

**MONROE COUNTY PLAN COMMISSION****June 18, 2024**

<b>CASE NUMBER</b>	REZ-24-2
<b>PLANNER</b>	Drew Myers
<b>PETITIONER</b>	Heri, Inc. c/o Rajesh Patel (owner); Mike Carmin (applicant)
<b>REQUEST</b>	Zoning Map Amendment from split GB & LB to solely GB
<b>ADDRESS</b>	4646 W State Road 45, 53-09-14-100-018.000-015
<b>ACRES</b>	4.1 +/- acres
<b>ZONE</b>	Split zoned General Business (GB) and Limited Business (LB)
<b>TOWNSHIP</b>	Van Buren
<b>SECTION</b>	14
<b>PLATS</b>	Unplatted
<b>COMP PLAN DESIGNATION</b>	MCUA Mixed Use

**EXHIBITS**

1. Petitioner Letter to the Plan Commission
2. Site Plan (Conceptual)
3. Letters of Opposition
4. Historical Enforcement Case – Letter from 2014

**RECOMMENDATION**

Staff recommends forwarding the petition with a positive recommendation to Monroe County Board of Commissioners based on the findings of fact, subject to the Highway Engineer and MS4 Coordinator reports.

**PETITION TIMELINE**

- **Plan Commission Administrative (first look)** – May 8, 2024
- **Plan Commission Regular (Preliminary Hearing)** – June 18, 2024
  - Waiver of Final Hearing requested.
- **Plan Commission Regular (Final Hearing)** – July 16, 2024 (if not waived at June hearing)
- **Board of Commissioners (Work Session)** – TBD
- **Board of Commissioners (Formal Session)** – TBD

**SUMMARY**

The petitioner is seeking to rezone the property at 4646 W State Road 45 from a split zoning of Limited Business (LB) and General Business (GB), to solely General Business (GB) for the whole property. The purpose of the rezone is to establish a gas station and convenience store, an arcade/entertainment center, and an office all on the same property. The combination of these uses classifies as “Commercial/Industrial Adaptive Reuse” in the terms of the Zoning Ordinance. Please see Exhibit 2 for the conceptual site plan provided by the Petitioner and annotated by Planning Staff. Should the rezone be approved by the Monroe County Board of Commissioners, the petitioner intends to file a Commercial Site Plan to be reviewed administratively by the Planning Department. If denied, the property would remain split zoned LB and GB, where the mixed-use category of “Commercial/Industrial Adaptive Reuse” is not permitted in the LB zone.

**BACKGROUND**

Through the use determination process, Planning Staff determined that the petitioner’s proposed uses would each be classified as “convenience store”, “park and recreational services”, and “office”. The combination of all three constitutes a mixed-use category that is best fit by the “commercial/industrial adaptive reuse” classification. The buildings that will be reused to qualify for the commercial/industrial adaptive reuse include the residence to be converted to an office and the storage building to be remodeled to the Park and Recreational services (See Exhibit 2). At the date of this report’s publication, the petitioner has not supplied utility (sewer or water) capacity letters for either of the existing structures or proposed convenience store. Chapter 802 of the Monroe County Zoning Ordinance defines each of proposed uses as the following.

**Convenience Store.** Any retail establishment offering for sale prepackaged food products, household items, gasoline sales, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. The maximum size for a convenience store is 3,500 square feet.

**Park and Recreational Services.** Publicly- and privately-owned and operated parks, playgrounds, recreational facilities, golf courses and open spaces.

**Office.** An establishment primarily engaged in providing professional, financial, administrative, clerical and other similar services.

**Commercial / Industrial Adaptive Reuse.** The repurposing of a building or group of buildings to accommodate a mix of industrial and/or commercial uses developed and operated under single or common ownership where the majority of uses are permitted under the Business and Personal Services, Retail and Wholesale Trade and Manufacturing, Mining, Construction and Industrial use categories, with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

**Limited Business (LB) District – Chapter 802**

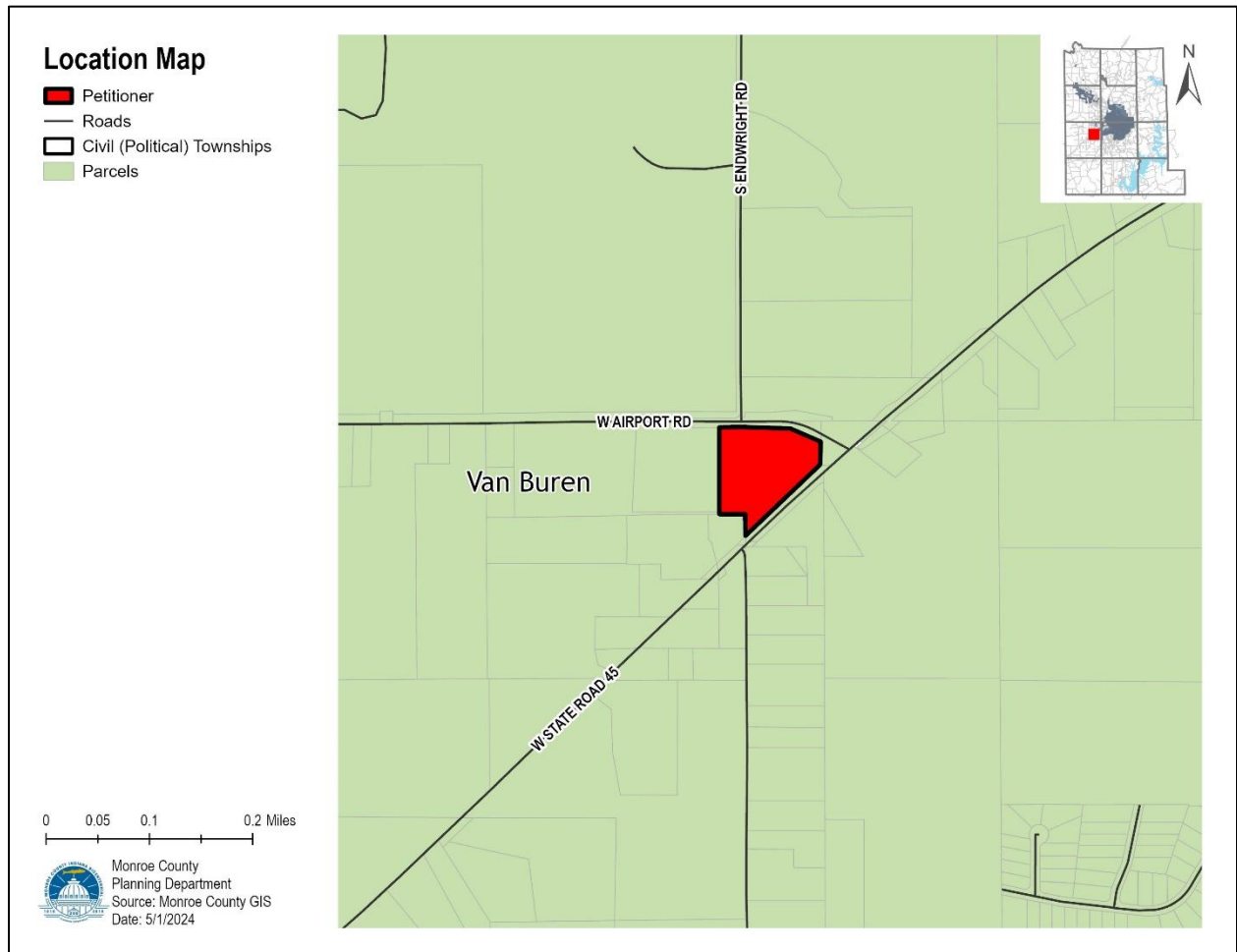
The character of the Limited Business (LB) District is defined as that which is primarily intended to meet the essential business needs and convenience of neighboring residents. Limited business uses should be placed into cohesive groupings rather than on individual properties along the highways and access control should be emphasized. Its purposes are: to encourage the development of groups of nonresidential uses that share common highway access and/or provide interior cross-access in order to allow traffic from one business to have access to another without having to enter the highway traffic; to discourage single family residential 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 LB District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the adjacent residential uses.

**General Business (GB) District – Chapter 802**

The character of the General Business (GB) District is defined as that which is primarily intended to meet the needs for heavy retail business uses. General business uses should be placed into cohesive groupings rather than on individual properties along highways in order to take advantage of major thoroughfares for traffic dissemination. Access control should be emphasized. The purposes of the GB District are: to encourage the development of groups of nonresidential uses that share common highway access and/or provide interior cross access in order to allow traffic from one business to have access to another without having to enter the highway; to discourage single family residential uses; to protect environmentally sensitive areas, such as floodplain, karst and steep slopes; and to maintain the character of the surrounding neighborhood. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the adjacent residential uses.

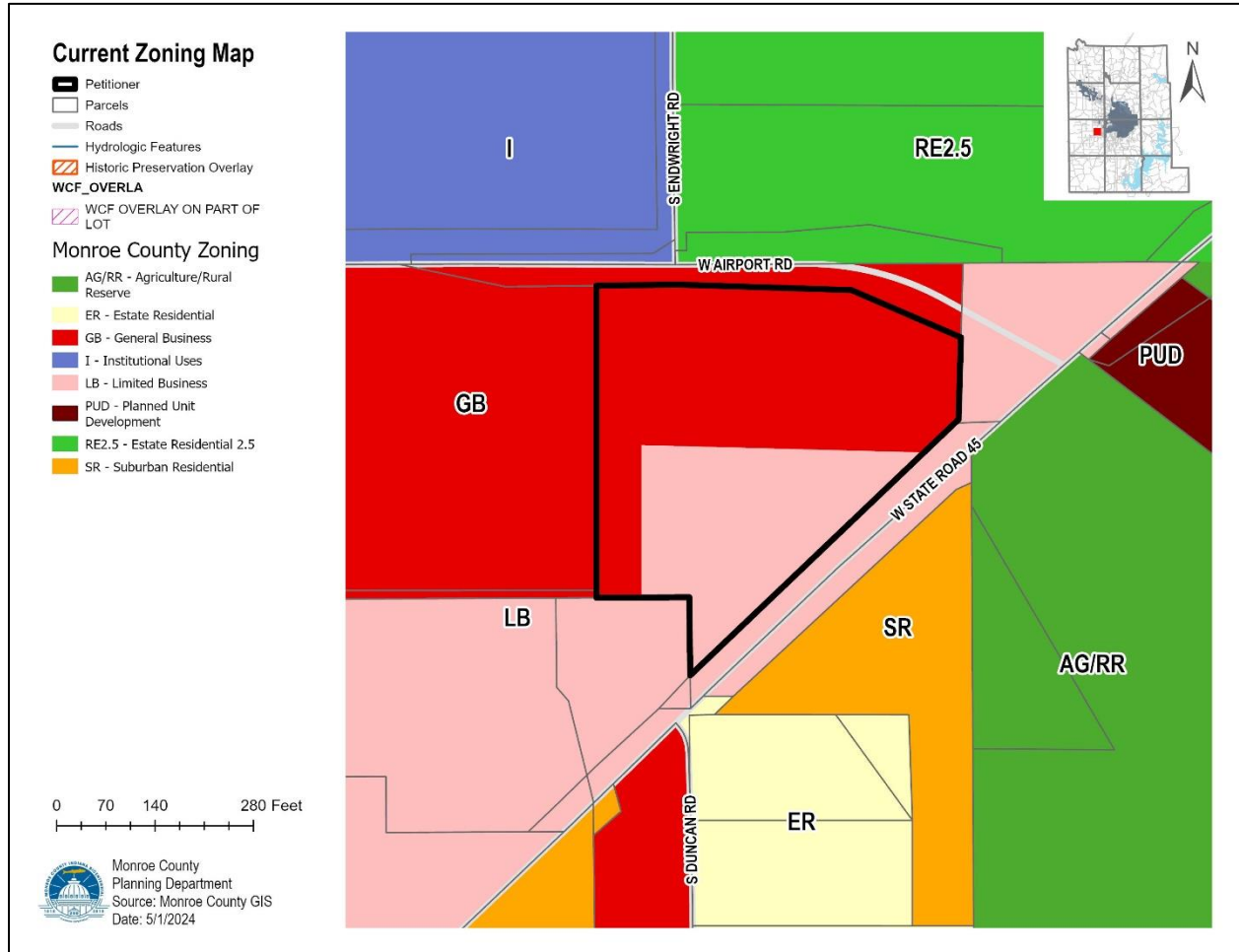
**LOCATION MAP**

The petition site is located at 4646 W State Road 45, parcel #: 53-09-14-100-018.000-015. The property has frontage along W State Road 45 and W Airport RD, and contains 4.1 acres. The property is not located within the Airport Noise Sensitivity Area.



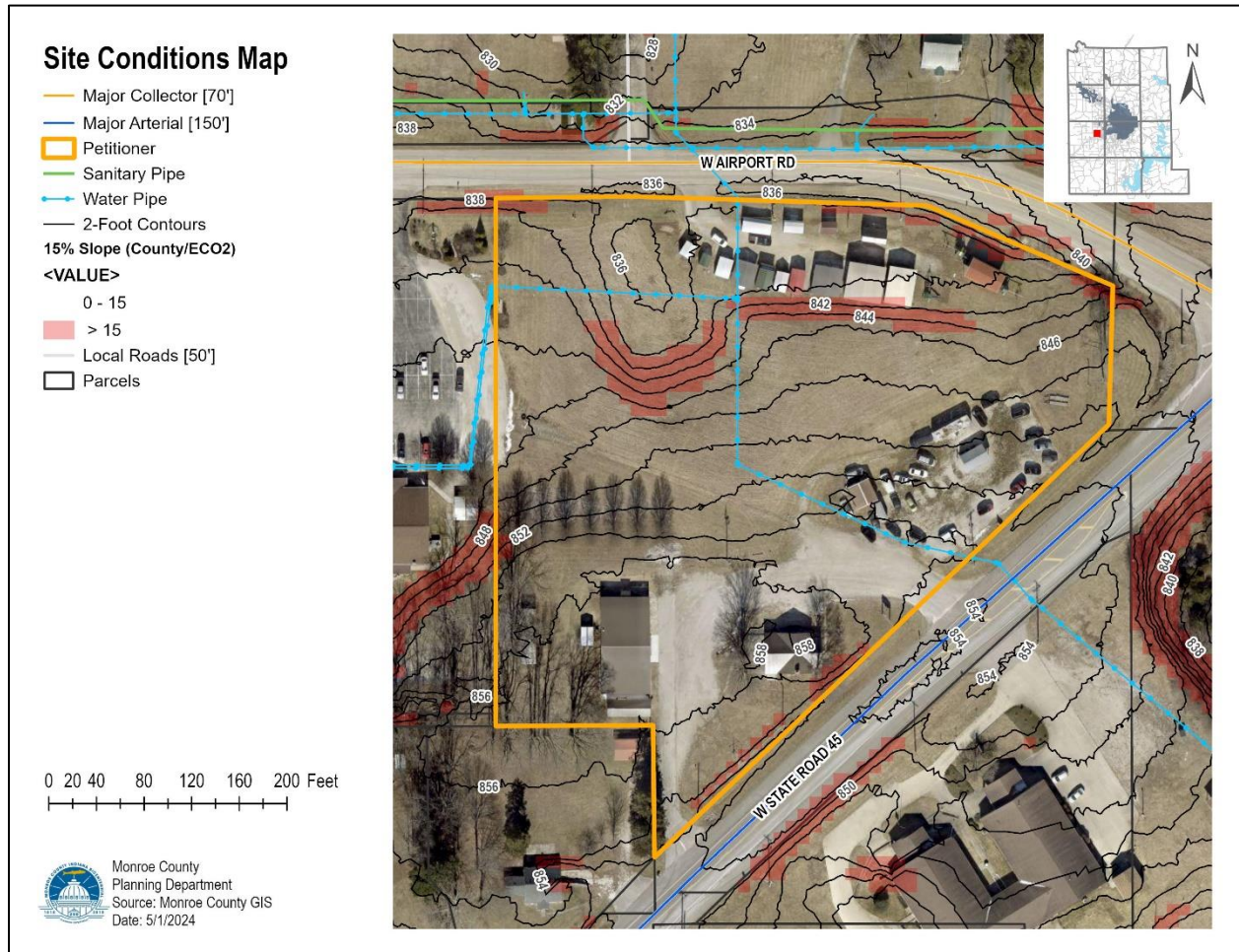
## ZONING AND ADJACENT USES

The petition site is split zoned Limited Business (LB) and General Business (GB). Adjacent properties to the north are zoned either Institutional Uses (I) or Estate Residential 2.5 (RE2.5). Adjacent properties to the east are zoned either Limited Business (LB) or Agriculture/Rural Reserve (AG/RR). Adjacent properties to the south are zoned either Suburban Residential (SR), Estate Residential (ER) or Limited Business (LB). Adjacent properties to the west are zoned either Limited Business (LB) or General Business (GB). Surrounding uses are a mix of commercial properties and residential properties.



## SITE CONDITIONS

The petition site consists of one 4.1-acre parcel with three existing driveway cuts: two of off W State Road 45, and one of off W Airport RD. According to the Monroe County Thoroughfare Plan, W State Road 45 is classified as a major arterial roadway, while W Airport RD is classified as a major collector roadway. The petition site contains an existing ~3,200 sq. ft. commercial building, and an existing ~1,600 sq. ft. vacant residential building. The property also exhibits an unpermitted use of mini barn sales along the W Airport RD that was operated or leased out by the prior owner of the property. See the site conditions map below for more information.



**SITE PHOTOS**



Site Pictometry (2024) – from south



Site Pictometry (2024) – from south



Site Pictometry (2024) – from north



Photo 1: W State Road 45 and existing residence to-be converted to an office – facing southwest



Photo 2: Driveway onto petition site and existing sign – facing northwest





Photo 3: Driveway onto petition site and vacant area – facing north



Photo 4: W State Road 45 and driveway – facing northeast



Photo 5: Vacant area to-be redeveloped as gas station/convenience store – facing northeast



Photo 6: Vacant area to-be redeveloped as gas station/convenience store – facing north



Photo 7: Driveway loop and existing vacant residence to-be remodeled into an office – facing southeast



Photo 8: Existing residence to-be remodeled into an office – facing southwest



Photo 9: Existing storage building to-be remodeled into Park & Recreational Services – facing west

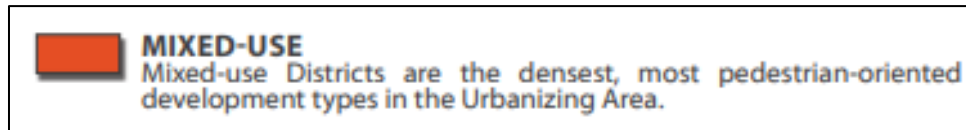


Photo 10: Existing storage building to-be remodeled into an arcade – facing southwest

## COMPREHNSIVE PLAN DISCUSSION

The petition site is located within the MCUA Mixed Use designation of the Comprehensive Plan. Points that align with the proposed rezone are highlighted in green. Points that differ from the designation are highlighted in grey.

The petition site is located within the Monroe County Urbanizing Area – Mixed Use



### MCUA -MIXED USE

This land use type will vary in terms of form, scale, character, and the specific mix of uses, depending on location, access considerations and existing development context.

Uses may be integrated vertically within buildings, such as residential or office over ground-floor retail, or horizontally among single-use buildings that are closely coordinated with one another. Mixed-use areas may take the form of linear corridors along major roadways, large districts that serve as regional destinations for commerce, dining and entertainment, or small nodes at crossroads that serve nearby residential neighborhoods or employment areas. Mixed-use areas offer the greatest flexibility in terms of land use. Individual parcels of land within a larger mixed-use area may be developed with a single use, so long as the site is designed in a way to integrate with surrounding sites to create a whole that is greater than the sum of parts.

Most areas designated as Mixed-Use on the Land Use Map are in locations with existing suburban-style development. These locations offer opportunities for reinvestment, infill, redevelopment, and transformation into more walkable centers of activity within the Urbanizing Area. Examples include the Third Street Corridor, the Tapp Road/SR-45/Curry Pike Area, and key intersections along the South Walnut Street Corridor.

### A. TRANSPORTATION

#### *Streets*

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

#### *Bike, Pedestrian, and Transit Modes*

Mixed-use streets should incorporate the full suite of complete street and “green” street design techniques. Streets should safely accommodate pedestrian and bicycle travel, as appropriate to the larger context of the transportation system and the surrounding scale and character of development. Wider sidewalks or an enhanced buffer along the street will provide a safer environment for pedestrians while allowing greater access to businesses in mixed-use areas. Streets should not be designed with a “one-size fits all” approach. Local streets may accommodate cyclists through an overall design that discourages high travel speeds by motorists, such as the use of narrower travel lanes (10 to 11 feet), on-street parking, and smaller curb radii at intersections (15 to 25 feet). These streets may simply require pavement markings or signage indicating that cyclists may use the travel lane. On the other hand, multi-lane roads should provide enhanced bicycle infrastructure, such as on-street bicycle lanes, cycle track facilities, or off-street shared use paths, with special attention to transitions between different facility types. As the most likely to support transit service in the future, mixed-use streets should be designed to accommodate potential transit expansion.

## **B. UTILITIES**

### ***Sewer and Water***

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

### ***Power***

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

### ***Communications***

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

## **C. OPEN SPACE**

### ***Park Types***

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

### ***Urban Agriculture***

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

## **D. PUBLIC REALM ENHANCEMENTS**

### ***Lighting***

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

### ***Street/Site Furnishings***

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

## **E. DEVELOPMENT GUIDELINES**

### ***Open Space***

The amount and type of open space appropriate for mixed-use areas will vary by the location and scale of individual developments. Large, consolidated developments should include prominent open spaces with public street frontage. For residential uses, open space should generally be provided with a target of 200

square feet per dwelling unit. Commercial uses over 25,000 square feet of gross floor area should provide small pocket parks or plazas.

### ***Parking Ratios***

Parking requirements will vary depending on the scale and mixture of uses within individual mixed-use areas. Shared parking arrangements should be encouraged to minimize the size of surface parking lots. On-street parking should be permitted to contribute to required parking maximums as a means to reduce surface parking and enliven mixed-use streets with foot traffic.

### ***Site Design***

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

### ***Building Form***

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

### ***Materials***

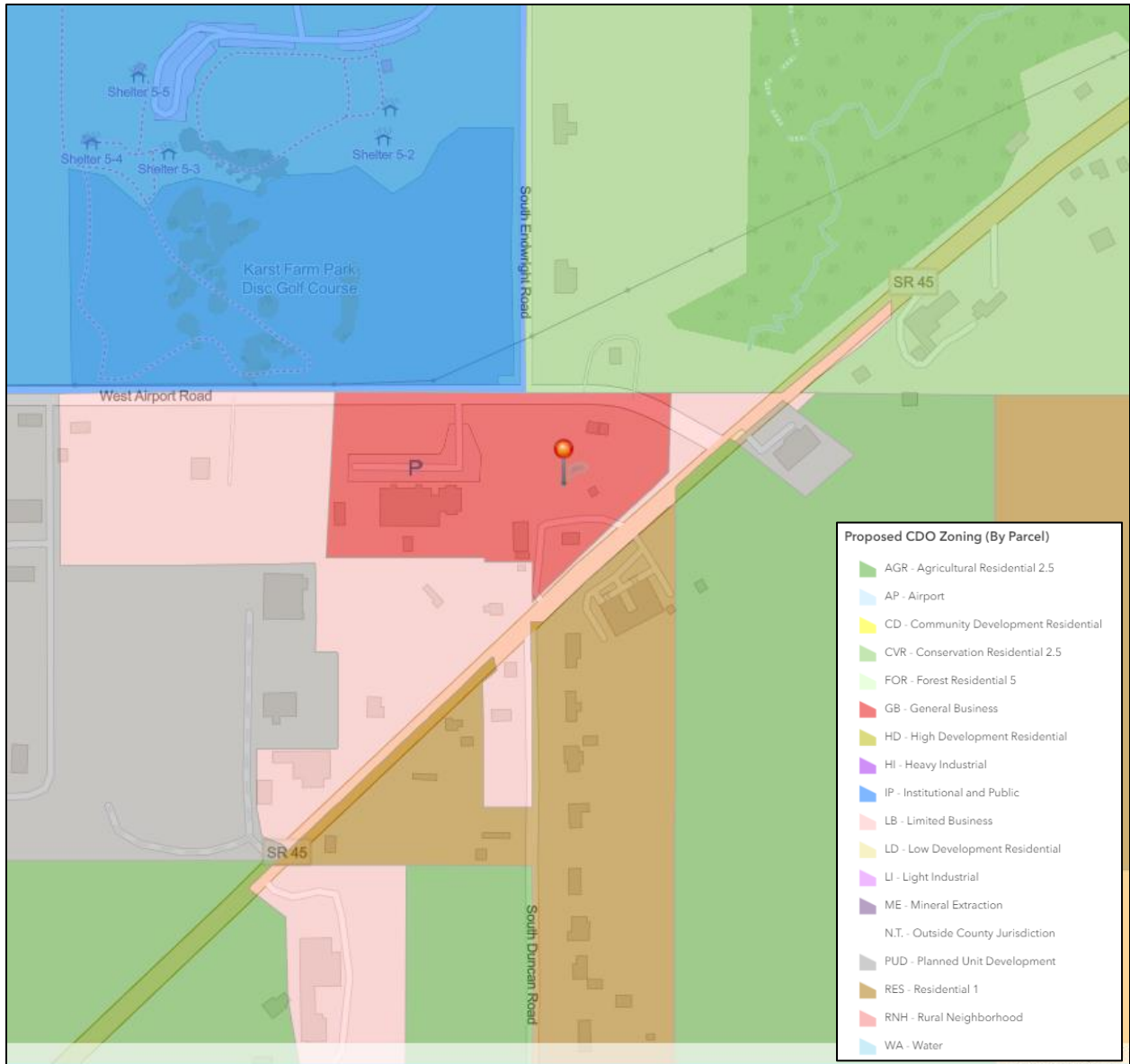
Mixed-use buildings should have a durable and lasting character, indicative of their ability to be repurposed for various uses over time. This is best achieved through the use of brick and dimensional or cultured stone. Concrete masonry units may be used but should have texture and color variation if used as a primary building material. Blank walls should be avoided, particularly for facades facing public streets.

### ***Private Signs***

Signs should be sized and designed to effectively communicate to both pedestrian and vehicular traffic without becoming a visual distraction. Wall mounted and monument signs are appropriate; pole signs and roof-top billboards should be prohibited.

## COUNTY DEVELOPMENT ORDINANCE (CDO) DISCUSSION

The Current Draft Zoning Map for the County Development Ordinance lists the subject property as transitioning fully to the “General Business” (GB) zoning district.





## **FINDINGS OF FACT - REZONE**

In preparing and considering proposals to amend the text or maps of this Zoning Ordinance, the Plan Commission and the Board of County Commissioners shall pay reasonable regard to:

### **(A) The Comprehensive Plan;**

#### **Findings:**

- The rezone request is to change the zone for the petition site from split zoned General Business (GB) and Limited Business (LB) to solely General Business (GB);
- For properties split in their zoning designations, the use restrictions of each separate zone apply to that portion of the property;
- The Comprehensive Plan designates the petition site as MUA Mixed Use;
- The Draft Zoning Map of the County Development Ordinance (CDO) has this property listed as transitioning into the General Business (GB) zone;
- If the rezone request is denied, the property will remain split zoned until the County Development Ordinance is adopted;
- If the rezone request is approved, the petitioner will be required to submit a commercial site plan for review by County staff for the operation of a Commercial/Industrial Adaptive Reuse;

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

#### **Findings:**

- See Findings under Section A;
- The current use of the petition site is vacant;
- The rezone request is to change the zoning for the site to General Business (GB), which is described by the County's Zoning Ordinance, Chapter 802, as follows:

***General Business (GB) District.** The character of the General Business (GB) District is defined as that which is primarily intended to meet the needs for heavy retail business uses. General business uses should be placed into cohesive groupings rather than on individual properties along highways in order to take advantage of major thoroughfares for traffic dissemination. Access control should be emphasized. The purposes of the GB District are: to encourage the development of groups of nonresidential uses that share common highway access and/or provide interior cross access in order to allow traffic from one business to have access to another without having to enter the highway; to discourage single family residential uses; to protect environmentally sensitive areas, such as floodplain, karst and steep slopes; and to maintain the character of the surrounding neighborhood. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the adjacent residential uses.*

- The petition site is currently split zoned General Business (GB) and Limited Business (LB);
- There are two existing driveway cuts off W State Road 45;
- There is one existing driveway cut off W Airport RD;
- The petition site appears to exhibit a karst feature near the northwest corner of the property;
- The petition site is not located in DNR Floodplain;
- The petition site is not located in the Environmental Constraints Overlay;

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

#### **Findings:**

- See Findings under Section A and Section B;
- The surrounding parcels are zoned Institutional (I), Estate Residential 2.5 (RE2.5), Limited

- Business (LB), Suburban Residential (SR), and General Business (GB);
- The petition site is not located within the Airport Noise Sensitivity Area;

**(D) 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;

**(E) Responsible development and growth.**

**Findings:**

- See Findings under Section A, Section B, and Section C;
- The petitioner's goal for the property would be a redevelopment of the petition site;
- According to the Monroe County Thoroughfare Plan, W Airport Road is listed as a Major Collector roadway;
- According to the Monroe County Thoroughfare Plan, W State Road 45 is listed as Major Arterial roadway;
- W State Road 45 is under the jurisdiction of the Indiana Department of Transportation (INDOT);
- The petition site exhibits three existing driveway cuts, two of which are under the jurisdiction of the Indiana Department of Transportation (INDOT);

**EXHIBIT 1: Petitioner Letter to the Plan Commission**



116 West 6<sup>th</sup> Street, Suite 200  
P.O. Box 2639  
Bloomington, Indiana 47402-2639  
TEL: 812.332.6556  
FAX: 812.331.4511  
michael@carminparker.com

February 6, 2024

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

RE: Zoning Petition  
Our File No.: 24933-1

Plan Commission Members:


Heri, Inc. petitions to rezone property located at the common address 4646 W. State Road 45, Bloomington, Indiana from Limited Business (LB) to General Business (GB). The property is owned by the Estate of Donald Funkhouser. The property consists of one legal parcel, 4.1 acres with split zoning--in part GB and in part LB.

A consolidated development plan will be submitted by Heri, Inc. to establish uses on the property permitted in the GB zone.

The property at 4646 W. State Road 45 will be redeveloped with a convenience store/fuel station; convert an existing building for recreational use ( an arcade).

The property at 4806 W. State Road 45 is improved with a manufactured home. The grounds will be upgraded and the residential use of the property maintained.

Respectfully,

  
Michael L. Carmin





### EXHIBIT 3: Letters of Opposition

**From:** [Kendall Brooke](#)  
**To:** [Planning Office](#)  
**Subject:** Urge to Deny Petition #REZ-24-2  
**Date:** Monday, June 10, 2024 2:08:42 PM

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To Whom It May Concern at the Monroe County Planning Department,

I am a local homeowner on Duncan Road writing to express my strong opposition to Petition #REZ-24-2, which proposes a zoning change to establish a gas station and arcade at the corner of Highway 45 and Airport Road, directly across from Duncan Road.

This rezoning would have a significantly negative impact on the area for several reasons:

#### **1. Public Safety and Traffic Concerns:**

- The proposed location already experiences a high volume of traffic on Highway 45, with a concerning number of accidents. Introducing a gas station and arcade would further exacerbate this issue, potentially leading to more congestion and safety hazards.

#### **2. Negative Impact on Property Values:**

- Extensive research demonstrates a clear link between gas stations and a decline in property values for nearby homes. This decline can range from 30-50%, significantly impacting residents' investments and the overall appeal of the area.

#### **3. Health Risks:**

- Gas stations release harmful pollutants, including benzene, a known carcinogen, into the surrounding air. This poses a significant health risk, particularly for vulnerable populations such as children, the elderly, and those with pre-existing conditions residing near the proposed development.

#### **4. Detrimental Impact on Karst Farm Park:**

- Karst Farm Park would be negatively affected by this development. Increased traffic, air pollution, and potential environmental hazards pose a threat to the safety and enjoyment of park visitors, especially children. The presence of a gas station and arcade would detract from the park's natural beauty and recreational value.

#### **5. Environmental Damage:**

- Gas stations have a well-documented risk of soil and water contamination due to potential fuel leaks and spills. This poses a long-term threat to the health of our community and the surrounding environment.

The current zoning designation for this land is more suitable for the existing residential area and protects the safety and well-being of residents, as well as the continued enjoyment of Karst Farm Park. Introducing a gas station and arcade would be detrimental to the quality of life in this area. **I strongly urge the Monroe County Planning Department to deny Petition #REZ-24-2.**

Thank you for your time and consideration. Please confirm receipt of this email.

Sincerely,  
Kendall E.

Exhibit 4:

**MONROE COUNTY PLAN COMMISSION**  
*and office of the*  
**MONROE COUNTY BOARD OF ZONING APPEALS**  
Monroe County Government Center, 501 N. Morton St., Suite 224  
Bloomington, IN 47404  
Telephone: (812) 349-2560 / Fax: (812) 349-2967  
<http://www.co.monroe.in.us/tsd/Government/Infrastructure/PlanningDepartment.aspx>



July 29, 2014

Donald G Funkhouser  
7090 W Matthews Rd  
Bloomington, IN 47403

Dear Mr. Funkhouser,

We are contacting you in regards to the operation of commercial businesses on the following property:

Parcel Number: 53-09-14-100-018.000-015  
Location: 4646 W State Road 45, Bloomington, IN 47403

On July 1, 2014 we met in person at the Planning Department, also present was Valerie Seeton, Zoning Inspector. At this meeting we provided information regarding the submittal requirements and process for initiating legal use of this property. We met for a second time on July 28, 2014 at the Planning Department with Jason Eakin, Assistant Director. Again we provided options, as listed below, to meet compliance.

The County has initiated this enforcement action because of activity and development on this property that is non-complaint with the Monroe County Zoning Ordinance, specifically Chapter 804-4 (number of structures on a lot), Ch. 814 (improvement location permits and land use certificate), and Ch. 815 (site plan review). Review of land use on the property has found the expansion/relocation of several businesses including auto sales, military surplus sales, shed/playset sales, antique sales, etc.

As a follow-up to our meeting, you are required to submit the following for review and approval to this office no later than later than Monday, September 1, 2014.

- 1) **Proof of legal, pre-existing use of businesses** on the parcel (as per Chapter 803-3) pre-dating March 31<sup>st</sup>, 1996.
- 2) File **minor subdivision preliminary and final plats** creating individual tracts for each commercial use that is not legal, pre-existing (auto sales and shed/playset sales).
- 3) File a **site plan** for the existing auto sales business.
- 4) File a **site plan** for the existing shed/playset sales business.

Upon approval of these a Land Use Certificate can be issued indicating the site has reached full compliance with the Monroe County Zoning Ordinance. **Failure to comply by the above date may result in enforcement action up to and including fines and legal action.**

We appreciate your cooperation in addressing this matter.

Regards,  
Carly Petersen, AICP

Cc: Monroe County Legal Department, Planning Director, Case File

**MONROE COUNTY PLAN COMMISSION**  
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July 2, 2014

Donald G Funkhouser  
7090 W Matthews Rd  
Bloomington, IN 47403

Dear Mr. Funkhouser,

We are contacting you in regards to the operation of commercial businesses on the following property:

Parcel Number: 53-09-14-100-018.000-015  
Location: 4646 W State Road 45, Bloomington, IN 47403

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The County has initiated this enforcement action because of activity and development on this property that is non-complaint with the Monroe County Zoning Ordinance, specifically Chapter 804-4 (number of structures on a lot), Ch. 814 (improvement location permits and land use certificate), and Ch. 815 (site plan review). Review of land use on the property has found the expansion/relocation of several businesses including auto sales, military surplus sales, shed/playset sales, antique sales, etc.

As a follow-up to our meeting, you are required to submit a **Planned Commercial Development Rezone/Outline Plan** for review and approval to this office no later than later than **Friday, August 1, 2014**. The second requirement following the approval of said plan will be the filing of a **Planned Commercial Development Plan**.

Upon approval of the development plan a Land Use Certificate can be issued indicating the site has reached full compliance with the Monroe County Zoning Ordinance. Failure to comply by the above date may result in enforcement action up to and including fines and legal action.

We appreciate your cooperation in addressing this matter.

Regards,

Carly Petersen, AICP  
Planner

Cc: Monroe County Legal Department, Planning Director, Case File



**MONROE COUNTY PLAN COMMISSION**

*and office of the*

**MONROE COUNTY BOARD OF ZONING APPEALS**

Monroe County Government Center, 501 N. Morton St., Suite 224

Bloomington, IN 47404

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

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



February 1, 2012

Mr. Donald Funkhouser  
7090 W. Matthews Rd  
Bloomington, IN 47403

Dear Mr. Funkhouser,

It has come to the attention of the Planning Department that sheds and playsets are currently being sold from your property, tax parcel 016-30680-00, located at 4646 W State Road 45, Bloomington, Indiana, without securing necessary approvals in compliance with the county's Zoning Ordinance. Further examination of the property has found the expansion/relocation of the auto sales business on the property also not in compliance with the Zoning Ordinance. In order to determine the best course of action regarding this property, please gather the following information:

1. a list of the businesses on the site, and any residences,
2. the date each of the uses commenced on the site, and
3. any evidence you have to support the starting dates (tax statements/photos/letters/etc.) and types of business activity (military surplus sales/auto sales/shed sales/antique sales, etc.) on the site.

It appears that:

1. The military surplus store may be eligible for "grandfathering"
2. The auto sales, shed sales, and antique sales are not likely to be eligible for "grandfathering"

Please submit this information to the Planning Department no later than 2/10/2012. Staff will review the information and contact you to set up a Pre-Design Meeting regarding the property and the applications necessary to bring the site into compliance.

Sincerely,

Katie Waldman  
Planner/GIS Specialist  
Address Coordinator  
Monroe County Plan Commission