of Way Activity permits (RW-23-289 and RW-23-259) and is requested a surety before the release of the permits.

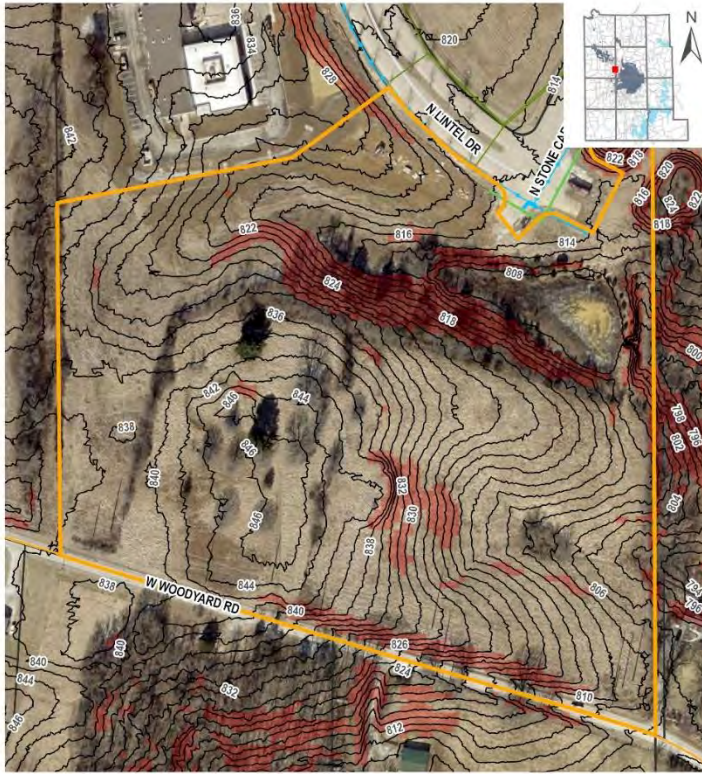
Water quality/bio-detention has been incorporated into the storm sewer infrastructure design per the request of the Monroe County MS4 coordinator. Please refer to Exhibit 6 for the link to the North Park PUD Open Space, Linear Park, and Stormwater Management plan. The infrastructure Plan has been updated to include a 12” waterline extension from the existing public main at N. Lintel Drive to W. Woodyard Road. The main has been stubbed on each side of the proposed roadway for future extension.

Site Conditions Map

-  Major Collector [70']
-  Petitioner
-  Sanitary Pipe
-  Water Pipe
-  Storm Water
-  2-Foot Contours
- 15% Slope (County/ECO2)**
- <VALUE>**
-  0 - 15
-  > 15
-  Local Roads [50']
-  Parcels



Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 11/8/2023



SITE PICTURES



Photo 1: 2022 Eagleview pictometry.



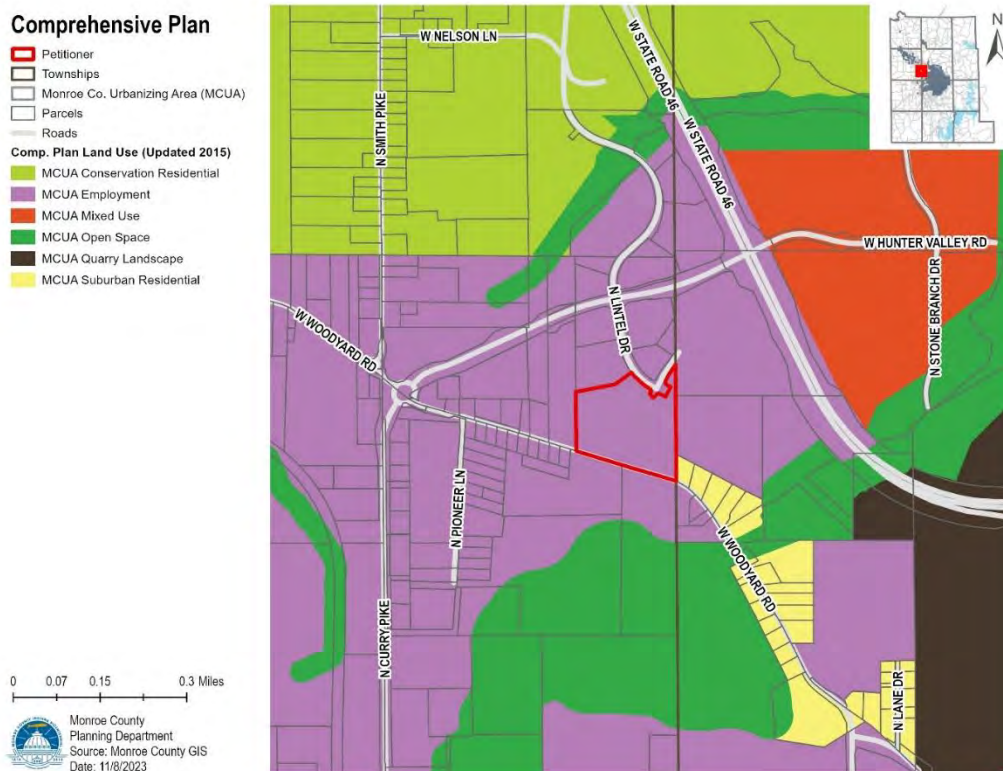
Photo 1. 2020 Eagleview pictometry. Corner of Curry and Lintel has since developed.



Photo 2. Facing west on W Woodyard RD. Note 100' powerline easement. Tree line on the right is the property line.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the **Employment** designation of the Monroe County Urbanizing Area plan. Points that align with the proposed rezone are highlighted in **green**. Points that differ are highlighted in **grey**. The plan states the following for this designation:



5.1.4 Employment

Employment-oriented uses include light industrial, manufacturing and assembly, research and development facilities, flex/office space, construction trades, warehousing and other types of commercial uses that may not be easily integrated into a mixed-use environment.

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

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

A. Transportation

Streets

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

Freight

Appropriate routes for truck traffic to and from i-69 should be designated with thoroughfares designed accordingly. Major highway access points to employment areas west of i-69 will **include Sr-46**, Third Street/Sr-48, 2nd Street/Sr-45 and Tapp road. Fullerton Pike will provide access to potential employment

areas to the east of I-69. A new roadway connection between That road and South Walnut Street (old Sr-37) should be considered to open land between the highway and Clear Creek for employment uses.

Bike, Pedestrian, and Transit modes

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

Opportunities to expand City of Bloomington and rural Transit service to employment areas should also be explored.

B. Utilities

Sewer and water

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

Power

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

Communications

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

C. Open space

Park Types

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

Urban Agriculture

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

D. Public Realm Enhancements

Wayfinding

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

Lighting

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

Street/Site furnishings

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

E. Development guidelines

Open Space

Open space in employment areas should be provided on-site (with the exception of significant environmental preservation areas) and determined through maximum lot coverage requirements, with 15

to 20% of a site reserved for landscaping, buffering, stormwater management and outdoor amenities for employees.

Parking ratios

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

Site Design

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

Building form

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

Materials

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

Private Signs

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

FINDINGS OF FACT - Subdivisions

850-3PURPOSE OF REGULATIONS

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

Findings

- The petitioner has approved sewer service from the South Central Regional Sewer District. water service approval from City of Bloomington Utilities, and electric from Duke Energy;
- Sidewalks will be installed along both sides of the proposed extension of N Stone Carver DR;
- A sidewalk will be installed along the north side of W Woodyard RD;
- Street Trees will be planted along both side of the proposed extension of N Stone Carver DR;
- The petitioner is requested a waiver from street trees along W Woodyard Road;
- N Lintel Drive, a Local Road, serves as the main access to the subdivision;
- Under chapter 856-11 states: “*Whenever the area to be subdivided is to use an existing street*

frontage, the street shall be suitably improved as herein provided and may be required to provide a minimum of two (2) points of ingress and egress for any new development.”

- Drainage from the site will managed via storm sewer system releasing into a proposed storm water quality detention feature;
- Karst formations were not found on the property;
- Lot 3 contains 1.49 acres of dedicated Open space, required for the North Park PUD;
- Floodplain is not present within the petition site boundary;

(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 MCUA Employment;
- The property is currently zoned PUD of the North Park PUD;
- The current approved uses for the petition parcel are Industrial Curry Pike District as written in the North Park Ordinance 2011-28;
- The surrounding area is comprised as PUD or residential to the south and southeast;
- See findings under Section A;

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

Findings

- Each lot complies with the Height, Bulk and Area standards of the Outline Plan;
- There is open space dedicated on Lot 3 totaling 1.43 acres;
- After further subdividing Lot 3, the Open Space will be located on Lot 3B;
- See findings under Section A;

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

Findings

- Surrounding properties are zoned PUD, Suburban Residential (SR) and Estate Residential 1 (RE1);
- There is residential use to the south and southeast of this PUD;
- Approval of the preliminary plat amendment would create 1 additional commercial lot for development;
- All proposed lots meet the design standards for the zoning designation PUD;
- The proposed subdivision is within proximity of a nursing home, medical offices and an insurance firm and has access to roads, utilities and fire protection;
- The proposed development contains permitted uses within Use District B of the North Park PUD;
- The proposed development is required to have sidewalks along W Woodyard RD; the preliminary plat currently doesn't show the sidewalks;
- 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 open space dedicated on Lot 3 totaling 1.43 acres;
- After further subdividing Lot 3, the Open Space will be located on Lot 3B;
- There are no evident karst features visible on the petitioner site;
- Drainage easements have been incorporated into the preliminary plat amendment;
- Proposed lots will have a buildable area for commercial development;
- See findings under Sections A & C;

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

- 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.
- 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.

Findings

- The land boundary records are found at the Monroe County Recorder’s Office and, if approved, this petition will be recorded there as a plat. The plat must comply with Chapter 860 - Document Specifications to be recorded.

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

Findings:

- See Findings (a);

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:

- a. the proposed subdivision will connect with an existing or proposed subdivision or business development that has street trees, or has adjoining road frontage to a street that has street trees, or;
- c. the proposed subdivision is within the Urban Service boundary as shown in 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:

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 - b. the proposed subdivision will connect with an existing or proposed subdivision or business development that has street trees, or has adjoining road frontage to a street that has street trees, or;
 - d. the proposed subdivision is within the Urban Service boundary as shown in 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);
- The site maintains frontage along three roads: N Lintel DR, W Woodyard RD, and N Stone Carver DR;
- Street trees are currently in place on N Lintel and N Stone Carver Drives;
- The waiver request is for the 24 trees required along W Woodyard Road;
- The requirement is that street trees be placed within five feet of the right-of-way along the frontage of W Woodyard Road unless the waiver is granted;
- The total length of frontage along W Woodyard Rd is approximately 950 linear ft;
- There is a 100’ powerline easement along W Woodyard Rd;
- Right of way dedication is 45’ from centerline which would put the placement of the trees very near the center of the powerline easement;
- The powerline lowest lines measure as low as 25’ as measured through Eagleview aerials;
- The petitioner has provided Waiver Findings as shown in Exhibit 3;

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) in the Urban Service Area;
- 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:

- Properties along W Woodyard Road east of the petition site do not have sewer services or water services;
- The height of the trees may cause maintenance issues for the overhead powerlines;
- 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 existing street trees on the other three frontage roads for the petition site;
- 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);
- The utility lines appear to have existed since 2006 as shown in aerial photos;
- No trees currently exist under the powerlines along W Woodyard Rd;

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.

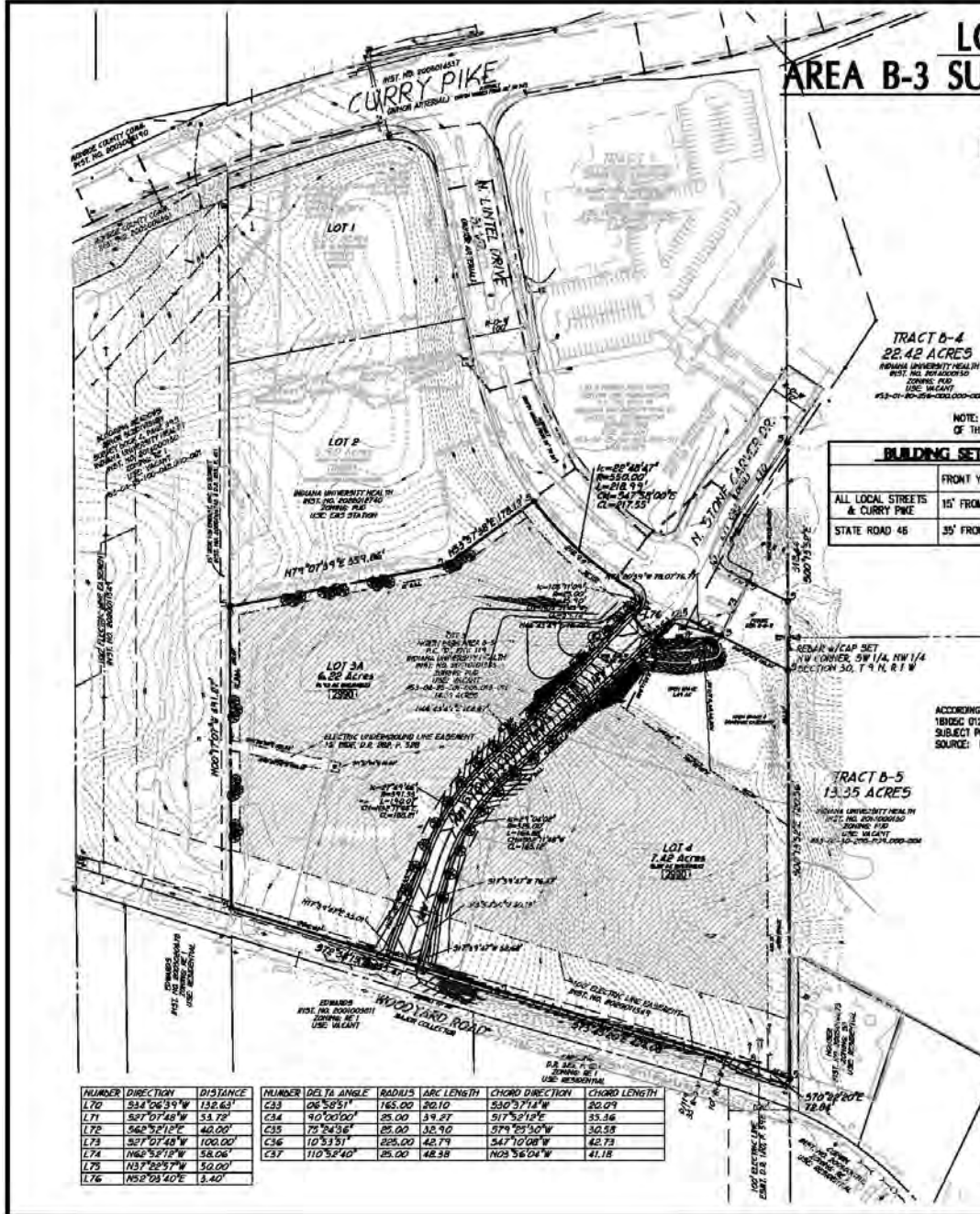
EXHIBIT 1: North Park Area B-3 Subdivision Preliminary Plat Lot 3 Amendment 1 (updated 12/4/23)

INSTRUMENT NO. _____ PLAT CABINET _____ ENVELOPE _____

**LOT 3 NORTH PARK
AREA B-3 SUBDIVISION AMENDMENT ONE
PRELIMINARY PLAT
RICHLAND TOWNSHIP**



Scale 1" = 120 ft
BASIS OF BEARING
NORTH PARK TYPE D & E
ADMINISTRATIVE SUBD.
P.C. "D", ENV. 109



**TRACT b-4
22.42 ACRES**
INDIANA UNIVERSITY HEALTH
POST. REG. NO. 200000000
ZONING PD
100-01-00-000-000-000

NOTE: THIS PROPERTY IS PART
OF THE NORTH PARK PLD.

BUILDING SETBACK TABLE (PLD ZONING)

	FRONT YARD	SIDE YARD	REAR YARD	F.A.R.
ALL LOCAL STREETS & CURRY PIKE	15' FROM R/W	15'	35'	3.0
STATE ROAD 46	35' FROM R/W	35' FROM R/W	35' FROM R/W	



LOCATION MAP

FLOOD NOTE
ACCORDING TO FIRM COMMUNITY-PANEL NUMBER
180DEC 01/200 MAP REVISED DECEMBER 17, 2010
SUBJECT PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA.
SOURCE: FEMA FIA

LEGEND

PROPERTY LINE	---	3 INCH DASH	□
EASEMENT LINE	---	WATER MAIN	+
POLE	---	SUN	+
OVERHEAD UTILITIES	---	AREA LIGHT	+
OVERHEAD ELECTRIC LINE	---	SAFETY SIGN CLEAN OUT	+
UNDERGROUND ELECTRIC LINE	---	CABLE T.V. BOX	+
UNDERGROUND GAS LINE	---	GAS METER	+
UNDERGROUND TELEPHONE LINE	---	LANDSCAPE AREA	+
WALKER LINE	---	POLES AND CROSS CASSEMENT	+
SAFETY SIGN LINE	---	UTILITY CASSEMENT	+
POST RECORD SIGN AND PAVE	---	DRAINAGE CASSEMENT	+
5/8" BEAM WITH CAP SET	---	DRAINAGE AND UTILITY CASSEMENT	+
5/8" RAIL SET	---	POLES IRON CASSEMENT	+
BECOND	---	UTILITY POLE ANCHOR	+
BECOND	---	ANCHOR	+
BECOND	---	AREA SIGN	+
BECOND	---	AIR CONDITIONING PAD	+
BECOND	---	GENERATOR	+
BECOND	---	L.A. GAS SIGN	+
BECOND	---	LANDSCAPE PAVING SPATE	+
BECOND	---	LANDSCAPE BUFFER CASSEMENT	+
BECOND	---	IRREVERSIBLE AREA	+

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

This instrument prepared by Charles D. Graham

SUBDIVIDER/DEVELOPER
NAME: INDIANA UNIVERSITY HEALTH BLOOMINGTON, INC.
ADDRESS: 950 N. MERIDIAN STREET
INDIANAPOLIS, IN 46204
TELEPHONE: 317-730-0208
CONTACT: SEITH PORTER

DESIGN PROFESSIONALS
NAME: BYNUM FANTO & ASSOCIATES, INC.
ADDRESS: 528 NORTH WALNUT STREET
BLOOMINGTON, IN 47404-3504
TELEPHONE: 812-332-8030
JEFF FANTO, PE 18283
CHARLES D. GRAHAM, RLS 9500014

**LOT 3 NORTH PARK
AREA B-3 SUBDIVISION AMENDMENT ONE
PRELIMINARY PLAT
DATED: AUGUST 6, 2023
SHEET 1 OF 3
JOB NO. 402337**

NUMBER	DIRECTION	DISTANCE	NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
L70	S34.2639°W	132.63	C33	26.5851°	165.00	20.10	S30.5712°W	30.27
L71	S27.0748°W	53.72	C34	90.0000°	25.00	3.97	S17.5212°E	33.36
L72	S62.5212°E	40.00	C35	75.2436°	25.00	32.90	S79.2530°W	30.58
L73	S27.0748°W	100.00	C36	10.5351°	225.00	42.79	S47.1008°W	42.73
L74	N62.5212°E	58.06	C37	110.3240°	25.00	42.38	N03.5604°W	41.18
L75	N37.5212°W	50.00						
L76	N52.5940°E	3.40						

LOT 3 NORTH PARK AREA B-3 SUBDIVISION AMENDMENT ONE PRELIMINARY PLAT RICHLAND TOWNSHIP

We, Indiana University Health Bloomington, Inc., the owner of the real estate shown and described herein, does hereby certify, layout and plat lots numbered SA # 4, to be known as LOT 3 NORTH PARK AREA B-3 SUBDIVISION AMENDMENT ONE. 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 LOT 3 NORTH PARK AREA B-3 SUBDIVISION AMENDMENT ONE.

LOT 3 NORTH PARK AREA B-3 SUBDIVISION AMENDMENT ONE is to be subject to the provisions of the Declaration of the Covenants, Conditions, and Restrictions of NORTH PARK recorded as instrument number 2006014021, on July 12th, 2006, in the Office of the Recorder of Monroe County, Indiana.

LOT 3 NORTH PARK AREA B-3 SUBDIVISION AMENDMENT ONE is to be subject to the provisions of the revised North Park PUD Ordinance dated September 9th, 2011.

LOT 3 NORTH PARK AREA B-3 SUBDIVISION AMENDMENT ONE is to be subject to the written commitments as prepared by Andrews, Harrell, Mann, Carmis & Parker of Bloomington, Indiana, dated 9-23-2012 as instrument number 2012014070.

There are building setbacks on the Plat upon which no structures may 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, wires, drainage pipes or storm water facilities. Buildings or other structures shall not be erected or maintained on these strips.

The strips of ground that are shown on the plat and marked "pedestrian easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public pedestrian traffic across said ground. Buildings or other structures shall not be erected or maintained on these strips.

The strips of ground that are shown on the plat and marked "landscape buffer easement" are owned by the owners of the lots that they respectively affect. These strips are reserved for landscaping purposes. Utilities may be placed in said easement but no buildings or other structures shall be erected or maintained on these strips.

Subject to the rights of adjacent lot owners to use the ingress and egress easements.

Subject to the rights of the public to use the pedestrian easements.

Signed and Sealed this _____ day of _____, 20__.

BY: _____ OFFICE _____

STATE OF INDIANA }
COUNTY OF MONROE } ss:

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

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

County of Residence _____ Commission Expires _____

Notary Public Signature _____ Notary Public Printed _____

Under the authority of Chapter 174, Acts of 1947, as amended, General Assembly of the State of Indiana, and Monroe County Subdivision Control Ordinance, this plat was approved _____, 20__.

MONROE COUNTY PLAN COMMISSION

PRESIDENT _____

SECRETARY _____

LEGAL DESCRIPTION

Owner: Indiana University Health Bloomington, Inc.
Source: Instrument No. 2021010343

Lot 3 in North Park Area B-3 Subdivision as recorded as instrument number 2021010343 in the Office of the Recorder of Monroe County, Indiana, being a part of the Northeast quarter of Section 25, Township 9 North, Range 2 West, Richland Township, Monroe County, Indiana.



DRAINAGE MAP

Appendix D - Table D-1 - Height, Bulk, Density

Use Area	Minimum Lot Area	Minimum Lot Width*	Setbacks ²			Built-to-Line	Maximum Height	Maximum Floor to Area Ratio
			Front	Rear	Side			
Neighborhood Retail	NA	NA	NA	0'	0'	Within five (5) feet of ROW	40'	2.00
Office Commerce Center	NA	50'	15'	15'	5'		40'	3.00
Town Center	NA	NA	NA	0'	0'	Within five (5) feet of ROW	70'	3.00
Multi-family Commerce Center	40,000 sq ft	50'	15'	15'	5'		50'	.75
Public/Civic	NA	NA	15'	15'	5'		50'	.50
Retail Commerce Center	NA	50'	15'	15'	5'		40'	.50
Industrial Curry Pike District	NA	100'	15'	35'	15'		70' ***	3.0***
Convenience Store	NA	50'	15'	15'	5'		30'	.50
Hotel	NA	50'	15'	15'	5'		70'	.50
Office Highway District	NA	50'	15'	15'	5'		70'	3.00
Retail Highway District	NA	50'	15'	15'	5'		40'	.50
Multi-family Highway District	40,000 sq ft	50'	15'	15'	5'		50'	.75
Low Density Residential	20,000 sq ft	50'	25'	35' **	15' **		35'	.25
Neighborhood Residential	6,000 sq ft	25'	15'	10'	0'		35'	.50
Multi-family Neighborhood	20,000 sq ft	60'	15'	15'	5'		35'	1.00
Office SR46 District	NA	100'	15'	15'	5'		70'	3.00
Open Space	NA	NA	NA	NA	NA		NA	NA
Apple Industrial/Office	NA	100'	15'	35'	15'	NA	70' ***	3.0***

Other General Conditions Applicable to all Use Areas:

- All accessory structures shall adhere to the setback standards identified in the Exhibit and shall be included in the FAR calculation
- Chimneys, spires, flagpoles, etc. are exempt from the height limitations established in the Exhibit
- Architectural features, awnings, canopies, bay windows, chimneys, fire escapes, porches, steps, patios, decks, etc. are allowed to encroach into any required setback areas up to 6 feet
- Driveways, curbs, sidewalks, fences, retaining walls, hedges, flagpoles, landscaping features, planting boxes, recreation features and equipment, refuse disposal facilities, etc. can be located in any yard subject to any applicable provisions regarding screening, landscaping, sight triangle, etc. as established in this PUD Ordinance
- On any corner lot, a wall, fence, sign, structure, display of merchandise, plant growth, etc. which obstructs sight lines at elevations between two and one-half (2 1/2) feet and ten (10) feet above the crown of the adjacent roadway shall not be placed or maintained within a triangle of the area of the lot twenty-five (25) feet from the street right of way at intersections
- Temporary outdoor displays of merchandise, that is merchandise on display for thirty (30) days or fewer may encroach into the required setback by no more than ten (10) feet
- Permanent outdoor displays of merchandise, that is merchandise on display for more than thirty (30) days shall conform to the required setbacks for the use area

PLANT INVENTORY							
KEY	BOTANICAL NAME	COMMON NAME	SIZE & CONDITION	SPACING	SPECIFIC (D) VALUE	TOTAL (D) VALUE	TOTAL (D) VALUE
AI	ACER NIGRUM	BLACK MAPLE	2" CAL., B & B	SEE PLAN	35	7	245
JY	JUNIPERUS VIRGINIANA	EASTERN REDCEDAR	2" CAL., B & B	SEE PLAN	35	6	210
TD	TAXODIUM DISTICHUM	BALD CYPRESS	2" CAL., B & B	SEE PLAN	35	6	210
PO	PLATANUS OCCIDENTALIS	SYCAMORE	2" CAL., B & B	SEE PLAN	35	6	210
QC	QUERCUS COCCINEA	SCARLET OAK	2" CAL., B & B	SEE PLAN	35	6	210

PLANT QUANTITY	PL=FARKING LOT PERIMETER PLANTINGS	(D) VALUE SUBTOTAL	38,121
PLANT KEY DESIGNATION	PL10,64,89=BO=RETENTION PLANTINGS	STREET PLANTING (D) VALUE	-3,343
REQUIREMENT DESIGNATION	P=INTERNAL PARKING LOT PLANTINGS	TOTAL (D) VALUE PROVIDED:	35,778
	SS=STREETSCAPE AREA PLANTINGS		
	BY=BUFFERYARD PLANTINGS		

LOT 3 NORTH PARK
AREA B-3 SUBDIVISION AMENDMENT ONE
PRELIMINARY PLAT
DATED: AUGUST 6, 2023
SHEET 2 OF 3
JOB. NO. 402337

THE FOLLOWING IS FROM THE NORTH PARK PUD ORDINANCE
SECTION 7.4

Industrial Curry Pike District (Within District B) (Including Apple Industrial/Office)

1. Height, setbacks, minimum frontage, etc. shall be in accordance with Appendix D of this PUD Ordinance.

2. Individual buildings shall relate to adjacent buildings and those directly across the street in terms of scale and massing.

3. All elevations of buildings facing public streets, plazas, or open space shall incorporate all of the following:

i. All elevations shall be brick, stone or cultured stone, wood, or masonry/wood based siding product, masonry, or pre-cast panels finished with some architectural finish such as fluting, stamping, etc., excluding window, doors, and similar opportunities. Materials such as exterior insulated finish systems (EIFS), anodized metal and glass may be used in combination with any of the previously mentioned materials as architectural accents, constituting 50% or less of the area of the elevation.

ii. All elevations fronting on a public street, parking area, plaza, or open space shall include an entrance. Entrances shall be defined by architectural elements appropriate for the design of the building and shall either be covered or recessed and shall incorporate street furniture into their design.

iii. All facades fronting on a public street shall include a minimum 30% fenestration which shall be calculated by taking the building's length multiplied by a height of ten (10) feet.

iv. All facades fronting on a public street, parking area, plaza or open space that measure greater than eighty (80) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least the percent (5%) of the length of the facade and extending at least twenty percent (20%) of the length of the facade. No uninterrupted length of any such facade shall exceed eighty (80) feet.

v. A minimum of two (2) materials or colors shall be used for all buildings.

5. All buildings shall be designed with a minimum of six (6) external corners, in order to eliminate "box" designs.

6. All other elevations not finished with the materials identified to the previously mentioned manner shall have the corners wrapped a minimum of fifty (50) feet with the same finish as that on the elevations fronting on a public street, plaza, or open space.

7. Rooftop equipment shall be fully screened on all sides from view of street level using parapets or other similar method which is integrated into the overall building design.

8. Buffers and downspouts shall be appropriate to or visually integrated with the architectural style of the structure.

9. The primary base color of a building shall feature natural tones/hues.

10. Flat roofs are permitted, but must include a parapet wall or similar architectural element appropriate for the design of the building. Pitched roofs shall include articulated cornices and other appropriate architectural elements and shall be sheathed in dimensional asphalt shingles, cedar shingles, slate or composite slate, or standing seam metal materials.

11. Any accessory structures or permanent outdoor display (excluding signs, water towers, etc.) shall be constructed of the same materials and in the same manner as the principle building. Further, the height of the accessory structure shall not exceed that of the principle building and if provided, the roof shall be constructed in the same manner and of the same material as the principle building.

12. Parking for all structures shall be in accordance with the following:

i. On-street parking that may be counted as part of the required parking is permitted on local streets and parking aisles, but is prohibited on all other streets and alleys. On-street parking shall be in the form of parallel or angled head-in parking, with all spaces measuring at least nine (9) feet in width and eighteen (18) feet in length and shall be placed within a parking lane.

ii. All on-street and off-street parking spaces required shall be used only for the parking of vehicles of occupants, patrons, visitors or employees and shall not be used for any kind of continuous storage of a vehicle for more than forty-eight (48) hours.

iii. All off-street parking areas shall be located behind or on the side of the buildings they serve except for the hospital/wellness use where off-street parking areas may be located in front of, behind, or on the side of the buildings they serve; provided that where adjoining open space areas or any publicly-maintained road, the parking areas are located behind a landscaped masonry wall meeting the requirements of Chapter 830, Figure 30-4 or a landscaped berm meeting the requirements of Chapter 830, Figure 30-2 or Figure 30-3.

iv. All off-street parking areas shall provide accessible spaces in sufficient numbers and to the specifications of the Americans with Disabilities Act and the Indiana Building Code.

v. Parking space access for all off-street parking areas shall be provided in accordance with 806-4C(1)(X) and (4); 806-4D).

vi. The minimum number of parking spaces required shall be in accordance with the provisions of Chapter 806 of the Monroe County Zoning Ordinance. A parking plan detailing the calculations shall accompany all site plans and development plans submitted for uses within this area. On-street parking areas provided within the use area may be counted toward the required parking.

vii. Loading areas equivalent to the standards established in 806-8 shall be provided. Minor deliveries such as those made by the U.S. Postal Service, express carriers, etc. may utilize any provided on-street parking areas.

viii. A dedicated transit loading, unloading, and waiting area shall be provided within at least one parking area in each use district, within three hundred (300) feet of a public entrance, unless otherwise provided for in an equal form on an adjacent public street. The area shall be large enough to accommodate a parked bus without blocking parking spaces or aisles and shall include street furniture to accommodate waiting passengers. There shall also be associated facilities for storing and securing bicycles. This area shall not be counted toward the required parking spaces.

ix. All parking areas shall be connected into adjacent alternative transportation features.

x. Structured parking may be used for off-street parking provided it is either located underground or utilizes architectural finishes and elements equivalent to that used in adjacent buildings.

xi. No off-street parking areas shall be adjacent to SR46 or Curry Pike/Hunter Valley Road unless located behind buildings, behind a landscaped masonry wall meeting the requirements of Chapter 830, Figure 30-4, or a landscaped berm meeting the requirements of Chapter 830, Figure 30-2 or Figure 30-3.

13. Landscaping and buffer yards shall be provided in accordance with the following:

i. A landscape plan for each site plan and development plan shall be prepared in accordance with the provisions of 830-4 of the Monroe County Zoning Ordinance.

ii. All landscaped areas shall be in accordance with the provisions of Chapter 830-6 of the Monroe County Zoning Ordinance except that landscaping islands serving as part of the storm water management facilities need not be separated by curbing so long as they are protected through the use of wheel stops.

iii. Buffer yards shall be in accordance with the provisions of 830-7 of the Monroe County Zoning Ordinance, except that where adjoining open space areas and Curry Pike or SR46 a Type D buffer yard meeting the provisions of Table 30-2 of the Monroe County Zoning Ordinance shall be provided and where adjoining SR46 no less than seventy-percent (75%) of the existing trees and vegetation shall be left undisturbed for a minimum depth of fifty (50) feet from the right of way line (See Appendix A).

iv. All off-street parking areas shall utilize small parking fields separated by landscaped areas. In addition to the landscaping requirements of parking areas contained elsewhere in this PUD Ordinance, there shall be a landscaped swale measuring no less than sixteen (16) feet in width with a density of no less than 110 plants per 100 linear feet between every two parking aisles (every four rows of parking stalls). This swale may be counted as a required perimeter yard and may be divided equally among the two adjoining parking fields for the purposes of determining the percent of lot area located in an interior planting area as described in Table 30-3 of Chapter 830 of the Monroe County Zoning Ordinance. This area may also be designed to accept and manage storm water.

v. Street trees shall be provided in accordance with 836-43D) of the Monroe County Subdivision Control Ordinance. All such street trees shall be maintained in healthy condition by the adjoining lot owner or other assigned entity (association, etc.).

14. Signs for uses within this use area shall be in accordance with the following:

i. Permitted signs are as follows and as illustrated in Appendix C of this PUD Ordinance:

- Directional

Directional signs are permitted as determined by the Administrator to be necessary for the orderly flow of traffic.

Sign shall not exceed four (4) square feet in area per side with a maximum of two sides per sign. Sign shall not exceed three (3) feet in height as measured from the adjoining grade.

- Monument

One (1) monument sign is permitted for each platted lot or development tract.

Setbacks shall be consistent with those of the principle building.

Sign shall not exceed fifty (50) square feet in area per side with a maximum of two sides per sign.

Signs in excess of twenty-four (24) square feet shall not exceed six (6) feet in height all other signs shall not exceed eight (8) feet in height as measured from the adjoining grade.

No more than one-half (1/2) the sign area may be used for changeable copy.

- Wall-Mounted

Total permitted wall-mounted signs shall not exceed forty (40) square feet, except for the Hospital/Wellness use, where the total permitted wall-mounted signs shall not exceed five hundred and fifty (550) square feet with the sign area per facade not to exceed two (2) square feet for each one (1) linear foot of building facade provided that no greater than three hundred and fifty (350) square feet of wall-mounted sign area per facade is allowed.

One (1) sign is permitted per building per facade per tenant.

Sign shall not exceed forty (40) square feet.

The bottom of the sign must be a minimum of eight (8) feet above the street or sidewalk level.

Signage on a mounted sign shall be counted in the calculation of total allowable sign area.

The sign shall not project from the facade more than twelve (12) inches.

No more than twenty-five percent (25%) of the sign area may be used for changeable copy.

- Marquee

A maximum of one (1) marquee sign. Signage on a marquee sign shall not be counted in the calculation of the total allowable sign area. Sign shall not exceed forty (40) square feet in area per side, with a maximum of two sides per sign.

The bottom of the sign shall be a minimum of eight (8) feet above the adjoining street or sidewalk level.

The sign shall not project more than four (4) feet from the face of the facade.

- Other

Political signs and signs offering the property on which they are situated for sale, lease, or rent provided they are in accordance with the provisions of 807-7(a) of the Monroe County Zoning Ordinance.

Traffic control and public wayfinding signs are exempt from the provisions of this PUD Ordinance.

ii. Off-premise advertising signs or billboards and portable signs are prohibited within this use area.

iii. All signs shall be identified on the site plan and/or development plan and shall secure a permit in accordance with the provisions of 807-3 of the Monroe County Zoning Ordinance.

iv. All illuminated signs shall be either illuminated channel letters or shall be illuminated by a light source directed toward the sign face. Internally illuminated box signs are prohibited as are any signs that use flashing, intermittent, or strobe effects.

15. Lighting shall be provided in accordance with the following:

i. Street lights may be provided where buildings front on any streets or drives. These lights shall be placed at a minimum of sixty (60) foot intervals and shall have a maximum height of twenty-five (25) feet. The lights shall have an opaque top or a full cut-off and visor that result in all light being cast downward.

ii. Lights that utilize full cut-offs and visors that result in all light being cast downward may be used in parking areas and shall have a maximum height of twenty-five (25) feet. The light intensity shall not exceed one (1) foot candle as measured at the edge of the associated parking area.

iii. Only lights utilizing full cut-offs and visors that result in all light being cast downward may be placed on buildings to illuminate loading berths, stairwells, etc.

iv. No lighting shall be placed on any facade that adjoins an open space area or a residential area (outside of this use area).

16. The design of this use area shall result in a "campus" type environment where buildings, roads, etc conform to the existing topography and landscape as much as practical. Extensive use of open space and preservation of existing features is expected. Connections to adjoining park space and civic space shall occur and a high degree of architectural design shall be incorporated throughout this area.

LOT 3 NORTH PARK AREA B-3 SUBDIVISION AMENDMENT ONE

PRELIMINARY PLAT RICHLAND TOWNSHIP

LOT 3 NORTH PARK
AREA B-3 SUBDIVISION AMENDMENT ONE
PRELIMINARY PLAT
DATED: AUGUST 6, 2023
SHEET 3 OF 3
JOB. NO. 402337

EXHIBIT 2: North Park Area B-3 Subdivision Final Plat (2021)

INSTRUMENT NO. _____ PL _____

2021010343 SPL 335.00
08/02/2021 11:45:40A 3 PGS
Eric Schwilz
Monroe County Recorder IN
Recorded as Presented

ENVELOPE

**NORTH PARK
AREA B-3 SUBDIVISION**

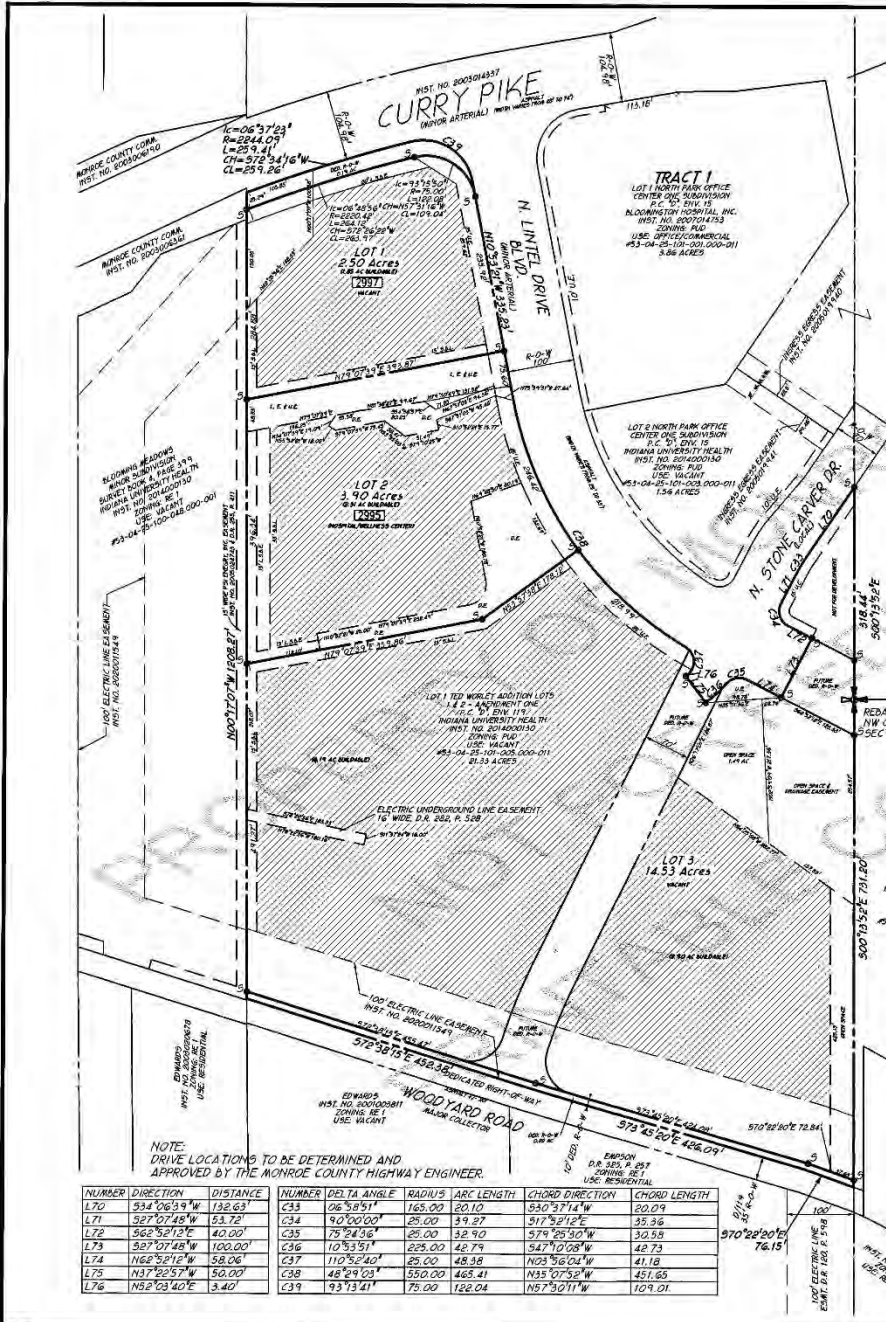
**FINAL PLAT
RICHLAND TOWNSHIP**

DULY ENTERED
FOR TAXATION
MAY 28 2021

Charles D. Graham
Auditor Monroe County, Indiana



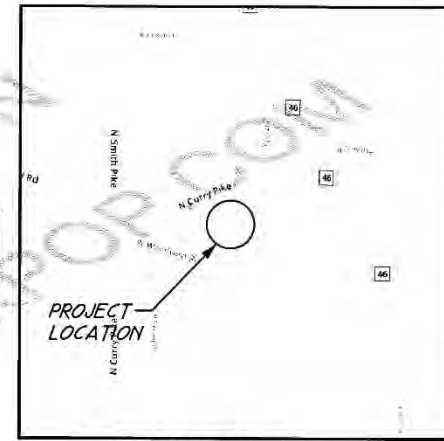
Scale 1" = 120 ft
BASIS OF BEARING
NORTH PARK TYPE D & E
ADMINISTRATIVE SUBD.
P.C. "D", ENV. 109



TRACT B-4
22.42 ACRES
INDIANA UNIVERSITY HEALTH
PUD ZONING
USE: VACANT
#53-01-20-254-000-000-004

NOTE: THIS PROPERTY IS PART
OF THE NORTH PARK PUD

BUILDING SETBACK TABLE (PUD ZONING)				
	FRONT YARD	SIDE YARD	REAR YARD	F.A.R.
ALL LOCAL STREETS & CURRY PIKE	15' FROM R/W	15'	35'	3.0
STATE ROAD 45	35' FROM R/W	35' FROM R/W	35' FROM R/W	



FLOOD NOTE
ACCORDING TO FIRM COMMUNITY-PANEL NUMBER
18105C 0129D MAP REVISED DECEMBER 17, 2010
SUBJECT PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA.
SOURCE: FEMA FIA

LEGEND

PROPERTY LINE	---	5" OR 6" D.S.W.	□
EASEMENT LINE	---	WATER VALVE	□
FENCE	---	SIGN	□
OVERHEAD UTILITIES	---	AREA LIGHT	□
UNDERGROUND ELECTRIC LINE	---	SEWAGE/SANITARY CLEAN OUT	□
UNDERGROUND GAS LINE	---	CABLE T.V. BOX	□
UNDERGROUND TELEPHONE LINE	---	GAS METER	□
WATER LINE	---	LANDSCAPE AREA	□
SANITARY SEWER LINE	---	INGRESS AND EGRESS EASEMENT	□
DEED RECORD BOOK AND PAGE	---	UTILITY EASEMENT	□
5/8" REBAR WITH CAP SET	---	DRAINAGE EASEMENT	□
MAS HAL SET	---	DRAINAGE AND UTILITY EASEMENT	□
RECORD	---	FEEC/TIAN EASEMENT	□
MEASURED	---	UTILITY POLE ANCHOR	□
RIGHT-OF-WAY	---	MAIL BOX	□
UTILITY POLE	---	AIR CONDITIONING PAD	□
FIRE HYDRANT	---	GENERATOR	□
ELECTRIC METER	---	L.P. GAS TANK	□
WATER METER	---	HANDICAP PARKING SPACE	□
TELEPHONE RISER	---	LANDSCAPE BUFFER EASEMENT	□
ELECTRIC TRANSFORMER	---	BUILDABLE AREA	□
ADDRESS	---		

NUMBER	DIRECTION	DISTANCE	NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
L70	S34°06'39"W	132.63	C33	06°58'51"	165.00	20.10	S40°37'14"W	20.09
L71	S27°07'48"W	53.72	C34	90°00'00"	25.00	31.27	S17°52'12"E	35.36
L72	S62°52'12"E	40.00	C35	75°54'36"	25.00	32.40	S75°25'07"W	30.58
L73	S27°07'48"W	100.00	C36	10°53'51"	225.00	42.79	S47°12'08"W	42.73
L74	N68°52'12"E	58.06	C37	110°52'40"	25.00	48.58	N03°56'04"W	41.18
L75	N37°25'57"W	50.00	C38	48°29'03"	550.00	465.41	N35°07'52"E	451.65
L76	N32°03'40"E	3.40	C39	93°13'41"	75.00	152.04	N5°30'11"W	109.01

I affirm under penalties of perjury, that I have taken reasonable care to reduce
each social security number in this document, unless required by law.
Charles D. Graham

This instrument prepared by Charles D. Graham

SUBDIVIDER/DEVELOPER
NAME: INDIANA UNIVERSITY HEALTH BLOOMINGTON, INC.
ADDRESS: 950 N. MERIDIAN STREET
INDIANAPOLIS, IN 46204
TELEPHONE: 317-730-6208
CONTACT: SETH PORTER

DESIGN PROFESSIONALS
NAME: BYNUM FANYO & ASSOCIATES, INC.
ADDRESS: 528 NORTH WALNUT STREET
BLOOMINGTON, IN 47404-3804
TELEPHONE: 812-332-8030
JEFF FANYO, PE 18263
CHARLES D. GRAHAM, RLS 9500014



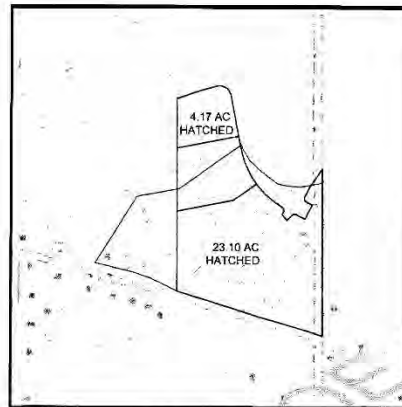
**NORTH PARK
AREA B-3 SUBDIVISION
FINAL PLAT**
DATED: DECEMBER 31, 2020
SHEET 1 OF 3
JOB. NO. 402013

2/21/10343 SPL \$35.00
05/02/2021 11:45:40R 3 PGS
Eric Scheidt
Marion County Recorder IN
Recorded as Presented

NORTH PARK
AREA B-3 SUBDIVISION
FINAL PLAT
RICHLAND TOWNSHIP

Appendix D - Table D-1 - Height, Bulk, Density

Table with 8 columns: Use Area, Minimum Lot Area, Minimum Lot Width, Setbacks (Front, Rear, Side), Build-to-Line, Maximum Height, Maximum Floor to Area Ratio. Rows include Neighborhood Retail, Office Commerce Center, Town Center, Multi-family Commerce Center, Public Office, Retail Commerce Center, Industrial Curvy Pike District, Convenience Store, Hotel, Office Highway District, Retail Highway District, Multi-family Highway District, Live Density Residential, Neighborhood Residential, Multi-family Neighborhood, Office SR46 District, Open Space, Apple Industrial Office.



DRAINAGE MAP

We, Indiana University Health Bloomington, Inc. the owner of the real estate shown and described herein, does hereby certify, layout and plat lots numbered 1, 2 and 3, to be known as NORTH PARK AREA B-3 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 NORTH PARK AREA B-3 SUBDIVISION.

NORTH PARK AREA B-3 SUBDIVISION is to be subject to the provisions of the Declaration of the Covenants, Conditions, and Restrictions of NORTH PARK recorded as instrument number 200601401L on July 12th, 2006, in the Office of the Recorder of Monroe County, Indiana.

NORTH PARK AREA B-3 SUBDIVISION is to be subject to the provisions of the revised North Park PUD Ordinance dated September 9th, 2011.

NORTH PARK AREA B-3 SUBDIVISION is to be subject to the written commitments as prepared by Andrews, Harrell, Mann, Carmichael & Parker of Bloomington, Indiana, dated 8-23-2012 as instrument number 201201407D.

There are building setbacks on the Plat upon which no structures may 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 wires, drainage pipes or storm water facilities. Buildings or other structures shall not be erected or maintained on these strips.

The strips of ground that are shown on the plat and marked "pedestrian easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public for pedestrian traffic across said ground. Buildings or other structures shall not be erected or maintained on these strips.

The strips of ground that are shown on the plat and marked "landscape buffer easement" are owned by the owners of the lots that they respectively affect. These strips are reserved for landscaping purposes. Utilities may be placed in said easement but no buildings or other structures shall be erected or maintained on these strips.

Subject to the rights of adjacent lot owners to use the ingress and egress easements.

Subject to the rights of the public to use the pedestrian easements.

Signed and Sealed this 7th day of May, 2021

By: Eric Scheidt, OWNER, Brian T. Shockey, PRESIDENT, OFFICE

STATE OF INDIANA)
COUNTY OF MONROE) SS:

before me, the undersigned Notary Public, in and for the said County and State, personally appeared BRIAN SHOCKEY, and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and seal this 7th day of MAY, 2021

MONROE County of Residence, Commission Expires August 13, 2023, Mary T. Block, Notary Public Signature



Lot 1 in Ted Worley Addition Lots 1 & 2 - Amendment One dated October 11, 2012 and recorded in Plat Cabinet D, Envelope 119 in the Office of the Recorder of Monroe County, Indiana, is hereby vacated.

Witness our hand this 7th day of May, 2021

By: Eric Scheidt, OWNER, signed; Brian T. Shockey, OWNER, printed; IU HEALTH BLOOMINGTON, INC, Owner Lot 1

By: PRESIDENT, Office

STATE OF INDIANA)
COUNTY OF MONROE) SS:

before me, the undersigned Notary Public, in and for the said County and State, personally appeared BRIAN SHOCKEY, and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and seal this 7th day of MAY, 2021

MONROE County of Residence, Commission Expires August 13, 2023, Mary T. Block, Notary Public Signature



Under the authority of Chapter 176, Acts of 1947, as amended, General Assembly of the State of Indiana, and Monroe County Subdivision Control Ordinance, this plat was approved May 14, 2021

MONROE COUNTY PLAN COMMISSION, President, Secretary



LEGAL DESCRIPTION

Owner: Indiana University Health Bloomington, Inc.
Source: Instrument No. 2014000130

Lot 1 in Ted Worley Addition Lots 1 & 2 - Amendment One as recorded in Plat Cabinet D in Envelope 119 in the Office of the Recorder of Monroe County, Indiana, being a part of the Northeast quarter of Section 25, Township 9 North, Range 2 West, Richland Township, Monroe County, Indiana.

PROPOSED STREET TREES table with columns: SYMBOL, KEY, BOTANICAL NAME, COMMON NAME, SIZE & COMPOSITION, TOTAL CITY. Lists trees like Red Maple, White Birch, Yellow-Red Maple, etc.

Other General Conditions Applicable to all Use Areas:

- All accessory structures shall adhere to the setback standards identified in the Exhibit and shall be included in the FAR calculation.
- Chimneys, spires, flagpoles, etc. are exempt from the height limitations established in the Exhibit.
- Architectural features, awnings, canopies, bay windows, chimneys, fire escapes, porches, steps, patios, decks, etc. are allowed to encroach into any required setback areas up to 6 feet.
- Driveways, curbs, sidewalks, fences, retaining walls, hedges, flagpoles, landscaping features, planting boxes, recreation features and equipment, refuse disposal facilities, etc. can be located in any yard subject to any applicable provisions regarding screening, landscaping, sight triangle, etc. as established in this PUD Ordinance.
- On any corner lot, a wall, fence, sign, structure, display of merchandise, plant growth, etc. which obstructs sight lines at elevations between two and one-half (2 1/2) feet and ten (10) feet above the crown of the adjacent roadway shall not be placed or maintained within a triangle of the area of the lot twenty-five (25) feet from the street right of way at intersections.
- Temporary outdoor displays of merchandise, that is merchandise on display for thirty (30) days or fewer may encroach into the required setback by no more than ten (10) feet.
- Permanent outdoor displays of merchandise, that is merchandise on display for more than thirty (30) days shall conform to the required setbacks for the use area.



NORTH PARK
AREA B-3 SUBDIVISION
FINAL PLAT
DATED: DECEMBER 31, 2020
SHEET 2 OF 3
JOB. NO. 402013

NORTH PARK AREA B-3 SUBDIVISION

FINAL PLAT RICHLAND TOWNSHIP

THE FOLLOWING IS FROM THE NORTH PARK PUD ORDINANCE SECTION 7.4

Industrial Curry Pike District (Within District B) (Including Apple Industrial Office)

1. Height, setbacks, minimum frontage, etc. shall be in accordance with Appendix D of this PUD Ordinance.

2. Individual buildings shall relate to adjacent buildings and those directly across the street in terms of scale and massing.

3. All elevations of buildings facing public streets, plazas, or open space shall incorporate all of the following:

i. All elevations shall be brick, stone or cultured stone, wood, or masonry/wood based siding product, masonry, or pre-cast panels finished with some architectural finish such as fluting, stamping, etc., excluding window, doors, and similar appurtenances. Materials such as exterior insulated finish systems (EIFS), oxidized metal and glass may be used in combination with any of the previously mentioned materials as architectural accents, constituting 50% or less of the area of the elevation.

ii. All elevations fronting on a public street, parking area, plaza, or open space shall include an entrance. Entrances shall be defined by architectural elements appropriate for the design of the building and shall either be covered or recessed and shall incorporate street furniture into their design.

iii. All facades fronting on a public street shall include a minimum 30% fenestration which shall be calculated by taking the building's length multiplied by a height of ten (10) feet.

iv. All facades fronting on a public street, parking area, plaza or open space that measure greater than eighty (80) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least five percent (5%) of the length of the facade and extending at least twenty percent (20%) of the length of the facade. No uninterrupted length of any such facade shall exceed eighty (80) feet.

4. A minimum of two (2) materials or colors shall be used for all buildings.

5. All buildings shall be designed with a minimum of six (6) external corners, in order to eliminate "box" designs.

6. All other elevations not finished with the materials identified in the previously mentioned manner shall have the corners wrapped a minimum of thirty (30) feet with the same finish as that on the elevations fronting on a public street, plaza, or open space.

7. Roofing equipment shall be fully screened on all sides from view at street level using parapets or other similar method which is integrated into the overall building design.

8. Gutters and downspouts shall be appropriate to or visually integrated with the architectural style of the structure.

9. The primary base color of a building shall feature natural tones/values.

10. Flat roofs are permitted, but must include a parapet wall or similar architectural element appropriate for the design of the building. Pitched roofs shall include articulated cornices and other appropriate architectural elements and shall be sheathed in dimensional asphalt shingles, cedar shingles, slate or composite slate, or standing seam metal materials.

11. Any accessory structures or permanent outdoor display (excluding sofas, water towers, etc.) shall be constructed of the same materials and in the same manner as the principle building. Further, the height of the accessory structure shall not exceed that of the principle building and if provided, the roof shall be constructed in the same manner and of the same material as the principle building.

12. Parking for all structures shall be in accordance with the following:
i. On-street parking that may be counted as part of the required parking is permitted on local streets and parking aisles, but is prohibited on all other streets and alleys. On-street parking shall be in the form of parallel or angled head-in parking, with all spaces measuring at least nine (9) feet in width and eighteen (18) feet in length and shall be placed within a parking lane.

ii. All on-street and off-street parking spaces required shall be used only for the parking of vehicles of occupants, patrons, visitors or employees and shall not be used for any kind of continuous storage of a vehicle for more than forty-eight (48) hours.

iii. All off-street parking areas shall be located behind or on the side of the buildings they serve except for the Hospital/Wellness use where off-street parking areas may be located in front of, behind, or on the side of the buildings they serve, provided that where adjoining open space areas or any publicly-maintained road, the parking areas are located behind a landscaped masonry wall meeting the requirements of Chapter 830, Figure 30-4 or a landscaped berm meeting the requirements of Chapter 830, Figure 30-2 or Figure 30-3.

iv. All off-street parking areas shall provide accessible spaces in sufficient numbers and to the specifications of the Americans with Disabilities Act and the Indiana building code.

v. Parking space access for all off-street parking areas shall be provided in accordance with 806-4(C)(1)(a) and (a), 806-4(B).

vi. The minimum number of parking spaces required shall be in accordance with the provisions of Chapter 806 of the Monroe County Zoning Ordinance. A parking plan detailing the calculations shall accompany all site plans and development plans submitted for uses within this area. On-street parking areas provided within the use area may be counted toward the required parking.

vii. Loading areas equivalent to the standards established in 806-8 shall be provided. Minor deliveries such as those made by the U.S. Postal Service, express carriers, etc. may utilize any provided on-street parking areas.

viii. A dedicated transit loading, unloading, and waiting area shall be provided within at least one parking area in each use district, within three hundred (300) feet of a public entrance, unless otherwise provided for in an equal form on an adjacent public street. The area shall be large enough to accommodate a parked bus without blocking parking spaces or aisles and shall include street furniture to accommodate waiting passengers. There shall also be associated facilities for storing and securing bicycles. This area shall not be counted toward the required parking spaces.

ix. All parking areas shall be connected into adjacent alternative transportation features.

x. Structured parking may be used for off-street parking provided it is either located underground or utilizes architectural finishes and elements equivalent to that used in adjacent buildings.

xi. No off-street parking areas shall be adjacent to SR46 or Curry Pike/Hunter Valley Road unless located behind buildings, behind a landscaped masonry wall meeting the requirements of Chapter 830, Figure 30-4, or a landscaped berm meeting the requirements of Chapter 830, Figure 30-2 or Figure 30-3.

13. Landscaping and buffer yards shall be provided in accordance with the following:

i. A landscape plan for each site plan and development plan shall be prepared in accordance with the provisions of 830-4 of the Monroe County Zoning Ordinance.

ii. All landscaped areas shall be in accordance with the provisions of Chapter 830-8 of the Monroe County Zoning Ordinance except that landscaping islands serving as part of the storm water management facilities need not be separated by curbing so long as they are protected through the use of wheel stops.

iii. Buffer yards shall be in accordance with the provisions of 830-7 of the Monroe County Zoning Ordinance, except that where adjoining open space areas and Curry Pike or SR46 a Type D buffer yard meeting the provisions of Table 30-2 of the Monroe County Zoning Ordinance shall be provided and where adjoining SR46 no less than seventy-five percent (75%) of the existing trees and vegetation shall be left undisturbed for a minimum depth of fifty (50) feet from the right of way line (See Appendix A).

iv. All off-street parking areas shall utilize small parking fields separated by landscaped areas. In addition to the landscaping requirements of parking areas contained elsewhere in this PUD Ordinance, there shall be a landscaped swale measuring no less than thirteen (16) feet in width with a density of no less than 110 plants per 100 linear feet between every two parking aisles (every four rows of parking stalls). This swale may be counted as a required perimeter yard and may be divided equally among the two adjoining parking fields for the purposes of determining the percent of lot area located in an interior planting area as described in Table 30-3 of Chapter 830 of the Monroe County Zoning Ordinance. This area may also be designed to accept and manage storm water.

v. Street trees shall be provided in accordance with 856-43(B) of the Monroe County Subdivision Control Ordinance. All such street trees shall be maintained in healthy condition by the adjoining lot owner or other assigned entity (association, etc.).

14. Signs for uses within this use area shall be in accordance with the following:

i. Permitted signs are as follow and as illustrated in Appendix C of this PUD Ordinance:

- Directional
Directional signs are permitted as determined by the administrator to be necessary for the orderly flow of traffic.

Sign shall not exceed four (4) square feet in area per side with a maximum of two (2) feet in height as measured from the adjoining grade.

- Monument

One (1) monument sign is permitted for each plotted lot or development tract. Setbacks shall be consistent with those of the principle building.

Sign shall not exceed fifty (50) square feet in area per side with a maximum of two (2) sides per sign.

Signs in excess of twenty-four (24) square feet shall not exceed six (6) feet in height all other signs shall not exceed eight (8) feet in height as measured from the adjoining grade.

No more than one-half (1/2) the sign area may be used for changeable copy.

- Wall-Mounted

Total permitted wall-mounted signs shall not exceed forty (40) square feet, except for the hospital/wellness use, where the total permitted wall-mounted signs shall not exceed the hundred and fifty (150) square feet with the sign area per facade not to exceed two (2) square feet for each one (1) linear foot of building facade provided that no greater than three hundred and fifty (350) square feet of wall-mounted sign area per facade is allowed.

One (1) sign is permitted per building per facade per tenant.

Sign shall not exceed forty (40) square feet.

The bottom of the sign must be a minimum of eight (8) feet above the street or sidewalk level. Signage on a mounted sign shall be counted in the calculation of total allowable sign area.

The sign shall not project from the facade more than twelve (12) inches.

No more than twenty-five percent (25%) of the sign area may be used for changeable copy.

- Marquee
A maximum of one (1) marquee sign. Signage on a marquee sign shall not be counted in the calculation of the total allowable sign area. Sign shall not exceed forty (40) square feet in area per side, with a maximum of two (2) sides per sign.

The bottom of the sign shall be a minimum of eight (8) feet above the adjoining street or sidewalk level. The sign shall not project more than four (4) feet from the face of the facade.

- Other

Political signs and signs offering the property on which they are situated for sale, lease, or rent provided they are in accordance with the provisions of 807-760 of the Monroe County Zoning Ordinance.

Traffic control and public wayfinding signs are exempt from the provisions of this PUD Ordinance.

ii. Off-premise advertising signs or billboards and portable signs are prohibited within this use area.

iii. All signs shall be identified on the site plan and/or development plan and shall secure a permit in accordance with the provisions of 807-3 of the Monroe County Zoning Ordinance.

iv. All illuminated signs shall be either illuminated channel letters or shall be illuminated by a light source directed toward the sign face. Internally illuminated box signs are prohibited as are any signs that use flashing, intermittent, or strobe effects.

15. Lighting shall be provided in accordance with the following:

i. Street lights may be provided where buildings front on any streets or drives. These lights shall be placed at a minimum of sixty (60) foot intervals and shall have a maximum height of twenty-five (25) feet. The lights shall have an opaque top or a full cut-off and visor that result in all light being cast downward.

ii. Lights that utilize full cut-offs and visors that result in all light being cast downward may be used in parking areas and shall have a maximum height of twenty-five (25) feet. The light intensity shall not exceed one (1) foot candle as measured at the edge of the associated parking area.

iii. Only lights utilizing full cut-offs and visors that result in all light being cast downward may be placed on buildings to illuminate loading berths, stairwells, etc.

iv. No lighting shall be placed on any facade that adjoins an open space area or a residential area (outside of this use area).

16. The design of this use area shall result in a "campus" type environment where buildings, roads, etc. conform to the existing topography and landscape as much as practical. Extensive use of open space and preservation of existing features is expected. Connections to adjoining park space and civic space shall occur and a high degree of architectural design shall be incorporated throughout this area.



NORTH PARK
AREA B-3 SUBDIVISION
FINAL PLAT
DATED: DECEMBER 31, 2020
SHEET 3 OF 3
JOB. NO. 402013

EXHIBIT 3: Petitioner Street Tree Waiver Findings and Utility Easement



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

October 10th, 2023

To Members of the Monroe County Planning Commission

RE: Stone Carver Drive Extension

FINDINGS OF FACT - WAIVER of the street tree requirement along Woodyard Road.

The petitioner has requested a waiver for the requirement of street tree plantings along the Woodyard Road public right-of-way for the plating of Lot 3 North Park Area B-3 Subdivision Amendment One.

I. Street tree conflicts with existing overhead utility lines and easements.

Findings:

- There are existing overhead utility lines located within the public right-of-way. The overhead utility lines are parallel to W. Woodyard Road and are approximately 12' from the north edge of pavement.
- There are existing overhead utility lines located just outside the public right-of-way. The overhead utility lines run parallel to the public right-of-way and are approximately 10' from the existing right-of-way line.
- There is an existing 100 foot electric line easement extending into the subject property from the existing right-of-way line.
- Placement of street trees within the electric line easement may cause damage to the electric facilities when fully grown. Additionally, placement of street trees within the easement will obstruct Duke Energy from operating and maintaining the electric facilities.
- Refer to the attached easement for additional information. Instrument Number 2020011549.

If there are any questions, please contact this office at (812) 332-8030

Sincerely,

Anthony Willis
c/o Bynum Fanyo & Associates, Inc.

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

2020011549 EASE \$25.00
07/27/2020 10:04:09AM 6 PGS
Eric Schmitz
Monroe County Recorder IN
Recorded as Presented



GRANT OF EASEMENT

Pt. Parcel #53-04-25-101-005.000-011
#53-04-25-100-048.000-011

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, **INDIANA UNIVERSITY HEALTH BLOOMINGTON, INC.**, an Indiana not-for-profit corporation formerly known as Bloomington Hospital, Inc. (hereinafter referred to as "Grantor"), hereby grant(s) unto **DUKE ENERGY INDIANA, LLC**, an Indiana limited liability company with a mailing address of 1000 E. Main Street, Plainfield, IN 46168 and its successors and assigns (hereinafter referred to as "Grantee"), a perpetual, non-exclusive easement, to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify and remove electric and/or telecommunication overhead line or lines, including but not limited to, all necessary and convenient supporting structures (such as poles), wires, cables, guy wires with anchors, grounding systems, counterpoises, and all other appurtenances, fixtures and equipment (hereinafter referred to as the "Facilities") for the transmission and distribution of electrical energy, and for technological purposes (including but not limited to telecommunications), in, upon, over, along, under, through and across the following described real estate more particularly described on Exhibit "A", (hereinafter referred to as the "Easement Area") the same being a part of that certain property situated in Section 25, Township 9N, Range 2W, Richland Township, Monroe County, State of Indiana; being a part of a tract as recorded in Instrument Number 2014000130 in the Office of the Recorder of Monroe County, Indiana (hereinafter referred to as "Grantor's Property").

This easement grant shall include, but not be limited to, the following respective rights and duties of Grantor and Grantee:

1. Grantee shall have the right of ingress and egress over the Easement Area and to and from the Easement Area over the adjoining land of Grantor's Property if access to the Easement Area is not available from public road right of way.
2. Grantee shall have the right to cut down, clear, trim, remove, and otherwise control any trees, shrubs, overhanging branches, and/or other vegetation upon or over the Easement Area. Upon not less than ten (10) business days' notice to Grantor, except in a case of an emergency in which case Grantee shall provide Grantor with notice when the emergency subsides, Grantee shall also have the right to cut down, clear, trim, remove, and otherwise control any trees, shrubs, overhanging branches, and/or other vegetation which are adjacent to the Easement Area but only to the extent such vegetation may endanger, as reasonably determined by Grantee, the safe or reliable operation of the Facilities.

For Grantee's Internal Use:

Line Name/No: BLOOMINGTON BUSINESS PARK RELOCATION

Tract No: IU Health

Job Control #T1355TL1

LU# 1706504

Prep/Chk: LGF/JBS _____ Exec/Rec: _____

Dwg/Fac Ref: EXHIBIT "A"

Prepared Date: 9-4-18 6-22-2020

23513584.1

3. [Intentionally deleted.]

4. [Intentionally deleted.]

5. Grantor shall not place, or permit the placement of, any obstructions within the Easement Area that may unreasonably interfere with the exercise of the rights granted herein to Grantee. Grantee shall have the right to remove any such obstruction.

6. Subject to the prior, recorded non-exclusive rights of third parties to the Easement Area, Grantee shall have the right to pile dirt and other material and to operate equipment upon the surface of the Easement Area and the adjoining land of Grantor's Property, *but only* during those times when Grantee is actively constructing, reconstructing, maintaining, repairing, replacing, relocating, adding to, modifying, or removing the Facilities and such time period with respect to the adjoining land of Grantor's Property shall not exceed a period of forty-five (45) days.

7. Excluding the removal of vegetation and obstructions as provided herein, any physical damage to the surface area of the Easement Area and the adjoining land of Grantor's Property resulting from the exercise of the rights granted herein to Grantee, shall be promptly paid by Grantee, or repaired or restored by Grantee to a condition which is reasonably close to the condition it was in prior to the damage, all to the extent such damage is caused by Grantee or its contractors or employees. In the event that Grantee does not, in the opinion of Grantor, satisfactorily repair any damage, Grantor must, within ninety (90) days after such damage occurs, file a claim for such damage with Grantee at (a) 1000 E. Main St., Plainfield, IN 46168, Attn: Right of Way Services, or (b) by contacting an authorized Right of Way Services representative of Grantee.

8. Grantor shall have the right to use the Easement Area and the adjoining land of Grantor's Property in any manner which is consistent with the rights granted herein to Grantee, and shall comply with all applicable codes when making use of the land near the Facilities.

9. Notwithstanding anything to the contrary contained herein and subject to the prior, recorded nonexclusive rights of third parties to the Easement Area, Grantor shall not without the prior written consent of Grantee:

(a) construct or install, or permit the construction or installation of any building, house, or other above-ground structure, or portion thereof, upon the Easement Area; or (b) excavate or place, or permit the excavation or placement of any dirt or other material upon or below the Easement Area; or (c) cause, by excavation or placement of material, either on or off the Easement Area, a pond, lake, or similar containment vehicle that would result in the retention of water in any manner within the Easement Area.

10. Grantor and Grantee warrant that they have the necessary authority to enter into this Grant of Easement. The parties shall defend and hold each other harmless from the claim of any third party that the other does not have such authority.

11. The respective rights and duties herein of Grantor and Grantee shall inure to the benefit of, and shall be binding upon the respective successors, assigns, heirs, personal representatives, lessees, licensees, and/or tenants of Grantor and Grantee. Easement, Grantor and Grantee, as used herein, shall be deemed to be plural, when required to be so. The exercise of any or all of the rights and privileges of Grantee set forth herein, shall be at the sole discretion of Grantee.

12. This Grant of Easement may be executed in one or more counterparts and together the fully-executed counterparts shall be deemed to be one original document.

13. Grantee shall defend, indemnify and hold harmless Grantor from and against any claim or action by a third party against Grantor, for personal injury or property damage arising from the exercise by Grantee or an agent of Grantee of the easement and right herein, although caused in part by the negligence of Grantor or an agent of Grantor but excluding the sole negligence or willful misconduct of Grantor or an agent of Grantor; provided, Grantor provides Grantee with timely notice of said claim or action.

IN WITNESS WHEREOF, Grantor has caused this Grant of Easement to be signed by its duly authorized representative(s), effective the 17th day of July, 2020.

INDIANA UNIVERSITY HEALTH BLOOMINGTON, INC.,

By: Brian Shockney By: _____
Printed Name: Brian Shockney Printed Name: _____
Printed Title: President, IU Health South Central Region Printed Title: _____

STATE OF Indiana)
) SS:
COUNTY OF Monroe)

Personally appeared before me this day, July 17, 2020 (a) duly authorized representative(s) of Grantor and acknowledged the signing of this Grant of Easement by Brian Shockney to be a voluntary act and deed for and on behalf of Grantor, and having been duly sworn/affirmed, state(s) that any representations contained therein are true to the best of his personal knowledge.

WITNESS my hand and notarial seal, this 17th day of July, mm, 2020.

My Commission Expires: January 31, 2025 Signed Name: Kathleen Madison
My County of Residence: Monroe Printed Name: Kathleen Madison
My Commission Number: 696145

WITNESS TO THE ABOVE SIGNATURE

Lesley Snyder
Witness' Signature
Lesley Snyder
Witness' Printed Name

STATE OF Indiana)
) ss:
COUNTY OF Monroe)

Before me, a Notary Public in and for said County and State, on the 17th day of July, 2020, personally appeared the above named WITNESS to the foregoing instrument, who, being duly sworn by me, did depose and say that he/she knows Brian Shockney to be the individual described herein and who executed the foregoing instrument; that said witness was present and saw the said President, IU Health South Central Region, execute the same; and that said WITNESS at the same time subscribed his/her name as a witness thereto.

SEAL: Signed: Kathleen Madison
Printed or Typed Name: Kathleen Madison
My Commission expires: January 31, 2025
My county of residence: Monroe
My Commission number: 696145

Kathleen Madison
NOTARY PUBLIC
SEAL
Monroe County, STATE OF INDIANA
MY COMMISSION EXPIRES January 31, 2025



Historic Fort Harrison
8901 Otis Avenue
Indianapolis, IN 46216
317-826-7100
317-826-7200 FAX

Engineering
Surveying
Landscape
Architecture
GIS*LIS
Geology



**DUKE
ENERGY®**

EXHIBIT "A"

Permanent Easement
Bloomington North Park
Pt NE 1/4 Section 25-T9N-R2W
Richland Township
Monroe County, Indiana

Owner:

Tax ID: 53-04-25-100-048.000-011
53-04-25-101-005.000-011
Indiana University Health Bloomington, Inc.,
f/k/a Bloomington Hospital, Inc.,
an Indiana not-for-profit corporation
Warranty Deed
January 3, 2014
Instrument #2014000130

2792.8 lineal feet permanent easement along centerline
238,183 square feet permanent easement
5.468 acres +/-

Permanent Easement

A part of Lot 1 in Ted Worley Addition - Lots 1 & 2 - Amendment One, as per plat thereof recorded as Instrument #201201/204, Plat Cabinet D, Envelope 119, in the Office of the Recorder of Monroe County, Indiana, and a part of the Northeast Quarter of Section 25, Township 9 North, Range 2 West, in Monroe County, Indiana, being described as follows:

Commencing at the northeast corner of said Northeast Quarter Section; thence South 00 degrees 24 minutes 21 seconds East (basis of bearings per Indiana State Plane Coordinates - West Zone) along the east line of said Quarter Section a distance of 1,919.74 feet to the **Point of Beginning**; thence continuing South 00 degrees 24 minutes 21 seconds East along said east line a distance of 106.44 feet to the southeast corner of said Lot 1 in Ted Worley Addition, also being the north right-of-way line of Woodyard Road dedicated per said plat, the following 3 courses being along said right-of-way line; (1) thence North 70 degrees 22 minutes 09 seconds West a distance of 82.10 feet; (2) thence North 73 degrees 45 minutes 09 seconds West a distance of 426.09 feet; (3) thence North 72 degrees 38 minutes 04 seconds West a distance of 452.38 feet to the southwest corner of said Lot 1, being on the east line of a tract of land described as "TRACT 2" in Warranty Deed recorded as Instrument #2014000130 in the Office of the Recorder of Monroe County, Indiana; thence South 00 degrees 16 minutes 56 seconds East along said east line a distance of 2.32 feet to the north right-of-way line of Woodyard Road as described in said deed; thence North 72 degrees 42 minutes 12 seconds West along said right-of-way line a distance of 265.39 feet to the southwest corner of said tract of land; thence North 00 degrees 19 minutes 33 seconds West along the west line thereof a distance of 825.58 feet; thence North 42 degrees 05 minutes 56 seconds East a distance of 347.23 feet to the south right-of-way line of Curry Pike as described in Instrument #2003006361 in said Recorder's Office; thence North 67 degrees 51 minutes 10 seconds East along said right-of-way line a distance of 21.10 feet to the west line of said Lot 1; thence North 00 degrees 16 minutes 56 seconds West along said west line a distance of 40.58 feet to the northwest corner of said Lot 1 and the south right-of-way line of Curry Pike, said point being on a non-tangent curve to the right having a radius of 2,244.09 feet and being subtended by a chord bearing North 70 degrees 36 minutes 50 seconds East a distance of 105.83 feet; thence easterly along said curve and right-of-way line an arc distance of 105.84 feet; thence South 00 degrees 16 minutes 56 seconds East a distance of 100.38 feet; thence South 42 degrees 05 minutes 56 seconds West a distance of 148.36 feet to said west line of Lot 1; thence continuing South 42 degrees 05 minutes 56 seconds West a distance of 227.87 feet to a point lying 100 feet by perpendicular measure east of the west line of said "TRACT 2"; thence South 00 degrees 19 minutes 33 seconds East parallel with the west line thereof a distance of 713.61 feet to a point lying 100 feet by perpendicular measure northeast of the north right-of-way line of Woodyard Road; thence South 72 degrees 42 minutes 12 seconds East parallel with said right-of-way line a distance of 160.55 feet to the west line of said Lot 1; thence North 00 degrees 16 minutes 56 seconds West along said line a distance of 2.36 feet, the remaining courses lying 100 feet by perpendicular measure north of said north right-of-way line; thence South 72 degrees 38 minutes 04 seconds East a distance of 493.22 feet; thence South 73 degrees 45 minutes 09 seconds East a distance of 428.07 feet; thence South 70 degrees 22 minutes 09 seconds East a distance of 48.59 feet to the **Point of Beginning**, containing 5.468 acres, more or less.

Tania M. Cree
Professional Surveyor #LS20400014
August 7, 2018



This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

Schneider Corporation
Job No. 9970.004
August 07, 2018 TMC

Document No. T:\9k\9970\004\CAD\IU Health - Relocation\9970004 IU Relocation desc.doc

Sheet 1 of 2



Historic Fort Harrison
8901 Otis Avenue
Indianapolis, IN 46216
317-826-7100
317-826-7110 FAX

Engineering
Surveying
Architecture
GIS LIS
Geology



DUKE ENERGY

Easement Relocation
Bloomington North Park
Pt NE 1/4 Section 25-T9N-R2W
Richland Township
Monroe County, Indiana

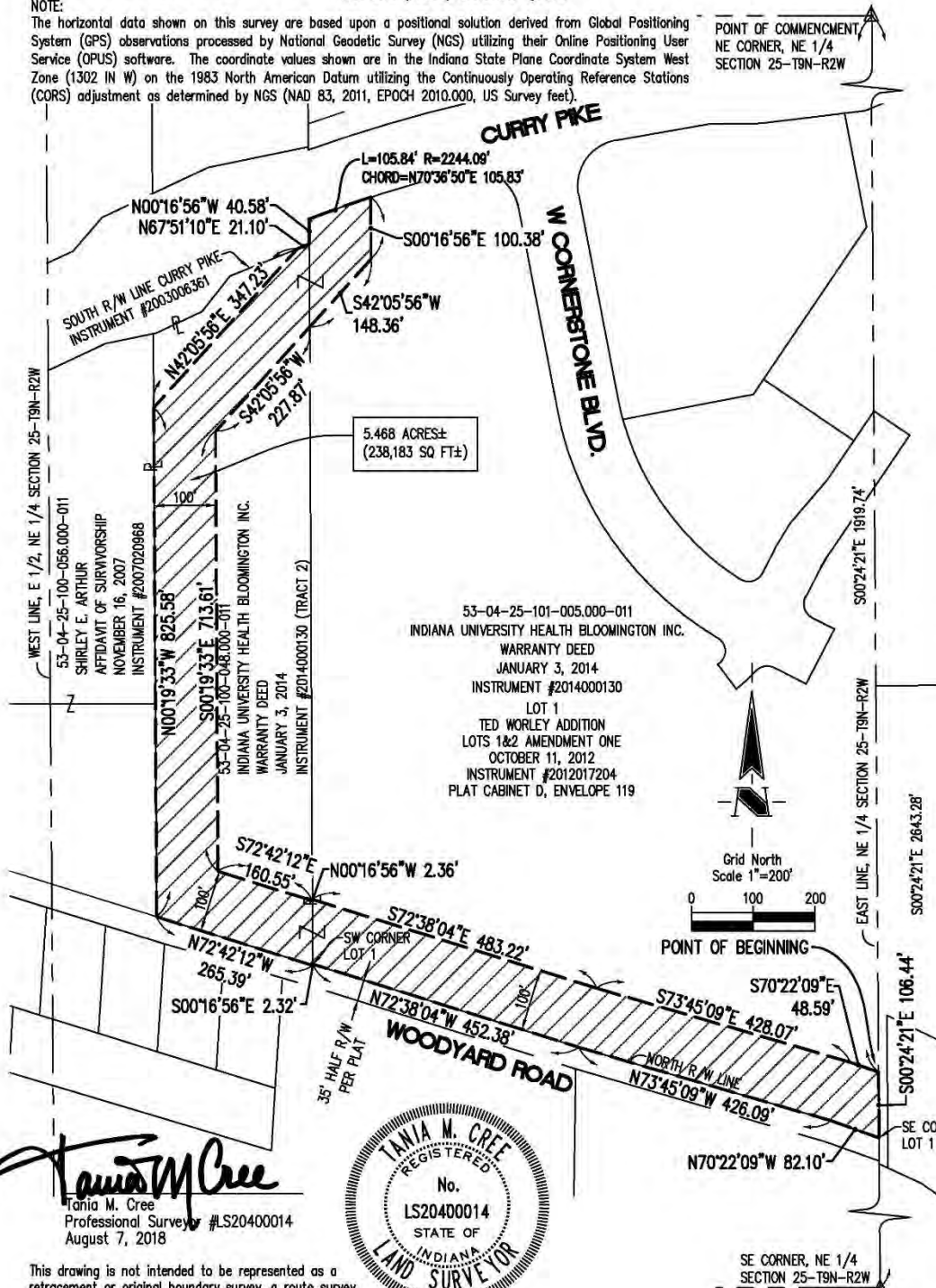
Exhibit "A"

LEGEND

- Easement Release Area
- Denotes Deed Line or Ownership Change

NOTE:
All bearings, distances and coordinates are referenced to the Indiana State Plane - West Zone (NAD83) Coordinate System.

NOTE:
The horizontal data shown on this survey are based upon a positional solution derived from Global Positioning System (GPS) observations processed by National Geodetic Survey (NGS) utilizing their Online Positioning User Service (OPUS) software. The coordinate values shown are in the Indiana State Plane Coordinate System West Zone (1302 IN W) on the 1983 North American Datum utilizing the Continuously Operating Reference Stations (CORS) adjustment as determined by NGS (NAD 83, 2011, EPOCH 2010.000, US Survey feet).



Tania M. Cree
Tania M. Cree
Professional Surveyor #LS20400014
August 7, 2018



This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report
Job No. 9970.004
File No. T:\9k\9970\004\CAD\U Health - Relocation\9970004 IU Relocation.dwg
Date 08/07/18 TMC

EXHIBIT 4: Stone Carver Drive Extension Infrastructure Plans Link (updated 12/4/23)

EXHIBIT 5: North Park Area B-3 Subdivision Preliminary Plat 2021 Results Letter

MONROE COUNTY PLAN COMMISSION

and office of the

MONROE COUNTY BOARD OF ZONING APPEALS

501 N. Morton Street, Suite 224

Bloomington, IN 47404

Telephone: (812) 349-2560 / Fax: (812) 349-2967

<http://www.co.monroe.in.us/tsd/Government/Infrastructure/PlanningDepartment.aspx>



March 31, 2021

Indiana University Health Bloomington Inc
c/o Daniel Butler of Bynum Fanyo
950 N Meridian-s 1200
Indianapolis, IN 46204

Re: **Approval of North Park Area B3 Major Subdivision Preliminary Plat and Development Plans for Lot 2 and Lot 3 with conditions by the Plan Commission;**

Dear Mr. Butler,

This letter is to inform you of the decisions at the **March 23, 2021** Plan Commission meeting with 8 positive votes and 1 abstention.

- **Approval** of the Preliminary Plat based on the findings of fact and subject to the Highway and Drainage Engineer reports;
 - **Approval** of the Plat Vacation of Lot 1 from ‘Ted Worley Addition Lots 1 & 2 Amendment One Final Plat’
 - **Approval** of the Street Tree Waiver request with one condition
 - **Approval** of the Sidewalk Waiver request
- **Approval** for Development Plan Lot 2 with conditions associated with Exhibit 6 of the staff report
- **Approval** for Development Plan Lot 3 with conditions associated with Exhibit 6 of the staff report

All are subject to the Highway and Drainage Engineer reports and the following conditions:

1. Twenty-four (24) trees be preserved or planted on Lot 3 in lieu of street trees. (Please submit tree locations and species list to complete the preliminary plat review.)
2. Address all staff concerns in Exhibit 6 associated with Development Plans.
 - 1) If changing the construction schedule, submit for Plan Commission approval.
 - 2) Reminder, prior to any Improvement Location Permit release, other than for mass grading, the instrument number for the recorded final plat needs to be submitted to staff.
 - 3) Please include a design specification for a dumpster enclosure with gate. This was on the first draft but is now missing.
 - 4) Street furniture location and specification. Provide staff with more information on where to find this information.
 - 5) Provide crosswalk striping on east side of the building to connect the sidewalk to the building.
 - 6) The C201 portion of the site plan shown as ‘alternate parking and drive isle’ should include ‘Phase 2’ clearly somewhere.
 - 7) Bus stop on N Lintel Drive is under review of the Highway Department
 - 8) 7.4(f)(12iii) – Parking along N Lintel Drive must be screened by berm or masonry wall including landscape –this is not evident to staff. Provide more information.
 - 9) It appears there are some light designs that are not shielded and downward facing. Specifically Page E101 Light G1. Confirm all lights are downward facing or change the design. Additionally, the lighting plan must follow the North Park PUD standards.

To proceed forward, file the final plat at any time with the fee of \$280. Please use the new OpenGov portal to upload files but the check should be dropped off at the office. The plat can undergo review but the earliest it can be released for recording is April 22, 2021 and any conditions or requirements associated with the plat should be completed or bonded for items such street trees along N Curry PIKE

and the 24 conditioned trees.

Staff will allow a grading permit for any site prep work to be released prior to the final plat recording but this work can not include any structural or foundational infrastructure work and utility installation would be limited. Please submit construction plans and grading permit application on the OpenGov permit site.

Should you have any questions or need additional information, please feel free to contact Tammy Behrman at the number above or by email at tbehrman@co.monroe.in.us.

Sincerely,

Tammy Behrman, AICP
Senior Planner, Monroe County Planning

Cc: Petition File

[EXHIBIT 6: North Park PUD Open Space, Linear Park, and Stormwater Management Plan Link](#)



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

December 12th, 2023

To Members of the Monroe County Planning Commission

RE: Stone Carver Drive Extension

Below you will find a brief description of the Infrastructure Plan and Preliminary Plat updates from comments received throughout the review process.

The Infrastructure Plan has been updated to incorporate the revisions requested by the Monroe County Highway Department.

Water quality/bio-detention has been incorporated into the storm sewer infrastructure design per the request of the Monroe County MS4 coordinator.

The Infrastructure Plan and Preliminary Plat have been updated to include proposed sidewalks along W. Woodyard Road.

The infrastructure Plan has been updated to include a 12" waterline extension from the existing public main at N. Lintel Drive to W. Woodyard Road. The main has been stubbed on each side of the proposed roadway for future extension.

The proposed sidewalks along W. Woodyard Road are located within the Public Right-of-Way and will only cross the existing powerline easement. The sidewalks have been routed to avoid conflict with the existing overhead utility infrastructure.

Twenty-four additional tree plantings are proposed along the north and west property lines as required by the original plat condition of approval for 24 planted or preserved street trees. The landscape plan has been updated to include a total of five street tree species.

There are currently no plans for development for Lot 3A and 4. Sanitary sewer infrastructure will not be extended with the roadway construction since we are unable to predict the type of sewer service and infrastructure required for future development. There is an existing sanitary sewer main along N. Linter Drive providing a connection point for future development. Sanitary sewer service will need to be designed at the time of future development.

Sincerely,

Anthony Willis
c/o Bynum Fanyo & Associates, Inc.

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990