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**MONROE COUNTY PLAN COMMISSION
Regular Meeting Minutes
February 18, 2020 5:30 P.M.**

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES – January 21, 2020

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

ROLL CALL: Geoff McKim, Bernie Guerrettaz, Jerry Pittsford, Margaret Clements, David Warren, Amy Thompson, Jim Stainbrook, Trohn Enright-Randolph, Julie Thomas

ABSENT: *Susan Sandberg, City of Bloomington Plan Commission Representative*

STAFF PRESENT: Larry Wilson, Director, Jackie Nester Jelen, Assistant Director, Anne Crecelius, Planner/GIS Specialist, Tammy Behrman, Senior Planner, Rebecca Payne, Planner/GIS Specialist

OTHERS PRESENT: David Schilling, Legal, Lisa Ridge, Highway Department Director, Terry Quillman, MS4 Coordinator, Paul Satterly, Highway Engineer

INTRODUCTION OF EVIDENCE:

Larry Wilson introduced the following items into evidence:

The Monroe County Zoning Ordinance (as adopted and amended)

The Monroe County Comprehensive Plan (as adopted and amended)

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

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

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

The motion to approve the introduction of evidence carried unanimously.

APPROVAL OF AGENDA

Motion to approve the agenda, carried unanimously.

APPROVAL OF MINUTES

Motion is approve the minutes from the January 2020 meeting, carried unanimously.

ADMINISTRATIVE BUSINESS: (heard last via committee decision)

1. Committee Appointments
2. Plat Committee Discussion

UNFINISHED BUSINESS:

1. **1909-REZ-09** **Holland Pines Rezone to High Density Residential (HR) from Estate Residential (RE1) Final Hearing.**
One (1) parcels on 5.33 +/- acres in Section 21 of Perry Township at 4214 S Derby DR (Parcel #: 53-08-21-100-089.000-008). **Zoned RE1.**

NEW BUSINESS:

1. **1911-REZ-11** **Fields Historic Preservation (HP) Overlay Rezone Preliminary Hearing. Waiver of Final Hearing Requested.**
One (1) approximately >0.5+/- acre parcel in Section 34 of Perry Township at 6189 S Fairfax RD. **Zoned SR/ECO3.**
2. **1912-REZ-12** **Crowe Rezone from Limited Industrial (IL) to Estate Residential (ER). Preliminary Hearing. Waiver of Final Hearing Requested.**
One (1) 1.52 +/- acre parcel in Section 25 of Richland Township at 1820 N Pioneer LN. **Zoned IL.**
3. **1912-REZ-13** **Baywood LLC Phase 4 Rezone from Estate Residential 1 (RE1) to High Density Residential (HR). Preliminary Hearing. Waiver of Final Hearing Requested.**
One (1) 5.75+/- acre parcel in Section 20 or Perry Township at 848 W That RD. **Zoned RE1.**
4. **1912-REZ-14** **Schopp Rezone from Suburban Residential (SR) to Agriculture/Rural Residential (AG/RR). Preliminary Hearing. Waiver of Final Hearing Requested.**
Three (3) 10.16 +/- acre parcels in Section 21 of Clear Creek Township at 9435, 9443, 9447 S Strain Ridge RD. **Zoned SR & ECO1.**
5. **1912-SSS-16** **Chitwood Sliding Scale Subdivision Preliminary Plat Amendment 1. Request to Remove Condition #3 of 1904-SSS-08. Preliminary Hearing. Waiver of Final Hearing Requested.**
Three (3) parcels on 27.45 acres +/- in Benton South Township, Section 10 at 8747 E State Rd 45. **Zoned AG/RR & ECO3.**

REPORTS:

1. Planning: Larry Wilson
2. County Attorney: David Schilling

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Wilson: We have some committee appointments that the Plan Commission still needs to make and we have put these up on the board just to identify the areas. As you can see we have officers. Executive Committee and BZA appointments are already completed. However we need to approve the Plan Review Committee appointments.

Clements: Let the record reflect that Mr. Trohn Enright-Randolph has arrived. Thank you.

Wilson: I think we still need, we have one citizen member that needs to be appointed and one Plan Commission member to be appointed to this committee.

Nester Jelen: We need to confirm Plan Review Committee, Plat Committee, MPO and Ordinance Review Committee. Anything in red has not been confirmed. Everything in black has already been voted on by the Plan Commission. We may want to wait until we have all members present to do the appointments if that is preferred.

Clements: If it is alright with members of this committee, we could move this Administrative Business until the end of the meeting.

Nester Jelen: Ok, that is fine.

Clements: And would you also discuss Plat Committee discussion at the end?

Nester Jelen: Yes, those can go together.

Clements: Ok, then moving onto Unfinished Business.

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UNFINISHED BUSINESS

1. 1909-REZ-09 **Holland Pines Rezone to High Density Residential (HR) from Estate Residential (RE1) Final Hearing.**

One (1) parcels on 5.33 +/- acres in Section 21 of Perry Township at 4214 S Derby DR (Parcel #: 53-08-21-100-089.000-008). **Zoned RE1.**

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Behrman: This was previously presented back on November 19, 2019 and I know that we had some upgrades to the board. We only had 7 members there that night, so I am going to re-present this like you may not have heard it before and I will update you on anything that was really was new that has come to light based upon public comment and talks with neighbors and those sort of things. I will highlight those items that have changed. This property is located at 4214 South Derby Drive. It is a 5.34 acre lot. It is in Perry Township, Section 21 and you can see where the City of Bloomington is in relation to this property. It is currently zoned Estate Residential, RE1. There is usually a 1 acre minimum lot size for that area. The area density that is being proposed for this rezone to High Density Residential would be 0.14 acres. Staff did some analysis around the surrounding areas and found that most of the zones that are PUD or the RS3.5 out there usually have about a minimum of 0.22 acres and I did a calculation of what maximum lot sizes are out there as well. One of the changes to the petition is that any lots that are fronting on South Derby Drive would have a condition that they must be 0.22 acres and I will get more into those details in a bit. The Comprehensive Plan has this as Mixed Residential and the proposed zoning map has this as N2, Neighborhood Development. I have in the past gone into more details of what those plans support which is also based upon why staff is making their recommendations, a lot based upon these Comprehensive Plans. The site currently has one single family residence that I believe was built sometime in the 60's or 70's and has a couple outbuildings associated with it. There is some buffering, some white pines trees that are quite mature that align the South Derby Drive and the southern lot and the northern lot. There is a walnut grove on the western property that has been added. The slopes for this area are all pretty much under 15 percent. This lot also has access to sewer, water, gas, electric, so we are not looking at septic systems here. This is a sewer supplied lot. Some of the site photos, the upper photo is facing north on South Derby Drive. The left hand corner is the petition lot side. You will see that there are utility lines, pine trees that are there. The bottom picture is the northern lot line with the petition site on the left hand side and that is the existing driveway. This is proposed and is in the petitioner letter that they would make a committee to make this a connecting road to the Holland Drive that runs east/west and currently ends in a cul-de-sac adjacent to this property on the west. The upper picture is the existing home that is there. The bottom picture is facing east and you can see the mature pine trees bordering the property and then it is in a meadow at this point in time.

Clements: Let the record reflect that Julie Thomas has arrived.

Behrman: The top picture is the walnut grove forest that I mentioned and the bottom picture is a utility easement but this is also where that Derby Drive extension would be. This is standing on Holland Drive in the cul-de-sac area that was designed specifically to create connectivity should this lot ever be subdivided which is what they are planning to do. This connectivity idea is

happening. A couple photos, the upper photo is actually of Holland Drive and this is specifically showing the 8' foot side path that is not specifically being required during this petition but is something that we would look more closely at if we would expand this 8' foot side path through during the subdivision process. The lower picture is aerial photography facing north of the site. This is again an aerial photo of it but facing south and it seemed like you could see some of the surrounding sidewalk connections and that sort of thing in this one. The Plan Commission Preliminary Hearing was back in November. There was a motion to forward a negative recommendation to the County Commissioners and it failed because it only had a vote of 4 to 3. We did not have the necessary 5 votes. I will say there were also 34 citizens in attendance. 8 of them spoke and there were concerns about drainage and traffic from those citizens. Staff as a result of that, staff did make some corrections to the report regarding some sidewalk information and also school distance to the petition site. Another item that occurred since that last hearing is there was a text amendment that passed. On January 15, 2020 text amendment 1909-ZOA-01 was adopted 3 to 0 under ordinance 2019-48 to amend Chapter 804 of the Monroe County Zoning Ordinance, to allow for 0' side setbacks in some of the zones. One of those zones here is the High Density Residential, which the petitioner is proposing to rezone to. There is one specific caveat with this 0' lot line and that is the only way that it can occur is that lots are specifically platted during a subdivision process to allow for that 0' lot line to occur. So, you can't just transform any of these lots into a 0' setback, you have to go and come back to the Plan Commission and get approval to do that 0' lot line. So, there would be notices and whatnot of that process. The petitioners letter has been updated in the staff packet and they are highlighting 3 commitments that is also what staff would like to see as a condition of approval that those commitments be what is proposed. I am going to read those 3 here and maybe have changed a little bit from the Administrative Meeting, so they did update their letter to reflect the comments that happened during the Administrative Meeting. So, the first one is a 15' foot wide Conservancy Easement would be along the west and south property lines, designated on the plat. They are proposing connections. The project will require a connection of the proposed extension of East Holland Drive from the cul-de-sac in Holland Fields Subdivision to the west property line. This project would also require applicable side walk connections. The third one is that 0.22 minimum lot size adjacent to Derby Drive would be required and not the 0.14 acre minimum lot size that the HR zone allows. So, they are putting a restriction on themselves with this. This would not apply to the drainage facilities that are proposed as a part of the lot. It would only be for those lots that are developing as single family residential. I believe that you will probably get a better feel of what these changes are based upon the next couple of slides. They resubmitted a new draft plat. This is a draft plat. We have not worked out any of the details. This would happen during a preliminary plat hearing for the subdivision. Depicting here along Derby Drive rather than the original 5 to 6 driveways that were proposed in these original drafts this is 3 driveways that would front on Derby Drive. These lots that are going to be 0.22 acre lot sizes and not the 0.14, they would not incorporate the 0 lot line design standard. They would just look like single family residences that are accommodating for the rest of the neighborhood and the surrounding neighborhood. They are also reducing the subdivision from 24 buildable lots to 22 buildable lots. So, where there were formally 6 lots along Derby Drive, there will only 4 single family residential lots along that road stretch. This is the former plat that we had seen before. This is what they are kind of drafting. They talked with certain neighbors, they listened to the Plan Commission comments and that is where they came back with this redesign here. I just threw the old one in as a reference so you can see how it changed from those paired townhomes and all of the driveways that used to be there. I included in

the packet some of the road designs that we would discuss more at length during a subdivision process and making those kind of compatible with the surrounding subdivisions especially the Holland Fields Subdivision to the west. I included a few of the design layouts within the staff report and they then also have enclosed a couple of the drawings of what some of these paired townhomes that would be not along Derby Drive but along that other j hooked road that would connect Holland Pines to Holland Drive. These are a couple of other views of those homes. I did mention the capacity letters. It is important that all of the utilities can be supplied to this increased density lot. As a part of a previous subdivision there was a requirement when they were first proposing this as an Outline Plan Amendment to rezone as a PUD. They were required to do a neighborhood meeting. They are not necessarily required during this hearing to do that. However, I did include and kept those comments within the staff report for this petition, since it did reflect some of the communities. We had an updated letter from the neighbors and that is included in your staff packet. So, you will probably hear from a few of those today and I am hoping you had a chance to read their comments based upon some of the conversations that they had had with the petitioner. The Highway Department comments have been published and they are here in this slide. Lisa Ridge is here and also Paul Satterly, if you have any questions regarding traffic. Stormwater comments they would really be reviewing the proposed site development plans when they are submitted as a subdivision. But Terry Quillman, he is here tonight also to answer any drainage concerns and he has spoken at length with the neighbor to the east of this property and has done some preliminary work with the developer to talk about drainage basins and how to retain stormwater on site. We did a comparison table of design standards for some of the other zones in the area that they may be could have used rather than High Density Residential and there was also a request to see what uses are permitted in the HR zone. So, there was a table included in the staff packet showing what is permitted. It is pretty much residential uses, maybe some utilities. There was also a request by The Plan Commission to do a bit of a study on the location of MR, HR, and UR zoning districts and these are the zoning districts that can now have 0' lot line design standards if they are platted in a preliminary plat. Most of the High Density Residential we see is up near Stinesville. The MR zoning district is more around the Ellettsville area and I will say that there is a summary table down at the bottom in that staff packet that shows the number of parcels that we have existing for these lots, the acreage total and the percentage of the total acreage. So, the HR zone currently is .02 percent. There is not a lot of it out there. It is mostly near Stinesville and that totals 47 acres. Hopefully, this bit of information and statics, thanks to Anne Crecelius for putting that together for us, hopefully that will help your decision making this evening. These are just a summary of some of the other meetings that this has gone to. The Plan Review Committee only had 2 members so there was not a quorum. The Plan Commission Admin session, which we had 2 weeks ago, asked that we include that summary table and we did have a few members of the public that were in attendance at that meeting as well. The recommended motion by staff gives a recommendation of approval to the Plan Commission, based on the findings of fact and subject to the Highway and Drainage Engineer reports, with the following condition;

1) The petitioner agrees to all of the commitments written in the petitioner letter (Exhibit 1).
Does anyone have any questions?

RECOMMENDATION

Staff gives a recommendation of **approval** to the Plan Commission based on findings of fact and subject to the Highway and Drainage Engineer Reports with the following condition:

- 1) The petitioner agrees to all of the commitments written in the Petitioner Letter (Exhibit 1).

PUD REVIEW CONSIDERATIONS

According to Section 831-3. Standards for Amendments of the Zoning Ordinance: In preparing and considering proposals to amend the text or maps of this Zoning Ordinance, the Plat Committee shall pay reasonable regard to:

(A) The Comprehensive Plan;

Findings:

- The Comprehensive Plan designates the site and much of the surrounding area as MUA Mixed Residential;
- The site is currently has one single family home and residential assessor structures;
- In Mixed Residential areas, the land use category is intended to provide new housing choices to all demographics in order to serve growing market demand for housing. Neighborhoods in these areas are often located immediately adjacent to Mixed-Use districts, providing a residential base to support nearby commercial activity within a walkable or transit-accessible distance.
- MUA Phase II proposed zoning designates this lot as Neighborhood Development (N2), which says, "This district includes several existing residential subdivisions with primarily single-family lots, and is intended to provide a greater opportunity for diverse housing types and densities";
- N2 states the area is for, "*primarily single-family lots, and is intended to provide a greater opportunity for diverse housing types and densities;*"
- The property is currently zoned Estate Residential 1 (RE1) that allows for 1 acre lots size;

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

Findings:

- The site is currently zoned Estate Residential 1 (RE1);
- The lot is currently occupied by one single family residence including a meadow and forested area;
- The immediately adjoining uses are currently residential or vacant;
- The site drains to the east;
- The site has frontage on S Derby Drive (Local) and the newly created terminus of E Holland Drive (currently private);
- No karst or floodplain is found on the petition parcel;

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

Findings:

- Capacity letters for water, electric and sewer have been provided for the increased density proposal;
- The petition site is surrounded by single family residential use;

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- There are adjacent sidewalks in the area;
- There is a bus stop within a mile of the petition site;

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

Findings:

- Values may vary significantly dependent upon future planning and zoning in the area;
- See Findings under (A);

(E) Responsible development and growth.

Findings:

- If the rezone were to be approved, the developer would need to file a preliminary plat to subdivide into the 0.14 acre lots for full review by the staff and the Plan Commission;
- The petitioner intends to create approximately twenty-four 22 single family lots on this site that is currently one single family residence;
- The site has frontage on S Derby Drive (Local) and the newly created terminus of E Holland Drive (currently private);
- The proposed density is seven homes per lot or 0.14 acre lots size;
- The proposed density if proposed commitments are accepted is 4.2 units per lot;
- Stormwater detention will be reviewed more during the preliminary plat petition;
- See Findings under (A) through (D);

QUESTIONS FOR STAFF – 1909-REZ-09 – Holland Pines

Clements: Do any members of the Plan Commission to my left have any questions for Ms. Behrman? To my right?

McKim: Can you go back to the pictometry, I think it is on Page 13, maybe?

Behrman: Yes, there is one that is facing south and one that is facing north. This is one that is facing south, it is kind of upside down and the bottom one would be facing north. Holland Fields is that great big field to the left hand side there that is now developing Phase 1 pretty heartily right now.

McKim: Ok, that is just what I wanted to confirm. Because from the pictometry it looks like kind of a rural area.

Behrman: No, that was a 56 lot subdivision approved I believe in 2016 and they have Phase 1 is in the build out stage right now and they have extended their preliminary plat. I am not sure when they are going to start trying to final plat Phase 2 and Phase 3 but it seems like people are wanting some housing so I don't see that stopping any time soon.

McKim: Thank you.

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Thomas: If I might, a follow up question to what Mr. McKim asked. What is the density of the neighboring subdivision?

Behrman: Of the one to the, of Holland Fields you are saying? That was RS3.5 and I believe those are also the 0.22 acre lot size. I wonder if I included that, there it is. The second line down, Holland Fields Phase 1, 0.22 acres. They had some lot sizes as large as 0.36.

Thomas: Another question I have is if you would review again how the approval occurs for the 0' side yard setback.

Behrman: Should this rezone be approved and those commitments be adopted, the next step for the petitioner would go to propose a preliminary plat, where they would apply for their development and showing where those 0' lot lines would occur, which per their commitment would not occur along South Derby Drive and it would have to be approved by the Plan Commission during the final platting stage. Staff reviews every single issue that would be required with the Subdivision Control Ordinance Anything they can't meet would have to be approved as a waiver by the members here and if preliminary plat is approved then they would move to final platting, which requires all the infrastructure to be put in place first before they can even sell their first lot.

Thomas: Ok, thank you.

Clements: I would like to ask a question about the 0' side setback line. I wondered if the 55 neighbors who have expressed an interest in this subdivision were notified of that change to the ordinance.

Behrman: It went through as I mentioned in the staff packet as ordinance update. It went through all of the proper legal requirements for notification. Maybe Larry can expand on that part of it.

Wilson: It was a text amendment, an amendment to the zoning text and as opposed to an amendment to the zoning map there is no requirement of notice to specific land owners. There is a notice in the paper that says proposed amendment to the zoning text and then there is a public hearing at the Plan Commission level, a public hearing at the Commissioners level before it's approved. But otherwise, every time you change a zoning ordinance you would have to notify everyone in the county. That is why the statute does not require that level of notice.

Clements: Thank you. Any other questions for the staff from the Plan Commission?

Stainbrook: Larry, by way of clarification and the answer to Ms. Clements's question was no?

Wilson: Right, there is no requirement to notify.

Clements: Thank you. Would the petitioner or the petitioner's representative like to speak on behalf of this petition? Thank you. Please sign in and state your name.

PETITIONER/PETITIONER'S REPRESENTATIVE – 1909-REZ-09 – Holland Pines

Bomba: Can you go to the slide that has the updated picture, please? My name is Chris Bomba. I am the petitioner and the developer. At the start of the process, before I did anything I sat down with the Planning Commission because I knew the county was going through a new change of how they were doing zoning and kind of basically went and took their lead on what is this area going to be zoned. With that knowing that there is, I thought there was 60 but there is 57 single family homes being built just south of this? Over the last so many years I have been selling homes and there is a demand for this type of product out there with the type of demographic, people moving to Bloomington and downsizing in Bloomington. With this we did have a neighborhood meeting. I did communicate with a lot of people via email, via phone. I gave a number of people my information so they could communicate directly. One of the reasons we have allowed and kept in that tree easement is a number of utilities and the infrastructure that we have to put in here to connect Derby Drive to Holland Drive, that whole road. I know the Highway Department, we are going to do a cul-de-sac on the road through but they want it connected there as well. They are putting in sidewalks, sewer, water and then having spoken with Mr. Farmer and really working on trying to minimize any drainage issues and possibly improve what he has got there. We wanted to make sure we did have the trees within there and we will try to save as many trees as we can. It may be a change but after the last meeting there was a lot of discussion about Derby Drive and the texture of the neighborhood as you drive through. That is one of the reasons why we dropped the driveways down from 6 to 3 along Derby Drive, kept the same feel as you are driving through there, you have single family homes as you are going through there. That also opens up the ability to have more space for the drainage, more specifically where Holland Drive will connect to Derby. We will have more space there for drainage and that is where it kind of crosses over Derby Drive and goes into Mr. Farmer's lot. So, I have been told, I am not a drainage expert. We do plan on putting a large number of trees back to it. Along with that I do want to mention that these are not duplexes. I just want to say for the record I am not planning on doing Section 8 or subsidized housing with this. Our goal is to if approved to get the basic infrastructure in, build a model and if the demand goes away we are not going to build the whole place up, we will build as people see fit. That is kind of all that I had to say. If you have any question for me.

Clements: To my left, do any members of the Commission have a question for the petitioner? Seeing none. To my right. Mr. McKim?

McKim: Yes, so one of the suggestions that has come up several times is to consider MR rather than HR. Have you done even a back of the napkin sketch to see if that is something that could be made to work? Because clearly that MR density seems to fit in with everything else that totally surrounds this.

Bomba: Basically MR, you are meaning, all of these terms don't quite, being single family, kind of...

McKim: Putting aside the 0 lot line issue, just simply the gross density, the 0.22 acre minimum lot size or 0.21, is that about what Medium Density Residential would be?

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Bomba: I have put a lot of thought and I actually spoke with a couple people at the last at the preliminary meeting, with the amount of infrastructure we are having to put in there, the cost structure and it is a for profit type of endeavor, we do need some density with that. Secondly with how its set up if we could have done a cul-de-sac and not have to put the road all the way through, we would get more space to maybe do different things. It's not too big of a lot but not too small of a lot but it's just kind of how you work it. As well as coming from a business stance when you have got 57 units going in right behind you. You are competing with something else. This product, like I said, with the houses that I have built, things that I have rehabbed, there is a huge demand for this. We may have accommodated along the front, we are able to drop that to allow for more trees, more drainage and kind of keep the look and the feel of the neighborhood with it.

McKim: Also, one of the concerns is clearly that these units would become rentals, which I know at this price point that is probably not likely, but I wonder if there is any kind of, if it is lawful to put any kind of covenant in the HOA documents?

Bomba: We have the HOA document that I have emailed to a number of people in the neighborhood and I think some of them spoke last week. I have no problem putting something in that as restricting it as a rental property. Like you said the price point is not feasible. With the drainage I know we have had the discussions. Do we put the drainage with the lot? Do we put it with an HOA? How do we do the drainage? I think it is best to do some sort of document governing it and I have sent out preliminary statements showing there are other similar neighborhood that have you can't use them as rentals. I have no problem with that.

McKim: Ok, thank you.

Clements: Yes, Commissioner Thomas?

Thomas: So, if in a subsequent meeting the 0 lot line side yard is not approved would you continue with this development?

Bomba: I do not know.

Thomas: Well, that is honest answer.

Bomba: Looking at it, with everything there is risk and with the amount of infrastructure, the amount of roads, the sewer line is actually down Derby Drive further into Sutton Place, the amount of infrastructure, the roads, the sidewalks, it is a pretty heavy cost.

Thomas: I hear you and if I might insert a question for staff just for the public's edification and our Commissions edification. When would we consider the tree issue, at what juncture? At the planning stage do we do that?

Behrman: There is a commitment right now as a part of this rezone to keep that 15' foot buffer line along the west of the south line to conserve trees. The preliminary plat when they are going to bring us the nitty gritty of the survey, the lot lines, the actual dimensions, where we pour through that and make sure it meets every single tree requirement. We do require street trees, one per 40'

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feet of road frontage, so that would be along Derby Drive and both sides of that new road. So, there are those trees that would be required but you could also place conditions that maybe once they have it laid out and have it delineated where all of the trees are, mature ones that they might consider keeping, that those we can conserve with a drip line to make sure construction does not impact that when they are building a road and putting in utilities and infrastructure. That would be during the preliminary plat phasing and then we would confirm during final platting that all of those are still there before we issued the plat to allow them to sell lots.

Thomas: Right, so that happens the same time we consider 0' lot lines.

Behrman: Correct.

Thomas: Thank you.

Clements: Yes, Mr. McKim.

McKim: Actually...

Pittsford: I just wanted to make a point toward edification as mentioned. We can have as a requirement that the HOA stipulations that none of these can be rentals but that is not enforceable by the Plan Commission or the County. It is only enforceable in civil court. Just so we are clear, when we impose that standard it is not one that we can enforce.

Thomas: Good point.

Clements: Mr. McKim?

McKim: I just wanted to clarify the 15' foot. The letter from the neighborhood referred to 15 trees and I am wondering, that was from a previous...

Bomba: When we originally did it, it was a PUD and there was a number of trees. The trees are very dense along all of the property line. Basically people live there are encircled and going through that when we do the infrastructure, the sewer line comes up this way, there are sidewalks, you are going to be doing damage to a lot of those. The infrastructure on this road is so a lot of those trees are coming in with moving the lots along Holland Drive there may be some trees saved there because we have moved them over for that corner. If people drive up they still see trees along the corner depending on what type of sidewalk or walkway is required on Holland Drive, there may be some trees saved. There are some inner trees inside there, I just don't know where they are going to sit when it's done. There are some cool trees that may be if we could save that may or may not have damage around the infrastructure of the roots. I am not opposed to trying to save as many as we can. This is the kind of growth there where there are nice, solid trees that shouldn't have any sidewalks or soil disturbance or anything that could damage the trees.

McKim: Ok, so on the south and the west is the conservation easement.

Bomba: Yes, several along here because there is not doing it because there is water hook ups here,

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sewer hook ups back here, the drainage kind of there is a natural spot here which will allow to help fix it so Farmer, some of the other branches come here and down. So Derby Drive is put in everything just flows down to Mr. Farmer's lot line.

McKim: Thank you.

Clements: Ok, thank you very much. I would like to have a show of hands because others have arrived, how many people plan to speak either in favor of or opposed to this petition. Just a show of hands. 1, 2, 3, 4, 5, ok, so I think in that case then we can allow 3 or 4 minutes for each person to speak and I would like to invite up to the podium someone who would like to speak in favor of the petition and I will give you a signal when there are 30 seconds left remaining of your, I am going to say 3 minutes time and then 15 seconds and I will also tell you when to stop. So, please would the first person who is in favor of this petition, please come to the podium and state your name and sign in please.

SUPPORTORS– 1909-REZ-09 – Holland Pines

Hayes: Hi, I am Jerry Hayes. I live in Sutton Place which is near this site. I think all of this would prefer a single family. But I have had some experience, I am a banker and I have had some experience in both selling and financing real estate. I am also working with the Redevelopment Commission, the County Redevelopment Commission and the Affordable Housing Commission to try to find ways to decrease the cost of housing. It is just economically it's difficult to build single family with the cost of land, infrastructure and building cost. We have a petitioner here who is a local person, who lives in Bloomington, whose family is from here. He has made some, I think some concessions that are, and especially along Derby Drive with going single family there so it will appear like a single family neighborhood. I am in favor of the project. I am also in favor of extending Holland Drive down to Derby Drive but I would request that the Commission make at condition of that rezone that they put a 3 way stop at that intersect of Derby and Holland Drive. I find it increasing difficult to get out onto Rhorer Road now that the bridge is complete on Gordon Pike. It seems that the traffic has increased there. So, I could see Holland Drive as another way for us to get out of the neighborhood actually. Thank you.

Clements: Thank you. Ok, is there anyone else who would like to speak in favor of the petition? Seeing none, oh, yes, sir. Please come up to the podium, state your name and sign in please.

Walker: Hello, my name is Andy Walker. I am a local real estate broker and owner of Remax Acclaimed Properties and I just wanted to speak a couple on the points that I know a little bit about, which would be, and I read some of the previous comments, as to demand, I mean there is demand in almost every market sector for housing in our county right now. There is really, really high demand for this type of housing. It totally follows the smaller but nicer trend that you see going on everywhere. It is basically modeled after a development that is going to before you guys tonight called Baywood, which is just south of Clear Creek Estates. It is adjacent to residential community that has been there for a long time. It fits in really nicely. They sell those things as fast as they can build them basically. The same thing will happen here. This is a little bit more of a desirable area. I have 3 clients right now that would buys one of these right now if they were available. So, there is definitely a need for it. The typical person who buys in Baywood is somebody who raised a

family in one of our neighborhoods around town and wants to stay here, can't afford what you got to pay on the east side for a condo and it really meets a need. My expectation would be that it is mainly going to be a retirement age type of demographic. You may see some young families buy them here and there because they are in Rogers/Binford School District. It is going to be desirable from a lot of different angles. Something else I would point out too is I had a couple properties for sale and I still do that are going to be directly affected by the new CDO. So, I follow that process fairly closely and obviously it may not come out and be exactly the same document. But if the spirit of that document is anywhere similar to the new document ends up being a development like this is basically the poster child for higher density, which is going to lead to more affordability and during that process the buy right, like this area the overlay for it and many of the areas that are technically in the county but just over the city/county line but still have sewer available, most of those overlays were of 0.17 density level. This 0.14 is not very far off that at all and obviously if it's going to be a year from now and something like this is going to be 0.7 then I don't really see the sense in having to match 0.22 just because that happens to be more common all around it. Holland Fields is next door, the great majority of those are 0.22. There are a couple of them that are little bit bigger but you know, visually....

Clements: Thank you, Mr. Walker, thank you.

Walker: Thank you.

Clements: Yes, ma'am, would you please come up to the podium and state your name and sign in?

Farmer: I am Patricia Farmer and I live directly across the street from the proposed development. I have lived there for 41 years. We did not want to see Briarwood built. But it was built and we had no input about that. We didn't want to Sutton Place built and we had not input there either but it was built. Of course we don't want to see this built, we look right at it. But we have had a lot of input. I think I heard my husband's name mentioned 3 times so far and that is not good. Mr. Bomba has worked with us. We have talked with Terry Quillman a lot and if we can keep the I want to say septic but I don't want to say septic, the drainage issue, if we can keep an eye on that and watch it as the development goes, he has met all of our requirements. We are good to go.

Clements: Ok, thank you Ms. Farmer. Someone else like to speak, either on behalf of this petition? Ok, seeing none. Would someone like to speak opposed to this petition? Please come up to the podium, sign in and state your name, sir.

REMONSTRATORS – 1909-REZ-09 – Holland Pines

Kennard: Hi, my name is Jason Kennard. My wife and I, Katie, live 2 doors down, 2 door south of the proposed development. I spoke at the last meeting. I really don't want to rehash a lot of the things. We have put in our concerns in a letter if you guys have had a chance to read them. Thank you for your time and listening to our concerns and complaints. We have a pretty good neighborhood and that evident by the amount of people that are here in mild opposition to development. I would say that the majority of here and I haven't done strong poll here yet, but the majority of us here are perfectly fine with development. We want new neighbors. We want to welcome them into the neighborhood. We want them to also feel safe in that. My wife and I choice

to live in our house because we were going to start a family and we have been blessed with 3 small children. They are all under the age of 6 and a half right now. My major concern is for their safety, when we start to increase the traffic that is coming through here. I think really the kicker in all of this is just one word and that is high. From high density to medium density, we no probably changing it to medium density in that fits the rest of everything else. But when you go with the Comprehensive Plan that has been put forth by the county as far as what should encompass high density residential areas, should be, at least from what I have been reading, in places where there is a decent amount of public support for those sort of things, where you walk to the bus stop, where you can get downtown, you can get anywhere that you need to go, that you only need to have one car in each one of these house, rather than two. Then I hear the developer say and the real estate agent say, well, but this is going to be a retirement community. Are those people going to walk three quarters of a mile to get to the nearest bus stop, which is at the corner of Walnut Street and Rhorer Road and they are not. There isn't even any sidewalks built currently, and I understand that may be in the future plans and everything. As some of the other people spoke to, I personally am in favor of, again developing Holland Drive and getting that as a side route out of our neighborhood but I am also a little concerned that that will be used for overflow especially when Bloomington Speedway is going Friday nights for people that are backed up at that intersection. I will say that ever since the stop light that has been put in on Walnut Street Pike and Rhorer Road has been put in that the traffic has gotten a lot better but still during times of school drop offs and everything it starts to increase. So, those are my main concerns and I think I speak for the majority of my neighbors around here as well that realistically we are all for development. We are all for bringing in new neighbors. But we have concerns with the high density zoning in this process.

Clements: Thank you Mr. Kennard. Is there anyone else who would like to speak opposed to this petition? Thank you. Please state your name.

Jackson: My name is Jason Jackson. I have lived 18 years in the neighborhood. I haven't attended a lot of the meetings. First of all, I want to say I thank you. I was really impressed with the meeting how you handled a lot of stuff. I have never been to one so I just wanted to thank you for that. Quickly, what I want to say, one of the words that was used last time that I thought was very poignant was the word was incongruent. I believe Ms. Thomas said she came and visited our area and said this development seems to be incongruent with the rest of the area. I totally agree with that. For 21 years I have been a financial advisor. I have dealt with people that have decided in their lifetimes to downsize. I am sure Mr. Bomba in his time as well and those people who have downsized. When you downsize you want a smaller space. What you also want are more services from the city. You need the hospital closer. You need the doctor's office closer. You want to deal with more restaurants. You want walking paths, sidewalks, trails. That is what people do when they downsize and get close to retirement. They usually don't move out into the county. So, I found it to be incongruent as well of what the plan was. The second issue I had was with rentals and Airbnb. I can appreciate and I do appreciate Mr. Bomba and the petitioners coming up with their plan of the houses. I do have a concern that we could have rentals and Airbnb's especially when part of the family has I believe a property management company. What is to prevent him from selling those particular units to family members and then using them as rentals? What is our recourse? Civil recourse, only, Right? Who is going to be able to do that? Am I going to be able to hire an attorney to fight that? Will our neighbors have to do that? Although I do think there is a tremendous demand and I agree with all of that and I want him to make a profit. I want him to do

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well in this community. He and his family have been a pillar in this community for many years. I just don't think this is the place where it needs to be, right smack dab in the middle of a bunch of single family homes. Incongruent is the word I walked away with and I don't think a word would fit this better. Thank you for your time and I appreciate it.

Clements: Thank you, Mr. Jackson. Is there anyone else who would like to speak opposed to this petition?

Ward-Steinman: My name is Patrice Madura Ward-Steinman and I live at 1159 East Winners Circles, where I have lived for the last 16 years. First of all we would like to thank the Plan Commission for your careful attention to the ongoing concerns of the Derby Drive neighborhood. We also want to express our appreciation to the petitioner and developer for their efforts in compromising in regard to the objections that we voiced November 19th, in particular the change from 6 duplexes facing Derby to 3 single family homes of 0.22 acres, is an example of such effective compromise and I appreciate that allot. Thank you. However, I would like to express just a couple extra concerns of the neighborhood. First, the revised proposal suggests the preservation of 15 trees. But that number is a minuscule fraction of the number of trees that are there now. We still desire the conservation of trees lining Derby and Holland Drives and the proposal doesn't look that there is where those trees are going to be primarily. We request a clear explanation of the types and locations of the trees that are intended to be preserved and most certainly more than 15. We understand that some of the trees have been compromised due to the telephone cables but many others are healthy and beautiful and provide a habitat for wildlife. We request that an independent tree expert determine which trees are healthy and worthy of preservation. Second, finally the wording in the revision states that Holland Drive will extend to the cul-de-sac and we are not sure if this is a typographical error but it seems it should read through the cul-de-sac in order to continue onto Walnut Street Pike. We see clarification and commitment on this very critical matter regarding traffic in the neighborhood. Thank you.

Clements: Thank you Ms. Steinman. Is there anyone else here who would like to speak against the petition? Yes, please sir. Come sign in and state your name.

Kennedy: My name is Jim Kennedy. I have lived in the neighborhood for 14 years. I just had one comment. I don't think any of are really against the building onto this property but I think the main concern is the high density piece and how this will be put between 3 already established neighborhoods. I currently live in Bridlewood. This would be right between the Bridlewood, the Sutton and the new Holland, kind of jammed in there and again, I think that is the main concern. I know there was a question about the pictures that were being shown, I don't think it shows that the Holland piece, the first phase is already done. So, we are taking this piece of property, rezoning it to high density between 3 already established neighborhoods. I think it is a big concern for many of the issues that have already been raised but I just wanted to make sure that was clear. Thank you.

Clements: Thank you, Mr. Kennedy. Is there anyone else who would like to speak in opposition to this petition? Please sign in and state your name.

Barnas: Good evening my name is Magna Barnas I live on the Winner Circle in Bridlewood Phase

1. Before I raise a couple points, I would like to tell you a little bit about myself. Because ultimately what you are deciding on today it's our neighborhood. I grew up in city and obviously traveled quite a while before landing here in Bloomington and when I found my home I was enchanted. It exists at the border of urban life and nature. To this day every morning thanking god for the music the birds are singing and it is a magical place. Of course when I moved in the land the barren and it took time for it to come back and I am very proud that I was able to get a property certified as wildlife reservation habitat or something like that. This move from barren to an oasis for wildlife was possible because there was enough of nature around it could bounce back. I am concerned about Derby the trees lining Derby Drive. The picture that we are seeing right now is rather misleading. There are 3 houses which I believe are a step in the right direction but they are overlaid over the green tree line. When I bought my house there were 5 mature trees next to it that I had to take out next year because the roots were disturbed. So, if this goes with this it is not going to preserve the trees on that side. That is my emotion part and now a few points. I am not a real estate expert but I know a little bit about data. The 3 houses, the single family houses, that is basically people like us, right and you have a whole neighborhood and we are all alarmed about having the duplex single family home with 0 lines and its effect on our property values. How is going to buy these houses and when they do are they are going to realize the prices that our neighborhood has? So, this has the potential to devalue our investments and with that I thank you for your attention.

Clements: Thank you. Is there anyone else who would like to speak in opposition to this petition? Seeing none. I go back to the, oh one more, thank you. Please come in and sign in and state your name.

Atlas: I am Debbie Atlas. I don't have much to add to everything that has been said. I spoke at the last meeting to sum up our concerns regarding safety, the fit of the designs with our current neighborhood, the tree lines, obviously the green space, increased traffic. I am so glad that the Farmer's drainage issue, the deserved that attention before and I am so glad that now because they deserve nothing less. Excuse me. Again, I think it is fair to say that the majority of us in the neighborhood, many again who are here but haven't spoken this evening, are not opposed to development but think it is way too far of a shift to go from what we have now to the high density residential. So, I just wanted to acknowledge all of my neighbors here again like last time. If all of you want to raise your hands and say hello that you are here and sharing these concerns with us. I appreciate that. Thank you.

Clements: Thank you, Ms. Atlas. Is there anyone else who would like to speak? Please sign in and state your name. Oh, sorry sir. Ok, so no one else who like to speak, am I correct? Ok, I would like to note for the record that there were about 30 hands when Ms. Atlas asked for a show of hands of the neighbors who were here in opposition to the petition. I turn now to my colleagues on the Plan Commission for further discussion. To my left are there any comments or questions, yes Mr. Pittsford?

ADDITIONAL QUESTIONS FOR STAFF - 1909-REZ-09 – Holland Pines

Pittsford: I have just one question and it is a review. Staff has spoken to this point before but with the anticipated rezone what would the density be on this particular piece of property?

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Behrman: Well, the Comprehensive Plans both support higher density here. We do not have a draft zoning map yet. We will be discussing some of that on Thursday actually.

Pittsford: Right. The Comprehensive Plan would put it out roughly what kind of density? Does it specifically say?

Behrman: It doesn't give specific numbers. No, but it supports higher density where we have serves such as sewer.

Pittsford: Ok, so the language just supports a high density.

Behrman: Right. In the findings of fact there are a couple quotes from the different Comprehensive Plans that I would say support this type of development.

Pittsford: Ok, but when the Comprehensive Plan speaks of a high density and when we look at the areas around it and you have the chart pointing out 0.22 in some of the areas surrounding this. So, it would be a reasonable expectation that with that language in the Comprehensive Plan and with the comparable around it being at 0.22 that this property would in a rezone would be at that same neighborhood.

Behrman: It is possible that this would support apartment complexes in the future.

Pittsford: Ok. Alright. That is what I wanted on the record, thank you.

Thompson: To clarify the tree issue, the 15 trees are not currently

Behrman: No, it is not in their letter of commitments.

Thompson: The designation of any trees that would be preserved would happen during the preliminary plat process rather than the rezone process that we are in currently.

Behrman: Yes and no. They are designating that 15' foot buffer yard on the west and the south side of the lot and then yes that is a bonus. We wouldn't even require during a preliminary plat. That is just something that they are adding in and yes during a preliminary plat hearing we will have a lot more specific data on the design, on what trees could feasibly be preserved during that process.

Clements: Mr. Guerrettaz?

Guerrettaz: To add onto Amy's question, on the 15 trees are those in addition to the trees that would be in the west and south 15' foot strips?

Behrman: No, that is not on the table anymore. The letter was changed based upon the Administrative Session comments, they submitted a new revised letter that does not include a specific number of trees based upon the rezone. Now, that could be added back in during the preliminary plat phase.

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Guerrettaz: One question for the petitioner. While this isn't a site that we are looking at, what is the distance that you are expecting between the face of the garages and the back of walk or the back of the curve in the driveways?

Butler: Daniel Butler with Bynum Fanyo and I anticipate it would be about 18' feet, that is with a traditional tree plot and a 5' foot sidewalk. Back walk would be the front of the lot into the right of way, if that makes sense.

Clements: Thank you, Mr. Butler. Are there any further questions to my left? Mr. Stainbrook?

Stainbrook: I would like to make a comment, Mrs. Clements. I was encouraged by the reduction of driveways on the Derby Road from the 6 to 3 and in real candor, if not wisely, I would comment that this looks as though it might be an area that aptly annexed by the City of Bloomington. I say that very openly and I hope without great risk. On a more personal note, we were once a resident in Bloomington and lived in Coppertree at the Stands and that seemed to be compatible arrangement. We were never shunned by our neighbors in larger homes. That was before we downsized in moving into the county. Thank you.

Clements: Ok, thank you. Yes, Mr. Pittsford?

Pittsford: I have one more question for the petitioner or whoever is representing the petitioner. There was a request for a 3 way stop at Holland Drive and Derby. Was that the location? That had been brought up by one of the remonstrators.

Bomba: Yes.

Pittsford: Ok and I don't know if they can do that without corporation from County Highway. Ok, I just wanted to make sure that was addressed. Another question. What would your approach be for tree preservation? Are you going to go out on the site yourself? Are you going to have your engineering team look at it? Are you are hiring a tree consultant? What is your approach?

Bomba: The big issue I have, I mean we are all for preserving as many trees as I can.

Pittsford: You have made that statement but I want to know what approach you are going to use?

Bomba: A lot of goes to where when they do the final drawing where all of the infrastructure goes, how far the sidewalks have to sit where they sit. Because you can see kind of along Derby Drive you have got to have a sidewalk there. There is going to be utilities, water, sewer how those are run and then the drainage.

Pittsford: Ok, let's take for granted all of that is in place. The engineers have done their route. How do you determine of the remaining trees what ones are going to be preserved and how you are going to preserve them?

Bomba: What I would like to do, what would be ideal for me is anything where the soil or root

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system is not disturbed just to leave the trees.
Pittsford: Ok and who determines that? Sorry.

Bomba: It would probably, I don't know.

Clements: That is incomprehensible really.

Butler: Normally with a complete survey we can identify trees and the diameter of them and the drip line that we can try to grade around or create some kind of wells to preserve those and we are trying to maybe commit to that but that is why we took it out of the letter because we knew that that may not work to commit to that. However, we would still like to come back with some kind of different trees that are able be preserved and definitely committing to the west and the south side 15' foot strips for privacy from the adjacent owners.

Pittsford: Right, well I take Mr. Bomba at his word about wanting to preserve the trees but it one thing to say I want to do it but then how do you do it? Do you actually have a plan in mind and you just shared with me that you do actually have process that you would use to ensure the survival of trees to the fullest extent possible.

Clements: Mr. Stainbrook had a question for Mr. Bomba.

Stainbrook: Thank you. Just to add with Jerry's observation one question. I think not too long ago at the courthouse here on a less than personal note that there was a gentleman or a tree expert that determined the viability of the trees, those people I guess, Mr. Bomba or your engineers would know of some people of that sort of professional.

Clements: Mr. Warren?

Warren: First, thanks to everyone who spoke, I know that is really nerve racking. I hate doing that and so whether I agree or disagree with you, thank you, and much respect to you for that. Second, I used to live maybe a quarter mile, half a mile north of here in Sherwood Hills Condos, so I am kind of familiar with the area. I drove around there today before the meeting. I don't see these 0 lot line homes as being incompatible with the neighborhood. I live in Fieldstone now on the west side. We have built a bunch of 0 lot line homes there and I think it adds to our neighborhood. It adds some housing diversity, improves affordability. I also want to make a comment about the trees. I certainly hope as many trees can be preserved because I think, pun intended we miss the forest for the trees sometimes when we talk about this. One of the reasons for building more compactly is because more compact development equals less driving, it equals less when you share a wall you reduce heating and cooling expenses. So, over the lifetime of a house, you are saving way more energy with these more creative, more middle types of housing. So, we can talk about trees on the site for a long time but the real environmental benefit of this type of development is that it is more people living closer together, sharing a wall. Honestly, I wish that this could be townhomes. I think that would be more environmentally friendly, it would be more affordable, more socially equitable. But I think this is a good compromise and it's the sort of development that I like to see when we have small spaces like this very close to the city. Thank you.

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Clements: Thank you. Mr. Enright-Randolph?

Enright-Randolph: I had a question. My first, I have 2 questions. My first question was with the text amendment. That makes it an allowable use, not conditional?

Behrman: It is a design standard not a use.

Enright-Randolph: Ok, a design standard. If you could walk me through the process of, since we are just looking at a rezone with the idea of granting a 0' setback.

Wilson: The 0' setback is really for reference.

Enright-Randolph: Right but what is the process where they are granted this design standard?

Wilson: They would file a plat and designate which lots were going to be a 0' lot line. In other words it is really to allow flexibility in platting not just in this subdivision.

Enright-Randolph: Let me rephrase my question so it going to be more pointed to Dave now. If we grant this rezone, if we send this with a favorable recommendation forward and it is granted as a rezone, could they pretty much submit something like this as a by right project with a 0' setback?

Schilling: I don't think the 0' setback is a by right. They could submit a by right plan but I think 0' setbacks there is discession on that.

Enright-Randolph: Ok, thank you.

Clements: Mr. McKim do you...

Enright-Randolph: My other question was for the Holland Drive connector they had a concern that it wasn't stated correctly enough in the packet but the intent is to actually make a through road?

Behrman: Correct and I think during the preliminary plat hearing we would require that regardless. May I have a moment to make one clarification point?

Clements: Sure.

Behrman: Something that I heard from one of the members and I just wanted to clarify, short-term rentals are not permitted in this zone, so an Airbnb type situation anything that is less than 30 days is not permitted in any of the zones in this area. That is something that we call a tourist home and they are only permitted in 3 zones in the county or under special historic conditions possibly. So, I just wanted to make that clarification that you have to have at least 2 and half acres to even consider doing a tourist home/Airbnb in Monroe County jurisdiction.

Wilson: To further clarify, there is Indiana legislation that says an owner occupied home may utilize it for an Airbnb, which means that if you have a home and you want to rent it out for the weekend that that is statutorily protected. However, you can't buy a house and not occupy it and

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rent it out solely as a short-term rental. You have to rent it out for at least 30 days in order to avoid being an Airbnb. It is somewhat complicated but in effect somebody couldn't just buy one of these units and use it for an Airbnb. It would have to be their home and they would chose to rent it out on the weekend as an occasional use.

Thompson: That is not specific to this...

Wilson: No, that is the whole county.

Clements: Ok, Mr. McKim?

McKim: So, first of all I also want to thank the neighbors for coming out here. There is nothing like a rezone petition to really bring the neighborhood together. My own neighborhood was here in this very room last week for a Board of Zoning Appeals hearing and we lost but it was a good neighborhood bonding experience for everyone. I appreciate everyone's concern for their neighbors. There is a tremendous demand for housing in all price points. I think we all recognize that we need more housing. I like Andy Walker's reference to the trend of smaller and nice that definitely does seem to be what we are seeing all around. I know that there is when we are talking about higher densities there is always the concern about services, we do have road service, we do have sewer that can support higher density there. I think the bus service is definitely and issue. Right now Kroger is the end of the line. I do think that there is long term prospect to extend the bus service but that would of course take the Bloomington City Counsel the full support of the city to do that but I would like to think that that is something that we can advocate for but right now that is a bit of a concern as far as high density services. I think we did already address the 3 way stop issue. Does the Highway Department then have objective criteria that could be used to warrant that 3 way stop or what would be the process for that?

Ridge: Actually they work with Paul actually it would go through our Traffic Commission. There are different warrants that you to meet to qualify for what would be considered a multi-way stop. It is the manual and unformed traffic control devices that we have to follow to see if a multi-way stop fits that criteria. So, that would have to be decided upon and then it would go to the Traffic Commission Board for approval and then the County Commissioners.

McKim: Ok, thank you.

Clements: Commissioner Thomas?

Thomas: I was actually going to address that too so I am glad you did. A bit of a quandary because yes, I can see there is demand for high density housing than what is there, which is one house. So anything more than one house is higher density, so now the question is what is appropriate for the neighborhood? I really appreciate the fact that people have been coming to these meetings, they have been paying attention and I appreciate everyone's input. Because if we don't live there which we can't live everywhere, we don't know what the impact is going to be or what the sense is. So, on the one hand we have a developer that is doing a great job listening and adapting and making changes and I really cannot thank him enough for that. I appreciate you being open-minded and at the same time we have neighbors who aren't saying, oh we can't have any development but you

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are being reasonable and saying it should match what is there and I am going to agree with that. Because I think medium residential would fit perfectly. It is 0.21 instead of 0.14 and 0.21 is all around it and I just don't think the situation warrants anything higher than that. So, I am going to agree with Medium Density Residential. I think the 0' lot line is great. It is a great idea. I am glad we are looking at that and considering that but you can do a 0' lot line with MR, you don't have to have HR, high Density. You can do Medium Density Residential and still do a 0' lot line and still achieve all of the benefits. That is where I am going with this, so thank you all.

Clements: I would like to say a few, make a few comments about the communities expression of its vision for its future and that was done with this zoning was designated Estate Residential. We are asking for a rezone and so I believe that the default position should go with what is currently approved. I am also impressed by the community involvement in the community feedback and I would like to note and to have the neighbors note that on Thursday we are going to be begin our discussion of the rezoning for the entire county and we have somewhat of a conflict of the vision between the city and the county and the university. I believe what is happening in the county is that we are being elbowed by the city and by the university and I think that it is time to pay attention. It is time to determine our future. It is time to determine what it is that we would like to see around us and how we would like to protect our vision of the future and this is our time to have a voice in that, rather than just a response. I am going to be voting against this just because to just respond to demand is to deny our vision, our collective vision. I am going to be voting against this petition. That being said, if there are no further comments, I will entertain a motion.

FURTHER QUESTIONS FOR STAFF - 1909-REZ-09 – Holland Pines

Pittsford: I would like to make a motion, please. **In case number 1909-REZ-09, Holland Pines Rezone, a request to rezone to High Density Residential from a current zoning of Estate Residential, RE1, this is a 5.34 acres in Perry Township, Section 21, I move approval of the rezone based on the recommendation by staff and the findings of fact, subject to the Highway and Drainage Engineer reports, with the following condition:**

- 1) The petitioner agrees to all the commitments written in the petitioner letter with this one amendment; that in Condition #1 that petitioner committed to, that it be revised to include in addition to the 15' foot preservation the following statement; "Developer will take reasonable precautions to preserve existing trees, to this end when infrastructure installation design is complete, such is utilities, road improvements and sidewalks, petitioner will identify those trees which will most likely to be preserved and consult with an arborist or other qualified person or agency to create a plan to preserve and/or protect those trees through the completion of the development."**

That is my motion.

McKim: **Second.**

Clements: All those in favor, err, Mr. Wilson will you please call the roll? Sorry.

Wilson: The vote is on petition 1909-REZ-09, Holland Pines petition for a zoning map amendment for a rezone. A vote in favor is a vote to approve the petition, subject to the proposed findings with

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the conditions in the staff report and the developer's commitments, including the County Highway's Engineer report and including the County Drainage Engineer report and with the additional conditional regarding tree preservation in consultation with an arborist. Again, a vote in favor is a vote to send a favorable recommendation to the Monroe County Commissioners in regard to the zoning map amendment. Margaret Clements?

Clements: No.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: We are just making a recommendation for the rezone to the Commissioners so I am briefly just going to state that I feel we can make wait until we look at a more county wide zoning initiative versus going in here and individually, case by case granting rezones, so I am going to vote no.

Wilson: Bernie Guerrettaz?

Enright-Randolph: Not to the merit of the project but just with that thought process in mind.

Clements: Thank you.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: No.

Wilson: Julie Thomas?

Thomas: No.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: David Warren?

DRAFT

Warren: Yes.

Wilson: Was that a yes?

Warren: Sorry, yes.

Wilson: The motion carries 5 to 4. Again, this is a recommendation to the Monroe County Commissioners. They will hold a hearing. They have the option to either approve, deny or send the ordinance back to the Plan Commission with an amendment. That hearing is typically held approximately 2 to 3 weeks from today's day. It will be publicized on the agenda for the Monroe County Commissioners. If you have any questions on when that is going to the Commissioner's Office, please contact the Planning Department Office. In addition, there is a meeting as the Chairmen of the Plan Commission mentioned on Thursday night in regard to the new ordinance. However, it is not a public hearing. It is a Plan Commission meeting. It is open to the public but you will not have an opportunity to offer input at this particular meeting. There will be plenty of opportunities to offer input throughout the process of developing the new zoning ordinance.

The motion in case 1909-REZ-09, Holland Pines Rezone to High Density Residential (HR) from Estate Residential (RE1) Final Hearing, to send a favorable recommendation along with the condition as set forth in the motion, to the Count Commissioners, carried (6-4).

NEW BUSINESS

- 1. 1911-REZ-11 Fields Historic Preservation (HP) Overlay Rezone Preliminary Hearing. Waiver of Final Hearing Requested.**
One (1) approximately >0.5+/- acre parcel in Section 34 of Perry Township at 6189 S Fairfax RD. **Zoned SR/ECO3.**

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Behrman: This is the Fields HP Overlay Rezone to add the Historic Preservation Overlay to this property. It is located at 6189 South Fairfax Road. That is at the intersection of South Fairfax and East Sanders Second Road. It is in Perry Township, Section 34. The current zoning map has this as Suburban Residential, SR and it is also with the Environmental Constraints Overlay for Lake Monroe Area 3. As a result of the zoning I just want to point out that the purpose of adding this HP Overlay to this property is that under Suburban Residential we do not permit short term rentals/tourist homes are not permitted and that is the desire for the petitioner asking for this property. They are wanting to do ultimately Historic Adaptive Reuse and they would ask the Board of Zoning Appeals if they could add that tourist home type use to this property, which is not normally permitted but maybe so under a historical context. That is the gist of adding this overlay to the property, it is Step 1 in a step of many for them to get through the process. The Comprehensive Plan has this as a Designated Community. This is a Designated Community on the Comprehensive Plan and we have draft zoning as Community Gateway also part of the Smithville Sanders district. This is an aerial view of the site plan and I have on here a green box around the proposed property line. This petition came to us without a true legal description. The yellow circle there designates where they recently put in a septic system. They are wanting to do clarification of the lot lines and kind of redefine this property to include the septic with the structure that it is servicing and there is a lot of ambiguity here to the east as far as title work goes. There is a process to quiet title right now and once that is done then a petition will be submitted to actually try to define this property to look more like this and we will get more into that in a bit in this presentation. There are a lot of pictures in this packet. I am just going to glance through and go through these fairly quickly. We can bring some of these photos back if there is any questions or discussion regarding any of them. This is the old Hays Market and it has been there since 1913. Staff made 2 different site visits; 1 probably back in October or November and then another one in January after a lot of work had been completed out there. There is definitely some pictures of the intersection and some of the roads, some of the improvements that have been happening and occurring under this. This is an aerial view facing west of the Hays Market, old gas station/store here, and kind of shows some of the old traffic patterns of the area which are no longer, some of those traffic patterns have changed out here and you might hear from some of the surrounding neighbors regarding that. The Historic Preservation Board of Review heard this and I did decide to include a few of their photos in this presentation as well just because they make a couple of points regarding some of the other items. It is not just the building that is onsite but there is an old island that held gas station pumps that they are interested in preserving. There is also an old sign post and I am hoping that maybe someone out there in the audience or in the public would know where the old sign was for this structure so it might reunite with the base that's here that is considered a structure in historical terms. The petitioner also supplied a letter which is in your packet regarding the request and more pictures, so I am just going to keep going through some of

these older, historic pictures. The gentleman that used to run market and the old store front. Staff reviewed a couple of the different data bases that are out there. We have the SHAARD data base that lists this property as “notable” which helps the staff make its recommendation and then also there was the Interim Report from 1989. It has this as “outstanding” category but has since then went back to “notable”. This is some survey work that has been done of the property and this is going to be a point here that I am going to discuss here for a moment. There has not been an official legal description brought to us yet. When a legal description is brought to us it will be in the form of a Type “E” Subdivision. This is an administrative process that normally is reviewed at staff level. However, during any subdivision our Subdivision Control Ordinance requires that we follow right of way dedication based upon what the Thoroughfare Plan recommends. Back in December of 2018 the Thoroughfare Plan updated and we have some right of ways that have changed. East Sanders Second that runs along the south there would be required to dedicate 25’ feet right of way from the center line of the road and then Fairfax Road would be required to dedicate a 45’ foot right of way. I have depicted these in color here. You have got the blue line which is the Sanders required setback. This show it kind of encroaches into the gas station pumps that are to be replaced, they are not functioning, of course, they are just there as decorations, about 1.16’ feet encroachment. The green line depicts the Fairfax right of way dedication that would be required under the Subdivision Control Ordinance. There are concerns that the Historic Preservation Board wants to make sure that that sign base has been preserved, that we are not taking away from the property this ability to protect through the Historic Preservation Overlay, the ability to save some of these extra, I am going to put in air quotes, “structures” that are historic in nature. There is a condition of approval associated with this rezone that we also ask that they submit for this waiver request to reduce the required right of way dedication as required by the Thoroughfare Plan and I think we have support for that from the Highway Department. The only negative side effect of this is that will extend this process out for the petitioners. It is not just an administrative subdivision review process then, it does have to come back to the Plan Commission and have a waiver reviewed under that Plan Commission process. I just wanted to make that clear with this drawing here. I have included in the packet some of the structural drawings that were enclosed in the Building Permit. They were issued and Internal Remodel Permit for a residence because you do a long term rental, something more than 30 days or just rent out the house or have someone live here. That is a permitted use but not short term, which is why we are here. I did include some of those interesting drawings of the remodel and there were some unground storage tanks from when this was a gas station, we have documentation that they were removed and remediated as well as the soil was tested. Staff and the engineers that I had review this felt pretty comfortable that this was done properly for the underground storage tanks. Stormwater did not really have any comments regarding this rezone. If the site improvements are proposed such as a site plan for the tourist home, then they would review those at that time. The Highway Department published their comments and described the different road designs and right of way requirements. They also went as far as to submit a letter and had the petitioner sign it acknowledging regarding placing those decorative gas pumps back in the right of way, which they will allow as long as they follow a breakaway form and have some other special qualities, but that doesn’t necessarily mean if something should happen to them that may or may not preserve them over time in a historical context, 50, 60, 70 years down the road, so I think that is why the Historic Preservation Board and staff both would like to the island and those gas pumps embodied within the property itself. The Historic Preservation Board of Review saw this petition at its regular meeting on January 27, 2020 and made a positive recommendation for the rezone with a vote of 7 to 0. The Board requested a

Condition of Approval that when the Type “E” Subdivision is filed to procure an accurate legal description that a Waiver from the Right of Way Dedication requirement be filed, so as to include other significant historic features or aka structures for protective purposes and these mainly would include those gas pumps, the island and the former sign base. The recommended motion by staff is to approve the request for the Historic Preservation Overlay, based on the findings of fact and those facts provided by the petitioner in response to the criteria for local the historic preservation designation and subject to the County Highway and Drainage Engineer reports, with the following condition;

- 1) Submit an accurate, recorded legal description with proposed right of way requirement waiver.

Any questions?

RECOMMENDATION

Approve the request for Historic Preservation Overlay, based on the Findings of Fact and those facts provided by the petitioner in response to the criteria for local historic preservation designation, and subject to the County Highway and Drainage Engineer reports with the following condition:

1. Submit an accurate, recorded legal description with proposed right of way requirement waiver.

This Historic Preservation Overlay designation will preserve historic or architecturally worthy structures that represent distinctive characteristics of construction, one of which is a distinguishable entity that is a historic commercial structure constructed in 1913 and was recognized as Outstanding (O) in the Monroe County Interim Report and Notable (N) in the 2015 IHSSI county survey.

CRITERIA FOR HISTORIC PRESERVATION DESIGNATION as provided by petitioner

To be identified as historic or architecturally worthy, a building, structure or place must possess one or more of the following significant attributes:

1. *an association with events that have made a significant contribution to the broad patterns of County history;*

This building was the epicenter of the Sanders community since 1913. It housed local grocery, sold fuel, gasoline and coal and has been the bus stop for the Monroe County School bus for multiple generations. This building has been a gathering place for the Sanders community through two World Wars, the Korean and Viet Nam wars.

2. *an association with the lives of persons significant in the County's past;*

As above

3. *the distinctive characteristics of a type, period or method of construction;*

The shot gun style structure was built in 1913 with local hand-pitched limestone which

commemorates the limestone industry that surrounds Monroe County.

4. *an example of the work of a master;*

As above – hand-pitched limestone

5. *high artistic values;*

6. *an example of a significant and distinguishable entity whose components may lack individual distinction; or*

7. *capability of yielding information important in prehistory or history.*

FINDINGS OF FACT - REZONE as provided by staff

According to Section 831-3. Standards for Amendments of the Zoning Ordinance: 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:

(F) The Comprehensive Plan;

Findings:

- The Monroe County Comprehensive Plan designates the property as Designated Community (Smithville/Sanders Area);
- The rezone request is to change the zone district for the petition site from Suburban Residential (SR) to Suburban Residential (SR) with the Historic Preservation (HP) Overlay (Primary) District;
- The Historic Preservation Overlay affects the preservation of the current structure, not the preservation of the current zoning or land use of the property;
- The Historic Preservation Overlay designation will not alter the character of the property;
- The Comprehensive Plan includes a strategy to protect existing historically important sites in the County;

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

Findings:

- The petition site is zoned Suburban Residential (SR);
- The site contains one (1) structure, formerly a commercial building that is currently being remodeled to accommodate Single Family Residential use;
- The site is adjacent to residential uses;

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

Findings:

- The Historic Preservation Overlay can assist in preserving a commercial building

built in 1913 contribute to the historic character of the property;

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

Findings:

- Recent studies of historic districts throughout the country demonstrate that local historic district designation and review provisions not only protect an area’s historic character – they often add value to individual properties and to the community as a whole;
- Values may vary significantly dependent upon future planning and zoning in the area;
- Local historic designated properties may be eligible for a Conditional Historic Adaptive Reuse;

(J) Responsible development and growth.

Findings:

- Access to the site will continue to be derived from W State Road 48;
- S Fairfax Road is classified as a Major Collector;
- E Sanders Second Avenue is classified as a Local Road;
- The site does not contain FEMA Floodplain;
- There are no apparent karst features on the site;
- Underground storage tanks were removed from the site in a responsible manner (Exhibit 10);
- The Historic Preservation Overlay affects the preservation of the current structures, not the preservation of the current zoning or land use of the property;
- There is a new septic system to accommodate a two bedroom home (#21956);

The petitioner is working towards an accurate description for the legal description of the lot that would include the new septic system;

QUESTIONS FOR STAFF – 1911-REZ-11 - Fields

Clements: Ok, are there any questions from the Commission on my left? Mr. Guerrettaz?

Guerrettaz: Going back to the prior slide, Tammy. The goal there is to make sure that none of the historically significant features are included in the dedicated right of way, correct?

Behrman: Correct, I think that is the gist of what they would like.

Clements: Are there any other questions on my left? Mr. Stainbrook?

Stainbrook: Just a comment in anticipating our vote, I think it is admirable what Mr. and Mrs. Lucas have accomplished just north of this and with this in mind, this seems to be very fitting and as recommended and approved by the Historic Preservation Board. Mr. and Mrs. Fields have presented a compelling case for me. Thank you.

Clements: Thank you. To my right are there any questions for staff? Ok. Would the petitioner like

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to speak? Mrs. Fields? Thank you.

PETITIONER/PETITIONER’S REPRESENTATIVE – 1911-REZ-11 - Fields

Fields: Hi, I am Kay Fields. My husband, Rudy and I own this building and have restored it and the restoration of it is complete. To groups of people I want to say thank you to first, all of the Sanders people that have put up with all of the construction debacle around that tight area. I am happy to say that that should not be a problem for any of you any loner and to the Planning Department because this has been a windy road that we are on to try to get us to where we want to be. Our goal is to have this be a vacation rental. We have made it through the Historical Preservation Board with their approval as you heard. We felt that this building was very important to the Bloomington, Monroe County community, the Sanders community. When we got in and started restoring the building we took this project on just in time because it was truly about ready to fall in. Structurally it is now sound. Our goal is to make this something sustainable and as a grocery store it would not be sustainable, so that is why we are going to something new which is the short term rental. On a very happy note, I am very happy to say that BRI, which is Bloomington Restorations, which is who we bought this building from, has given us the Outstanding Restoration Award for 2019.

Clements: Congratulations. Thank you.

Fields. I have nothing else unless you have questions.

Clements: Are there any questions for Mrs. Fields from the Plan Commission.? Ok. Thank you Mrs. Fields. I see Danielle Bachant-Bell, would you like to speak on behalf of the petition? Thank you.

SUPPORTORS– 1911-REZ-11 – Fields

Bachant-Bell: Hi. My name is Danielle Bachant-Bell and I am the Chair of the Monroe County Historic Board of Review. Yes, we are very pleased to recommend this for the HP Overlay. As I just learned, particularly this building has been vacant longer than I have been alive and I just turned 50 in October. I don’t mind saying those things, so I think the fact that they have taken this on and are revitalizing not only the building but this little corner of our county, is very important. Yes, our Board is concerned about what we call structures, objects is also often used although not allowed in state labeling legislation but we like to look at what else is on the property that contributes to that property. They don’t look like much, the concrete base to the sign and things like that but they are important. We also had a concern that with the right of way being too close to the building that should there be problems with traffic or something like that that someone could be hitting the building itself, so that was some of our discussion at the meeting. A lot of thoughtful concerns there but we do want to recommend this for this overlay rezone, which we know can be a very beneficial tool for revitalizing these buildings in our county and putting them back into good service and obviously they have been a wonderful job. As Kay mentioned, it was purchased from Bloomington Restorations. BRI has a covenant on this building, so they are overseeing all of the work that they have been doing on this building. This overlay just gives them ability to do the reuse they like to do. Thank you.

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Clements: Thank you. Now, I would like a show of hands with the members here in the room who would either like to speak for or against this petition? 3, ok, again we will adhere to the 3 minute limit. Now if those opposed to the petition to the podium, state your name and sign in. Ok, oh, yes, you are opposed, please come up to the podium, sign in and state your name. I guess I am a little quick.

REMONSTRATORS – 1911-REZ-11 – Fields

Forgas: My name is Robert Forgas. I have lived on East Sanders Second Avenue for 35 years and this is the first time that I have had the opportunity to speak on this project. It is pretty much finished which I don't know a whole lot about how this works but it just seems strange to me that the whole project is done before the neighborhood had any chance for any input on it. My main concern is a safety issue. It involves access to Fairfax Road to East Sanders Second Avenue. That doesn't really, well, it does show it. This is where you access it right here. There is a curb here which is about 9 inches high and when you pull out onto Fairfax and look into this direction you are looking into a curve. You can't see very far into that curve. It is what I would call a border line. It is probably the worst place when the built that road they could have ever put that road. So, there you go. So, in this picture here it does look like you can see pretty far into the curve but you cannot see far into the curve. So, what you have to do is before you stop, sometimes you stop but I will get to that later. Sometimes you stop but what happens is you come to that curve right there and there is a storm drain right there also, you basically have to make a jack rabbit start and do a 90 degree.

Clements: Could you come back to the microphone?

Forgas: I am sorry. You have to make a jack rabbit start and do a 90 degree to get on the road before an approaching car is coming. What we used to do, the building has been unoccupied for many years of course, if the weather was inclement or if you just didn't feel safe coming out there, you would go around there and then you give yourself another 50 to 60 feet away from the curb, a much better place to enter the road. In fact on occasion the county, the snow folks would actually use that to avoid that part there. So, in any case my main concern is we longer will have that option and it is no fault of the owner of the building but we no longer have that option to get a little bit further away from the curb and make the entrance onto Fairfax much favorable. What I often is when in the winter time especially when you are approaching Fairfax, you can look between these 2 houses and see much further into the curb because there is no trees or shrubbery on there and then you can see if there is a car coming or not. Then I will often go in in there and just do one brief look and then make my turn onto Fairfax. The on the thing is because of the curb right there...

Clements: I am sorry, Mr. Sanders, could you please wrap up? Thank you.

Forgas: Oh, ok, well anyway, that is my concern is that we will no longer have access around the building.

Clements: Ok, thank you for speaking and expressing your concern. I appreciate it. Is there anyone else who would like to speak in opposition? Thank you. I will give you an indication when, ok, thank you. Could you please state your name and please sign in? For the record, she found some

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glasses on the podium if you know who might have left them, please, if you know anybody in the audience who was here and might have left their glasses, they will be in lost and found. Thank you.

Forgas: I am Brenda Forgas and I live on East Second Sanders Avenue as well and I think the same issue that my husband was speaking about and I think the thing that you don't see from any of these aerial views is that Fairfax is a very, very curvy road. People do not follow the speed limit. As they have widen the road it is a little bit of a race track out that. I think people are at times literally driving 75 because as he said, you can't see as you are pulling out. You think you have a clear, and again it is about a 90 degree turn, turning in and out of Second Avenue onto Fairfax. It is also, I believe, one of the most dangerous roads in Bloomington, if you actually looked at accident statistics there and it is very icy and it is on an "s" curve. So, we are turning 90 degrees off Fairfax going 45 miles an hour with someone tailgating you from the rear. You cannot see the traffic coming from the other direction. It is a very scary place to turn. I have a very short car too so I can't see like a big truck could. So, you pull out and suddenly someone is right onto of you. People are very aggressive drivers out that. They are often tailgating you honking, flashing their lights and so we did use that upper driveway on the north side of the historical building at times. I don't honestly know what the answer is but I don't feel like it has been part of the discussion at all the traffic patterns around the building. Also Second Avenue is not even 2 lanes wide. It is about a lane and a half, so even if we pass each other on the road, you have to pull off the road for 2 cars to pass. In the scenario when the school bus stops right in front of the building twice a day to left children off and off the bus and so it's now stopping traffic coming both ways making it even more dangerous and if you happen to be trying to turn off of Fairfax onto Sanders coming home and all of the people are stacked up picking up their children from the school bus, because they all sit there in their cars and theirs cars parked around this building, there is going to be a time somebody has no way to get off of Fairfax and there is going to be an accident. I just felt like it also should be part of the discussion before this point. They have done a beautiful job and I do feel like it is a historical area with the great interesting history about the stone cutters. But it is kind of terrifying quite frankly.

Clements: Thank you very much for informing us of your concerns. Is there anyone else here who would like to speak in opposition to this project? Anyone who would like to speak in favor of this project? Ok, I turn now to our colleagues on the Plan Commission to hear any questions, concerns or a comment on the proposal. To my left? Is there anyone? To my right? Yes, Mr. Enright-Randolph.

ADDITIONAL QUESTIONS FOR STAFF - 1911-REZ-11 – Fields

Enright-Randolph: Mine is just a brief statement. Someone that was thinking a little more than I was on the last case had pointed out that I had made a comment that I would to kind of retract. I wasn't saying I was going to vote no on every rezone, just when I feel like it is a major shift and it is a major rezone and we are coming up to look at the CDO, I just will more frequently vote those down or recuse myself. But the fact is all of our items today are rezones and I feel like if really seems like a good fit for the county I am going to be subjective, definitely when it's not just a favorable recommendation or unfavorable.

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Clements: Thank you. Mr. McKim?

McKim: I guess I just wanted to hear if Highway had any comments about the road concerns at Second Street and Sanders.

Ridge: We have taken different measures specifically in this area. In the Sanders area I know we have installed rumble strips. We have increased the signage over the last year. We have installed delineators and we do show a decrease in crashes in this area. About the high rate of speed the whole road is posted with a speed limit that's warranted. It is an enforcement issue. That is something that we can't address. But we have taken every measure especially in the Sanders area of trying to slow the traffic down, but we don't have an increase in crashes in that area.

Clements: Commissioner Thomas had a question as well.

Thomas: Sorry, I was actually going to ask the same question because I didn't know if there was anything that could be done to assist. But also I do want to thank the petitioner and the Historic Preservation Board for all of their hard work and BRI, of course. I am just excited that this is going to remain a monument to our history and we appreciate all of the hard work that has gone in to make this happen. So, I just want to thank everyone for their hard work on this.

Clements: I am sorry, you may come back and make a brief comment.

Forgas: I am sorry, if I used my 3 minutes already. Are we still allowed to drive on the north side of the building? I mean is that now private?

Clements: I think it was private. I think you were probably, was that not private? Yes, so you were always using it incorrectly. I do that all the time. I find myself increasingly driving through parking lots because of the way our roads are designed.

Thompson: Where is the parking for this building?

Behrman: They haven't submitted like a site plan just yet for it but the petitioner did you want to come up and point to where, I am going to pull up that site plan.

Fields: Do you want to do it on this one or the aerial view?

Behrman: This one has I think it is kind of to scale.

Fields: Currently, what the Highway Department is wanting us to do, this is Second Street, and this is Fairfax. This lower lot on the west side of the building you can actually drive onto Second Street and get onto Fairfax. The Highway Department has already encouraged us to close that end of that parking area off, this section here. So, you can't get to Second Street from here. This driveway permit will remain because it is the access to Mr. Willdonor, I believe is how you say his last name, home behind us and then parking for this area will be in this area. That is the plan currently.

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Clements: Mr. Stainbrook had one has question.

Stainbrook: Just to add to Mrs. McGruder-Ridge's comment, perhaps needlessly, Lisa. But as far as doing things to mitigate the risk along there and I have travelled Fairfax Road a good number of times, Paul has put up a number of chevrons that I think are negotiating this curves that people have eluded to. So, thank you, Lisa.

Clements: Ok, I will entertain a motion.

FURTHER QUESTIONS FOR STAFF - 1911-REZ-11 - Fields

McKim: In case number 1911-REZ-11, Fields Historic Preservation Overlay Rezone, I move that we approve the request for Historic Preservation Overlay, based on the findings of fact and those facts provided by the petitioner in response to the criteria for local historic preservation designation and subject to the County Highway and Drainage Engineer reports with the following condition;

- 1) Submit an accurate reordered legal description with proposed right of way requirement waiver.**

And, let's see is there a final hearing issue here? And **Waiver of Final Hearing.**

Pittsford: **Second.**

Clements: Mr. Wilson, call the roll.

Wilson: The vote is on petition 1911-REZ-11, Fields Historic Preservation Rezone. Again, a vote in favor is a vote to approve a positive recommendation to the Monroe County Commissioners regarding the Historic Preservation Overlay Rezone approval based on the findings including County Highway Engineer reports with the condition on right of way and waiver of second hearing. Again, a yes vote is a vote to send a favorable recommendation to the Monroe Commissioners. Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

DRAFT

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: David Warren?

Warren: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: The resolution is approved by a 9 to 0 vote to send a favorable recommendation to the Monroe County Commissioners. Again, it is usually 2 to 3 weeks before it is on the Commissioners agenda. If you want to be notified of when that goes to the Commissioner's Office, please contact the Monroe County Planning Department and we will put you on the list to receive a notification for when it is set for a hearing by the Commissioners.

The motion in case 1911-REZ-11, Fields Historic Preservation (HP) Overlay Rezone, Preliminary Hearing, Waiver of Final Hearing Requested, to a positive recommendation to the Monroe County Commissioners, carried unanimously (9-0).

NEW BUSINESS

2. 1912-REZ-12 Crowe Rezone from Limited Industrial (IL) to Estate Residential (ER). Preliminary Hearing. Waiver of Final Hearing Requested.
One (1) 1.52 +/- acre parcel in Section 25 of Richland Township at 1820 N Pioneer LN. **Zoned IL.**

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Payne: This is a rezone request to change the current zoning from Limited Industrial to Estate Residential in order to expand a pre-existing nonconforming residential use. The petition site is located at 1820 North Pioneer Lane in Richland Township and totals 1.52 acres. The site is currently zoned Limited Industrial. Surrounding zoning includes PUD to the north and the south, Limited Industrial to the west, and Este Residential to the east. The property was originally in the City of Bloomington planning jurisdiction but when the County adopted Chapter 833 into our ordinance, we inherited the City’s zoning for this site and continued to administer it as Limited Industrial. The site is located within the MCUA Employment designated area of the Comprehensive Plan. The property is access through North Pioneer Lane which actually dead ends just to the south of the petitioner’s property and the parcel does contain one single family residential structure, which was built in 1982 and for the last 38 years the petitioner’s use has been residential. The site has less than 15 percent slope. It is not located in FEMA Floodplain and there are no karst features on the property. Here we have some site photos. In the top left we are looking, you are in the back yard looking north. The bottom right is the back yard looking east. The top left photo is an aerial shot showing surrounding properties and then the bottom right is in front of the lot looking north on Pioneer Lane. Top left standing in the back yard looking south and then the bottom right is the back yard looking northwest. These site photos are useful in that they kind of illustrate the existing characteristic or characteristics at the site and here this one is looking west from the front yard. Here we have the statement from the petitioner. They state they intend to reside on the property for the foreseeable future and their goal is to construct an accessory building to be used as a workshop or hobby area in their retirement years. Included in your packet is the site plan and staff recommends approval of the request based on findings of fact, subject to the County Highway and Drainage Engineer reports. Are there any questions?

RECOMMENDATION

Staff recommends **approval** based on the Findings of Fact subject to the County Highway and Drainage Engineer reports.

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:

(K) The Comprehensive Plan;

Findings:

- The Comprehensive Plan designates the petition site as MCUA Employment;
- The rezone request is to change the zone for the petition site from Limited Industrial

(IL) to Estate Residential (ER);

- The current use of the site is residential;
- The current intensity of the use of the site is low;
- The adjoining and surrounding uses are primarily residential or light industrial;
- The petition site contains one structure: a one-story single-family residence;
- The petitioner wants to construct an accessory building to be used as a workshop and hobby area;
- The proposed accessory building would comply with all other height, bulk, density requirements for the ER zoning district;

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

Findings:

- See Findings under Section A;
- The petition site is an unplatted 1.52 +/- acre parcel;
- The rezone request is to change the zoning for the entirety of the site to Estate Residential (ER) which is described by the County's Zoning Ordinance, Chapter 802, as follows:

The character of the Estate Residential (ER) District is defined as that which is primarily intended for low density, single family residential development on relatively flat land in areas that have some, but not full, public services, generally along or near major County roads or state highways. Its purposes are to permit limited single family residential development on large lots, to discourage the development of sanitary sewer systems except for existing development, to discourage the development of residential subdivisions and non-farm nonresidential uses, to protect environmentally sensitive areas, such as floodplain, karst, and steep slopes and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the ER District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the low-density residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.

- The petition site is zoned Limited Industrial (IL). Petitioner use of the property has always been residential;
- The petition site maintains frontage along N Pioneer Rd, which is classified as a Local Road;
- The site is less than 15% slope (see Slope Map);
- The petition site is not located in FEMA Floodplain;
- There are no known karst areas;

(M) 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 include Planned Unit Development (PUD), Estate

Residential 1 (RE1) and Limited Industrial (IL);

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

Findings:

- Property value tends to be subjective;
- The ER zoning designation would be consistent with existing activity on the property and does not seem to indicate a negative impact on property values in the area;
- The effect of the approval of the rezone on property values is difficult to determine;

(O) Responsible development and growth.

Findings:

- See Findings under Section A, Section B, and Section C;
- According to the Monroe County Thoroughfare Plan, N Pioneer Ln is classified as a Local Rd;
- Driveway access is directly on to N Pioneer Ln;

There is a septic on site that is out of the FEMA floodplain.

QUESTIONS FOR STAFF – 1912-REZ-12 – Crowe

Clements: Thank you, Ms. Payne. Are there any questions for staff to my left? To my right? No. Seeing none. Would the petitioner or the petitioner’s representative like to speak on behalf of this case? Mr. Carmin?

PETITIONER/PETITIONER’S REPRESENTATIVE – 1912-REZ-12 - Crowe

Carmin: My name is Mike Carmin and I am representing the petitioners, Joe and Vicky Crowe, who are here as well. I only have a couple comments. It is unfortunate that it has to be called a nonconforming use because it didn’t start out that way. They didn’t do anything. The City changed the zone on them after they were already in place, started out with a mobile home, later build the home that is there now. They could continue to do what they are doing and wouldn’t have to have anything but he can’t make changes to the property. So to put up the accessory building where he is approaching retirement now and he wants to put his hobby building in there and he has no choice. So the rezoning is to allow that and it is an unfortunate requirement but it’s what happened to the property not something that was done to it. So we would ask for support.

Clement: Thank you. Is there anybody else who would like to speak on behalf of the petition? Seeing none. Is there anyone who would like to speak in opposition to the petition? Seeing none. I will move to discussion among the Plan Commission members if there is any to my left? Yes, Mr. Pittsford?

SUPPORTORS– 1912-REZ-12 – Crowe: None

REMONSTRATORS – 1912-REZ-12 – Crowe: None

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ADDITIONAL QUESTIONS FOR STAFF - 1912-REZ-12 – Crowe

Pittsford: I mentioned at the Administrative Meeting, this property is at the end of a residential road. It was never, ever, ever in a million years going to become Light Industrial. If the road to hell is paved with good intentions, this rezone just put one more block in that road or brick, so it's paved a little bit farther down the road. It was never intended for this and I agree with Mr. Carmin. I think it is a shame when residents have to petition to change the zoning on property to be able to do what they should have had the right to do all along. So, I hope in the future as we go through and do rezone we will much more careful and much more sensitive to what exist there before slapping a color on the map and saying this is what it is supposed to be. Thank you.

Clement: Thank you. To my right are there any further comments or discussion? Seeing none. I will entertain a motion.

FURTHER QUESTIONS FOR STAFF - 1912-REZ-12 – Crowe

McKim: **In the case of 1912-REZ-12, Crowe Rezone, I move that we forward a favorable recommendation to the Board of Commissioners, based on findings of fact, subject to the Monroe County Highway and Drainage Engineer reports.**

Enright-Randolph: **Second.**

Clements: Would you like to suggest, for instance, the **Waiver of Final Hearing?**

McKim: Sorry and **Waive the Final Hearing.**

Enright-Randolph: **Second.**

McKim: Thank you.

Clement: Thank you. Mr. Wilson, will you please call the roll?

Wilson: Ok, the vote is on petition 1912-REZ-12, Crowe request for a zoning map amendment to amend the property located at 1820 North Pioneer Lane, a 1.52 acre tract, from IL to Estate Residential, ER. A vote to approve is a vote to send a favorable recommendation to the Monroe County Commissioners on the zoning map amendment, based upon the findings and with the waiver of a final hearing. Again, a vote in favor is a vote to send a favorable recommendation. Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Jerry Pittsford?

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Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: David Warren?

Warren: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: The resolution is approved by 9 to 0. Again, this will go to the Monroe County Commissioners probably in 2 to 3 weeks. Contact the Planning Department office if you would like to know when the hearing date is.

The motion in case 1912-REZ-12, Crowe Rezone from Limited Industrial (IL) to Estate Residential (ER), Preliminary Hearing, Waiver of Final Hearing Requested, to a positive recommendation to the Monroe County Commissioners, carried unanimously (9-0).

McKim: I apologize fellow Plan Commission members I have to pick up my daughter across the county, so I have to take off early.

NEW BUSINESS

- 3. 1912-REZ-13 Baywood LLC Phase 4 Rezone from Estate Residential 1 (RE1) to High Density Residential (HR). Preliminary Hearing. Waiver of Final Hearing Requested.**
One (1) 5.75+/- acre parcel in Section 20 or Perry Township at 848 W That RD. **Zoned RE1.**

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Creceilius: Thank you very much. The petition site is located in Perry Township at 848 West That Road. It is currently unplatted. It is 5.75 acres. The current zoning is Estate Residential 1, (RE1), former City of Bloomington zoning district and adjacent parcels are mainly zoned RE1, with parcels to the north zoned for the Clear Creek Estates Planned Unit Development. A list of uses permitted within the RE1 and the requested HR zones can be found in Exhibits 3 and 4 of your packet. So, a summary; the petitioner is requesting a rezone to High Density Residential in order to continue the expansion of the paired townhomes of the Baywood Neighborhood at Clear Creek Estates. The Clear Creek Estates Neighborhood has been developed in 6 phases as a part of a Planned Unit Development to the north, approved by the City of Bloomington in 1985. The image on the screen illustrates the 6 phases and where the current phase, Baywood Phase 4 circled in black. In order to continue with the same style of paired townhomes at the Baywood Neighborhood, a 0 foot side setback and a narrow lot width would be required. The RE1 zoning allows a minimum side setback of structures at 30' feet and the minimum lot width is 200' feet. The petitioner's representative states that the HR zone was chosen because it has a minimum lot width of 50' feet and that is the closest based on the overall average lot width the past Clear Creek Estate phases that are pictured above. As you can see Phase 4 is expected to be a little bit smaller because of the 50' foot minimum lot width in addition to the option of a 0' foot side setback that can be designated with platted in a Preliminary Plat of the HR zone. The site has access to sewer and water along with maintaining approximately 360' feet of road frontage along West That. In addition there is a platted road connection currently stubbed from the north on West Baywood Drive. The site has planned access points from Baywood Drive and West That Road, which are both classified as local roads according to the Thoroughfare Plan. The proposed development will include sidewalks and will have connectivity to the Clear Creek Trails through the Clear Creek Neighborhood. The parcels contain approximately 3 acres of buildable area. 2 sinkholes were identified on the site that were previously undetected by the prior surveying company. The proposed paired townhomes with narrow lot widths would enable a more clustered housing design to be able to avoid the environmentally sensitive sinkholes on this parcel. The Monroe County Urbanizing Area Phase 1 designates the petition site as Mixed Residential. Within the Mixed Residential description it states that these kinds of neighborhoods are intended to serve growing market demand for new housing choices among the full spectrum of demographic groups, that residential buildings should be compatible in height and in overall scale but would vary in architectural character. MUA Phase 2 identifies this area as an Urban Infill Neighborhood in the Neighborhood Districts. The transportation section of the Comprehensive Plan states that cul-de-sacs and dead ends would not be appropriate within this development type. The photo on the top left of the screen is looking north toward the Clear Creek Estate PUD that is existing. The bottom right photo is looking to the northeast. These are some photos of the current, existing Baywood

homes. The bottom right photo is looking at the cul-de-sac that would be connected to the proposed development. If the rezone request is approved by the County Commissioners, the next step for the development of this site would be to file a Major Subdivision Preliminary Plat petition, in addition to a Preliminary Plat Amendment to the previous Clear Creek phase to the north in order to update and adjust the location of the road stub to accommodate those sinkholes found on the site. The Major Subdivision Preliminary Plat would include putting both of those sinkholes in a Sinkhole Conservancy Area. At the last Administrative Meeting it was informally requested that an analysis of the location and distribution of the HR, MR and UR zones were provided by staff and that is also within this report as Exhibit 6. Addition questions regarding the conceptual drawing above can be addressed at the time the Major Subdivision Preliminary Plat. Highway has previously commented on this at PRC. Stormwater states that the site generally slopes west to east with an apparent sinkhole in the northeast corner and that if rezoned Stormwater will be monitoring the management of the sinkhole areas and the point of stormwater discharge from the site in the southeast corner. The Highway Engineers at that time had no comment. Staff recommends approval of the rezone request based on the findings of fact and subject to Highway and Drainage reports. Approval of the rezone is a favorable recommendation and the petitioners are also requesting a waiver of the final Plan Commission hearing. Does anybody have any questions?

RECOMMENDATION

Staff recommends **approval** based on the Findings of Fact and subject to Highway and Drainage reports.

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:

(P) The Comprehensive Plan;

Findings:

- Monroe County Urbanizing Area (MCUA) Phase 1 Plan designates the petition site as Mixed Residential and MCUA Phase 2 designates it as N1 Urban Infill Neighborhood;
- Mixed Residential description states “These neighborhoods are intended to serve growing market demand for new housing choices among the full spectrum of demographic groups. Residential buildings should be compatible in height and overall scale, but with varied architectural character”;
- The transportation section of the Comprehensive Plan states that “cul-de-sacs and dead-ends are not appropriate for this development type”;
- The rezone request is to change the zoning for the entirety of the parcel from Estate Residential 1 (RE1) to High Density Residential (HR);

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

Findings:

- See Findings under Section A;
- The petitioner purchased the property in January of 2019;

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- The site has planned access points from W Baywood Drive and W That road, both classified as Local Roads [50'] according to the Thoroughfare Plan;
- The parcels contains approximately 3+/- acres of Buildable area;
- The site has access to sewer and water;
- The site contains two Sinkhole Conservancy Areas;
- The petition site is not located in FEMA Floodplain;

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

Findings:

- See Findings (A) and (B);
- Adjacent parcels are mainly zoned Estate Residential 1 (RE1), with parcels to the north zoned Planned Unit Development Clear Creek Estates (PUD);

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

Findings:

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

(T) Responsible development and growth.

Findings:

- See Findings (A), (B), (C), and (D);

The proposed development will include sidewalks and will have connectivity to the Clear Creek trail;

QUESTIONS FOR STAFF – 1912-REZ-13 – Baywood

Clements: To my left, does anyone have any questions for staff? To my right? Commissioner Thomas?

Thomas: So, can you tell us what the density is in the PUD of the existing Baywood? No, the PUD that exists to the north.

Creceilius: To the north.

Thomas: Because we are looking at making this HR which is 1.4, so.

Creceilius: The density of the proposed subdivision is consistent with the Baywood phase and the Baywood phase of the Clear Creek Estates is the same style of the paired townhomes. Really the only difference in the expansion is that from what they have kind of sketched out now, a preliminary concept, is that they expect some of the lot lines to be, the minimum width might be narrow. But it was still have to accommodate the HR minimum requirement which is 50' feet.

Thomas: When was this sinkhole issue discovered?

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Creceilius: It was previous surveyed but they were not identified, so when the current petitioners started drawing the site concept they identified both of them.

Thomas: So, do you know approximately when the last survey was?

Creceilius: No.

Thomas: Ok, so I will wait and ask the petitioner that because that seems to me a little bit dangerous if something, if you are seeing sinkholes where none were seen before, that is a little worrying. Alright, thank you.

Clements: Ok, would the petitioner or the petitioner's representative like to speak? Thank you.

PETITIONER/PETITIONER'S REPRESENTATIVE – 1912-REZ-13 – Baywood

Knoke: Hello, Kendall Knoke with Smith Brehob and Associates and I am representing Kevin Spicer of Baywood, LLC. Regarding the survey I would just like to speak on that. We surveyed the property last year. That was the first time that we have surveyed the property or our client has surveyed the property, so if there was a previous survey done I have not knowledge of that. But what we discovered is that the existing road stub basically dead ends into a sinkhole. Now, the survey that they would have done for this last phase of Baywood would not have surveyed the neighbor's property and it did not show up on the GIS records, they probably just didn't know about it. Were there any other questions that I needed to address?

Clements: I have none of Mr. Knoke. Mr. Pittsford?

Pittsford: I just have one. I cannot tell on the design map how the, right there, the detached home to the north, how are they driving access to that, I mean where is the drive access to that?

Knoke: I have tweaked this a little bit. The idea was to go to the west of the 38' foot double unit that is shown on the north end, however we got back the plot plan for those 2 other units and it's not going to work.

Pittsford: I don't see that working.

Knoke: That unit is probably gone. This was a rough concept that we are still working on.

Pittsford: Well, quite honestly given the sinkhole area there I am much more disposed to approve this plan with that unit gone and I am a little dubious about the second unit just to the south of. It seems awfully close to the sinkhole.

Knoke: Number 17?

Pittsford: Right. I am wondering how you are going derive access.

Creceilius: If I am interject, it will go through a Major Subdivision Preliminary Plat of which we

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will see this again, in addition to the Preliminary Plat Amendment where we will be analyzing that sinkhole area pretty closely.

Pittsford: Right and we might save him a little time and effort if we identify right now what is not looking too good. That was my only intent there.

Knoke: Can I make one more comment? The lot sizes, so the lot sizes in this are actually going to be a little bit bigger than the last phase and fairly consistent with the previous phases. The lots themselves are pretty small. There is a lot of open space in all of the phases which would continue on this because there is an overhead utility pole easement there and then we have the sinkhole and stormwater on the other side.

Clements: I have one question and it is a perennial question. Are Homeowners Association fees going to be responsible for drainage?

Knoke: Yes, unfortunately there is no other way that I know of to do.

Clements: Ok, are there any other questions for Mr. Knoke? Ok, thank you so much. Is there anyone else here who would like to speak on behalf of the petition, if favor of it, in other words? Anyone here to speak in opposition to the petition? Please come to the podium, state your name and sign in or vice versa?

SUPPORTORS – 1912-REZ-13 – Baywood: None

REMONSTRATORS – 1912-REZ-13 - Baywood

Lohrmann: Hi, I am David Lohrmann. I am a resident in Baywood Homeowners Association. I am not opposed to the extension. Our concern is the road going out to That Road. The extension we know that, we knew that this was going to be built eventually, so we are really not opposed to that. But we are concerned that the road coming out, the street being extended, Baywood being extended out to That Road, will end up being a through street and people will take that from That Road to Rogers or take it and then turn into the subdivisions to the north. We were wondering if there was any way to make that a cul-de-sac and not extend it out to That Road so they could still do the development but not have the through traffic through there. There isn't much traffic out there now but still. Baywood Drive starts at Rogers, you know, it is always ripped up with whatever traffic is there already and the county comes and puts patches down but the road is already detreating from the traffic that is coming in from Rogers into the subdivisions and so on to the north. We don't oppose the subdivision. There may be really good reasons for having a through road but if it all possible we would rather not have a through road and/or some kind of traffic calming mechanisms because we could really see that becoming a way for people to access and bypass going down to the corner of That and Rogers. Thank you.

Clements: Thank you Mr. Lohrmann. Is there anyone here who would like to speak in opposition to the petition? Ok, seeing none. I turn back to our colleagues on the Plan Commission for further discussion or questions for staff, etcetera. To my left, is there anyone? Mr. Guerrettaz?

DRAFT

ADDITIONAL QUESTIONS FOR STAFF - 1912-REZ-13 - Baywood

Guerrettaz: Just a comment on the connectivity there. I think that one of the things that Ms. Crecelius brought up at the Administrative Meeting was that connection down to That Road will potentially add a way if the That Road and Rogers Street intersection does have some flooding that it will allow a way to get through there and get away and allow traffic to continue through there.

Crecelius: That was one of the, I think possibly a public comment about flooding, maybe it was Plan Commission, but yes that was brought up.

Guerrettaz: The unit that, not getting too far in the weeds here but the unit that Jerry was talking about, not the one on the phase to the north but the one on the phase we are looking at, Mr. Knoke, which way does the drainage go from that unit?

Knoke: Drainage goes from west to east, so yes, there is potential that part of that lot would drain into the sinkhole.

Guerrettaz: Thank you.

Wilson: One additional comment in regard to the access to That Road, I am not sure, I don't believe we could approve a subdivision or this lot without access to That Road. Secondly, yes, there might be some people turning off of That Road onto the property to get over to Rogers but also there will be people not going through the subdivision because they have an access to That Road without having to go all the way around to Rogers to get out of the subdivision. So, the traffic has a tendency to spread out based upon the available route and so the planning default is wherever we can provide access we do it. Because it helps traffic and it is a magical process where people know the best way to get from one place to the other and it works out. IF you provide the access it will work out. If you don't you have got to basically adding another, I don't know, another quarter mile of dead end road, which we don't want to do. That is not on the table tonight. This is a request to amend the zoning map. It will come up in the subdivision portion should the zoning amendment be approve but I will tell you staff's position is we want to see 2 ways of access from any subdivision.

Clements: Ok, Commissioner Thomas?

Thomas: So, I have real concerns about the sinkholes again. It is really troubling to me, not just for access but for what is going to happen next. I just don't feel comfortable putting a high density in this small space. This is not a large lot. The other thing that is concerning to me is when you drive down That Road it has a very different look than what is going in here. It has a very different feel. It feels very rural. It looks very rural. It is very rural. This is a massive change even just putting this small lot and changing the density so greatly. I think is a pretty significant change to the feel of that area. I think we need to think about that as well. Now, on the other hand I like the fact that it is close to the trail. I like the fact that it connects with the existing subdivision. That all makes sense to me. As for traffic there is no much that we can do, obviously. But those sinkholes are really concerning to me. I just feel like I would want to know more and I don't know even what to ask, so maybe Mr. Enright-Randolph could help me. What else do I want to know?

DRAFT

Enright-Randolph: I was curious because there were comments from our MS4 Coordinator about sinkholes and design review, stormwater drainage outfalls to the east side of the property. It seems like you have some idea of what is going on over there and could you speak on that any further?

Clements: Yes, Mr. Quillman, please come up.

Enright-Randolph: The proximity to Clear Creek is pretty significant. These sinkholes being identified, I don't like the fact that there was a previous survey where they weren't identified and now they are. But maybe that is just kudos to the developers on this end today.

Quillman: My name is Terry Quillman. I am an MS4 Coordinator. What I picked up on the job in looking at it just preliminary for the rezone was I saw I picked up this sinkhole. I did not see that one, so I overlooked it. It wasn't showing on the GIS mapping. My major, not even major concern, with all of the site going this way it is now when you look at the adjoining property you can see that it is shallow, you could almost classify it as sheet flow. I don't want them to come in here and put a detention basin and start that into a channel flow and start eroding. So, I am going to be looking at that closely, probably make them detain a little bit more than what the code calls just to make sure that I am comfortable with that. Seeing this now I want to get out and be able to give a little more input on that. It is not a real concern, it is just something that I am watching.

Clements: Thank you Mr. Quillman. Does anyone else have any comments or considerations? I would like to just express something partially it's I am afraid of what I don't know and also the risk that the community members who are in need of affordable housing to be possibly placed at risk where should the unthinkable happen the devastation would be felt more greatly by them. So, I feel hesitations about it especially with what I feel is instability. I don't think it is maybe the best idea to build on karst property. I think that there is quite a bit of literature on that. I think there is quite a bit of literature on building on it to. But that being said, I think we should entertain a motion.

Crecelius: May I comment, one more?

Clements: Yes, Ms. Crecelius?

Crecelius: At the Administrative Meeting I had brought up that because sinkholes were brought up as a possible issue in the past for maybe grading permits or enforcement, if we are concerned about karst and sinkholes we requested a geotechnical report that inspects...

Thomas: My request is from my colleagues on this Board is that we go ahead and ask for additional information and hear this at a second hearing, just to be sure.

Pittsford: I don't have any problem with that. I am going to make a motion and I have no problem removing from the language the request for waiver of final hearing.

Thomas: We don't need a motion then, right?

Pittsford: Ok, then just automatically comes, ok. So, we will just, I thought we would want a motion so that we could dispense with it.

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Enright-Randolph: What about the request for additional information?

Thomas: I think we just need to be specific about what information that we want.

Pittsford: How about a motion for denial of Waiver of Final Hearing and that formally put it back on. Because if we don't have a motion we haven't technically disposed of it. Am I correct?

Clements: That's right.

Pittsford: I don't want to put too fine of a point on things.

Clements: It is continued, I believe until the next hearing.

Pittsford: Ok, well, I think it is good to just put a motion on it. I think what we are setting up is a lot of work for a final plat. I don't think you are really hearing the total rejection of ideas, but anyway.

FURTHER QUESTIONS FOR STAFF - 1912-REZ-13 – Baywood

Pittsford: **In case number 1912-REZ-13, I move that we deny the request for Waiver of Final Hearing, in which case the petition would be heard again in the March meeting of the Plan Commission,** formal meeting and not the administrative meeting.

Clements: Thank you, Mr. Pittsford.

Enright-Randolph: Wait. You don't want it to do to the admin? They usually go to the admin and the formal and we hear it twice.

Pittsford: I just mean that the vote wouldn't be taken at the admin.

Enright-Randolph: Oh, ok. I just wanted to clarify that.

Pittsford: That would not be considered the final hearing at that point.

Clements: And **Mr. Stainbrook seconded.**

Thomas: A question before we vote on this is what information do we want to ask the petitioner for? I think we need to be fair to the petitioner and be very clear on what information it is that we are seeking.

Enright-Randolph: I think if we allow Terry to give it a look and then maybe provide us some feedback to have more subjective requests for information. Outside of that I really wouldn't know what to ask for.

Thomas: If Terry can take a look at it before the Administrative Meeting then we can talk about it there and if we have other needs then we can address it then. Is that a plan?

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Pittsford: Yes, I agree with that and I think after the collaboration with Terry then they should also look at submitting a new proposed or theoretical plat. Because I think what we are looking at here will be invalidated after that consultation.

Crececius: If I may, Terry, can you confirm whether or not you would have the qualifications to research the stability of the sinkholes?

Quillman: I am going to turn it around, I am going ask Kendall to put together package that I will review. I am not going to go out there.

Pittsford: Yeah, that is fine. I said it would be a collaboration.

Clements: Can we at least have a voice vote on this one? Mr. Wilson, would you please restate the motion and then we will just take a aye or nay?

Wilson: The petition on 1912-REZ-13, Baywood petition to amend the zoning map and the motion is a motion to deny waiver of the final hearing, which has the effect of taking it to the March meeting of the Plan Commission for a final hearing at that time. Again, a vote in favor is a vote to deny waiver of the final hearing. Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: David Warren?

Warren: I just don't know enough about the issue, I am going to abstain. I guess, I had a question. What is it again that we are asking for?

Wilson: Basically, there are 2 public hearings required for any petition before the Plan Commission. However, a petitioner can request a waiver of the second hearing and it can be approved at 1 meeting. In this case, Mr. Pittsford move to deny the petition for waiver, which means it automatically goes to the next meeting.

Warren: The question though was what information are we going to hear then?

DRAFT

Wilson: I think we are talking about a

Clements: It is more information, more information.

Wilson: A report of kind from someone who know something about sinkholes that will be sufficient to alleviate the concerns expressed by the Plan Commission and satisfy the stringent conditions of the Stormwater Department.

Clements: Exactly.

Warrant: Ok, I just wanted to be clear.

Clements: Mr. Guerrettaz?

Guerrettaz: I hate to do this but I think we need to understand from Mr. Knoke. Do you understand what the Plan Commission is putting together here? Because you need to come back prepared for questions relative to these karst features and the drainage are the two points that I am seeing that the Plan Commission is having the biggest question about. Is that a fair statement?

Clements: Yes.

Knoke: Yes, I understand that.

Guerrettaz: Ok, great.

Clements: Ok, to continue, Mr. Warren would you like to abstain still?

Warren: I will vote yes.

Clements: Ok. Please continue, Mr. Wilson.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: The motion to deny the waiver carries 8 to 0. It will come back to the March regular meeting of the Plan Commission.

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The motion in case 1912-REZ-13, Baywood LLC Phase 4 Rezone from Estate Residential 1 (RE1) to High Density Residential (HR), Preliminary Hearing, Waiver of Final Hearing Requested, deny the request for Waiver of Final Hearing and bring this petition back to the March regular meeting of the Plan Commission, carried unanimously (8-0).

NEW BUSINESS

4. 1912-REZ-14 Schopp Rezone from Suburban Residential (SR) to Agriculture/Rural Residential (AG/RR). Preliminary Hearing. Waiver of Final Hearing Requested.

Three (3) 10.16 +/- acre parcels in Section 21 of Clear Creek Township at 9435, 9443, 9447 S Strain Ridge RD. **Zoned SR & ECO1.**

BOARD ACTION: Clements introduced petition.

STAFF ACTION:

Behrman: This property is 3 separate lots of record. They were just recently platted under the Schopp Type "E" Subdivision. These are located at 9435, 9443, and 9447 South Strain Ridge. That is in Clear Creek Township, Section 27 and very much adjacent to Lake Monroe. Currently the zoning is a mix between Suburban Residential and Agriculture/Rural Residential. There was recently a petition or an Administrative Subdivision to shift the lot lines, which brought all of these lots into at least 2 and half acre lot sizes, which allows this proposed rezone to rezone to Agriculture/Rural Residential as kind of a smooth transition. This is in the ECO Area 1 and that does have slope restrictions of 12 percent. The Comprehensive Plan has this as Rural Residential and these are the current site conditions. We do show slopes that are greater than 12 percent in red and the structures I highlighted with a green circle, those are the residences for each of the lots on the 3 different lots there. Some of those are completely within the restricted slopes, some are partially and some are out of it. When staff did a site visit it was noted that we did have some recent tree cutting on the site. I tried to demark where I saw some of those stumps from recent removal of vegetation which is restricted, prohibited activity on these restricted slopes next to the lake. The site photos, the one on the left is the 2 driveways that are accessed via an easement. The right hand picture is of the norther most lot and you can see the house kind of up that steep slope there. The left picture is the middle house that is of the 3 lots and the bottom picture is the southernmost lot and where that house stands. These are a few pictures of some of the vegetation removal that was witnesses and this was during kind of a snow/ice storm so staff did a very brief inspection during that ice/rain storm. I think there needs to be a more comprehensive review of the property to see what trees and vegetation were removed. The upper picture is the middle site which had the most tree removal that was witness and this is the view that you see of the lake here. I do believe that some of that view is grandfathered. It was done prior to 1997, looking back at historical photos some of this is not recent. It is old. But there is some recent removal that needs to be addressed. This is the upper picture of the driveway and the lower picture is an aerial view showing the proximity of Lake Monroe and fields that are to the west. One more aerial shot there of the 3 lots. This is the petitioner's letter where they are outlining that they would like to rezone to the Agriculture/Rural Reserve zone, which requires a 2 and half acre lot size that they achieved through their lot line shift recently. The purpose is that they would eventually like to do the short term rental, also known as a tourist home with these homes and when they were doing those lot line shifts they took into account to make sure that they were going to meet those new, nonresidential setback requirements for those houses that are there. So, they would meet the 50' setback should they choose to ask for this Tourist Home Permit and go through that site plan review process. This is the site plan that they provided, which was the updated recorded plat for that Type "E" Subdivision. There was a request at the Admin session to show what the approved uses were in each of the zones and so this is basically the Agriculture/Rural Reserve zone compared to Suburban Residential zone and showing what is permitted. Hopefully you had a chance to look at Exhibit 3 because it is kind of hard to see here but Suburban Residential is very much residential and Agriculture/Rural Reserve does have more Ag type uses and does also include that tourist home use which is what they are seeking to do on some of these lots. The Highway Department

did not really have any comments here. They recently dedicated the 45' right of way during that Type "E" Subdivision and Stormwater comments were that they were not going to review it unless there is some construction proposed, which there is none at this time. The recommended motion, staff recommends approval based on findings of fact, subject to the County Highway and Drainage Engineer reports with the following condition;

- 1) Hire a Certified Arborist to assess the missing trees from the petition site and work with planning staff to create a plan for replacing trees on slopes greater than 12 percent.

RECOMMENDATION

Staff recommends **approval** based on the Findings of Fact subject to the county highway and drainage engineer reports with the following condition:

1. Hire a Certified Arborist to assess the missing trees from the petition site and work with Planning Staff to create a plan for replacing trees on slopes greater than twelve percent.

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:

(U) The Comprehensive Plan;

Findings:

- The Comprehensive Plan designates the petition site as Rural Residential;
- The Comprehensive Plan states, "The Rural Residential use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable;"
- The Suburban Residential Zone allows for one acre lot size and the Agriculture Rural Residential (AG/RR) zone requires 2.5 acre lot size;
- The petition site is in the Environmental Constraints Overlay Area 1 (ECO1);
- Slopes greater than twelve percent are protected under Chapter 825 from vegetation removal and slope disturbance;
- The petition site is adjacent to Lake Monroe and maintains property boundaries with the US Army Corps of Engineers;
- The petition site consists of three lots each greater than 2.5 acres in size;

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

Findings:

- The each of the three lots on the petition site are currently used a single family residential;
- The three residences were built between around 1970, 1978 and 1997;
- The rezone is desired to allow for uses permitted in the AG/RR zone;
- There are forested slopes greater than twelve percent adjunct to Lake Monroe;

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

Findings:

- All of the surrounding lots to the petition site are zoned AG/RR;
- The parcel will remain single family residential use;
- A permit is required to change the use to Tourist Home and special condition #48 must be met;

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

Findings:

- The effect of the approval of the rezone on property values is difficult to determine;
- Property value tends to be subjective;
- The effect of the rezone will be minimal on property values, as the zoning designation is concurrent with the single family residential use;
- Values may vary significantly dependent upon future planning and zoning in the area;

(Y) Responsible development and growth.

Findings:

- The petition site is three lots totaling 10.16 +/- acres;
- The Schopp Type E Subdivision was recorded December 30, 2019 that maintained 2.5 acres in size while clearing up boundary issues;
- There was no increase in density during the Type E Subdivision;
- Lots lines were configured in such a way that the homes would meet the requirements for non-residential setbacks to allow for the Tourist Home use;

QUESTIONS FOR STAFF – 1912-REZ-14 - Schopp

Clement: Are there any questions for Ms. Behrman to my left? Mr. Pittsford?

Pittsford: I just have one. Tammy, are you inclined to accept a Waiver of Final Hearing if they agree to the condition of working with staff and an arborist to determine rehabilitation of trees?

Behrman: Yes.

Pittsford: Thank you.

Clements: Any questions of staff from my left? Mr. Stainbrook?

Stainbrook: Just an editorial comment, Tammy, this Certified Arborist is what I had in mind earlier in the evening.

Clements: I see. Any questions to my right?

Warren: Just a quick question. I am just curious what the source of the pipe is?

Behrman: The pipe that was in one the picture, good question. I assumed that it had something to

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do with stormwater for like drain pipes. But I really don't know. That would maybe be something that we could review if they applying for their tourist home, we could get a more detailed site plan with each one of those lots that also has detailed parking and any other amenities.

Warren: Ok.

Clements: Commissioner Thomas?

Thomas: No, that is ok.

Clements: Ok, yes, Mr. Carmin.

PETITIONER/PETITIONER'S REPRESENTATIVE – 1912-REZ-14 – Schopp

Carmin: Mike Carmin, representing the petitioners, actually there are a couple petitioners. Garrett Schopp and his wife own one of the parcels involved in this. Curtis and Victoria Schopp own the remainder. Just really a couple of comments. The tree removal, most of the tree removal occurred by a prior owner one of the lots. Wish it had not have happened but it did and she had her motives for doing that, not that we would agree with them but it was a done deal. We bought it as is. The other selected tree removal that were identified, I think it is safe to say that all of them were dead ash trees that were being removed. In fact even those that the prior owner had removed have already done a preliminary look at those and a large number of those were ash trees also. The idea of using an arborist to look at that and help with the plan for some, I hate to use the term reforestation, because that probably overstates it. We are not trying to create a forest out of it again but that is already under way and we have made initial contact and will follow through with that. So, that is not a concern. The Schopp's, could you put up the plat or the overview? Curtis and Victoria own, this is their residence. Garrett and his wife residence is the lot to the north end of that. Over a period of time Curtis and Victoria worked pretty hard to acquire some of the surrounding land there because it gives them the ability to control to make sure that it is used appropriately. Their home is there, they are there for the duration. Garrett and his wife have their home there. They are there for the duration and so they are really wanting to because there is a tendency to get close to the lake to some things happen particularly on small lots, you get small structures, you get some older structures. Because the use is a little bit different. So, even though there will be a likely use of a request to do tourist homes give them a permit to do that on some of that, that even is going to be on properties adjacent to their homes where they are still going to be in the position to control and monitor how that tourist home is done. So, the rezone to AG/RR is pretty much consistent with the land surrounding the area. We have a few of these orange areas down there on some small lots that was put on the past. The Type "E" Subdivision that was originally done was to reconfigure the lots to reduce the small size and get them all too at least 2.5 acres on that to be compliant with what would be needed in the AG/RR zone. I don't know if we can answer you one question. We may be able to answer that if we can see the picture of that on that. I did not understand your question. Garrett said he thinks he can answer it for you. Ok, that is all.

Clements: Thank you, Mr. Carmin. Is there anyone else who would like to speak on behalf of the petition?

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Thomas: Could we get the question answered?

G. Schopp: That drain pipe is to the north of the center building and it is I do believe from the downspout from the gutters. The tree that is on the right I actually painted that x myself. It is a dead tree that is overhanging the top of the house. We had Mother Nature Landscaping out there earlier this year and they removed a few of the trees directly surrounding the house that were dead that we were concerned about them falling. That one they were not willing to do that day because of the winds and they were concerned that with the wind blowing the direction that it was that it would fall on the house. So, they said they were prefer to come back at a later date. But the arborist that we were looking at hiring actually worked at Mother Nature Landscaping until recently when he went off to start his own company and he is actually worked with this counsel before.

Clements: Yes, Commissioner Thomas.

Thomas: I would just like to ask that when we look conditions and Mr. Warren is right to ask about this, it probably is a downspout but also know that in homes from the 60's, 70's and 80's even in some of the ECO Areas around lakes you also often find grey water, which would normally be caught in a septic inspection. But for whoever is making the motion, if you would add just verifying that information about what that pipe is carrying would be helpful.

Pittsford: Staff can do that, can't they?

Thomas: It would just be a condition. Yeah, no, staff would be fine. I just want to make sure we are clear on it.

Clements: Mr. Pittsford, do you have comment or a question?

Pittsford: No, I am ready for a motion.

Clements: We are going to entertain any comments from anyone here in opposition to the proposal. Is there anyone here who would like to speak against it? Ok, then I will entertain a motion, Mr. Pittsford.

SUPPORTORS– 1912-REZ-14 – Schopp: None

REMONSTRATORS – 1912-REZ-14 – Schopp: None.

ADDITIONAL QUESTIONS FOR STAFF - 1912-REZ-14 – Schopp: None.

FURTHER QUESTIONS FOR STAFF - 1912-REZ-14 – Schopp

Pittsford: Sorry, I didn't mean to jump the gun. I thought we had closed public hearing. **In case number 1912-REZ-14, Schopp Rezone Request. This is a rezone of 10.16 acres located in Clear Creek Township, Section 21, I move approval of this rezone request from Suburban Residential to Agricultural/Rural Reserve, based on the findings of fact and subject to the County Highway and Drainage Engineer reports with the following 2 conditions;**

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- 1) **The petitioners hire a Certified Arborist to assess the missing trees from the petition site and work with the Planning staff to create a plan replacing trees on slopes greater than 12 percent.**
 - 2) **Staff work with petitioner to verify that all pipes carrying outflow from residential structures not be used for the purpose of conveying grey water from the house.**
- Lastly, I would add that we grant a request for Waiver of Second Hearing.**

Warren: **Second.**

Clements: Mr. Wilson, will you please call the roll?

Wilson: This is on petition 1912-REZ-14, Schopp request for an amendment to the zoning map from SR to AG/RR. A vote in favor is a vote to send a favorable recommendation to the Monroe County Commissioners for the zoning map amendment, based upon the findings with conditions in staff report, including the specific conditions to hire a Certified Arborist regarding replacing trees in the 12 percent zone, regarding the outflows and also to grant a waiver of final hearing and including the County Highway and Drainage Engineers reports. Again, a vote in favor is vote to send a favorable recommendation to the Monroe County Commissioners in regard to approving a zoning map amendment.

Pittsford: If I may before he calls the roll I want to be sure that it is clear that this determination of pipes carrying outflow from residential structures extends to all residential structures in the petition and not just the one depicted in the picture.

Wilson: Jim Stainbrook?

Stainbrook: Aye.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: David Warren?

Warren: Yes.

Wilson: Margaret Clements?

Clements: Because the sole purpose of rezoning is to operate tourist homes on the lake front I am going to vote no.

Wilson: Trohn Enright-Randolph?

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Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

Enright-Randolph: He left.

Wilson: He is not here. Jerry Pittsford?

Pittsford: Yes.

Wilson: The vote is 7 to 1 send a favorable recommendation to the Monroe County Commissioners in regard to the zoning map amendment.

The motion in case 1912-REZ-14, Schopp Rezone from Suburban Residential (SR) to Agriculture/Rural Residential (AG/RR), Preliminary Hearing, Waiver of Final Hearing Requested, to send a favorable recommendation to the Monroe County Commissioners to approve the requests with the conditions, as set forth in the motion, carried (7-1)

NEW BUSINESS

- 5. 1912-SSS-16 Chitwood Sliding Scale Subdivision Preliminary Plat Amendment 1. Request to Remove Condition #3 of 1904-SSS-08. Preliminary Hearing. Waiver of Final Hearing Requested.**
Three (3) parcels on 27.45 acres +/- in Benton South Township, Section 10 at 8747 E State Rd 45. **Zoned AG/RR & ECO3.**

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: Thank you, Margaret. I believe Mike Carmin is here to represent the petitioner tonight. This is a Preliminary Plat Amendment and we are specifically looking at removing a condition that was approved in the previous approval of this subdivision 1904-SSS-08. Just to run through this property, it is in the Benton South Township. It is located off of East State Road 45. The zoning here is Agricultural/Rural Reserve and it is also in the Environmental Constraints Overlay Area 3. The Comprehensive Plan has this as Rural Residential and the site currently exhibits 2 single family residences; one that was built illegally without the appropriate permits. The site has some significant slope on the east side. Previously when they put together a subdivision request it included several waivers, including Buildable Area and the Environmental Constraint Overlay requirements for the amount of acreage for each lot having buildable. On July 16, 2019, the Chitwood Subdivision was approved for 3 lots and it included several waivers, which is why it was a decision by the Plan Commission. Once approved, these move forward the staff typically reviews a final plat. The 5 conditions were moving through and were going to be met except for Number 3. We were notified about a month after approval that the road had been put in without the appropriate permits. I do want to make a note that Number 3 was incorrectly listed as the western driveway. It should have been the eastern driveway. But that is what was stated in the Plan Commission minutes and so I wanted to be clear and consistent, that that was what was approved. But in the presentation and on the plat that was approved, it was clear that the intention was the eastern driveway. So, this is what the driveway looked like prior and this is what it looks like now. The pavement for the roadway was actually done in the gravel area. But the cul-de-sac was graded out in and that area was previously undisturbed. What would have needed to have happened prior was an INDOT Roadway Approach Permit, which required a bond with INDOT, a Grading Permit and a construction plan. So, we had none of those and once we learned of this we realized that this was a material deviation and we couldn't move through the Subdivision Final Plat. Here is a view of the INDOT Roadway Approach Permit. It was issued on October 23, 2019. Just running through that quick timeline, Mr. Chitwood received approval on July 16, 2019. He applied for the final plat on the 23rd, so very quickly after. The cul-de-sac and road was built without permits on August 21st, to our knowledge. That was when we caught it. It could have been done prior to that. The earliest that he could have recorded the final plat is 31 days after that July 16th day and then the Roadway Approach Permit was issued after the fact. Once staff notified Mr. Sean Gray at INDOT, he contacted Mr. Chitwood and they went ahead and did the after the fact, which was issued on October 23rd. In our Subdivision Control Ordinance We have a provision that states that if a subdivision is approved and there are conditions of approval and those conditions are not met that that actually constitutes a Preliminary Plat Amendment requirement. That is what we are here tonight to approve or deny is that Plan Commission needs to decide that condition of approval whether or not that was something that needed to be followed before or could be done

after the fact. Conversation with Sean Gray was very clear that he needed to get the Roadway Approach Permit for that eastern drive and that he was moving forward with contacting MR. Chitwood. We also contacted Mr. Chitwood in coordination with the Legal Department and we also brought this to a Plan Commission Administrative Meeting before we proceeded. They did do core samples; Ben Ayers with the Highway Department and did determine that the road is actually built to the standards that were approved even though they didn't receive construction plans, so we really want to avoid doing what is called core sampling and we would much more prefer to have the appropriate construction plans prior to someone doing this type of construction. But since we caught it after this is what we had to say that the road meets the standards. This is the new Preliminary Plat. It shows the road being built to standards and has a bump out of that road way width and it still includes the 3 lots. If approved tonight to remove that condition, all of the previous approvals will still stand. Here is just kind of a road profile. It exhibits somewhere between like 5 and 8 percent slope as you go through. The Highway Department comments after they went out for a core drilling they just want to reiterate that State Road is not maintained and that Driveway and Right of Way Permits should have been submitted to INDOT for approval. If this is approved they would be required to dedicate 45' of right of way because of the classification of East State Road 45. Stormwater has no comments at this point unless improvements are made or required by the INDOT permit. Staff has recommended a recommendation of denial to remove Condition #3. I am happy to take any questions or go back through anything.

RECOMMENDATION

Staff gives a recommendation of denial of the request to remove condition #3.

FINDINGS OF FACT - REQUEST TO REMOVE CONDITION OF APPROVAL

The petitioner has requested to remove the condition of approval from the prior approval of the Sliding Scale Subdivision. Chapter 854-11 (C) states:

(C) If the final subdivision plat materially deviates from the approved preliminary plat, the subdivision shall be resubmitted to the Commission for a new preliminary approval in accordance with the procedures and requirements for preliminary approval. For purposes of this section, a material deviation is one that:

- (1) increases the number of subdivision lots;*
- (2) adds, removes or reconfigures an internal subdivision street or relocates a subdivision access point;*
- (3) affects a condition of preliminary plat approval that was established by the Commission during the preliminary plat approval stage;*
- (4) reduces the area devoted to open spaces or buffer landscaping; or,*
- (5) would require a waiver of the requirements and standards of these regulations or would negate the basis for a modification that was granted;*

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 petitioner received the letter of approval of the subdivision stating the conditions of approval prior to completing the improvements made to the road;
- The petitioner could have applied for an INDOT Roadway Approach permit prior to paving the roadway and constructing the cul-de-sac;
- The petitioner has a self-created hardship by improving the private road without an Improvement Location Permit for the grading, or an INDOT Roadway Approach Permit;

- 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 purpose of the condition of approval was to ensure the petitioner sought appropriate permits prior to paving the road and constructing the cul-de-sac;

- 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:

- Constructing the road to County road standards was a requirement of the subdivision. However, the petitioner was made aware that permits were required prior to beginning the work;
- See findings above;

- 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 finding #3 above;

- 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:

- All properties with access off of State Road 45 are required to receive permits from INDOT/contact INDOT **before** changes within the right-of-way occur;
- The petitioner has gone through INDOT for roadway permits before, most recently in 2010;
- The petitioner has since received an after-the-fact INDOT roadway approach permit;

- 6. Granting the requested modifications would not contravene the policies and purposes of these regulations;**

Findings:

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- Constructing the road to County road standards was a requirement of the subdivision. In order to do so, the petitioner was required to apply for permits through INDOT and the Planning Department, which did not occur;
- The petitioner would be required to apply for an after-the-fact grading permit for the construction of the cul-de-sac;
- See findings 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 above;

8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,

Findings:

- The practical difficulties were created by the petitioner, who was made aware of the need to apply for an INDOT Roadway Approach Permit following the subdivision approval;

9. The practical difficulties cannot be overcome through reasonable design alternatives;

Findings:

- See findings 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 – 1912-SSS-16 - Chitwood

Clements: Commissioner Thomas has indicated that she has a question.

Thomas: So, can this petitioner go to INDOT tomorrow and get a permit?

Nester Jelen: They do have that permit that was issued on October 23rd. So, they have the appropriate permit now.

Thomas: Ok. So, what does this effectively do to the petition as a whole, then?

Nester Jelen: So, I think and Dave can also weigh in on this, but the intention of a condition of approval was that they apply for that permit ahead of time. With this timeline and together with the findings, they are basically requesting a waiver of the condition, essentially is how it's written. What was the practical difficulty in being able to apply for the permit ahead of construction and staff was unable to find any practical difficulty.

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Thomas: So, then what happens if this is denied?

Nester Jelen: We would be moving forward with enforcement. They would need to decommission the house that was built illegally.

Thomas: Ok.

Clements: To my left, are there further, oh, I am sorry, Mr. Schilling was going to speak.

Schilling: If you have any questions on that I would be happy to elaborate.

Thomas: I don't know if you can add to the answer that she provided.

Schilling: I think essentially the removal of the condition would allow them to move forward with the subdivision but if you make any decisions along those lines, I would ask that you make it clear that it doesn't waiver our right to pursue the enforcement that was approved by the County Commissioners earlier

Clements: Ok, and to my left any further question for staff?

Pittsford: I have a questions for Mr. Schilling. What does it mean to decommission a residential use? Are we compelling them to tear the house down?

Schilling: I think it is removing the types of facilities that would make it a residential use, for example a bathroom or something like that.

Pittsford: Ok, alright because this was a structure that was amended after it was built and revised or remodeled to accommodate residential use but it wasn't drawn up that way. Is that correct?

Schilling: Correct.

Pittsford: Thank you.

Clements: Any further questions or comments to my left? To my right?

Warren: I find this really tough because both, we either say you can remove this condition, in which case it is ok to break the law or we can say we can remove this condition or we can't remove the condition and you have to decommission the house. Both of those seem terrible.

Clements: Well, let's then hear from Mr. Carmin.

Nester Jelen: I will just mention there could be potentially other avenues like if they wanted to some sort of BZA relieve of asking for a Detached Accessory Dwelling Unit, but they are way over the size limitation and they don't meet many of the design standards. So, it would require a further step than that.

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Enright-Randolph: Before you start I was just wanting to confirm that this is only changing one condition, everything else prior is still I guess caked in, built into this, as far as the pedestrian easement...

Nester Jelen: That would all be nullified if you denied the condition.

Enright-Randolph: We if we denied it but currently it's all still there?

Nester Jelen: Yes.

Enright-Randolph: Ok.

Clements: Ok, Mr. Carmin.

PETITIONER/PETITIONER'S REPRESENTATIVE – 1912-SSS-16 – Chitwood

Carmin: Mike Carmin representing the petitioner. As I understand where we are is we a 3 lot subdivision not finally approved at this point. All of those we have septic permits already for all residential structures. We have a road built that the Plan Commission required before. I would say that if you will remember the petitioner didn't really want to do the cul-de-sac but that was a condition and that is done. They are required to have an INDOT Permit, they have that, obtained after the fact. So, they are out of sequence from what it should have been but they have it. So, I don't understand why we want to talk about tearing down structures or decommissioning structures. That makes no sense to me. If there is an enforcement issue, then deal with it as an enforcement issue. That doesn't require decommissioning the structure. That is punitive. The only reason you do that is a form of punishment. You have fines available if that is the appropriate action to take as an enforcement issue, for action out of sequence and not getting the permit up front. If there are penalties or enforcement issues to deal with that that are not punitive in the sense of taking the structure out of commission. We have got a septic permit for it. There are not questions about the structure its self. The road is already there, paved and in. The Driveway Permit is in place. I am a little bit perplex as to why we are where we are not. Not that's not the petitioner's fault that got us on this path. But where we are as we stand here right now talking about denying something that is already done, its already in place, he has already got it in hand and then use that to spring board that into decommissioning a structure that is permitted. It's useful and the septic permit is in place. So, I am going to ask you to, procedurally this I guess I don't understand why procedurally why it's presented this way. It really comes back to its really a re-approval of the Preliminary Plat with the conditions that you imposed before as conditions of approval now being in place and would ask you to do that.

Clements: Ok, just since you are here and you have been here before I would just like to ask my colleagues here if they have any questions for you, Mr. Carmin. To my left?

Pittsford: Mr. Carmin, did Mr. Chitwood acknowledge that he was in violation of the sequence of requirements based on the approval?

Carmin: Yes.

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Pittsford: Ok. Was there a legitimate reason for that?

Carmin: When I asked him he said it was he had a permit that apparently didn't cover this. There came a point when he had to know that he had to get the INDOT permit. The work was already underway and he went ahead and finished it, yes.

Pittsford: Ok. Right. I can't help but feel compelled to suggest that punitive measures are necessary when someone breaks the rules. I don't know whether his violation of the sequence of order means that the punitive action has to be taken on the house that was, or the residential structure that wasn't built to be a residential structure or if it should be taken in some other means. But I don't think just as a commentary that some sort of punitive result needs to flow from this even if it's just enforcement action. Thank you.

Clements: Commissioners Thomas?

Thomas: I agree if this were a first time offense, if this were, hey, gosh I didn't know, you know, application got lost in the email whatever it might be, I would feel very differently about it. But I feel like we have somebody who breaks the rules that everyone else follows and then comes and asks for permission after the fact and I don't think that is fair to everyone else in this community who does the right thing. You don't need to respond. I am just sharing my perspective on this. So, I don't know what the answer is but I don't think making it alright for them is the answer. I will leave it to my colleagues to suggest something.

Carmin: If I may, you have an advantage on me because you are referring to things I don't know anything about. I am not aware of and I have not heard any discussion tonight about the history of a known, intentional, repeated violations by Mr. Chitwood. So, you have an advantage on me there if that is what has happened. But it is punitive to create the waste of a residential structure. We have spent too much time tonight talking about housing issues and affordable housing. I am not saying this is an affordable housing project, but every property you take out of productive and reasonable use that is already existing that's punitive, when you weigh the punishment against the crime. We got a permit issues in October that needed to be issued in July. That is what we are talking about. The different between July and August. It is out of sequence admittedly, yes, but you have a fine system to deal with ordinance violations that doesn't say decommission a house. You have an ordinance that tells you in the violations here are appropriate and possible enforcement actions and none of them talk about decommissioning a structure. We have a paved road in place, a septic permit that is in place that ought not to be even part of the conversation.

Clements: Mr. Schilling, could you comment since the subject has come up?

Schilling: I think there was discussion in the record as to why this subdivision was done in the first place and that was because of the erection and use structures contrary to the zoning ordinance provisions. So, that is why this whole subdivision started at as a forgiveness petition and so now we back for the second sort of forgiveness petition on this project. That is what the Plan Commission is talking about. As far as fines and enforcement that is something that I think we would proceed with no matter what you do tonight.

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Clements: In all fairness, I would assert that no one wants to be in this position, not Mr. Chitwood and not us and not you. So, that leaves us with a dilemma. Mr. Stainbrook.

Stainbrook: Since I have gotten old and slowed down I haven't had a speeding ticket for years but that might be punitive. I would not voice the opinion of singling Mr. Chitwood out. There are a lot of violations in the county and frankly I don't think there is sufficient enforcement. I have friends asking why we would spend 3 years and thousands of dollars to develop a CDO and then not enforce it. So, in this case there is a lot of ambivalence for me. I don't know Mr. Chitwood or of his past performance but to decommission the building is serious. I wouldn't define it as punitive but that's a serious thing, Mr. Carmin, I agree with you.

Clements: Mr. Guerrettaz:

Guerrettaz: I am struggling with this because I thought the petition when we first saw it was a good petition and I thought that we had come to an agreement with the petitioner that was going to be workable. It was somewhat confusing through the meeting when we started talking about the roadway and how the cul-de-sac was going to be built but at the end of the day I am just trying to figure out how I could craft a motion here, so if anybody wants to help with that. But I don't think that what we have in the end and I am not saying that this was the way to go but we do have the petition that essentially we approved and I do see that that roadway and that bulb being something that is very useful and useable for I think it was 6 owners to the south. I think that I look at my role as a Plan Commission member not necessarily to penalize a petitioner but to look at what the as built situation is and see how it fits with what the ordinance was. The problem was the condition of approval. I am not in a game here of talking in circles at all but I think the practical difficulties would be if the subdivision wasn't approved then I don't know what the status of the use of that roadway would be for the owners to the south, but I think that is a very good benefit for the overall community in this area. I do believe that. I don't like being in these situations. As a matter of fact, it's unnecessary.

Clements: If we forward it to the Commissioners with no recommendation is that possible?

Nester Jelen: It is a Plan Commission decision.

Clements: No, to the Commissioners. No, we can't.

Wilson: Unfortunately, in this case you get to decide.

Thomas: Nice try.

Pittsford: If I could ask a question of staff. I think the question that we can ask that will allow a motion to come out of is the request says it's a Sliding Scale Subdivision Preliminary Plat Amendment. So, the petitioner, Mr. Chitwood, has requested a Plat Amendment to remove Condition 3 of the previously approved Sliding Scale Subdivision granted through 1904-SSS-08. Is that correct?

Nester Jelen: Yes.

DRAFT

Pittsford: So, to that end, I would be willing to make a motion to carry this follow because I think I have it clear in my head what we need to do.

Clements: Could I just add something here? When we are ready, I think it's no matter whether we approve it or whether we deny it, I believe that a strong statement to Mr. Chitwood needs to be asserted and Mr. Carmin, since you appear for him on different occasions I don't know what you are going to do but that point has to be driven home to him if its approved or denied.

Pittsford: Well, I am going to include something in my motion that will drive that point home very clearly.

Clements: Ok, great. Mr. Pittsford, thank god for you.

Pittsford: You are a little premature, I haven't done it yet.

Carmin: Could I make a statement before you make your motion?

Pittsford: You have to ask her, I am not in charge.

Clements: Ok, but we do have comments from the public, ok. Sorry. Mr. Carmin.

Carmin: I want to be clear about something, the issue about removing the condition is not to say don't get the permit because the permit is already done. The issue is removing it as a condition because it was a condition of approval and so the approval doesn't stand because of the sequence, the timing. That INDOT permit was required before he did the work. It wasn't issued before he did the work. So, removing that condition doesn't undo the permit, it doesn't absolve getting the permit, the permit is already in place.

Pittsford: It removes the requirement for the road.

Carmin: It removes the requirement of the permit before he did the work.

Clements: Just to move this forward I am going to take charge because it's getting late. Is there anyone here that would like to speak against, I am sorry for being so close to the microphone, for or against the petition other than those who have already spoken? I would like to entertain a motion.

SUPPORTORS– 1912-SSS-16 – Chitwood: None

REMONSTRATORS – 1912-SSS-16 – Chitwood: None

ADDITIONAL QUESTIONS FOR STAFF - 1912-SSS-16 – Chitwood

Enright-Randolph: I have one more question and regardless of the action that we take tonight, you are still seeking enforcement?

Schilling: That is correct. We have discussed that with the Commissioners.

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Enright-Randolph: What does that yield? What is the penalty?

Schilling: It would be a civil penalty.

Enright-Randolph: Is there a dollar amount?

Schilling: That would be up to you guys.

Pittsford: Mr. Schilling, to that end a requirement of Mr. Chitwood to meet with you within 30 days, is that acceptable? Can we make that condition of approval?

Carmin: Can you repeat that?

Thomas: Can you go ahead and repeat that?

Pittsford: Or can I just make the motion that

Thomas: Mr. Pittsford, could you repeat that proposal?

Pittsford: I was asking if we could make it a condition of approval that Mr. Chitwood has to meet with Mr. Schilling within 30 days.

Schilling: We have already had those discussions. We can bring something to you for approval.

Pittsford: Then I will just include that this approval does not preclude the pursuing of enforcement violations. That was my point.

We have been before the County Commissioners and received approval to enforce the ordinance in this case.

Pittsford: Ok, alright my mind is clear and I am ready to move.

FURTHER QUESTIONS FOR STAFF - 1912-SSS-16 – Chitwood

Pittsford: In case number 1912-SSS-16, Chitwood Sliding Scale Subdivision Preliminary Plat Amendment 1, which is a request to remove the condition from the previously approved 1904-SSS-08, Sliding Scale Subdivision Preliminary Plat, Condition # 3 will be removed from that original and in this we are acting in opposition to the recommendation of staff and approval of this motion does not preclude the County Legal Department from perusing enforcement actions on previous violations.

Guerrettaz: I will **second** that.

Pittsford: That was a mouthful.

Clements: That was good, thank you.

DRAFT

Thomas: That was a run on sentence there like I tell my students. But it was a good one.

Clements: Yeah, it was a run on sentence but thank you. Ok, Mr. Wilson, will you please call the roll?

Wilson: Ok. The vote is on petition 1912-SS-16, Chitwood Sliding Scale. Again, the motion by Mr. Pittsford to approve the petition based upon the findings. Did you have other conditions to that?

Pittsford: No. I think the statement of not precluding staff from perusing enforcement just because the approval is sufficient.

Wilson: Noting that this approval does not in any way prevent the County from perusing enforcement remedies for the violation. Again, a vote in favor is a vote to approve the Sliding Scale Amendment. Julie Thomas?

Thomas: No.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: David Warren?

Warren: I am going to say no.

Wilson: Margaret Clements?

Clements: I am going to say yes.

Wilson: Yes?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: As nicely as stated as a “forgive me” petition 1 and 2, I am going to vote yes. But if there is a 3rd one, there is no way.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim is not here, Jerry Pittsford?

Pittsford: Yes.

DRAFT

Wilson: Jim Stainbrook?

Stainbrook: I am ready to vote now. I appreciate that you won't have to see Mr. Schilling which might be considered punitive for someone. I will vote yes then.

Wilson: Ok, Mr. Stainbrook's vote that was a yes vote?

Stainbrook: Y E S. I said I was old, yes.

Wilson: The motion carries from a 5 to 3 vote.

The motion in case 1912-SSS-16, Chitwood Sliding Scale Subdivision Preliminary Plat, Amendment 1, Request to Remove Condition #3 of 1904-SSS-08, Preliminary Hearing, Waiver of Final Hearing Requested, to approve the requests with the conditions and amendments set forth in the motion, carried (5-3).

DRAFT

ADMINISTRATIVE BUSINESS

- 1. Committee Appointments**
- 2. Plat Committee Discussion**

Wilson: While she is moving through, I will do the announcements. We do have a special meeting of the Plan Commission on Thursday at 5:30 pm at the Planning Office. Again, it is a general discussion of current existing Comprehensive Plan in preparation for starting up the zoning ordinance update.

Clements: I would just like to apologize to my colleagues for extending this meeting any longer than it needed to go on. I will take a motion for adjournment.

Pittsford: So, moved.

Nester Jelen: We have some appointments, sorry. Do you want to do those at?

Thomas: Can you move this meeting until Thursday?

Wilson: The place that we actually have a Plat Committee Meeting prior to that. We only have 3 members currently on the Plat Committee.

Thomas: Can I just make this quicker if you don't mind because I have had a long day? One of the things that we talked about doing was adjusting the number of people on Plat, right. But I didn't see that in the packet. I thought that was something we were supposed to be considering today and that would have solved the problem.

Clements: Could that be in Thursday packet?

Thomas: Well, that is after the Plat meeting.

Clements: Well, who needs to show up?

Schilling: You can take care of that tonight. Because that is a rule change or clarification of the rules.

Thomas: Can we see that rule change on text somewhere or is it just verbal?

Wilson: The statute allows you to appoint 3 or 5 people to the Plat Committee.

Pittsford: I think you can also argue too that until you have a vote everyone who is currently previously been on there in the previous year continues until a vote is held.

Thomas: They do. But there is still a quorum issue.

Schilling: I think just for clarification if you want, if the Plat Committee will consist of 3 members would take care of a quorum issues and make it clear for the future.

DRAFT

Thomas: Call all 3 members be from the Plan Commission?

Schilling: Yes they can.

Thomas: And can we appoint an alternate?

Schilling: Yes.

Thomas: Thank you. Who wants to do it?

Enright-Randolph: I **would like to make a motion including a new alternate position for the Plat Committee and I would like to nominate Amy Thompson, Bernie Guerrettaz, and myself as the Plat Committee Members and alternate as Margaret Clements**, which I would hope that you would be able to attend this Thursday.

Clements: This Thursday?

Enright-Randolph: Yes.

Clements: What time?

Enright-Randolph: 4 o'clock.

Clements: Ok, I will be there.

Thomas: Do we need to make a rule change first or with this motion?

Wilson: I think the rule change would be with this motion?

Thomas: Can you make a rule change, please?

Enright-Randolph: And include the rule change in this motion.

Schilling: I think that the way our rules state right now is you can have 3 to 5 members. So, if you will just clarify that you will only have 3 and our rules now allow you to appoint an alternate.

Thomas: **Second.**

Clements: Can there be 4? 3 or 5?

Schilling: 3 or 5.

Clements: I understand the reason but still. Let's go. It is seconded. Mr. Wilson, will you please call the roll?

Wilson: The vote will be on whether to have 3 members to the Plat Committee.

DRAFT

Enright-Randolph: 3 members and including an alternate.

Wilson: Including an alternate. Do you want to do that by voice vote in order to resolve this quickly?

Clements: All those in favor say “aye”.

Enright-Randolph: Aye.

Guerrettaz: Aye.

Pittsford: Aye.

Stainbrook: Aye.

Thomas: Aye.

Thompson: Aye.

Warren: Aye.

Clements: Aye. Opposed? The aye’s have it.

The motion to appoint Amy Thompson, Bernie Guerrettaz and Trohn Enright-Randolph to the Plat Committee with Margaret Clements being appointed as an alternate, carried unanimously (8-0).

Wilson: I think the other committee members we can try to deal with this at the very beginning of Thursday’s meeting. That might be an option so we don’t have to stay longer tonight.

Thomas: Ok, do we need to continue this meeting until Thursday to accomplish that or can we do it at Thursday’s meeting?

Schilling: To accomplish what?

Thomas: The other appointments. Thursday’s meeting is a work session.

I think you can do it as long as you have noticed your meeting.

Wilson: We have noticed it.

Clements: Ok, thank you everyone for your patience.

DRAFT

REPORTS:

Planning/Wilson: No report

Legal/Schilling: No report

The meeting adjourned at 8:56 pm.

Sign:

Attest:

Margaret Clements, President

Larry J. Wilson, Secretary

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