

**MONROE COUNTY PLAN COMMISSION**  
**Hybrid Meeting - Minutes**  
**November 21, 2023 – 5:30 P.M.**

**CALL TO ORDER**

**ROLL CALL**

**INTRODUCTION OF EVIDENCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES - June 20, 2023; July 18, 2023**

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

**ROLL CALL:** Geoff Morris, Edward Oehlman, Trohn Enright-Randolph, Jerry Pittsford, Bernie Guerrettaz, Cheryl Munson, Margaret Clements, Dee Owens, Chris Cockerham, City of Bloomington Representative

**ABSENT:** *Julie Thomas*

**STAFF PRESENT:** Jackie Jelen, Director, Shawn Smith, Planner II, Drew Myers, Senior Planner, Daniel Brown, Planner II

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

**INTRODUCTION OF EVIDENCE:**

**Jackie Jelen introduced the following items into evidence:**

The Monroe County Zoning Ordinance (as adopted and amended)

The Monroe County Comprehensive Plan (as adopted and amended)

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

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

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

**The motion to approve the introduction of evidence carried unanimously.**

**APPROVAL OF AGENDA**

**Motion to approve the agenda, carried unanimously.**

**APPROVAL OF MINUTES**

**Motion to approve meeting minutes of June 20, 2023, and July 18, 2023, carried unanimously, with Jerry Pittsford abstaining from the vote on June 20, 2023, minutes.**

**ADMINISTRATIVE BUSINESS:**

**SIA-23-12 Bryn Mawr Subdivision  
Request for Release of Performance Guaranty**

**UNFINISHED BUSINESS: None.**

**NEW BUSINESS:**

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

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

Contact: [drbrown@co.monroe.in.us](mailto:drbrown@co.monroe.in.us)

**2. SAD-23-21 Joann Scroggins Type E Administrative Subd. Right-of-Way Waiver Req.  
Waiver of Final Hearing Requested**

Two (2) parcels totaling 106.61 +/- acres in Bloomington Township, Section 14 at  
3905 and 3898 E Bethel LN, Parcels #53-05-14-100-003.000-004 and  
#53-05-14-400-026.000-004

Owner: Joann Scroggins

**Zoned AG/RR.** Contact [shawnsmith@co.monroe.in.us](mailto:shawnsmith@co.monroe.in.us)

## **ADMINISTRATIVE BUSINESS**

### **SIA-23-12 Bryn Mawr Subdivision Request for Release of Performance Guaranty**

**BOARD ACTION:** Clements introduced the petition.

#### **STAFF ACTION:**

Myers: Thank you. This is the Bryn Mawr Subdivision. It is located at 3511 to 3637 East Bryn Mawr Drive and also 3400 to 3438 South Justin Court. It is approximately 22.04 acres in Perry Township, Section 14. The petitioner has applied to release the Performance Bond Guarantee related to the Bryn Mawr Subdivision. The summary of the current financial guarantee that was submitted to the county at the beginning of the project was \$29,555, dated March 4, 2010. The petitioner is requesting to reduce the Performance Bond by \$19,555, leaving a balance of \$10,000 for the required maintenance bond. The quietus summary dated July 6, 2015, indicate the bond amount of \$29,555 being held by the county for the improvements of the Bryn Mawr Subdivision. This is Exhibit 5 in the packet of this report. The ordinance states that a 2 year maintenance bond is required after construction has been completed to the specifications laid out in the approved construction plans and that comes from Chapter 858-8(B). The County Commissioners did accept the roadways and improvements into the county inventory in August of 2023. The Monroe County Highway Department and Stormwater Division conducted site inspections to ensure the improvements were satisfactory for applications of the accepted East Bryn Mawr Drive and South Justin Court and South Bluebird Spur. Overall, the petitioner does meet the ordinance requirements for a Performance Bond Release. Here on the screen, we have the letter to the Board of Commissioners and the Plan Commission requesting that release, as well as the original Letter of Credit for the subdivision public improvements. I have also included here a letter from BRCJ Civil that verifies that the Bryn Mawr Subdivision public improvements were completed with the as-built survey to the right on the screen. Both of these exhibits are included in the staff report.

#### **RECOMMENDATION TO THE PLAN COMMISSION**

Staff recommends approval of the releasing the performance bond guaranty for public improvements of \$19,555 and holding the 2-year \$10,000 maintenance bond.

#### **QUESTIONS FOR STAFF – SIA-23-12 – Bryn Mawr**

Clements: Do members of the Plan Commission have questions for Mr. Myers? If not, is there a motion?

Enright-Randolph: Just a question. There were 3 options when we talked about this at the Administrative Meeting that Planning was looking for, but it seems like we have settled on just one option that is being recommended today and I guess I would just be curious on how did we tease out the other 2 options to just have the one recommendation? If I am mistaken about that, that is fine, but I remember we had kind of 3 ways to move forward.

Jelen: This is and individual subdivision that has already been taken into the county inventory. So, we have had our Highway Department's Stormwater Division and Planning Department

confirm that this subdivision actually meets all of the requirements to return the funds completely and just post the 2 year maintenance bond. It will be in the county inventory subject to the 2 year maintenance bond. If after 2 years, the improvements have not been damaged or there are no issues the county will return the maintenance bond and then the road is completely in the county inventory and ours to maintain.

Clements: Maybe you are thinking of a different subdivision, Mr. Enright-Randolph.

Enright-Randolph: That could be possible.

Jelen: You were thinking of Emerald Trace. This is Bryn Mawr.

Enright-Randolph: Yes, I was. Thank you for the clarification.

Clements: Is there a motion?

Guerrettaz: I can make a motion.

Clements: Thank you.

#### **FURTHER QUESTIONS FOR STAFF – SIA-23-12 – Bryn Mawr**

**Guerrettaz: In the matter of case number SIA-23-12, Bryn Mawr Subdivision in the matter of a partial Performance Bond Reduction Request, I move that we approve releasing the Performance Bond Guarantee for public improvements of \$19,555 and holding the 2 year \$10,000 maintenance bond based on findings of fact and subject to county staff recommendations.**

Clements: Is there a second?

Morris: **Second.**

Clements: Thank you, Mr. Morris. Please call the roll.

Jelen: It has been moved and seconded. I do want to just, if it is ok with everyone, give the Highway Director an opportunity to speak if there is anything that she would like to add.

Clements: Sure.

Jelen: Lisa, did you have anything that you wanted to add?

Ridge: No, I am good. I was trying to make sure that everybody wasn't thinking the same thing that Trohn was thinking. That was a different subdivision. But, no, we are completely satisfied with this agreement being released.

Jelen: Thank you. I will go ahead and call the roll. Edward Oehlman?

Oehlman: Yes.

Jelen: Edward when you vote if you could turn on your video. Edward Oehlman?

Oehlman: Yes.

Jelen: Thank you. Dee Owens?

Owens: Yes.

Jelen: Jerry Pittsford?

Pittsford: Yes.

Jelen: Margaret Clements?

Clements: Yes.

Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Jelen: Bernie Guerrettaz?

Guerrettaz: Yes.

Jelen: Geoff Morris?

Morris: Yes.

Jelen: Cheryl Munson?

Munson: Yes.

Jelen: Ok, the motion carries 8 to 0.

**The motion in case SIA-23-12, Bryn Mawr Subdivision, Request for Release of Performance Guaranty in the amount of \$19,555, holding the 2 year maintenance bond of \$10,000, in favor of approving, carried unanimously (8-0).**

## **NEW BUSINESS**

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

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

Contact: [drbrown@co.monroe.in.us](mailto:drbrown@co.monroe.in.us)

**BOARD ACTION:** Clements introduced the petition.

#### **STAFF ACTION:**

Brown: Thank you. First of all, before we begin, we do have a hand-out that needs to be given to the Commission members. This is relevant to the Historic Preservation Board of Review's comments on the proposal, which I will be going over during this presentation as well. The purpose of the request is to remain a section of North Maple Grove Road to John Irvine Way as you said Madam President. The purpose is that the County Commissioners are the petitioners for this application and requested that Planning Staff facilitate this petition. The petitioner is requesting a road name change from North Maple Grove Road to John Irvine Way. This road name change, if approved will only impact a portion of North Maple Grove Road that is between the intersections with North Bottom Road and West Delap Road and the remainder of the road will experience no change in its name. A road name change was previously approved for this exact stretch or road in 2009, project 19-RD-01 and it was triggered by the completion of the Cedar Ford Bridge over Bean Blossom Creek, which made a connection between the 2 road segments: North Maple Grove Road and North Old Maple Grove Road. The Highway Department then requested to extend the name of North Maple Grove Road and eliminate "old" out of the title. Indiana State Statute 36-7-4-405 gives authority to Plan Commission to assign street numbers and street names. We do have some comments from the county departments. Ben Ayers from the Highway Departments says, "I believe there to be some old family history with a family that used to live here and farm this area for decades years ago. I cannot remember the last name for sure, but I believe it to be Ford. They were either grandparents or great-grandparents of Larry Stanger, who still lives in the area on West Maple Grove Road. I remember Larry telling me about this awhile back. It might be worth looking into." As for the addressing from the Planning Department, there are no existing addresses that will be impacted. Exhibit 2 of the packet does show an address of I believe 7450 North Maple Grove Road. But looking further into this it was determined by looking at the road ranges that access for this lot would be granted from an area south of West Delap Road, thus not the affected area. Here is a short biography of John Irvine provided by on the petitioners, Commissioner Julie Thomas and I will give the Commission a moment to read over this.

Enright-Randolph: Madam President?

Clements: Yes.

Enright-Randolph: I am curious. This seems like a significant potential change or request and just to read some of this into the record I think would be helpful, maybe just some highlights.

Clements: Mr. Brown, would you be so kind as to read it into the record?

Brown: Certainly. John Irvine served Monroe County on the Board of Commissioners from 1975 to 1978. Prior to this, Irvine was the Deputy Mayor of Bloomington in Frank McCloskey's administration. During his 9 year term on the Plan Commission, Irvine was pivotal in the development of the Sliding Scale ordinance providing an opportunity for owners of large parcels to carve off smaller lots for family members or for sale. As Commissioner, Irvine performed many services. He fostered environmental initiatives, instituting a soil survey to track erosion and karst in the county. In conjunction with Morris Binkley and Jeff Richardson, he started the Youth Services Shelter, which continues to this day. During his tenure there were a number of downtown projects that he was actively involved in, including the preservation of the historic courthouse and the design of the justice building. He advocated for the implementation of an expansion of County Planning and Legal Departments. He utilized state and federal funds to foster the construction of the bridge spanning, connecting Gosport and Stinesville, as well as the development of a flyover program to track county development. In matters of transportation, he oversaw improvements in airport management and creating a model for paving projects on county roads based on the level of service and traffic patterns and with Warren Henegar, Irvine commissioned the creation and installation of the peace statue on the courthouse lawn.

Clements: Thank you, Mr. Brown. Do members of the Plan Commission have questions for staff?

Brown: We still have a bit of a presentation to go.

Clements: Ok, thank you Mr. Brown.

Brown: I apologize. The proposed road name change was presented during the November 20, 2023, meeting of the Historic Preservation Board of Review. It was voted that the Historic Preservation Board of Review would create a letter of opposition, which is present on the right. I will give the Commission a chance to read over this.

Enright-Randolph: I guess again with the public's thought in mind, would you just potentially be able to read maybe the second paragraph where it just kind of gives the recommendation.

Brown: Certainly. "With input from area residents and members of our board, we recommend that the county retain the historic road name, North Maple Grove and explore other options for honoring long-standing community advocate, John Irvine. Given that the road was only recently connected after 43 years of noncompletion of this Cedar Ford Bridge reconstruction, the board sees the value in maintaining the name for a contiguous stretch of roadway from the historic Maple Grove Road district to Bottom Road and the vicinity of Modesto. North Maple Grove Road's association with historic farmlands in northwestern Monroe County makes it foundational in local identity and character of the community it connects. The 2019 decision to drop the "old" from the name of the once severed section of roadway was a welcome sign of repair, renewal and reconnection between rural communities. As for honoring John Irvine the Historic Preservation Board of Review would gladly engage in naming discussions that fit his accomplishments. Thus far, ideas that have been generated included everything from commemorative plaque, honorary road naming like 17<sup>th</sup> Street by Memorial Stadium being Farris Farm Way or even renaming the bridge which is 80% or more new material. As always, we

appreciate being part of discussions that affect this historic fabric of Monroe County, and we are eager to collaborate on ways to honor those who have served our community.” This was presented to the Planning Department by Devin Blankenship, who is a member of the board.

Clements: I would just like to make a note on the record that the reason why Farris Farm Way was renamed because that was an agreement in the original contract when the Farris family converted the land to Indiana University. It wasn't just a commemoration. It was part of the original contract that that roadway was to be named. It is inappropriate in this letter to infer that it was done commemoratively. It was part of a contractual relationship, so just for the record. You can continue on with the rest of the presentation. Thank you, Mr. Brown.

Brown: Thank you. Here is a new image made for this meeting. It is a snip showing the entirety of North Maple Grove Road. The area that is highlighted in yellow that is the portion that is suggested to be changed. The rest of the road, again, will remain North Maple Grove Road. Here is the same on a GIS map as well as the map as it is shown on Elevate. As you can see there is a lot of floodway in the proposed area. These are just some site photos that I took driving along the road. I apologize for the quality. I am definitely not a professional photographer.

Clements: Ok, that's good.

Jelen: I believe Dee Owens has her hand raised.

Clements: Let's let Mr. Brown finish his presentation and then we will begin with Dee Owens and Mr. Oehlman afterwards.

Brown: That concludes the presentation.

### **QUESTIONS FOR STAFF – RD-23-2 – Road Name Change**

Clements: Ok, so, Ms. Owens?

Owens: Thank you. Thank you very much Madam Chair. The Historic Preservation Board is saying don't rename the road but if you want to rename that covered bridge, they are ok with that. Is that what it said?

Brown: There was discussion about that being a potential way of honoring Mr. John Irvine, yes.

Owens: But that particular covered bridge was the one they were talking about?

Brown: I believe so, yes.

Owens: Ok. It is not specific. It just says the bridge, yeah, ok. Thank you.

Clements: Thank you, Ms. Owens. Mr. Oehlman?



Oehlman: Yes, just for a point of clarity and I apologize if this is a well-known statement that I just don't know for sure, but Mr. Brown mentioned the Indiana State Statute 3674405 and how it gives Plan Commission the authority to assign street names. Is this a situation that we would be voting on the street name and what we vote is the final say or like most votes that we cast it goes on to the actual Commissioners to have a final vote on?

Schilling: It is final.

Clements: This is final, Mr. Schilling just said. Yes, Mr. Pittsford?

Pittsford: A question, the issue of the name for the bridge, that is not within Plan Commission purview, right? I do know that by state statute we have final authority on road names but no bridge names or anything like that, correct?

Schilling: I believe the Commissioners would be the entity that would name the bridge.

Pittsford: Right, well, I shared with Ms. Clements that I did a little research and I know they used to have picnics down there and the kids would have a contest to see who could spit cherry pits across that creek there where they crossed. So, they often refer to that as the "pits ford", so I thought we might want to consider renaming that stretch of the road Pittsford Road. She didn't think that would fly. I thought I would throw that out there for consideration.

Clements: Are there any other questions to my left? Any questions to my right? Mr. Enright-Randolph?

Enright-Randolph: I know this is probably a question that maybe we can't get a direct answer. The frequency of us changing road names, I know that we did it recently that kind of had a lot of practical kind of logical, not saying this isn't necessarily, but elements of renaming the Hunter Valley/Curry area. Outside of that from me serving since 2016 I haven't seen any other road names being suggested. Also, that was recognizing someone that has some history here in Monroe County that's no longer with us. The comment at the Admin Meeting kind of got me thinking. At first, I don't really have a position. It is actually really hard for me to find a position, but the comment was how many times do we change a name to a road to memorize or remember a public servant that is still with us. That just kind of got me thinking. So, my question is how many times have we seen this type of request in the last 10 years, 20 years? Because I do think honoring how people dealt with this, Plan Commission members in the past have dealt with this is pretty significant in my opinion of how I am going to decide to vote today and if you are able to provide any information on that question, I would be grateful.

Jelen: To answer your question, Trohn, road name changes are under the purview but also establishing road names. Every time there is a major subdivision, and you are reviewing those plans with road names on them you are also approving those new road names. So, I guess, pertaining just to changes, looking at the case files, there is less than 10 and some of them had to do with I-69.

Enright-Randolph: So, I guess it would be fair to say we don't change the name of the roads too frequently.

Jelen: Less than 10 in 10 years. Yes.

Enright-Randolph: Ok, thank you.

Clements: Ms. Munson, do you have any questions or comments?

Munson: I have a comment and it comes from my long tenure on the Historic Preservation Board and also my long tenure in working with former Commissioner Irvine on the Plan Review Committee. Those 2 committees were very important in connecting me to county government and helping me see the importance of a county-wide approach to how we carry out government and decisions. I think I want to honor John Irvine, but I don't think this is the appropriate way to do that and I do see maintaining the character of Maple Grove Road in the traditional way that it has been referenced even though we got rid of the word old once there was good pavement out there. That was appropriate. It would have been too confusing to call it new/old Maple Grove Road. So, that is my position. Also, I wonder has anybody contacted Mr. Larry Stanger for his input on the immediate history of the area?

(Inaudible)

Clements: When we hear from the public we will hear. Do you have anything further?

Munson: Nothing further. Thank you.

Clements: If there are members of the public? Oh, Lisa?

Ridge: On the bridge, I was sitting here at my desk going through some history on the naming of the bridge and this is what I have, and this came from Jeremy Broshears that did a lot of research back then. When we built the bridge, he stated that Jacob Milligan had a sawmill there in the 1800's before there was a bridge. It was just known as Milligan's Ford when Jacob and others petitioned for a bridge in the 1860's because the ford was getting so muddy, the commissioners decided to build a steel bridge but at the last minute changed their minds and had the Smith Bridge Company build the covered bridge. the Commissioners records listed it as the Milligan Bridge. Some years later it got misspelled to Mulligan Bridge and eventually misspelled to Macmillan Bridge. So, that is kind of how the Ford name with the land around it became and then also Cedar Ford was what the bridge was called in Shelby County where we brought it from, just to give you where the Ford history came into play in the 1800's.

Clements: Thank you, so much Ms. Ridge.

Pittsford: She totally left out the part about the cherry pits.

Clements: Yes, sir. If you would kindly come to the podium and sign in and then state your name. You will have 3 minutes to talk with us about your ideas about this.

## **PUBLIC COMMENT - RD-23-2 – Road Name Change**

Blankenship: (Inaudible)

Enright-Randolph: Is your mic live? I'm sorry. We are getting a comment in the chat that they can't hear you. It should be green.

Blankenship: Ok, is that better.?

Clements: Yes.

Blankenship: My name is Devin Blankenship, and I am the one that wrote the letter from the Historic Preservation Board, and I thank Ms. Clements for her comments about Farris Farmway and the factual information about that. That is great to know. We had several members of the public, some of whom are here tonight and some additional members of the public here with concern to the idea of renaming North Maple Grove Road and the general feel in the community is that they do not want to see that happen based on the history of North Maple Grove Road and the fact that we now have a contiguous stretch of road for the first time in my lifetime as a native Monroe Countyian. We did want to reiterate from the board and from the general public there is a lot of high regard for John Irvine, so we do want to make sure that there is a place and a space for his contributions to be recognized. But we felt that renaming a historic roadway, especially one that has such historic gravity in our community was not necessarily the way to go about it. I will yield the rest of my time so that other members of the public can feel free to jump up here.

Clement: Thank you very much, Mr. Blankenship. Is there another member of the public who would like to speak on this petition? Please come up and sign in and then you will have 3 minutes. Hi Phyllis.

Schwitzer: I am Phyllis Schwitzer and I live on Williams Road. I have land on both sides of North Maple Grove where it intersects with Bottom Road. Excuse me. I am horse from all of the harvest dust. We bought part of that land from Ruby Williams and for a long time the old bridge was called the Williams Bridge. It was just named because she was so fond of it. We used to drive through there to visit her, my children and I, when she lived at the foot of the hill at Delap Road. With Devin, I agree that we should honor John in some meaningful way but renaming this historic area is not that way and we are just really fond of it. In fact, some of my neighbors still call it the old road, not even Old Maple Grove. Thank you.

Clements: Thank you. Are there other members of the public who would like to speak? Please come up and sign in and then state your name and you will have 3 minutes.

Jelen: I will just mention for the record that it appears that we did not advertise this as a Waiver of Final Hearing, so this is the Preliminary Hearing for this request.

Fleener: I am DeAnna Fleener, and I am a decent of Ruby Williams. I have lived on Maple Grove Road for 56 years almost 57 and we are, I think at least 8 generations of my family that has lived out there. I am Larry Stanger's oldest daughter. So, I am here representing our family

and I am a nervous wreck. The bridge used to be called Williams Bridge. That was kind of hard for the family when we got the new bridge brought in. I understand the history but that was the Williams Bridge. Renaming a road out there for someone who had a little bit to do with that, I think it needs to be left as North Maple Grove. It has been that way for many years, and I personally don't agree with naming the bridge after him. That was hard enough for the family that is still there like I said and there are more generations behind me. My kids are living out there now. We take pride in that history. Thank you.

Clements: Thank you for coming today and for speaking to us about your family's history in the area. Thank you. Are there other members of the public who would like to speak?

McCarty: Hello, I am Rachel Peden McCarty, and I am fairly new to Maple Grove in that our family moved there in 1941 but I have only been there for 12 years as an adult. I have a Maple Grove Neighborhood group and posted the letter about the possible name change. Because those on West Maple Grove we consider our community too and they did not receive the letter. That included many of the Stanger family. I too would like to see this gentleman honored but I take pride in being able to say that we have a covered bridge on Maple Grove Road. I remember going to that opening and things like that. If it were up to me, I would like to keep the name Maple Grove Road on that stretch. Thank you.

Clements: Thank you very much. I see that we have someone, Ms. Debra Reed has raised her hand. She is in virtual attendance and if you could unmute her.

Reed: Good evening. I am Debbie Reed, and I am a member of the Monroe County Historic Board of Review. I want to thank everyone for allowing public participation. The Monroe County Preservation Board takes our duties very, very seriously. After much, much discussion and thought, we feel collectively that there should not be a name change of Maple Grove Road. One it sets a precedent that we might regret in the future. Most importantly nationally recognized it is one of the gems of the Maple Grove Area, in total. It is one of the gems of Monroe County and we a lot. That being said it is terribly important as a member of the Board and the public John Irvine needs to be honored. John Irvine needs to be recognized. I have known John for a long, long time and you see the list tonight of all of his accomplishments. I could tell you things that aren't on the list, things that he has done for Monroe County. I want to see John honored. I feel I heard the lady before me, and I respect what she just said about the naming of the bridge. But I will say that the bridge 80% new material and so I could see possibly naming the bridge after John because he did so much to help get that bridge in place. I don't know how many of you have been out there to see it. It is remarkable. We have so much to be grateful for. But any way if you will consider some of the comments. Thank you very much.

Clements: Thank you very much Ms. Reed. Thank you. Is there anyone else that would like, yes, sir, please come to the podium and sign in. Thank you for coming tonight.

Allen: My name is Jim Allen. My wife and I we are newcomers to the area. We live about halfway between Maple Grove, intersection with Maple Grove and the bridge. We use that bridge routinely when we go to Indianapolis now. We love it. It's great. We agree with all of the comments about John Irvine. Obviously, he needs some recognition by this body or somebody in

this county, but we don't believe that changing the name would be useful. Especially we have family and friends that come down from Indianapolis and to tell them to go by a different road and a different roadway especially will have a hard time changing the maps. But we think that staying the way that it would be very appropriate for the long-term utilization of the space.

Clements: Thank you very much Mr. Allen. Are there any other members of the public who wish to speak on this? So, we do not have a vote tonight on this because this is the preliminary hearing and we have heard a lot tonight. This was a proposal that would not put forward by the Plan Commission and so I just want to make that clear. So, we will be hearing this if its still pertinent in the future.

Jelen: At the December 11<sup>th</sup> hearing.

Clements: Perhaps at the December 11<sup>th</sup> hearing. Mr. Enright-Randolph.

### **ADDITIONAL QUESTIONS FOR STAFF – RD-23-2 – Road Name Change**

Enright-Randolph: Well, that is only if we want to hear it again...if we...

Clements: Exactly. Thank you.

Enright-Randolph: What I am getting at is I m curious if there is a position, if people are not favoring this, we can just deny the request.

Clements: Thank you, Mr. Enright-Randolph.

Enright-Randolph: I just wanted to bring that up because it sounds like we area just moving it forward but ...

Clements: I understand Mr. Enright-Randolph. Thank you. We are not going to be voting on this tonight, thank you.

Enright-Randolph: Sure, I am absolutely comfortable. I do have the right to make a motion.

Clements: Ok, then make a motion Mr. Enright-Randolph.

Enright-Randolph: I just feel like it is being overlooked and I just wanted to clarify that.

Clements: If you have a motion, please make it. Mr. Guerrettaz?

Guerrettaz: I think what Trohn was asking was if there was an appetite for this to move forward. I think that is what Trohn was asking.

Clements: If he would like to make a motion or if you would like to make a motion.

Enright-Randolph: I was trying to have a discussion with the Plan Commission to see if they wanted to continue this discussion for another month or if people are already in a position, I stated it is really hard for me to choose. Hearing the public, hearing some of our colleagues I feel like I have figured out where I stand on this, but I am just going to leave it alone and let it move forward.

Clements: That is exactly where we were. So, does anybody have a motion to make?

Pittsford: Can we just make a motion to remove it from next month's agenda and it dies? Is that the idea? I don't understand the procedure here, so I am asking.

Clements: Out of respect I would say that the person who made the proposal from the beginning should be notified, and they may have an opportunity to withdraw the proposal or to change the proposal. But this is a preliminary hearing, and we are not taking an action tonight.

Pittsford: Ok. Alright, I just didn't know why that was brought up. So, it will be up to the County Commissioners then, right to decide if they want to come forward with this? So, they could withdraw, the County Commissioners could withdraw their petition.

Jelen: That is correct.

Pittsford: Ok, thank you.

Clements: Ok, thank you. So, there is no action on this item tonight.

**No motion is made in case RD-23-2, N Maple Grove RD Name Change to John Irvine Way, Preliminary Hearing, petition is moved to the next regular Plan Commission Meeting on December 11, 2023.**

## NEW BUSINESS

### 2. SAD-23-21 Joann Scroggins Type E Administrative Subd. Right-of-Way Waiver Req. Waiver of Final Hearing Requested

Two (2) parcels totaling 106.61 +/- acres in Bloomington Township, Section 14 at 3905 and 3898 E Bethel LN, Parcels #53-05-14-100-003.000-004 and

#53-05-14-400-026.000-004

Owner: Joann Scroggins

Zoned AG/RR. Contact [shawnsmith@co.monroe.in.us](mailto:shawnsmith@co.monroe.in.us)

**BOARD ACTION:** Clements introduced the petition.

#### STAFF ACTION:

Smith: Thank you. The request specifically is a Right of Way Width Waiver seeking a reduction from 45 feet to 25 feet along the western portion of what is proposed Tract 1, at which will become 3905 East Bethel Lane. The purpose is to preserve an existing barn structure that would otherwise need to be removed in order to accommodate the required dedicated right of way for subdivisions. A discussion, Paul Satterly, the Highway Department Engineer, stated that the Highway Department would support a partial waiver so long as at least 25 feet of dedicated right of way is was dedicated to that western portion of the lot at 3905 East Bethel Lane. As you can see on your screen here, I have highlighted the section that is to be dedicated right of way, 25 feet. The red rectangular structure there is the barn and then we have got a driveway here that is existing. So, what Paul is saying is the Highway Department would support the 25 feet up to the eastern edge of that driveway and then bump it back out to the required 45 feet with the understanding that if they every needed to in the future to acquire that 45 feet it would be easier to do so, rather to just have a blanket 25 feet all across the board. Indiana Historic Sites and Structures Inventory 2014 Report indicated that the barn is contributing, and this is from the Indiana State Historic Architectural and Archaeological Research Database, also known as SHAARD, which defines contributing as the property met the basic inventory criteria of being pre-1970, but that it is not important enough to stand on its own as individual outstanding or notable. Such resources are important to the destiny or continuity of an area's historic fabric. Contributing properties may appear in the National Register if they are part of a historic district but do not usually qualify individually. Cheryl, correct me if I am wrong, you had stated that this is a traditional Appalachian barn style architecture. Is that correct?

Munson: (inaudible)

Smith: These are just some site photos just showing the location of the roadway as it relates to the barn. This is just a zoning map and a location map. If that was helpful for the Plan Commission to come to a decision. Primarily this entire area is residential development. Bad on that, staff recommends approval of a partial Right of Way Width Waiver, based on the findings of fact and the reports from the Highway Department and subject to the following conditions;

- 1) Petitioners update the plat to reflect the partial 25 feet right of way dedication.
- 2) Petitioner provide findings of fact.
- 3) Change the subdivision name to be unique per Chapter 856.

Just as of this date Conditions 1 and 2 have been completed.

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

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

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

**FINDINGS OF FACT – WAIVER OF ROAD RIGHT OF WAY REQUIREMENT**

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

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

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

**1. Practical difficulties have been demonstrated:**

**Findings:**

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

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



## **Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;**

### **Findings:**

- See Findings under # 1;
- The 2018 Monroe County Thoroughfare Plan shows E Bethel LN as a major collector requiring a 90' right of way dedication;
- The 2018 Thoroughfare Plan does not contain language to allow the Highway Department staff the ability to waive a right of way classification requirement based on individual road segments or findings;
- The Highway Engineer has supplied favorable comments to allow for a decreased right of way dedication from 45' to 25' to accommodate the existing barn structure, and then increase back to 45' on the eastern side of the existing driveway;
- The Subdivision Control Ordinance 856-28(B) states *when the ... Thoroughfare Plan...indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the Applicant shall be required to improve and dedicate such streets at his own expense;*

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

### **Findings:**

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

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

### **Findings:**

- See Findings under #1, #2, #3;
- The existing barn structure is identified as "Contributing" by the State Historic Architectural and Archaeological Research Database (SHAARD).

- 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.

### **QUESTIONS FOR STAFF – SAD-23-21– Joann Scroggins Type E**

Clements: Thank you, Mr. Smith. Do members of the Plan Commission have questions for staff? I can't see online if Dee or Ed have questions. Ok, so we open it up to the public and if any member of the public would like to speak on this issue please come to the podium and speak on it. I don't know if Lisa Ridge would like to speak on it. I can't see if she is still on or would like.

Jelen: I believe Paul's comment reflects their opinion on it.

Clements: Yes, that is right. Ok, so no one would like to speak on this issue and we move it back to, oh, Mr. Oehlman has his hand raised now.

Oehlman: Apologies. Is there any information on what the 25 foot right of way looks like in reference to the barn, how close that barn gets to that right of front?

Smith: Yes. Eric Deckard actually has it right here. This line right here represents the 25 foot and then it bumps back out to the 45 foot. I don't have an image like I do here. I don't have an image of what that would look like. Maybe Eric Deckard can shed some light on that if he would like to speak.

Clements: Mr. Deckard? Thank you. Thanks for coming tonight.

**PETITIONER/PETITIONER'S REPRESENTATIVE –  
SAD-23-21– Joann Scroggins Type E**

Deckard: My name is Eric Deckard. I am here tonight representing the petitioner. To answer your question, there is approximately 6 feet between the dedicated right of way, the new proposed dedicated right of way, versus the front of the barn at this point in time. So, part of the barn will still lie within the front yard setback. But we will just have to say it is a pre-existing nonconforming situation there.

Clements: Since you are at the microphone, and you are representing the petitioner is there anything else you would like to add?

Deckard: I have nothing more to add but if you have any questions, I would be glad to answer.

Clements: Thank you. I would like to open it up to the public then. Anybody that would like to speak in favor or in opposition to this petition, please come to the podium or raise your virtual hand on zoom or press \*9 on your telephone to be recognized. We don't see anyone, so we move back to the Plan Commission for further discussion and/or a motion. Mr. Guerrettaz?

**SUPPORTERS - SAD-23-21– Joann Scroggins Type: None**

**REMONSTRATORS – SAD-23-21– Joann Scroggins Type E: None**

**ADDITIONAL QUESTIONS FOR STAFF – SAD-23-21– Joann Scroggins Type E**

Guerrettaz: Brief question and then I can make a motion. Eric, are you saying that you think that the barn, does he need to come up? I hate to have him come back up again.

Clements: Yes.

Guerrettaz: Sorry about that. So, you think the face of the barn is roughly 31 feet. You got 6 feet between the face of the barn and where the 25 foot dedicated right of way is going to be.

Deckard: That is correct.

Guerrettaz: Ok. Because Edward's question was right on. It looks so close that it looked like even the 25 feet may have encroached into the barn. Perfect. Thank you.

Clements: Thank you, Mr. Deckard. Any further questions from members of the commission? If not, Mr. Guerrettaz you indicated that you might make a motion.

**FURTHER QUESTIONS FOR STAFF – SAD-23-21– Joann Scroggins Type E**

Guerrettaz: **In the matter of SAD-23-21, this is the Joann Scroggins Type E Administrative Subdivision, Right of Way Width Waiver, I move approval for the partial Right of Way Width Waiver with the following conditions as presented by staff in the report;**

- 1) **Petitioner updates the plat to reflect the partial 25' right of way dedication, and;**
- 2) **Petitioner provides Findings of Fact.**
- 3) **Change the subdivision name to be unique per Ch 856**

Clements: *And let the record reflect that as of this date of this meeting Conditions 1 & 2 have already been completed. So, only 3 remains open.*

Guerrettaz: **Subject to findings of fact presented in the staff report and for the reports provided by Monroe County Staff, Highway and Planning.**

Clements: Is there a second?

Morris: I will **second** it.

Clements: Thank you.

Jelen: Does that include the Waiver of the Final Hearing?

Guerrettaz: **That included the Waiver of the Final Hearing.**

Jelen: This is vote on SAD-23-21, Joann Scroggins Type E Administrative Subdivision Right of Way Width Waiver Request with a Waiver of Final Hearing and with 1 condition that they change the subdivision name to be unique per Chapter 856, subject to Highway reports. A vote in favor is a vote to approve the Right of Way Width Waiver and the Waiver of Final Hearing. Dee Owens?

Owens: Yes.

Jelen: Jerry Pittsford?

Pittsford: Yes.

Jelen: Margaret Clements?

Clements: Yes.

Jelen: Trohn Enright-Randolph:

Enright-Randolph: Yes.

Jelen: Bernie Guerrettaz?

Guerrettaz: Yes.

Jelen: Geoff Morris?

Morris: Yes.

Jelen: Cheryl Munson?

Munson: Yes.

Jelen: Edward Oehlman?

Oehlman: Yes.

Jelen: The motion carries 8 to 0.

**Motion in case SAD-23-21, Joann Scroggins Type E Administrative Subd. Right-of-Way Waiver Req., Waiver of Final Hearing Requested, in favor of approving all requests, carried unanimously (8-0).**

**REPORTS:**

**Legal/Schilling:** No reports.

**Planning/Jelen:** No reports.

Clements: Is there a motion to adjourn?

Morris: **So, moved.**

Clements: Ok, I second that. If anybody objects, speak now.

Jelen: Thank you everyone.

Clements: Thank you everyone. Happy Thanksgiving.

**The meeting adjourned at 6:24 pm.**

Sign:

Attest:

---

Margaret Clements, President

---

Jacqueline N. Jelen, Secretary

DRAFT