

MONROE COUNTY PLAN COMMISSION
Hybrid Meeting - Minutes
December 11, 2023 – 5:30 P.M.

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES; August 15, 2023; September 19, 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, Julie Thomas, Chris Cockerham, City of Bloomington Representative

ABSENT: *Dee Owens*

STAFF PRESENT: Jackie Jelen, Director, Drew Myers, Senior Planner, Anne Crecelius, 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, as amended, carried unanimously.

APPROVAL OF MINUTES

Motion to approve meeting minutes of August 15, 2023, and September 19, 2023, carried unanimously.

ADMINISTRATIVE BUSINESS:

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

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
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
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
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
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*****

ADMINISTRATIVE BUSINESS

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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Creceilius: Yes, absolutely. I will keep this brief. This is a refund request for total filing fee for a variance, which is \$208.50. This was for a design standards variance from the Rear Yard Setback. This is for property 511 South Village Drive. The petitioner had a residential building permit in 2017 and at that time it was discovered that there was an elevated deck that hadn't been permitted. There was an error by the Zoning Inspector at the time which allowed the deck to be included in that permit that they applied for. That deck is still subject to setbacks, and it was built with an encroachment into the rear yard. This was discovered because in 2020 their building permit expired in 2019. Their ILP expired in 2020. They kept working. Their addition wasn't done. They continued to have building inspections but didn't have a valid permit. Just this year in October they came to us for, they came to the Building Department for a final electrical inspection, and it was found that they no longer had a valid permit, they needed to reapply. Upon doing so, Planning Staff found that the deck is encroaching and is still subject to setbacks. The petitioner did apply for a variance. It was actually heard last week at the December 6th BZA Meeting and was approved 4 to 0 to allow that deck to remain with the 6 foot encroachment. No, to have a 6 foot setback from the rear yard. The petitioner is requesting a full refund request for that total cost. Staff supports a refund of \$100.00 and you can find their letter for request, and I am just going to throw that up on the screen real quick, requesting the full amount. Does anybody have any questions?

RECOMMENDATION

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.

QUESTIONS FOR STAFF – VAR-23-40 - Heard Refund Request

Clements: Do members of the Commission have questions for Ms. Creceilius? This item does not require a full discussion. It is more of an internal matter. But do you have questions for staff? If not, is there a motion on the staff's recommendation for the request?

FURTHER QUESTIONS FOR STAFF – VAR-23-40 - Heard Refund Request

Thomas: **I move in case VAR-23-40, a refund of \$100.00 be issued on 501 South Village Drive.**

Oehlman: **Second.**

Jelen: It has been moved and seconded to provide a refund of \$100.00 for case VAR-23-40, which is the Heard Refund Request for variance from Chapter 833. A vote yes, is a vote to refund the petitioner \$100.00. Edward Oehlman?

Oehlman: Yes.

Jelen: Jerry Pittsford?

Pittsford: Yes.

Jelen: Julie Thomas?

Thomas: 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: I will just make sure; Dee Owens is not present?

Clements: No, she won't be here.

Jelen: Ok. Motion carries 8 to 0.

The motion in case VAR-23-40, Heard Refund Request for variance from Ch. 833, in favor of approving a refund request in the amount of \$100.00, carried unanimously (8-0).

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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION: Petition has been continued by the petitioner.

UNFINISHED BUSINESS

2. PUO-23-1 Whaley PUD Outline Plan Amendment 2

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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION: Petition has been continued.

NEW BUSINESS

1. SAD-23-20 Branson Properties Type “E” Administrative Subdivision 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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Myers: This is SAD-23-20, Branson Properties Type “E” Administrative Subdivision. It is a Type “E” Administrative Subdivision. Typically, we don’t see these at the Plan Commission level as they are preformed administratively and reviewed by staff. However, there is a need for a Right of Way Width Waiver with this petition, so it is before you this evening. The site contains 2 parcels totaling 6.86 acres. Each deriving access from East Ramp Creek Road. The purpose of the petition is to transfer 0.08 acres from 4192 East Ramp Creek Road, also known as Tract 2 of the proposed Type “E” Administrative Subdivision, to 4099 East Ramp Creek Road, also known as Tract 1. The transfer area is already on the north side of East Ramp Creek Road, the same as the proposed Tract 1 and the proposed Type “E” Administrative Subdivision requires a right of way dedication of 90 feet along East Ramp Creek Road according to the Monroe County Thoroughfare Plan for a minor collector roadway. That equates to 45 feet from centerline for both Tract 1 and Tract 2 given that they are on opposite sides of East Ramp Creek Road. 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 front setback requirements after right of way dedication. The requirements for right of way dedication come from Chapter 854-14(D) of the Subdivision Control Ordinance as well as Chapter 856-1(A)(3) and those are on the screen here, also in your packet. That gives the Planning Department the authority to request right of way dedication for Type “E” Subdivisions. Here is a snippet of the existing plat document. You will see that the hashed area is the transfer area of 0.08 acres. There are 2 existing structures located in this area. You will also note that there is a note on the plat that says wood buildings to be removed. That was the original intent when the subdivision application was submitted, however, through a conversation with the petitioner Planning Staff came to understand that the petitioner would like to keep the structures. To keep them they would have to apply for this Right of Way Width Waiver, otherwise those structures would be inside dedicated right of way. The Highway Department provided some comments as well for this petition. You will see that the pink line was the original proposed right of way by surveyor and petitioner. However, through conversations with the Highway Department, the yellow line is the recommended or requested new right of way dedication line to accommodate those structures. So, everywhere outside of the yellow lines the standard 45 foot right of way dedication will apply and anywhere in the yellow it will be actually about 15 feet worth of dedication from the centerline of East Ramp Creek Road. Here we have the location map for Clear Creek Township. Here is the site conditions map. You will note that there is limited buildable area, given the slopes on the property. This small rectangle, parallelogram, you see

here on the north side of the road, that is the transfer area. Currently it belongs to southern parcel. So, they are just kind of cleaning it up and transferring that little area to the northern parcel. Here we have some site photos for the petition site off of East Ramp Creek Road. The picture in front of you is looking north onto Tract 1 where the structures reside. You can see them in the distance there as we get closer and those are the 2 wood structures here. Off to the right side of the screen those are the 2 that would be located in right of way and hence the waiver request this evening. Just some more photographs of the site. Here you can see how close they are to the existing pavement and then this is looking south onto the other property that is transferring the land where those structures reside. Just some more pictures of that site. Ok, here is the preliminary plat for the Type “E” Subdivision for this petition. This is also included in the packet. That brings me to staff’s recommendation. Staff recommends approval of the partial 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;

- 1) Petitioner provides Findings of fact.

That is one requirement that is typical for all waiver requests, that the petitioner provides their own findings.

- 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.

I will now take any questions.

RECOMMENDED MOTION	<i>Approval with Conditions</i>	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. 		

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.

QUESTIONS FOR STAFF – SAD-23-20 - Branson Properties

Clements: Do members of the Plan Commission have questions for staff? I will look to my right here and see if there are any questions for staff. I will look to my left. Ok, we will have another opportunity after we hear from the petitioner and the petitioner's representative. Mr. Deckard, will you be speaking on this? Please come forward. You and the petitioner will have 15 minutes total to review this request with us.

PETITIONER/PETITIONER'S REPRESENTATIVE – SAD-23-20 - Branson Properties

Deckard: Ok, thank you. The main purpose of this was to be able to salvage the 2-story buildings next to Ramp Creek Road here. Drew is spot on with his report. Thank you for your report, Drew and we are agreeable to the terms of reducing the amount of proposed right of way here just so that we can encompass the buildable area. As you can see in this picture here before you there is not a whole lot of buildable area here on this lot. So, being able to salvage some of this buildable area that is less than 15 percent slope would be appreciated. If there any questions that the panel may have, I would be glad to answer any questions.

Clements: Does any member of the Plan Commission have questions for Mr. Deckard? Mr. Guerrettaz?

Guerrettaz: Eric, have you gotten your findings of fact together yet?

Deckard: No, I have not.

Clements: Ok, thank you. We will now turn to members of the public to see if there are any testimonies in favor or in opposition to the petition. Have you already signed in, sir? Please come to the podium and state your name. You will have 3 minutes unless you are the petitioner.

Branson: Good evening, everyone. Thanks for your time. I am Kurt Branson, the property owner.

Clements: You have the remaining time up to the 15 minutes that Mr. Deckard did not use.

Branson: Thank you. This is my first time here. I had no idea that there was a 90 foot for the highway or 45 feet on one side so this is all kind of new to me. I have owned the property at 4099 for 9 years. It is kind of a neighborhood that has fallen on hard times. All the copper was ripped out and vandalized. I have fixed that up and it is a rental property now. But these sheds are closest to the deck. It is 13 feet and from the house 18 feet, so, they are really close. They are an eyesore. When the property across the street came available a year and half ago, we decided to purchase that hoping that we could transfer this little square and these sheds onto this lot and shed garages could be repaired and used on that lot for the renters and tear down the eyesore across the street as well. That was part of the intention as well. I just wanted sure if we could keep them or tear them down, but it would be more advantageous for us to just repair them. It would probably cost more to tear them down to dela with them. There is a cellar underneath the one to the left there. That is the main intention. That is really all that I have to say, I guess.

Clements: Thank you, Mr. Branson. I will turn now to the remaining members of the public. If there is any testimony in favor or in opposition to this petition, please come to the podium in the room or press *9 on your telephone to be recognized or raise your virtual hand on zoom to be recognized. Do you see anyone, Ms. Nester Jelen? No. Ok. There is no testimony in favor or in opposition to this petition, so we turn now to members of the Plan Commission to see if there is any further discussion or a motion. Mr. Pittsford?

SUPPORTERS - SAD-23-20 - Branson Properties: None

REMONSTRATORS – SAD-23-20 - Branson Properties: None

ADDITIONAL QUESTIONS FOR STAFF – SAD-23-20 - Branson Properties

Pittsford: I just have one quick question. The structure that is closest to the road, is it stable?

Clements: Mr. Branson, could you come back up here to the microphone? Thank you.

Branson: It is a gravel floor, but these are structures that were built back in the days when they used actual 2 by 4s and white oak. It needs minor structural repairs and it just really needs a new roof and to side it. There is a little shed attached lean-to onto the side that would need new posts. But the 2 main structures are fairly structurally sound.

Pittsford: Ok, well, it looks like it is leaning, and my concern was it was going to fall into the road. But at least that will be put back with structural repair so that is not an eventuality. Because as it looks to me in the photograph it looks like it.

Branson: On the one close to the road the shed on this side has kind of fallen and the front maybe just 2 or 3 feet has leaned out. But the rest of the 2 by 4s are straight all the way back. It needs a new face basically.

Pittsford: It is going to be repaired.

Branson: Yes. I did actually bring a picture of my actual intentions.

Pittsford: I am not worried about particulars.

Branson: This is the idea.

Pittsford: Ok.

Clements: That's nice.

Branson: It will match the house a little bit. Is that the only question?

Pittsford: Yes.

Clements: Thank you, Mr. Branson. Any further questions or discussion or a motion? Thank you, Mr. Guerrettaz.

FURTHER QUESTIONS FOR STAFF – SAD-23-20 - Branson Properties

Guerrettaz: I move in the matter of SAD-23-20, Branson Properties Type “E” Administrative Subdivision, this is a Right of Way Width Waiver and a waiver for second

hearing, I move that we approve this waiver request with the waiver of the second hearing under the conditions;

- 1) Petitioner provide findings of fact relative to this petition.**
- 2) Petitioner remove all call-outs on the plat that states the structures are “to-be removed.**
- 3) Petitioner satisfies all remaining comments from the Highway Department.**

Oehlman: **Second.**

Jelen: Does this include the waiver of the final hearing?

Guerrettaz: Yes.

Jelen: It has been moved and seconded to approve SAD-23-20, which for clarification is a partial Right of Way Width Waiver, just for the north side. The south side is still being dedicated. Including a Waiver of the Final Hearing and the conditions as stated in the staff report and repeated by Commission Member Bernie Guerrettaz. A vote in favor is a vote to approve. Jerry Pittsford?

Pittsford: Yes.

Jelen: Julie Thomas?

Thomas: 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: Motion carries 8 to 0.

Motion in case SAD-23-20, Branson Properties Type “E” Administrative Subdivision, Right-of-Way Width Waiver, Preliminary Hearing, Waiver of Final Hearing Requested, in favor of approving all requests, with conditions as stated in motion, carried unanimously (8-0).

NEW BUSINESS

2. REZ-23-3 Worms Way Rezone from AG/RR to PB

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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Myers: Thank you. This is REZ-23-3, Worms Way Rezone from Agricultural/Rural Reserve to Pre-Existing Business. The petitioner is seeking to rezone the property at 7850 Noth Wayport Road from AG/RR to PB. The subject property includes 6.65 acre Lot A and 6.21 acre Lot B of the Worms Way Type "A" plat that was originally developed pursuant to 1995 Special Exception for Agribusiness and Commercial Greenhouse that allowed for the establishment of Worms Way. The 1995 Special Exception request was made by Worms Way to both the Board of Zoning Appeals and the Plan Commission. In 1997 the Plan Commission approved the request with several conditions of approval and the Board of Zoning Appeals approved that request as well in February of 1995 citing the same conditions of approval. Those conditions of approval are listed here on the screen as well as in your packet. Those conditions included;

- 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.

We have heard this one before. We do have some recent cases as well. I am going to click to those real quick. We had a Use Variance to add Metal Fabrication that was approved by the BZA. Then we had a rezone request from AG/RR to Light Industrial that was denied by the County Commissioners in October of 2021. We had a pair of Use Variance requests to add General Contractor as a use to the AG/RR district. Both of those were denied by the Board off Zoning Appeals in August of 2022 and March of 2023. Most recently if you remember we had a request to rezone this property to a Planned Unit Development through the Outline Plan process. Staff had originally recommended denial and it was heard once by the Planning Commission in September of this year. However, after that meeting the petitioner withdrew the petition and decided to resubmit an application to request a rezone to Pre-Existing Business instead. Here on the screen is the definition of Pre-Existing Business District. This is also included in the packet. It is rather wordy, so I won't read it verbatim off of the slide. However, the main thing to know is that the Pre-Existing Business zone is a unique zoning district. It is applied to properties that had pre-existing businesses on them during the last 1997 adoption of the zoning ordinance and it has a rather unique application with respect to uses. If the use that was active on the site when it received the Pre-Existing Business district designation had a certain intensity value, then any use afterward must match that intensity or be less within the Limited Business or the General

Business district. So, in other words, any use, so, say a use was medium intensity at the time when it was a Pre-Existing Business designation any use further on that site must be at least medium intensity that is available in the Limited Business or the General Business district. Agribusiness/commercial greenhouse does not appear in the current zoning ordinance. Staff did their best to determine what that use would be classified in today's terms. Staff came to the conclusion that the use existing in Chapter 802 of commercial facilities for sale, repair and the service of agricultural equipment, vehicles, feed or supplies fits best. That definition is below here on the screen. It states establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and the other operations and processes pertaining to farming and ranching. Now that use, the Commercial Facilities use is classified as a high intensity use. Rezoning the property to the Pre-Existing Business zoning district would permit any available use that is listed as either high, medium or low intensity in the General Business or the Limited Business zoning district. Here we have some old maps of the zoning districts. This one is from 1996 so this was before the most recent adoption of the zoning ordinance that in 1997. The colors are kind of faded here on this map, but I denoted the property with this yellow star here and you will note that this area you can kind of tell with the colors this area was designated as Agricultural/Rural Reserve. There were some Limited Business areas and Industrial areas to the north. This is the map that we had from 1997. Again, you can see the colors here with the legend. This area was designated Agricultural/Rural Reserve. You can see that there is some Pre-Existing Business parcels to the north. As for the fact this particular parcel was not zoned Pre-Existing Business staff cannot say. We looked through meeting minutes and we could not find anything specifically relevant to this property itself from the meetings that discuss the adoption of the 1997 ordinance. It is staff's assumption that due to the Special Exception that was awarded in 1995 that the Plan Commission at the time or County Commissioners at the time just kept that moving forward, that Special Exception for the Worms Way property. Here I have the letter from the County Assessor's Office. We have looked at this before in previous petitions. This is an assessment from the County Assessor that revalued the land after multiple attempts to rezone and apply use variances to the property and therefore after reviewing all of the materials, the County Assessor revalued the property, and it lost some value essentially. Here we have the current zoning map. Comprehensive Plan has it designated as Rural Residential. We have here on the screen an aerial image of the petition site as well as some locations of nearby businesses. We have Oliver Winery to the north. Cook Regentec to the northwest and to the south we have Bloomington Auto Parts. Here we have some site photographs. You are all very familiar with this site given the amount of times it has been presented. So, I will quickly scroll through these and if we have any questions about any of these pictures, we can come back to them. These are also included in the packet. Staff included this exhibit in the last report with the Planned Unit Outline Plan. This talks about the corridor plan for State Road 37 and I-69. In it, it had some interested information about existing business uses along or around Sample Road. It does specifically call out to these uses in the area suggesting that let's see here, intensity of uses shall not be allowed to increase beyond current conditions and such businesses shall not be permitted to expand onto adjacent properties and there is more language here about just the discussion of existing businesses along State Road 37 and near Sample Road that is for your consideration. Here we have the petitioner's letter to the Plan Commission stating their request to rezone the property from AG/RR to Pre-Existing Business. This is included in the packet. Here I have the Use Table for the AG/RR district and the Use Table for General Business and Limited Business districts. All of these uses would be

technically permitted within the Pre-Existing Business district given that the use of the existing or prior use of Worms Way would have been considered a high intensity use. Here I have the Worms Way Type “A” Subdivision Plat that has Lot A and Lot B delineated and here I have the letter of support. This was provided for the Planned Unit Outline Plan. It was also included as part of the submittals from the petitioner. I have a letter of opposition from nearby neighbors of the property as well as this one and these are all included in the packet. This is the current petition timeline that we have before us. This is the preliminary hearing, and it will go to the Plan Commission regular session on January 16th if the waiver of final hearing is not waived. I included the Plan Commission Admin Meeting here on the screen as well. This petition will not be heard at that meeting given that Planning Staff and the Plan Commission will be only listening to CDO related items during that Admin Meeting and then of course the Board of Commissioners Meeting, which is the ultimate deciding factor. That will be determined after the Plan Commission’s recommendation is made. Staff recommends forwarding this petition to the County Commissioners with a negative recommendation based on the finding 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 by the County Commissioners to identify a more suitable zoning district and whether an amendment to the Comprehensive Plan is warranted in this area. Planning Staff has communicated to the petitioner that the property could be requested to be rezoned to General Business or Limited Business and the County Development Ordinance map and text is currently drafted to phase out all properties zoned Pre-Existing Business and rezone those sites to either General Business or Limited Business depending on their current use and intensity. Therefore, a rezone to Pre-Existing Business would ultimately contrast with the goals of the CDO to eliminate the Pre-Existing Business zoning district and the reason for eliminating the Pre-Existing Business zoning district is to avoid any confusion for future permitted uses based on their prior intensity. I will now take any questions.

RECOMMENDATION

Recommendation to the Plan Review Committee:

- Staff recommends forwarding this petition with a negative recommendation to the Plan Commission 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.

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;

QUESTIONS FOR STAFF – REZ-23-3 -Worms Way

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

Enright-Randolph: First, thanks for the presentation. Thank you for the timeline. I think that is very helpful because we have heard this a number of different times. I am kind of scratching my head when I see that the BZA approved it for the Metal Fabrication additional use, but they never submitted a commercial site plane, which is interesting. I guess my question is, one, I don't like the Pre-Existing Business zone. That is just my take on this topic and in general. How many more uses are in the Light Business, General Business? Or how many less uses are in that? I would assume that if they went to Pre-Existing Business, they would have a slew of uses and he General Business Light Business probably reduces the number of those uses. I am not asking you to count them but like I guess there are some pretty significant uses that would not be permitted.

Clements: It is on the screen.

Enright-Randolph: Right but I am curious about what Planning would really not want to see go there based off of their negative recommendation and talking about them pursuing a rezone to General and Limited Business. I wonder what kind of uses are in that Pre-Existing Business that we are really trying not to allow. If that question is straight forward enough.

Myers: Sure. I can say that during the Planned Unit Development Outline Plan petition that was here in September they were requesting 7 different uses, that being religious facility, pet services, furniture sales, transfer or storage terminal, general contractor, metal fabrication, which is currently permitted from that use variance that you mentioned, and warehousing and distribution. 7 uses were requested from that outline plan amendment and then now on the screen all of those uses that you see would be permitted. So, it is a mix of low intensity and medium intensity, and high intensity uses. For example, high intensity uses that I can see right off the bat

are hospital, air cargo and package service, building materials, home improvement center, restaurant drive-in, that is just a few to name. So, there is definitely a large amount of uses available compared to the Planned Unit Development.

Enright-Randolph: Right and you are illustrating my point, and my main point is I think just going back to the Pre-Existing Business gives too many viable uses that just don't fit this particular area so personally I would be more inclined to General or Limited Business. Plus, to your point that we are trying to get away from this zone overlay in the first place.

Clements: Thank you, Mr. Enright-Randolph. Mr. Pittsford?

Pittsford: Thank you. Why would an amendment to the Comp Plan be warranted and what would the text of such an amendment be?

Jelen: If we are doing a rezone anywhere in the county under the County Development Ordinance, the zoning map that we are looking to put forward it has to follow the Comprehensive Plan. If in any areas, it does not follow the Comprehensive Plan we note that as an addendum when we go through the process. Right now, with what they are recommending, if its not inline with the Comprehensive Plan that is one of the findings that we consider for a rezone.

Pittsford: Ok, alright, good. That is pretty standard, I guess. I don't think I have ever seen that called out specifically before. It is good to know that, and my second question is the determination of Limited Business or General Business is going to be made in light of the current business and there is not currently a business there. So, given that would it be predicated on the last business operation in determining if this would be appropriate?

Jelen: It is actually determined by what the business was in 1997.

Pittsford: Ok.

Jelen: I think Drew had a slide up that showed it was commercial ag. Commercial facilities for the sale, repair, service off agricultural equipment, vehicles, feed or supplies. So, it was a high intensity use at the time and we would consider it to be eligible if zoned Pre-Existing Business for all high intensity uses in the GB and LB.

Pittsford: Ok. That was my understanding, but I wanted to make sure I was clear in that. I believe that does answer my questions so thank you.

Clements: Thank you, Mr. Pittsford. Do members of the Plan Commission to my left have questions for staff? If not, we move to the petitioner or the petitioner's representative for your presentation.

PETITIONER/PETITIONER'S REPRESENTATIVE – REZ-23-3 -Worms Way

Carmin: Mr. Heydt is on zoom if you would let him go first, please.

Clements: Sure. Tech Services, can you unmute Mr. Heydt? Together you will have 15 minutes. Thank you.

Jelen: I believe he is able to unmute, but he will have to unmute on his side.

Clements: Mr. Heydt if you could unmute yourself on your side. If you are calling in by telephone, I believe that is *6. It appears that you are unmuted. You and Mr. Carmin have together 15 minutes. The microphone, it looks as though the volume is working. Howder, we hear no sound. Ok, Mr. Heydt, if you are on zoom unmute yourself. You are calling in by telephone, press *6 on the telephone and please try to speak so we can hear you. Do you see the symbol with the microphone?

Jelen: I do. I don't know if Tech Services, are we able to hear those online?

Myers: I have a comment from the MS4 Coordinator. She can hear him, but this room cannot it appears. It looks like folks online can hear him speaking but this room is not able to.

Jelen: Ok. I think Tech Services maybe just needs a minute to resolve the issue.

Clements: Yes, bear with us while we resolve these technical difficulties. Tech Services, you heard didn't you that we have these technical difficulties, right? Thank you. Can Mr. Heydt be promoted to a panelist?

Myers: He is currently listed as a panelist.

Clements: Ok.

Thomas: TSD can you give us an update on how long you need to repair this issue? You can send it as a chat maybe.

Clements: *6 on the telephone. It will tend to unmute you.

Thomas: He is on a computer. You can read his subtitles. I think our other option is to get a couple of us on zoom and crank up the volume on our speakers so we can at least see and hear. Because others can hear it and we are reading subtitles.

Clements: Yes, Mr. Oehlman.

Oehlman: (inaudible).

Jelen: Let me try unmuting my laptop. If it is bad feedback, I apologize. But I will try.

Thomas: Just have your microphone on mute and you will be fine.

Clements: For the moment, Ms. Nester Jelen is going zoom to the microphone so that Mr. Heydt can be heard.

Jelen: He is going to restart his zoom. He just logged off and he can log back in.

Clements: Ok, bear with us. We are sorry.

Enright-Randolph: I am curious since there is some indication that it is working, and it might just be the petitioner. Is there any way we can test from someone else that is online if we can hear them?

Clements: He has logged off and is relogging into zoom to try to correct the situation. Then if not we will ask Mr. Carmin to telephone him and put the telephone up to the. But first things first. One process is underway. We will proceed to another one after that.

Jelen: Would it be ok if I ask Kelsey Thetonia or Lisa Ridge to test since they are online?

Clements: Sure.

Jelen: Lisa or Kelsey, could you unmute to see if we can hear you? We cannot hear Ms. Ridge either. But they can hear online.

Clements: So, they can hear us, but we can't hear them. Mr. Carmin, as the representative for the petitioner how would you like to proceed?

Carmin: I know he wanted to speak. I will call him with my cellphone and see if that will work.

Clements: I am so sorry Mr. Heydt. We know that this is anxiety producing enough with the request that you are making and for the technology to not go well is frustrating and I apologize for that. Mr. Carmin, we will take your lead.

Myers: He is currently listed as an attendee on the zoom.

Clements: Rather than panelist.

Jelen: If you can raise your zoom hand Mr. Heydt Tech Services will promote you over to speak.

Clements: No, Mr. Heyd, we cannot hear you. I think you can hear us, but we are not able to hear you.

Jelen: Mr. Heydt, I posted Mr. Carmin's cell phone number in the chat. If you can call that number, we will be able to hear you.

Clements: We can see Mr. Heydt now.

Heydt: Can you hear me?

Clements: Yes.

Heydt: Ok, I will try to speak slowly.

Thomas: He needs to turn the volume down on his computer right now because it is going to give feedback.

Guerrettaz: Hey Martin, can you turn the volume down on your machine?

Heydt: How about that? Can you hear me?

Clements: Yes.

Heydt: Can you hear me?

Clements: Yes, sir.

Carmin: Yes, Martin, they can hear you.

Heydt: Ok, I can't hear them. I am going to comment on my petition here in just a minute. But I would like is can I just start by asking just a simple this is a raise your hand pole. Raise your hand if you think the CDO will be activated in 2024?

Clements: We don't response to questions from petitioners. I'm sorry, sir. We just are taking your testimony.

Heydt: I didn't hear any of that.

Carmin: Martin, the President of the Commission declined. They don't answer questions from petitioners.

Heydt: Oh, ok. Alright, I will go ahead and comment on my petition. This is all about unequal treatment. Worms Way was established in 1995. In 1997, 14 other properties were named Pre-Existing Business without a petition. At that time, Worms Way should have been named Pre-Existing Business. For 26 years, those 14 property owners have had property rights that I was denied. In order to correct this, I respectfully request that the commission vote to rezone the property to Pre-Existing Business so that I would have the same property rights as the other 14 property owners. I will yield the time to Mike.

Clements: Thank you, Mr. Heydt.

Carmin: My name is Mike Carmin, attorney representing the petitioner, AH and SH, LLC. That is Martin Heydt and spouse. I wanted to make a few random comments kind of in response to observations and comments that were made earlier and then get back in just a few minutes specific just on this. I understand you may not like Pre-Existing Business, but it was done as Martin has talked about on a number of properties. Some of them still exist. Staff made a comment in the report and Drew mentioned it tonight about suggesting, well, look at the GB zone or LI zone. They did an LI zone petition several years ago. You recommended approval of

that at 7-0 but the County Commissioners denied it 3-0. So, we are supposed to go back and ask for the same thing again that the County Commissioners said no already. You look at this and his complaint about fairness. His property is being treated differently than 14 other properties north and south of him. This is just a question of proximity to Bloomington. There are properties to the north of this, properties to the south of this that are presently either Pre-Existing Business or have been rezoned to LB and under the proposed zoning map that is available online as part of the CDO effort, they are all retaining that zoning. The Comprehensive Plan apparently applies only to this property. Because there are 14 other properties, I think it is 11 now, 11 other properties north and south of this that are being retained for LB zoning and the Comp Plan didn't force them to go to AG2.5 at least the proposed map from Planning that Planning has put together based on feedback. Again, he is being treated differently. There is no guarantee when that zone is going to be approved. Next year, we had hoped. We had hoped it for 4 years. You have hoped it for about that long I am sure, and it has been a long and arduous effort, I understand that. But there is really no indication that it is going to happen this coming year either for a number of reasons. But we will see. Maybe we will get surprised. But there is no certainty even when that. What we do know is the draft map has been published and has stayed there now for a number of months, calls for this to be zoned AG2.5. Not LB. Not LI. Not GB. AG2.5. Perpetuating the very problem that Mr. Heydt is complaining about. He is not being treated fairly. He is not being treated the same as everybody else. We offered a compromise on this issue a few months ago and that was the comments you made earlier about that you have heard this a number of times. That last effort was a PUD. That was a compromise effort. As opposed to the full range of everything that the PB zone would allow but to narrow it down to identify some specific uses. I think Drew counted it was 6 or 7. The opposition with neighbors was consistent with what they have done every time for every petition for a number of years. There is enough discussion here when it come up from on the first meeting to make it pretty clear that this as a body was not going to support that so we backed off on that and the petition now is he should have been treated the same as comparably situated properties under the same considerations, under the same comp plan, the proximity, the residential neighbors surround him, everything, so it is time to do it. It didn't happen in 1997. It is time to do it. Its time to rezone it to PB. Whether you like PB or not there is still going to be a further effort to rezone it even from the PB because you have got a map coming up. So, there is going to be specific discussion about this property and what is the appropriate zone for it at that time and then I guess we can engage in that. But we don't know when that is going to happen, if it is going to happen. What we do know is this property should have been zoned PB in 1997 and you have got an opportunity now to correct what we clearly believe to be a mistake. He talks about it doesn't have the same property rights. It is much more egregious than that. It is not only property rights, you saw the letter from the assessor. You saw the impact of that decision then and it has finally come to roost. When the assessor finally took a hard look at this and frankly on request but when she took a hard look at this and sees the uses permitted in this exception we had in the AG/RR simply are not doable in this property. Those buildings are wasted. The improvements to this property are wasted and that is the change on the tax assessment value from whatever it was, I am going to say I lose track, 1.6, 2.4, somewhere in there, down to about \$650,000. Nobody wants to see the property devalue. These neighbors how opposed everything complained that they don't want to see their properties devalued and yet, with these buildings in place for the last 20 plus years those properties have doubled and tripled in value. Check the list of tax assessment values. In the shadow of this property fully developed as it is those property owners have fortunately

experienced tremendous growth and increase in their property values. This property has had no adverse impact on those properties either use or value, which are always matters you consider on petitions in any event. Rezoning to PB is the right thing to do. Apparently, it is the only cure possible to the prior mistake. It is an opportunity to do that. Again, you are still going to have a zoning ordinance map to prove at some point, next year or whenever and on that in that process will be the opportunity to further consider maybe a different zone instead of the PB. But in the meantime, it needs to be corrected and we would ask you to do that.

Clements: Thank you, Mr. Carmin. We will now hear from the public. Do members of the Plan Commission have questions for Mr. Carmin before he sits down? He has another 7 minutes left of his testimony. So, I will ask if members of the Plan Commission have questions for Mr. Carmin. No, not at this time, sir. We will turn now to the public. If the public will come to the microphone, introduce yourself and it is good to see you here, Senator Koch. You have 3 minutes to speak in favor or in opposition to this petition.

REMONSTRATORS – REZ-23-3 -Worms Way

Koch: Thank you, Madam Chair and members of the Commission. My name is Eric Koch, and I am here tonight representing the Windsor Private Homeowners Association and we rise in opposition to the petition. We will certainly do our best to respect the request of the Chair to keep our testimony truncated due to the history of this manner. Following the individual homeowners will be speaking as individuals and their concerns align with the negative staff recommendation and include its incompatibility with the Monroe County Comprehensive Plan, that it is out of sequence given the more comprehensive I-69 Corridor Plan, the negative impact on the neighborhood and somewhat of a lack of transparency with respect. Who is the potential purchaser and what will the activities be? That is a natural concern. To the extent the concern is dimension of value, and we don't agree that it should be. But to the extent that it is, there is the potential for a double dip. What, if any, compensation was received as a result of the I-69 condemnation proceedings? What was the value of the lease if it was monetized in the sale of Worms Way to the hedge fund that it was sold it? Was there a termination payment that was monetized? In other words, was the alleged demotion of value already monetized through other means? The county is not a fault. Not to blame for the current zoning. Respectfully request and register opposition to the petition. Thank you.

Clements: Thank you, Senator. Thank you. Ok, if there are other members of the public who would like to speak in favor or opposition to the petition, please come up? Make sure you are signed in and give us your name and you will have up to 3 minutes. But we beg of you to consider this is December. It is the darkest month of the year.

Booze: My name is Bryan Booze. I am a resident of Windsor Private the neighborhood that, we are next door to this facility, and I wanted to say again as the previous iteration in opposition to this particular proposal as well as the other, for all of the various reasons. It is all the same group. We are all here. We have heard all of the environmental, noise for that. I don't want to rehash all of that. What I want to say about this particular proposal is one, I do agree it is against, it is in conflict with the existing Comprehensive Plan and the ongoing CDO effort to revise everything. I was actually in the room with you all last Monday or Tuesday, last week, to observe, not to do

with this particular issue but the CDO process, what is really going on. I have sympathy for all of you that have to go through all of that. It is a detail conscience process, and it is a task I don't want. But I got to see how it works and part of that going through of all of that my observation was it was to get rid of exceptions This business of Pre-Existing Business being one of them. Ideally, we would get rid of that as we go through the CDO. So, introducing a brand new one now prior to finishing that seems to me to have the sequence backwards, that we are going to introduce and exception of exactly the type we said this process is not to allow anymore and make things more consistent over through just another one on right midstream in the midst of all of that CDO effort. In my mind degrades the value of the CDO effort and in general if we are just going to keep plowing ahead with exceptions like this right in the middle of it. So, I think that to me seems like a sequence issue. That doesn't make any sense to me given the amount of time there everyone is putting into the CDO effort. The last thing I wanted to say was and I just heard that the property itself, the improvements and everything have been put on there over the years and that they are being wasted. Mr. Heydt knew exactly what the zoning was, what was allowed and what wasn't, what someday if he had to sell it what it was zoned currently, all of that, he knew all of that when he sunk the money into make those improvements. That didn't just happen. That was a conscience effort by a businessman who made some decisions, he is going to use those improvements for a while, maybe later now he won't want them anymore, whatever. But those were a conscience decision on his part knowing exactly how the property was zoned and what those improvements might or might not be worth to future owners of that property that way that it was zoned. He put the money in there anyway. I don't consider that hey, they are being wasted. I think somebody took a gamble and now this is part of the decision that he previously made. So, I don't consider that something that we have to resolve for him or for the county, that its being wasted. That was a businessman's direct decision on his own affairs, and it is what it is now. It is not the county's or the neighborhood's or anybody else's problem to resolve it for him. Thank you.

Clements: Thank you, Mr. Booze. We will go with the people that are in the room first and then turn to online. Please come forward to the podium and make sure you are signed in.

Jent: I am signed in. My name is Dave Jent. I live in the neighborhood. First, I want to thank the staff for looking at this yet again and I agree with the recommendation to deny this. I think if you have been here for a while, we have been here for the last 4 years talking about the same thing and the owner has tried to figure out a way to get around what he created and put something on the property that really doesn't fit. We heard about property values, and I can probably guarantee you that if any of the proposed uses that had been denied were approved my property value wouldn't be what it is today. It would be less. An asphalt plant next to it, I don't think so. Major roofing construction and all of that, I don't think so. So, I think our neighborhood is concerned about our neighborhood that it remains a nice place for us to live and while we hope the property can be used for something, it needs to be used for something that doesn't hurt our property values, the 38 people who live in our neighborhood because of the decisions this person made decades ago. Thank you.

Clements: Thank you, sir. If there someone else here that would like to speak and please be sure you are signed in and then remind us of your name and you will have 3 minutes.

J. Booze: I have some things. Can I hand those out?

Clements: Yes, you can do that. When you hand those out, then return to the microphone so that your comments can be recorded. Thank you.

J. Booze: I have handed those out before and I'm a local realtor. My name is Julie Booze. I live in Windsor Private, and I also oppose the change of the zoning on Worms Way property. As you can see on those handouts, Martin Heydt is the broker on this at the top. If you flip through the pages, you can see that in the past, the way that he has marketed this was industrial and I have circled it. You can see the different dates at different times, and it goes all the way to 2020. Martin has said that the property is not worth it, that nobody is going to buy it. I personally showed this property 2 different times, both of them to perspective buyers that would have fit the current zoning, but the price was prohibited. It was just so far out of their reach of what he was asking for it and he continued to list it both price and listing as industrial for years. That just brings in people who are looking for industrial properties. So, to say, gee, I never got a buyer, well, there is a good reason why he didn't get a buyer. If he would have advertised, it and marketed it for what it is I think he would have sold it along time ago. As a neighbor we loved Worms Way. They were a great neighbor to us. I mean, really, they were. We all bought everything, mulch, everything plants from them. We would like to see someone in there similar to what we had and that is really what we are fighting for. We know that something needs to go in that property. We are not against that. We have heard that. That we are total against something being there. That is not true. We would like to see something go in Worms Way property. But we are concerned because our property lines come right up to their lines. We may be a little further away the house, but our property lines come up to the Worms Way property. So, they adjoin and so we are concerned. We also have a retention pond that we all enjoy. We set lower than what Worms Way is, so something is going to run off it is going to come our way. So, yeah, we have concerns about that. So, that is what we want to know is there is something that can go in there. I know it. Because I showed 2 prospective buyers. Another agent that lives in our neighborhood, Tammy Druckemiller, she also showed it to someone who wanted to rent it and Martin wasn't, he did not want to rent it. So, it is not that he has not had a chance to make money on that property after Worms Way moved out. He could have sold it. He could have rented it. He hasn't even put a for sale sign in the yard. Wit all the traffic that goes up and down that street going to Oliver Winery somebody would see it. Thank you for your time.

Clements: Thank you so much Ms. Booze for coming out tonight. If there is another member in the room who would like to speak in either favor or opposition to the petition, please come and make sure you are signed in. Then give us your name and then you will have 3 minutes.

Druckemiller: Hi, my name is Tammy Druckemiller. I live in Windsor Private of course. I have said this before to you all. I will keep it very brief. I am just saying that my property actually does abut up to Worms Way. It has been said that my home is 500 feet away from the buildings. My home may be further away, but my property is not. So, it does affect us all differently and I would just like to say to please consider that because I know if this situation were reversed you might be fighting for your property as well. I agree, the rezoning does have a conflict with your current Comprehensive Plan. I will keep it brief. That is all that I have to say.

Clements: Thank you so much, Ms. Druckemiller. Thank you. The next person, please. I believe you are already signed in.

Barnes: My name is Robert Barnes. I also live on a property that abuts the Worms Way property. None of us are really anti-business. We all would like to see something viable in that location. We don't want to see an asphalt pit. We don't want to see 24 hour truck traffic. There are acceptable things. We have approved other plans. We are just, I am tired of saying it, I don't like coming in here every month to do this. But we are not anti-business. We want something in our backyards that anybody would want to see in their backyards. That is all that I have to say.

Clements: Thank you, Mr. Barnes. Is there anyone else here that is here to speak about this petition? If not, I am going to turn to the zoom attendees. If there is a person on zoom, please raise your virtual hand. I see a hand raised. Mr. Hostetler, they are going to try to unmute you. Let's hope it works.

Hostetler: Can you hear me?

Clements: Yes, we can.

Hostetler: Ok, great. Thank you so much. My name is Mike Hostetler. I am a resident of Windsor Private, like my other neighbors, and I also rise in opposition to the petition here. I won't reiterate some of the statements they have already made. Because I agree totally with what they have said. I would just say that I believe we need to keep the Agricultural/Rural Reserve. I think we need to keep the zoning like that. There is not enough of that in the county in my opinion. It is a beautiful area. We moved here because of the way that it was zoned, frankly. There is no reason to change it. It is not our fault that the owner made a bad business decision. He sold Worms Way, but he kept the buildings. That's not my fault. That is not my fault at all and the fact that he is pricing it, the building is at 2 and half million dollars. Ok, well, you are going to limit your buyers for an empty building. It doesn't take a genius to figure this out. But he is not willing to do that. He wants top dollar. He wants Cadillac prices for a Chevet. You are not going to sell the Chevet for a Cadillac price. That is just the way it is going to be. It is beyond the houses though. It is also the rural environment. The wildlife. The area in general will be permanently harmed. We have so few spaces that are left in the county that are inhabited by animals and wildlife and everything else. If you just start, putting anything you want and that is what the petitioner wants. He wants the right to put anything he wants in that facility, anything and that is just not going to fly. That makes no sense. If he wants to bring in somebody to put an asphalt plant in there. That is not going to work. That is going to be a hazard and even just the mere fact of increased traffic. There is going to be danger. There are kids in the neighborhood. There are people on that road. Sample Road is already well traveled, more so than it needs to be right now and you are just going to add more congestion and more congestion, and you are going to strip away everything that makes our community special. Our houses together collectively, there is a lot of money involved. There is a lot of money based on the taxes that we pay now, and I am going to say that the taxes, our appraised values went up not because of anything that we did to our homes but because of the residential prices in general in the county. This nonsense that he is being treated unfairly, if anyone is being treated unfairly it is us, the residents. We are the ones that are being bullied here. Because of money trumping everything else and yes, I said

trump. Because that is what I feel the petitioner is. He is trying to pay taxes on one value and sell it at another and I think that sounds awfully familiar to us these days. That is all that I have to say.

Clements: Thank you, Mr. Hostetler. I see that Julie Obin has her hand raised too, if she can be unmuted. Ms. Obin, you will have 3 minutes.

Obin: Ok, this is her husband, Loren Obin. We are using her computer. I want to thank the Commission for its efforts. In one of the previous meetings, one of the Commissioners, I want to thank them, they actually walked through the neighborhood to assess the potential impact that rezoning would have. That meant a lot and I really appreciate that, so thank you. He talked about being treated unfairly. I don't know this, but something leads me to believe that if it was redistricted under the old rules does that have a different tax assessment than rural reserve and if so then I think his 26 years of not being properly assessed may be the reason why he didn't request that until now. That is just a comment. I will echo what everyone is saying and what has been previously said in the meetings. Born and raised in Bloomington. I think it is the Commission's responsibility and hopefully you will do this to protect Bloomington and the corridor, I-69 corridor coming into Bloomington and what folks see when they come into the community. Yeah, we all want our property values to be maintained. Julie and I would not have moved here in this neighborhood if there was heavy industrial there. I appreciate what you do. I would ask that you not be swayed by comments that you are treating him unfairly over this period of time and I support the staff's recommendation to deny it. Thank you.

Clements: Thank you, M. Obin. I am going to ask if there are other members of the public who are online on zoom who would like to speak. If so, please raise your virtual hand. If you are calling in by phone and you would like to speak on this issue, please press *9 on your telephone to be recognized. If there is none, we come back to the petitioner or the petitioner's representative for another 5 minute rebuttal. Thank you, Mr. Carmin.

SUPPORTERS - REZ-23-3 -Worms Way: None

PETITIONER REBUTTAL – REZ-23-3 – Worms Way

Carmin: This really isn't about the neighborhood. This is about the zoning and the big picture. But I have to comment on a couple of things that were told. I don't know that any of the neighbors are anti-business. I just know that they are anti-business on this property and that is the issue. The complaints about asphalt pits are unfounded. The PUD that proposed that everyone in that neighborhood opposed, the PUD that was proposed, no new structures. Footprint was existing. No new paving. 60% open space. Onsite detention. No access to anyplace except off of Wayport Road so no traffic into the neighborhood and all operations conducted inside the buildings. Yes, you get repeatedly, repeatedly, we don't want to see an asphalt, we don't want to see this. They don't listen. They all opposed it. Everyone of them opposed it. Neighborhood meeting included and those who bothered to come that night and yet it would have been an invisible change to them. Not a thing on the ground would have changed. Mr. Koch, I don't understand his reference to being out of sequence. If you read the I-69 plan, it was brought up at the last meeting, the I-69 plan says this should have been rezoned. The I-69 plan says maintain

all of the existing businesses. The I-69 plan says don't let the business expand onto other properties. That is not involved here. Allow the businesses to be limited to no higher intensity than what was in place at the time. Well, you have already been told that is H. It doesn't say business should be limited or limited to medium or low intensity. It says whatever intensity was allowed up to this point that's your mark. It could have if it was part of the plan, if you want to downgrade and lower the intensity of the use, it could have said that. But it didn't. It allows maintaining. The I-69 plan is in here and staff kindly put it in there. But if you read the plan, the I-69 corridor plan, it says this should have been rezoned then and would support doing so now. Its consistent with everything the I-69 corridor plan has out there. If the issue were and I don't think it is, by the way, before if forget, we are looking for a waiver of the second meeting and a decision tonight. There is no reason we need to come back for another meeting. I think you feel the same way. I would hope. We are looking for a decision tonight and waiver of second meeting, please. The last comment is this whole issue of values and values of property of the neighbors, we are getting this way and if the issue is marketability in that I am not a broker. But I would guess I could sell every house in that neighborhood because I believe the average house in there is 3 bedroom, 2 or 2 and half bath. That is not going to fit everyone but that is pretty much the mean in there. So, if I am allowed to list just one bedroom, one bath and sell it for that price. Sell it for the price of one bedroom, one bath I will sell everyone of those in a week and that is what they are saying Mr. Heydt should do. Price this property as one bedroom, one bath and take the loss. That is not right. What is right is to zone it appropriately. The appropriate zoning in 1997 was Pre-Existing Business. That is the only option you have available to you right now for appropriate zoning. The County Commissioners already told you no LI. They did that about a year and half ago whenever that last petition went for a recommendation for approval. So, they don't give you a whole lot of options. Again, we will see what further discussion about what appropriate zoning will come as part of this CDO as that moves forward. But for now, on the facts before you, PB zoning is the right thing to do, and it is really your only proper option, and we would ask that you do that. Thank you.

Clements: Thank you very much Mr. Carmin. Now, we come back to the members of the Plan Commission for further discussion and/or a motion. I am going to start with the members of the Plan Commission to my left. Yes, Mr.

ADDITIONAL QUESTIONS FOR STAFF – REZ-23-3 -Worms Way

Cockerham: I am nonvoting member, but I do have a couple of comments. First off, Mr. Heydt, he keeps this property in great condition, I mean for a vacant property, and I thank him for that. Because there are many people that have vacant properties that don't keep it in the condition that he does. The other thing too, it hurts me in the fact that this product type is really missing in our community and these buildings are put to use. I know it needs to be the proper use. It needs to be zoned right. But then I also think about the other 2 properties out there. Oliver Winery is a very busy place. I love what they have done for our community and also, we have got across the street, which I managed this building for 10 years which is the Brown School. Both are pre-existing. There is going to be a day when those buildings are available, so I just ask the Planning Commission. I don't know the answer, but those properties are going to be in front of us someday with the same type of decision so whatever we decide on this it most likely will carryover into whatever decisions are made on those properties when they eventually maybe

become vacant. Someone bought Oliver Winery. They may decide to move that location someday. That is all that have. Thank you.

Clements: Thank you, Mr. Cockerham. Mr. Oehlman do you have a question or a statement?

Oehlman: I just kind of wanted to draw attention to a few things that I have been wrapping up in my head and the things that are helping sway my position on this. The comment was made last meeting about Geoff went and took a walk through the community and Geoff I don't want you to take this the wrong way but also walking through the community and assessing what the community is like and comparing it to, oh, it's a quiet community, the business is vacant. So, in my opinion it is not an accurate representation of what is there because that lot is currently vacant. In Drew's presentation he drew attention to the other commercial lots neighboring, and he mentioned the Cook property. He also mentioned Oliver but in y research there is also the landscaping/nursery business right there next to the Cook property and then just south of Bloomington Auto there is the Limited Business where the gas station used to be that in the CDO those are all remaining as they are. In reference to what was said about how this Worms Way property is being upkeep in vacancy and is available, when you look at some of the other businesses that are vacant in the area they are not being upkept and the potential for them being move-in ready for a revenue generating business to the community is not likely. When I look at the Worms Way property, I see a property that is just ripe for the picking for a company and its location. That is really all of my comments.

Clements: Thank you, Mr. Oehlman. Mr. Guerrettaz?

Guerrettaz: A lot of what I have got to say will be similar to what I had to say in the past, in the past, in the past, in the past. This is a built environment. If we were looking at a naked field, we would probably have a different perspective on this. But as we have heard this is a very well-maintained property. I also walked inside the site, the Worms Way property probably 6-8 weeks ago. It is fabulous. The detention facilities are in good shape. The stormwater is in good shape. The driveway back there is in good shape. The docks are in good shape. The paving is in good shape. There may be one spot where it settled a little bit but it is ready for a business to go in there because I think it has been so well maintained and it has been maintained in expectation of something that was similar to what was there before which was, it was set up for a very intense use with just the amount of trucks that could go in and out of there, the amount of traffic and the amount of business, the size of the buildings, the number of buildings. The bufferyards are well suited for what is going on. There are carnivorous trees. There are deciduous trees in the background. I also went through Windsor Private. I have went through Windsor Private multiple times over the decades. When we were staking the roadways and building the roadways, I was pounding the stakes in the ground to stake the roads. It is a nice area. We probably couldn't build that subdivision now because of the cul-de-sacs and going underneath the powerlines and the other things but you still have a beautiful neighborhood. When I was there I worked very diligently to see what the impact was from the roadways and not even what would happen tomorrow but what it would have looked like back in the day when Worms Way was in operation and again the buffering and the just position between I-69, the investments that the public has put into that, the existing businesses and then you have got a single family residential neighborhood, they are perfect. Nobody can predict what the best user is going to be. We could

all put a piece of paper in a hat and write down what we think the best use is for that property would be and we would probably come up with at least a dozen different answers if not more. One of the neighbors and I thought it was a very good point, brought up the fact that the petitioner had invested in a property at its own risk, so did the neighbors at Windsor Private. Those properties have transferred back and forth, back and forth since the Worms Way site and I will just call it Worms Way because that is a business at the site, there is a distinction there. Both parties have invested in it and they have kind of gone hand in hand and not to the parallel of either as far as I can tell, until now. I don't know, there is no way that we can know who actually saw the property, who it was showed to, how it was showed, if an industrial person would have called to look at the property, if any particular realtor would have said, no, I am not going to sell it to you, I am not going to represent you. I don't know any of that. I think Mr. Carmin's example when it comes to selling the one bedroom, one bathroom house in Windsor Private is probably a pretty good analogy. I don't think of it that way. But I think it behooves all of us to try to improve our situation and try to get the best value out of the investment that we have made in whatever we have. What that investment is and what that best is, it is different for everyone. It could be money. It could be proximity. It could be a neighbor. It could be a proximity to work. It could be a whole bunch of things. Again, this is a build environment. This is one that begs for a use in this county. It is an infill business. It is just that simple. I don't know that there is anybody smart enough in this room to understand who that best user is. I just really don't. But this is an infill site. Why try to fit this somewhere else on a piece of property that it doesn't exist, and it is such a very well maintained and set up piece of property for exactly what it was and what it could be with all of the resources around it. I just can't see anything other than trying to get this into a Pre-Existing Business, General Business, Limited Business but referring to staff recommendation or suggestion when the petitioner first came in but I want to see something in there and I think that the property will speak for itself more as we go. Thank you.

Clements: Thank you, Mr. Guerrettaz. Mr. Morris?

Morris: I agree that this is a nice property, and it would be nice to see something in the buildings. But my concern is that once it sells there is no guarantee that the new owner is going to keep it as nice as what it is today. I think I felt better about the propped PUD than I feel about rezoning this to PB just because all of the uses that would be permitted if I look down the chart of Limited Business and General Business. I think if we were seeing an offer put in on this with a rezone contingent on it where we knew what the business was going to be I would feel a lot better about that. But until we see something like that, I just don't feel comfortable permitting so many different uses on this property.

Clements: Thank you very much, Mr. Morris. I am going to turn to my right and Mr. Enright-Randolph do you have any comments?

Enright-Randolph: Yes. I jotted them down. I really think that Bernie hit it right on the head that we all probably have a different idea of what the best use of this property is. One thing I want to bring up is the bufferyard. I think that was alluded to, but I mean, I was just looking at the bufferyard and then the comment from the public today and a lot of people talked about living adjacent or about that property. From my quick analysis, the bufferyard gives like well over 150 feet to a lot of those parcels that abut the common space of Windsor, and it is called Windsor

Private A. I know that one person spoke saying their property does abut it and I am not sure if that was the one resident, I could see that is to the south, but I wanted to bring some attention to that because I think the main reason of having that common space was to buffer for a commercial use on this property. Ok, I finally got back. I started to go south; I will get there. To the north from some quick GIS measurements, it is 121 feet to one of the adjoining parcels where there is a house on it. If you look on the east, you are looking at 176 feet to 203 feet give or take So, I am curious when they say their property abuts that, does it abut the common space or are they unaware of the common space. I did try to pull the most recent deed to make sure that there wasn't an amendment to the common space so that I wasn't speak out of line. It does look like they were planning on trying to mitigate some of the concerns of having a commercial space abut residential space. That is my takeaway. There are official records that depict this. If I am mistaken there has to be some type of amendment that I am not aware of that has been recorded. Also, we talked about the I-69 and the condensation. I actually like that term a lot better than taking. But if you go south of this particular area there was a lot of taking of business zones and that is where I just was. Again, I don't want to misspeak, so I am just going to take a second to look down. I think it was light business. Yes, light business by Sample to the west of the interstate, to the east of the interstate and then ER to the west. Anyways, my point being we have already lost some of that usable area for commercial space along I-69. Now, finally kind of which I like the PUD better as well. I thought that limited the uses. I don't like going towards the Pre-Existing Business. The petitioner made a very valid argument that he just wanes to be treated the same that others were treated back then. But at the same time, we are working towards getting rid of those so I would have been way more inclined to support the PUD due to how many uses and being recognized as a high intensity use, I am not inclined to support the Pre-Existing Business. I got to thank Jerry for his question because I was looking at this a little wrong until he had a follow-up question, and it really clarified my understanding of what can and can't be done on this property. That's all that I have.

Clements: Thank you, Mr. Enright-Randolph. Ms. Munson?

Munson: Thank you. I wonder if the petitioner and the Windsor Private neighbors have ever had a discussion as to what would be acceptable to them as part of a PUD, why type of a business would be acceptable to them as part of a PUD. There have been proposed agreements between the adjacent property owners and the petitioner that have been heard by this body. I consider this a possible way to have a successful PUD. Did you ever sit down and talk directly to each other?

Clements: They have. We have asked them before, and they did.

Munson: They did, and it was not successful?

Clements: Well, not ultimately successful. But they came to different agreements and if I recall correctly, staff you can correct me if I am wrong, it just ultimately was not approved by the body. But they had spoken.

Munson: Well, I have to think that given the impasse that this particular series of petitions has come to maybe it is time to revisit that process.

Clements: Thank you, Councilor Munson. Mr. Pittsford?

Pittsford: Thank you, Madam President. Have said plenty on this in the past so I don't need to go back over any of those things because they are all in the minutes. I have been on this Board for roughly 21 years. I took some time off but came to it 21 years ago. I learned that the most significant role of a Planning Board is to determine best highest use for a property for the best interest of the county. Sometimes that runs in foul of some neighbors, sometimes it works in favor of neighbors and that is always to be regretted when it does. Bob Calvin was one of the best planners I ever met who was our Planning Director when I came on and he always said I am not for or against you, I am for the ordinance, and I am going to speak for the ordinance and say what it said and that is in the minutes. The zoning ordinance on this is a little confusing because we have an appeal for Pre-Existing Business. We have a Comprehensive plan that indicates what this was supposed to look like when 69 was done. But we also have past precedence set in action. BZA approved a variance for metal fabrication that went no where because of the petitioner. This Board approved a recommendation, recommended approval of a rezone to Light Industrial over the denial recommendation of the staff with a unanimous vote of 7 to 0. It went to the Commissioners, and it received a 3 to 0 negative, so it was voted down. There are nuances in this that I can't determine what their significance is. I am totally lost because I am using the language. When I look at the findings of fact, it has been this way for 20 years, it is always clear, property values tend to be subjective. The effect of the approval of the rezone on property values is difficult to determine. That has never changed in 21 years. Yes, consistently neighbors tell us if you approve this you are going to destroy our property values. There is nothing in the findings of fact that have ever supported that in 21 years. It has never changed. I am going to tell you where I come down on this. I think the opportunity for the best and highest use for this property has already been presented once in the form of a variance that the petitioner didn't act on. It has been presented a second time in a recommendation to rezone to Light Industrial that was denied by the Commissioners. I have no recommendation on this. In 21 years, I have made one motion for no recommendation, to send it forward to the County Commissioners with no recommendation from this Board and that will be my motion tonight if I am the one left to make the motion. Thank you.

Clements: Thank you, Mr. Pittsford. Commissioner Thomas?

Thomas: I don't have anything to add from previous statements I have made. Thank you.

Clements: I would just like to add something. First of all, I would like to thank Mr. Heydt for keeping his property so presentable and for having been such a good contributing member of our business community. However, I am still reminded by the special exception given to Worms Way back in 1995 and the conditions of that exception and that was very restrictive and even in light of those restrictions it seems as though the market seems just prime for some of the restrictions that are very particular to this property. I do believe that there are market opportunities out there for this property. I am also compelled by the neighbors. The neighbors have shown up on multiple occasions and I think it is a burden for them to have to keep continuing to show up. I think that this property has an exception, and we should operate within that exception going forward. I don't think that we should rezone this and so my arguments are in favor of what the neighbors are asking and that is basically a continuation of what they have

become used to, what they have lived next to and that no change to the zoning take place. So, that is what I would like to see. That being said, I am going to turn to the members of the Commission to see if there is a motion.

Morris: I can make one.

Clements: Yes, Mr. Morris.

FURTHER QUESTIONS FOR STAFF – REZ-23-3 -Worms Way

Morris: For case REZ-23-3, I move that we waive the final hearing and forward this petition with a negative recommendation to the Board of Commissioners, based on the findings of fact, specifically due to its incompatibility with the Monroe County Comprehensive Plan.

Clements: Thank you, Mr. Morris. Is there a second?

Thomas: **Second.**

Jelen: It has been moved and seconded to send a negative recommendation to the County Commissioners for REZ-23-3 and also a waiver of the final hearing. A vote in favor is a vote to send a negative recommendation. Edward Oehlman?

Oehlman: I'm sorry but just for clarification, I guess no means that?

Jelen: You would send a negative recommendation.

Oehlman: And a no vote means?

Jelen: That you would disagree.

Oehlman: No.

Jelen: Jerry Pittsford?

Pittsford: No.

Clements: I am not sure that is correct. It is a negative recommendation, so he is voting no, so that means yes. Ok.

Jelen: By voting no he is saying he would rather a favorable recommendation.

Clements: Ok, great. Ok, thank you.

Jelen: Good clarification. Jerry Pittsford?

Pittsford: No.

Jelen: Julie Thomas?

Thomas: Yes.

Jelen: Margaret Clements?

Clements: Yes.

Jelen: Trohn Enright-Randolph?

Enright-Randolph: No.

Jelen: Bernie Guerrettaz?

Guerrettaz: No.

Jelen: Geoff Morris?

Morris: Yes.

Jelen: Cheryl Munson?

Munson: No.

Jelen: Ok, **the motion fails 3 to 5.**

Pittsford: I would like to offer a motion. **In case REZ-23-3, I move that we forward this to the County Commissioners with no recommendation.**

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

Jelen: It has been moved and seconded to send no recommendation to the County Commissioners.

Pittsford: **I also include in my motion a waiver of final hearing.**

Enright-Randolph: My **second** stands.

Jelen: This is a vote to send no recommendation to the County Commissioners and waive the final hearing. This is for petition REZ-23-3. A vote yes is a vote to send no recommendation. Jerry Pittsford?

Pittsford: Yes.

Jelen: Julie Thomas?

Thomas: Yes.

Jelen: Margaret Clements?

Clements: Yes.

Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Jelen: Bernie Guerrettaz?

Guerrettaz: No.

Jelen: Geoff Morris?

Morris: Yes.

Jelen: Cheryl Munson?

Munson: Yes.

Jelen: Edward Oehlman?

Oehlman: No.

Jelen: Ok. The motion carries 6 to 2.

Motion in case REZ-23-3, Worms Way Rezone from AG/RR to PB, Preliminary Hearing, Waiver of Final Hearing Requested, in favor of sending no recommendation to the County Commissioners with waiver of final hearing, carried (6-2).

NEW BUSINESS

**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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION: Petition was withdrawn by the petitioner.

NEW BUSINESS

4. SPP-23-3 North Park Area B-3 Subdivision Preliminary Plat Lot 3 Amd. 1 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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Crececius: Thank you. As you just stated the property is in Bloomington Township. We are looking at the North Park PUD, just to familiarize yourself with this property. We are looking at Lot 3. This aerial view is looking north. On the upper right corner of the photo, we are looking at the intersection of the newly named Hunter Valley Road and State Road 46. The road on the bottom of the screen is West Woodyard Road. A slightly different angle. Some areas of this section of the North Park PUD has been developed. We have the new EMS location and a different healthcare facility. The zoning for the petition site is North Park PUD. Adjacent properties are also North Park PUD. We have Estate Residential 1, RE1, Suburban Residential, SR. The petition site is currently vacant and undeveloped. Adjacent uses included are medical facilities to the north, vacant to the east, residential to the southeast and south and vacant to the west. This is a request to amend the Preliminary Plat. The Preliminary Plat was originally completed and platted in 2021. Although the property does show a section of road, that right of way was not dedicated. That whole area is Lot 3. This proposed amendment would accomplish 3 actions. The first is that it would dedicate right of way for North Stone Carver Drive road extension from North Lintel Drive to West Woodyard Road. Number 2 is that it is proposing construction plans for the road extension and 3; it splits Lot 3 into 2 separate buildable lots that are bifurcated by the road extension. The proposed lots, Lot 3A is 6.22 acres with about 5 acres of buildable area and Lot 3B would be about 7 and half with about 4 acres of buildable area. Per the North Park PUD Section 8B-22 it states a local road connection shall be made between yet unnamed 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 the use area B. So, in order to further develop this area this road connection needs to be constructed. This image is facing west on West Woodyard Road. Just to note what we are looking at here is a 100 foot powerline easement. This request includes a waiver of street trees. The Street Tree Waiver request is only for this portion along West Woodyard. The new road construction area would have the required street trees on both sides. The original preliminary plat did have the same waiver request. It was approved. Instead of waiving all of the street trees along Woodyard, they required the petitioner to relocate them in the lot. So, that condition still stands. For this petition it is just a waiver of all of those street trees, no relocation. So, a waiver of the street trees on Woodyard. They provided findings for this request. There will be sidewalks constructed along the new road extension and also West Woodyard Road. The petitioner states that street trees may cause damage to the electrical facilities when fully grown. Just a couple of up to date photos of the West Woodyard Road area. The subdivision approval agreement actually expired this year on March 23, 2023. The petitioner

is stating that they will continue to maintain that commitment to plant the original 24 additional trees proposed along the north and west property lines under that original plat. Staff will require a new estimate and a new subdivision improvement agreement for that original condition. Again, the partial waiver request is just to waive the street trees along Woodyard. Looking at site conditions for the property, the site has frontage along North Lintel, North Stone Carver Drive and West Woodyard Road. 2016 Thoroughfare identifies Lintel and Stone Carver as local roads and of course Woodyard is designated as a major collector. The property is mainly slopes under 15%. Lot 3 does contain a 16 foot electric underground easement, which you can see in Exhibit 2 and of course the 100 foot electric overhead lines that we just saw. The lots will have access to water by the City of Bloomington, electricity from Duke Energy and sewer through South Central Regional Sewer District. The petitioners are stating that the sanitary sewer structure will not be extended with the roadway construction and that is based on they are saying they are unable to predict the type of sewer service and infrastructure required for that future development. Just a quick image. This is a screenshot from the North Park Linear Park Open Space and Stormwater Management Plan created in 2012. It does designate some areas are open space and we also see a stormwater facility on this property. My apologies, that is not a stormwater. But it does designate this area as open space. What we are seeing is that there is a proposed drainage basin in that general dark shaded area, the basin would not be a regional basin. It would be just a local site basin. Some comments from stormwater. Overall, they are in support of the petition. They see no issues with the overall petition, but they are still working with the petitioner on the design of the stormwater facilities on site. Just because of the tight turnaround here in December with meetings and the packet, we did get the latest round of edits on the day the packet was published, so, Stormwater while they probably have received those edits, we simply just weren't able to include them. They had some concerns about the drainage that is located in the right of way. They requested some more information about the basin that is on site, and they are going to be recommending and clarifying that the pond be the responsibility of the lot owner. Just a couple of site photos. The rest of the subdivision, although parts area vacant, we do see sidewalks. It is paved and has street trees located along Stone Carver and Lintel. Here on the screen these are the proposed street tree locations along the extension and to the north you can see the original, required 24 trees that were relocated from the original waiver. On the screen is the petitioner's findings for the requested waiver. On the right hand side is just the survey from the Duke easement. Our recommendation does have an additional third recommendation that is different from your packets. Staff recommends approving for the North Park Area B-3 Subdivision Preliminary Plat Lot 3 Amendment 1 and the Street Tree Waiver request and the Waiver of Final Hearing 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 for the original relocated street trees.
- 3) Obtain approval of the MS4 Coordinator and Drainage Board for the Stormwater Management design prior to final plat.

I would like to expand on Number 1 just for clarification. The petitioners will be extending a waterline down to Woodyard Road. Because of this area some of the adjacent properties at are on wells that have had issues, there are just general water issues on this part of Woodyard Road. We are requesting that in order to approve this area and assist adjacent properties that the waterline is then also extended parallel with Woodyard Road to the property boundary so that

adjacent properties could potentially connect. Does anybody have any questions?

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

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 MUA 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:

FINDINGS OF FACT – WAIVER OF STREET TREE REQUIREMENT

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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.

QUESTIONS FOR STAFF – SPP-23-3 – North Park

Clements: Do members of the Board have questions for staff? Mr. Pittsford?

Pittsford: I have just one question. The site basin that you referenced in terms of water management is that such that it would flush after rain events and that area usable during fair weather times. So, it is not a deep rimmed basin, but it is just a low spot basin?

Crececius: That is a great question for the MS4 Coordinator. I am not totally sure. I believe Kelsey Thetonia is online.

Thetonia: Hi, this is Kelsey Thetonia. Jerry, are you talking about the new proposed detention pond on the north side?

Pittsford: Right. I know that in some instances it is just natural for water to pool in areas and in fair weather those areas are usable. Many of us have those areas in our yards. But I was curious if this was going to be a high walled retention basin or if it was going to be sort of a low wall, normal pool and rain events that would flush, for lack of better word, and then be usable in fair weather times.

Thetonia: Yes, it will be designed to only hold water immediately after rain events. I am not sure how usable it would be just due to the size and shape of it. But it is within the open space area within a drainage easement so it would not be holding water during normal dry periods.

Pittsford: Sorry, I cut you off there. By use I meant just it would become an indiscernible part of the green open space there.

Thetonia: Correct.

Pittsford: Ok, thank you.

Clements: Any other questions for staff? If not, we go to the petitioner. Sir, you will have 15 minutes to talk with us about the exception you are seeking.

PETITIONER/PETITIONER’S REPRESENTATIVE – SPP-23-3 – North Park

Fanyo: Excuse me. My name is Jeff Fanyo of Bynum Fanyo Associates. I believe virtually Maryanne Valina of IU Health is also attending this meeting. We are here to represent them regarding this plat amendment. It is really to formalize a requirement in the PUD that when 50% of Area B is developed that we have to make those roadway connections. So, we are preparing the plat to be able to create the right of way to allow that construction to happen as well as the construction plans that are being developed to allow permitting with the requirements necessary. I don’t really have anything to say other than that we agree with the staff report and I will answer any questions that you have.

Clements: Thank you. Does anyone have any questions for Mr. Fanyo? No.

Thomas: When you say you agree with the staff report that means that you agree to the conditions?

Fanyo: That is correct.

Thomas: Ok, thank you. I just wanted to clarify that.

Fanyo: CBU requires us to extend the water main to our furthest property line, so it was already something we were planning on doing.

Thomas: Ok, thank you.

Clements: Do you know if the representative from IU Health would like to speak as well?

Thomas: There is no one online.

Clements: Oh, there is no one online. Ok, so does anyone have questions? Or shall we just moved to the public and if there is anybody in the public who is opposed to this, you will have a chance to rebut this. But I think we are dwindling. Are there any members of the public who would like to speak either in favor or in opposition to this petition? Please raise your virtual hand on zoom or press *9 on the telephone. I don’t believe there is anyone so let’s move back to the Commission for a discussion or a recommendation.

Pittsford: I have a motion.

Clements: Thank you, Mr. Pittsford.

SUPPORTERS - SPP-23-3 – North Park: None

REMONSTRATORS – SPP-23-3 – North Park: None

ADDITIONAL QUESTIONS FOR STAFF – SPP-23-3 – North Park: None

FURTHER QUESTIONS FOR STAFF – SPP-23-3 – North Park

Pittsford: **In case number SPP-23-3, I move approval of the Preliminary Plat Amendment 1 and the Street Tree Waiver request, I also move a Waiver of Final Hearing, based on the petitioner’s request and subject to 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 to the street trees.**
- 3) Obtain approval of the MS4 Coordinator and Drainage Board for the Stormwater Management design prior to final plat.**

Oehlman: I will **second**.

Clements: Yes, he asked for a waiver of final hearing.

Jelen: It has been moved and seconded to approve SPP-23-3, which includes a Street Tree Waiver and a Waiver of Final Hearing with the following 3 conditions;

- 1) Extend the water main to the east and west property lines along Woodyard Road for future service to adjacent properties.
- 2) Provide a new estimate for GPUD-23-3 (SFP-21-18) and Subdivision Improvement Agreement to the street trees.
- 3) Obtain approval of the MS4 Coordinator and Drainage Board for the Stormwater Management design prior to final plat.

A vote in favor is a vote to approve with all of the conditions stated. Julie Thomas?

Thomas: 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: Jerry Pittsford?

Pittsford: Yes.

Jelen: Motion is approved 8 to 0.

Motion in case SPP-23-3, North Park Area B-3, Subdivision Preliminary Plat, Lot 3 Amd. 1, Street Tree Waiver Requested, Preliminary Hearing, Waiver of Final Hearing Requested, in favor of approving all requests, with conditions as stated in the motion, carried unanimously (8-0).

NEW BUSINESS

**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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION: Petition was continued by the petitioner.

REPORTS:

Clements: Thank you for your patience tonight and happy holidays. We will adjourn but I do want to wish everyone happy holidays. Thank you for all of your good work this year, all of your good presentations and for your patience and indulgence in us and our feebleness sometimes. Thank you for all that you do.

Jelen: We appreciate all of your service to the Plan Commission. Thank you.

Legal/Schilling: No reports.

Planning/Jelen: No reports.

The meeting adjourned at 7:34 pm.

Sign:

Attest:

Margaret Clements, President

Jacqueline N. Jelen, Secretary

DRAFT