



# Monroe County Board of Commissioners Agenda Request Form

Date to be heard  Formal  Work session  Department

Title to appear on Agenda:  Vendor #

**Executive Summary:**

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

The Planning Dept. Staff recommended the Plan Commission forward this petition with a negative recommendation to the Board of Commissioners based on the findings of fact, specifically due to its incompatibility with the Monroe County Comprehensive Plan. Additionally, Planning Staff noted consideration of this petition site under the CDO Draft Zoning should be considered by the Plan Commission and ultimately the County Commissioners to identify a suitable zoning district and whether an amendment to the Comprehensive Plan is warranted. The County Development Ordinance (CDO) map and text is currently drafted to phase out all properties zoned Pre-existing Business (PB) and rezone those sites to either General Business (GB) or Limited Business (LB) depending on their current use and intensity. Therefore, a rezone to PB would ultimately contrast with the goals of the CDO to eliminate the PB zoning district. The reason for eliminating the PB zoning district is to avoid any confusion on future permitted uses based on prior intensity.

On December 11, 2023, the Plan Commission voted 6-2 to forward this petition to the Board of Commissioners with no recommendation and did not include any conditions of approval.

Fund Name(s):	Fund Number(s):	Amount(s)
<input type="text"/>	<input type="text"/>	<input type="text"/>

Presenter:

**Speaker(s) for Zoom purposes:**

Name(s)	Phone Number(s)
<input type="text" value="Martin Heydt, AH &amp; SH, LLC&lt;br/&gt;Mike Carmin, Carmin Parker P.C."/>	<input type="text" value="812-837-9486&lt;br/&gt;812-320-1600"/>

*(the speaker phone numbers will be removed from the document prior to posting)*

Attorney who reviewed:

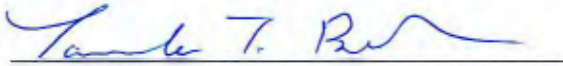
**OFFICE OF  
MONROE COUNTY PLAN COMMISSION  
501 N Morton Street, Suite 224  
BLOOMINGTON, IN 47404**

TO: THE COMMISSIONERS OF MONROE COUNTY, INDIANA

CERTIFICATION

I, Tammy Behrman, hereby certify that during its meeting on December 11<sup>th</sup>, 2023, the Monroe County Plan Commission considered Petition No. REZ-23-3 for a Zoning Map Amendment (Ordinance No. 2024-02) to the Monroe County Zoning Ordinance and made no recommendation thereon, based on the findings, conditions, and Highway Department reports, with a vote of 6-2.

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

  
\_\_\_\_\_  
Tammy Behrman  
Planning Assistant Director  
*R Acting Director*

12/20/2023  
Date

**ORDINANCE NO. 2024-02**

**Worm's Way Rezone From AG/RR to PB**

An ordinance to amend the Monroe County Zoning Maps which were adopted December 1996.

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

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

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

SECTION I.

The Monroe County Zoning Ordinance is amended to rezone one (2) parcels totaling 12.86 +/- acres in Section 28 of Washington Township at 7850 N Wayport Road (parcel #: 53-02-28-100-002.000-017 and 53-02-28-100-006.000-017 from Agriculture/Rural Reserve (AG/RR) to Pre-Existing Business (PB).

SECTION II.

No conditions of approval were added to this petition. The Plan Commission voted 6-2 to forward this petition to the Monroe County Board of Commissioners with "no recommendation" and no conditions of approval.

SECTION III.

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

Passed and adopted by the Board of Commissioners of Monroe County, Indiana, this \_\_\_<sup>th</sup> day of February 2024.

**BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA**

"Yes" Votes

"No" Votes

\_\_\_\_\_  
Julie Thomas, President

\_\_\_\_\_  
Julie Thomas, President

\_\_\_\_\_  
Penny Githens, Vice President

\_\_\_\_\_  
Penny Githens, Vice President

\_\_\_\_\_  
Lee Jones, Commissioner

\_\_\_\_\_  
Lee Jones, Commissioner

\_\_\_\_\_  
Attest:  
Christopher Muench,  
Monroe County Auditor Pro Tempore

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

**EXHIBITS**

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

**RECOMMENDATION**

Recommendation to the Plan Review Committee:

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

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

**PETITION TIMELINE**

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

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

**Plan Commission Regular (Preliminary) – December 11, 2023**

Waiver of Final Hearing requested.

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

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

**Board of Commissioners – TBD**

## SUMMARY

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

## BACKGROUND

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

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

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

## RECENT CASES:

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

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

### **Agriculture/Rural Reserve (AG/RR) District**

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

### **Pre-Existing Business (PB) District**

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

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

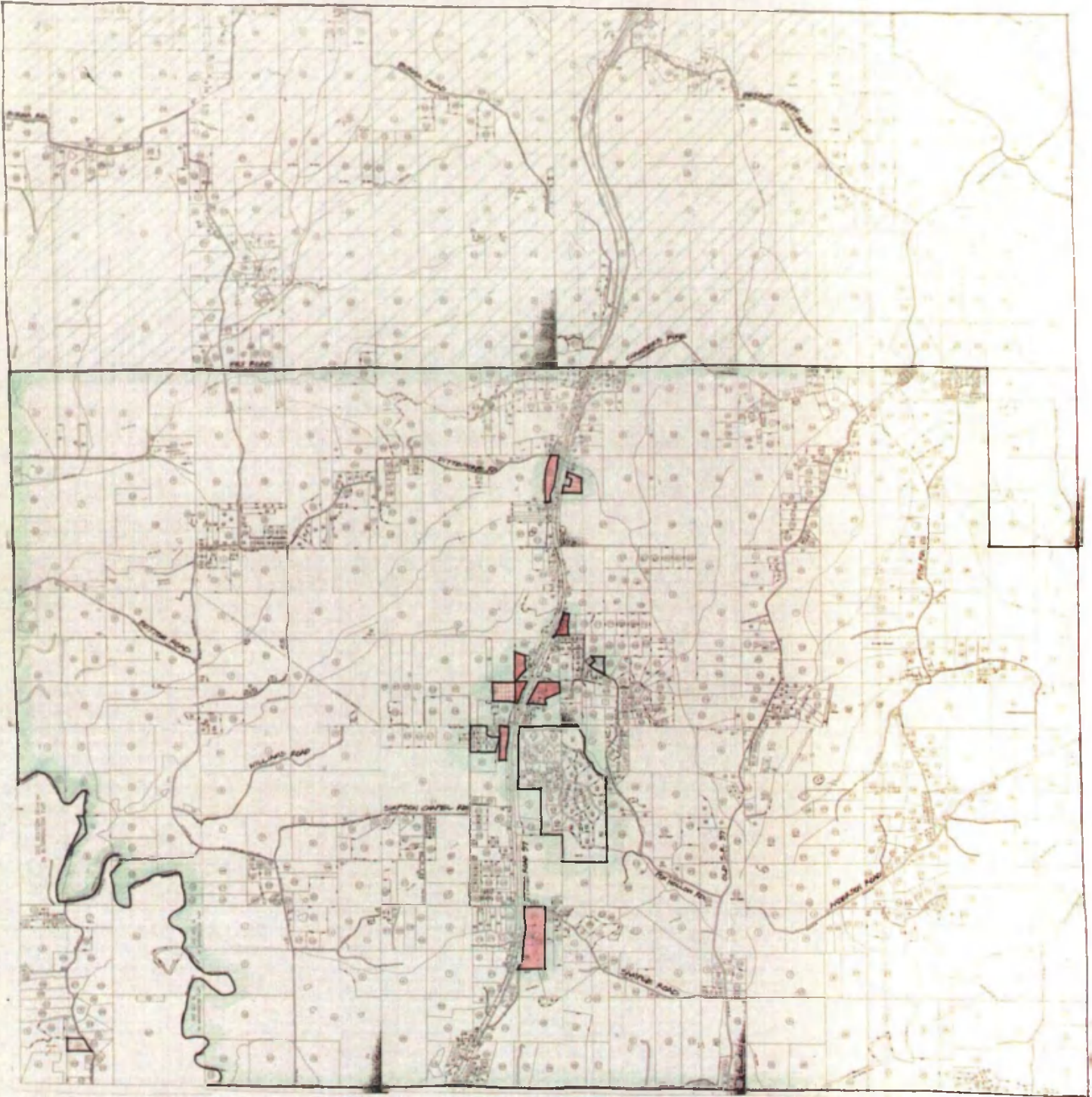
The “**Commercial Facilities...**” use is classified as a *high intensity* use. Therefore, rezoning the property to the Pre-Existing Business (PB) zone would permit any available use that is listed as either *high, medium, or low* intensity in the **General Business (GB)** or **Limited Business (LB)**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

According to [Chapter 802](#),

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







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

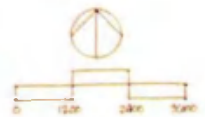
**ORIGINAL PRE-1997 ZONING MAP**



**WASHINGTON TWP.**

**EXISTING ZONING LEGEND**

	AR/PRA AGRICULTURE/RURAL RESERVE		UB LIMITED BUSINESS
	FR FOREST RESERVE		I INDUSTRIAL
	R1 RESIDENTIAL WITH SEWER		PUD PLANNED UNIT DEVELOPMENT
	R2 RESIDENTIAL WITH SEPTIC		PCD PLANNED COMMERCIAL DEVELOPMENT
	BB GENEALY BUSINESS		



Existing Zoning Map  
9/10/96

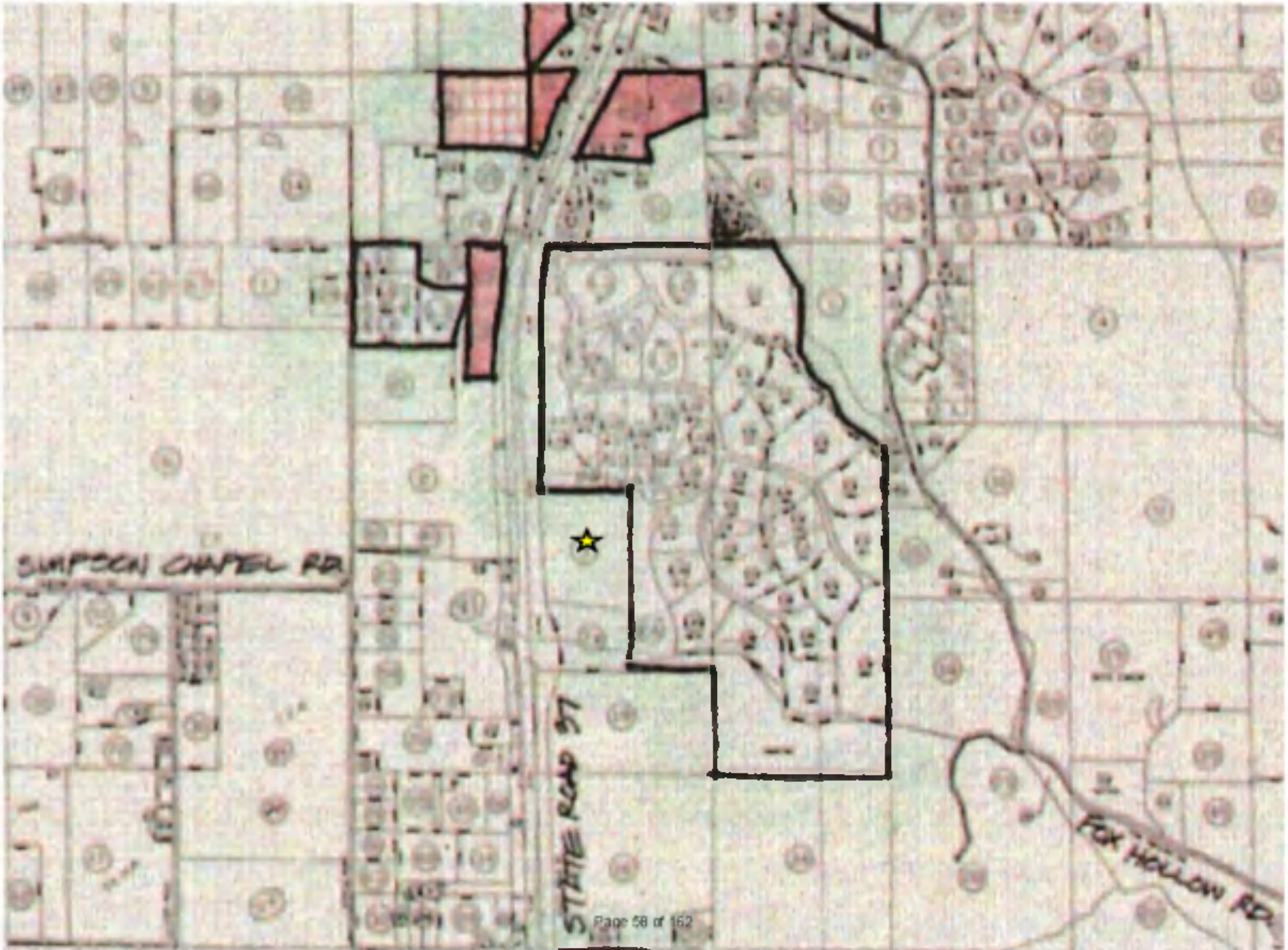
# WASHINGTON TWP.

## EXISTING ZONING LEGEND

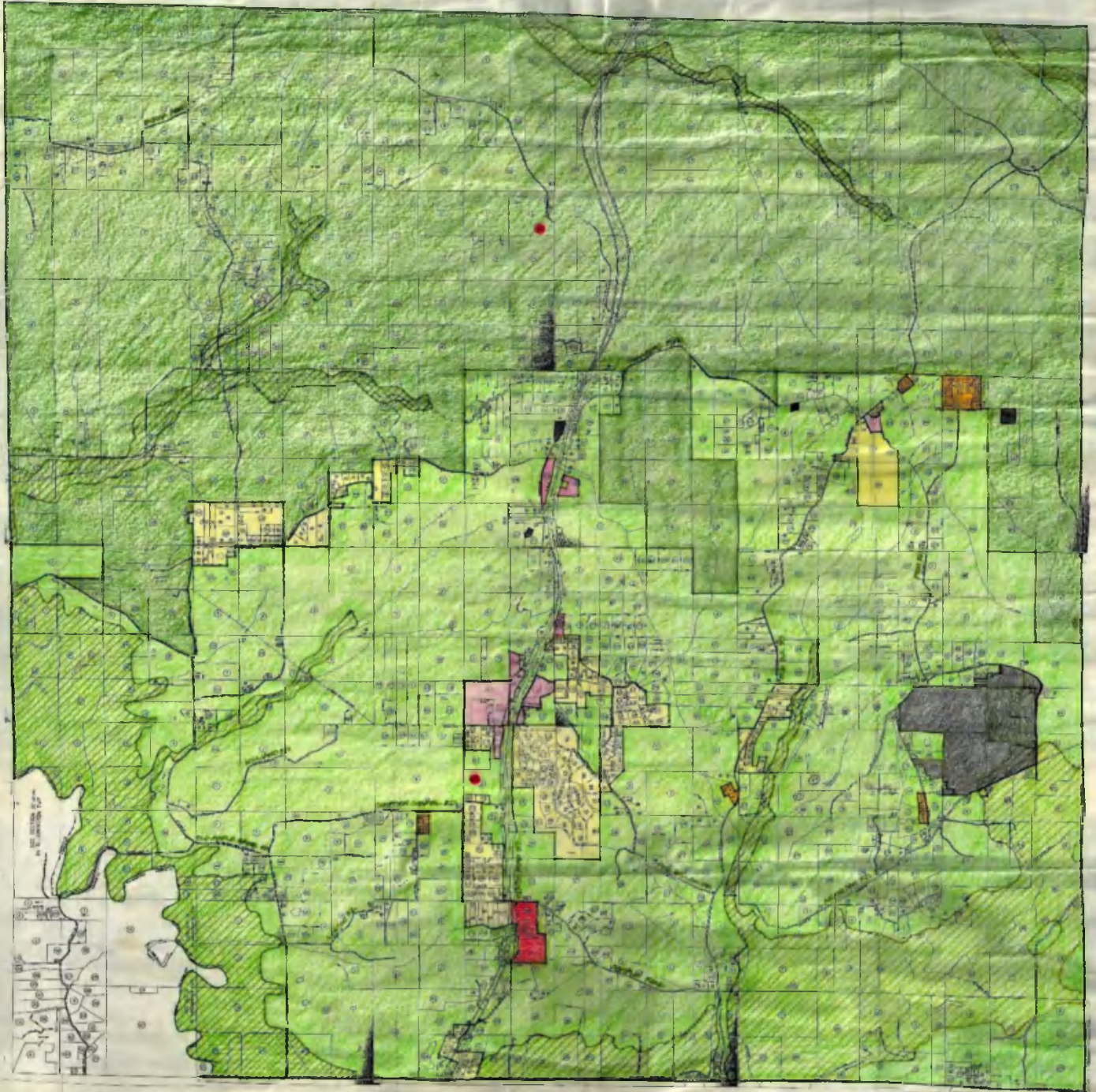
	AQ/RN	AGRICULTURE/RURAL RESERVE		LB	LIMITED BUSINESS
	FR	FOREST RESERVE		I	INDUSTRIAL
	R1	RESIDENTIAL WITH SEWER		PUD	PLANNED UNIT DEVELOPMENT
	R2	RESIDENTIAL WITH SEPTIC		PCD	PLANNED COMMERCIAL DEVELOPMENT
	GB	GENERAL BUSINESS			

Existing Zoning Map  
9/10/96


























**ORIGINAL 1997 ZONING MAP**






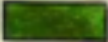



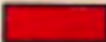


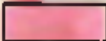


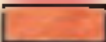


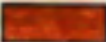
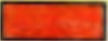
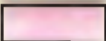
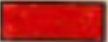

**WASHINGTON TWP.**

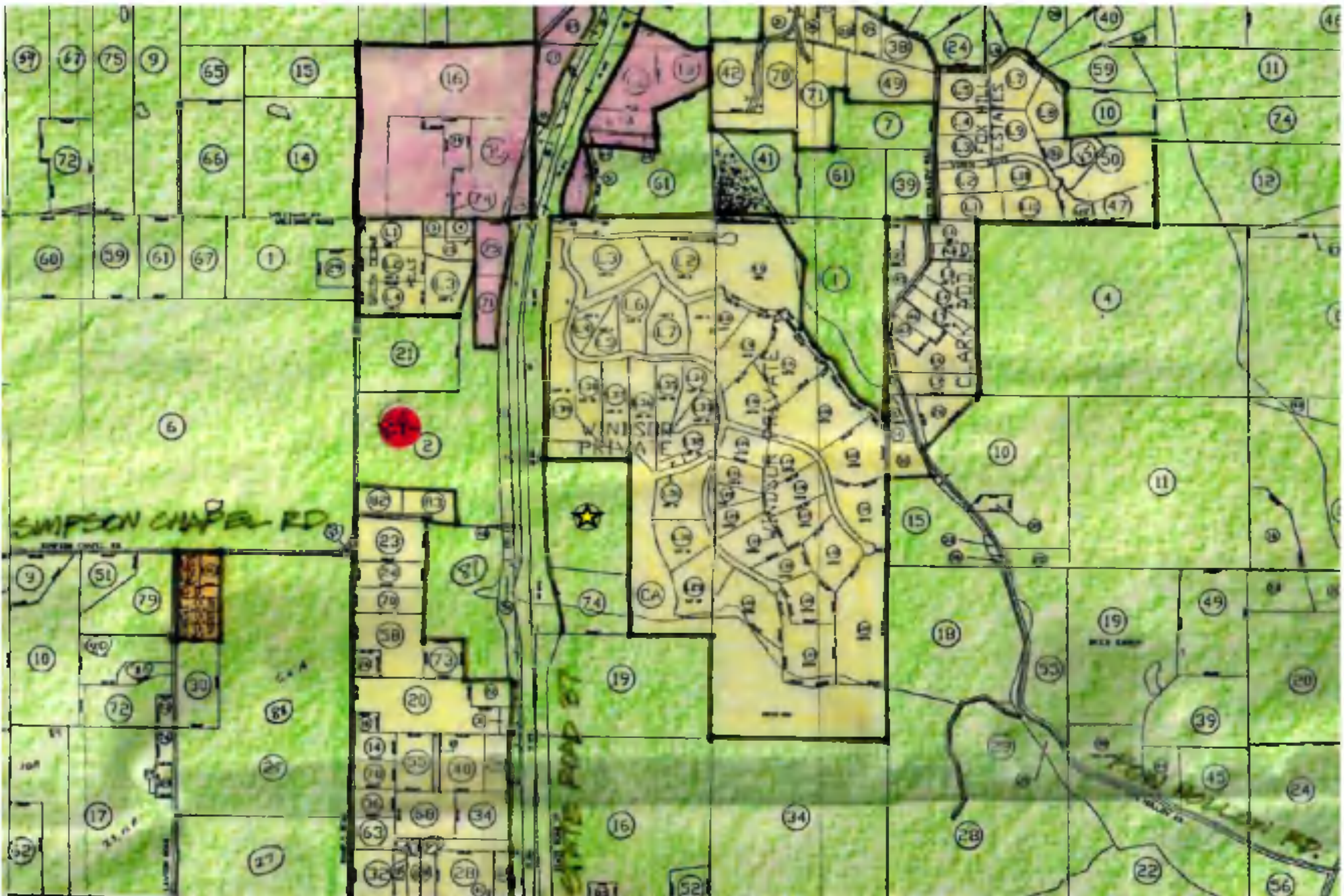
**LEGEND**

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



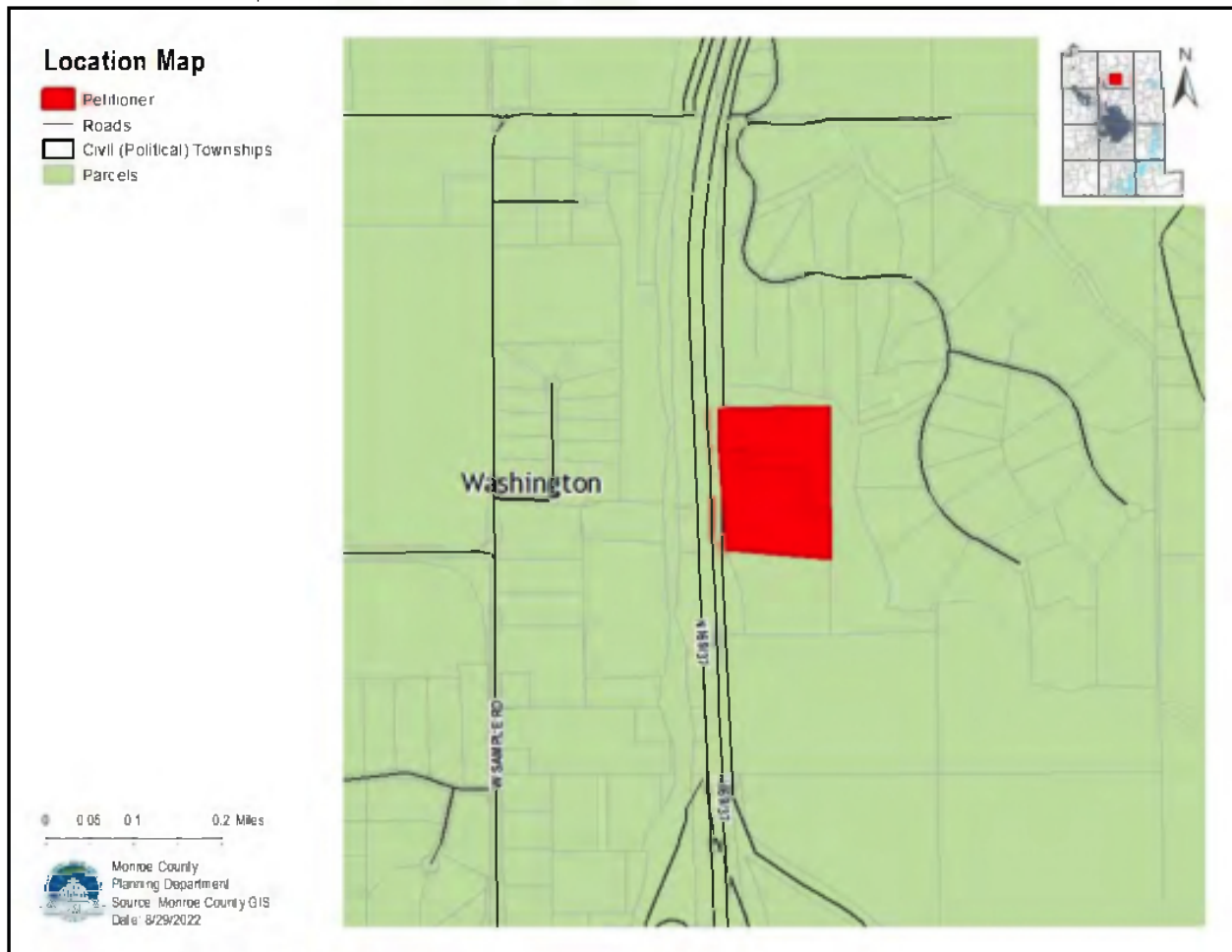
# LEGEND

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



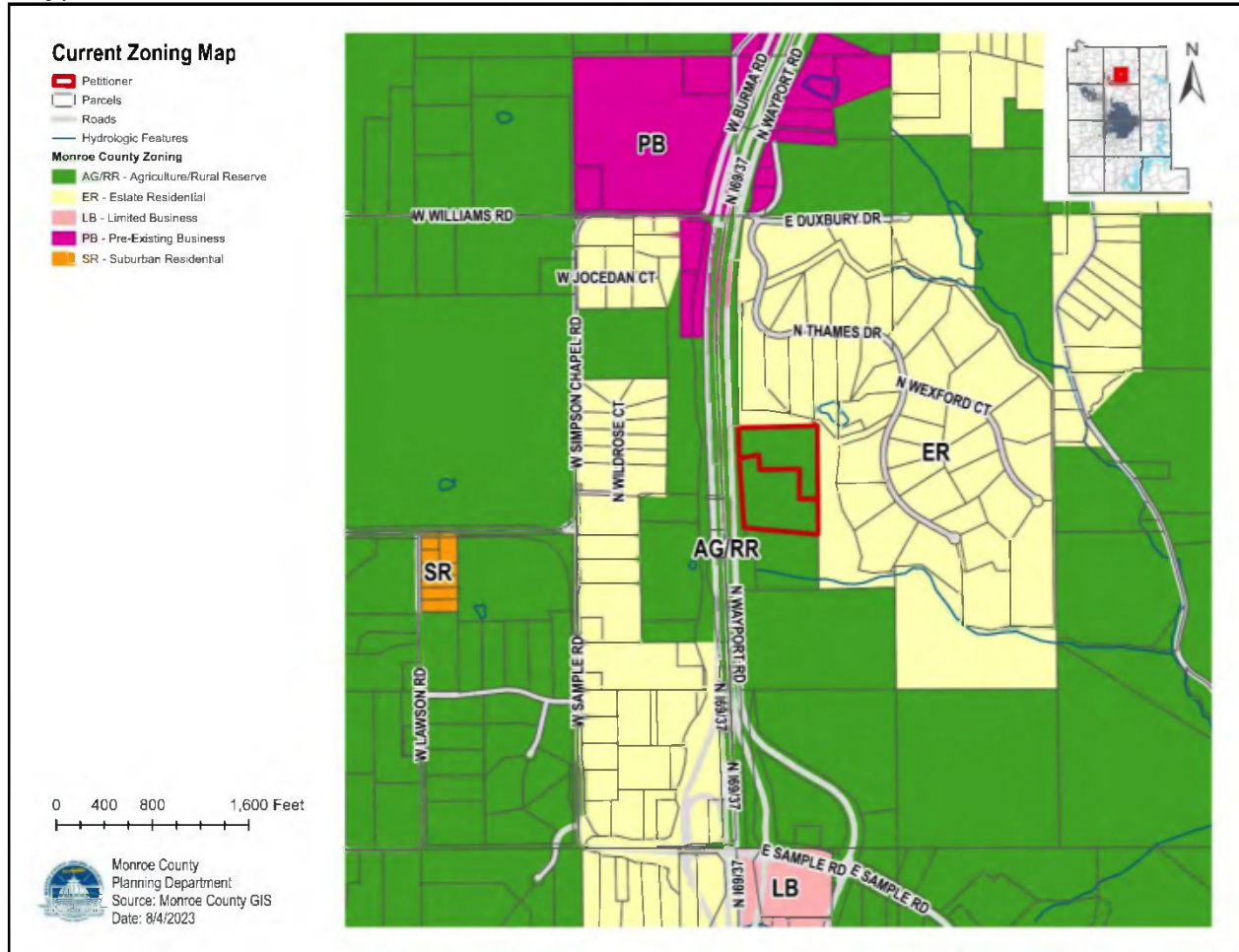
**LOCATION MAP**

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



## ZONING AND ADJACENT USES

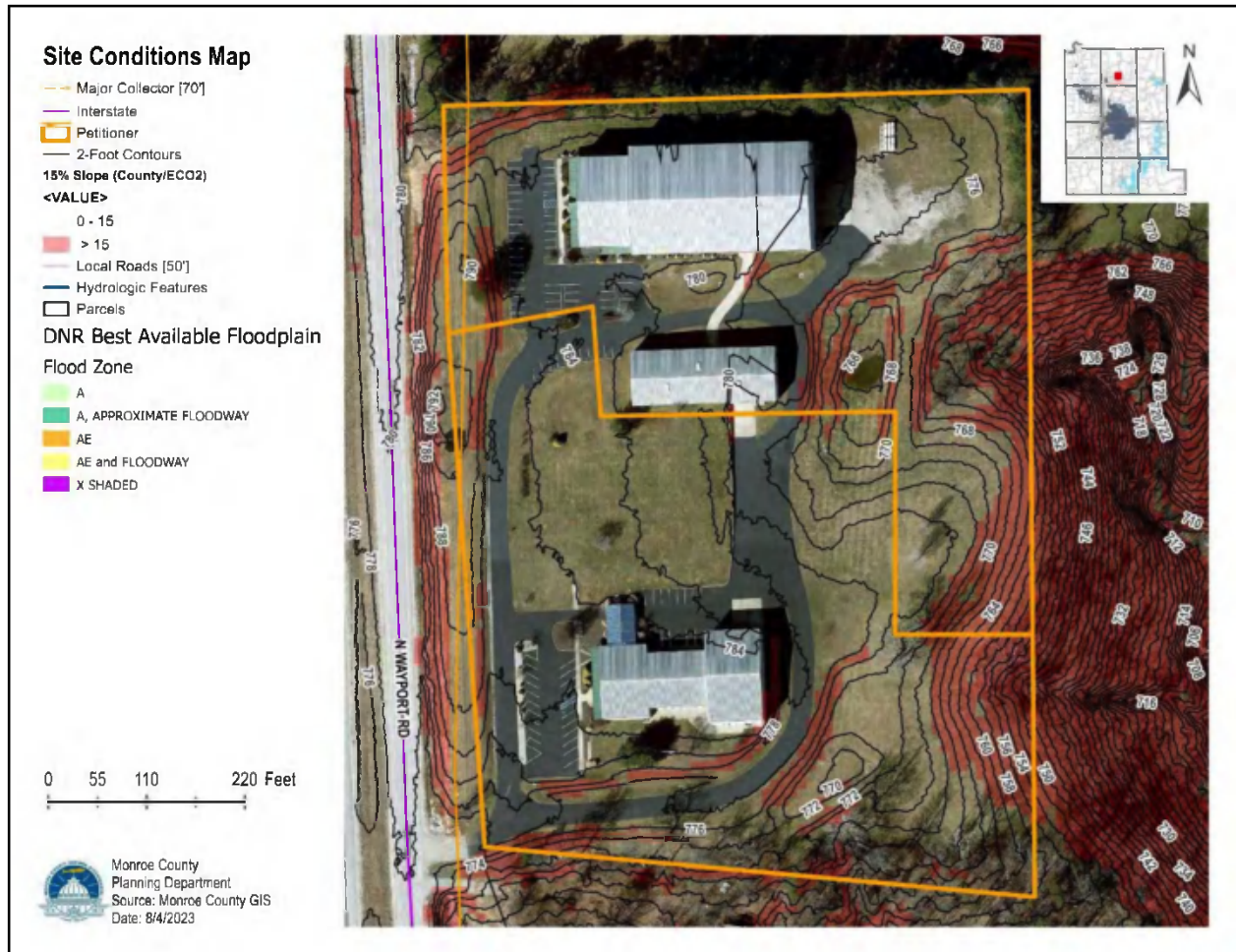
The petition site is zoned Agriculture/Rural Reserve (AG/RR). Adjacent properties to the north and east are zoned Estate Residential (ER) and are located within the Windsor Private Subdivision. Properties to the west and across I-69 are zoned AG/RR. The adjacent property to the south is also zoned AG/RR.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





## SITE CONDITIONS

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





**SITE PICTURES**



**Figure 1. Pictometry photo from south**



**Figure 2. Pictometry photo from north**



Photo 1 – facing north



Photo 2 – facing northeast



Photo 3 – facing northeast



Photo 4 – facing northeast



Photo 5 – facing northeast



Photo 6 – facing east



Photo 7 – facing northeast



Photo 8 – facing northeast



Photo 9 – facing east



Photo 10 – facing east



Photo 11 – facing southeast



Photo 12 – facing south



Photo 13 – facing southwest



SITE PICTURES: Property Lines













## **COMPREHENSIVE PLAN DISCUSSION**

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

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

### **Rural Residential**

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

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

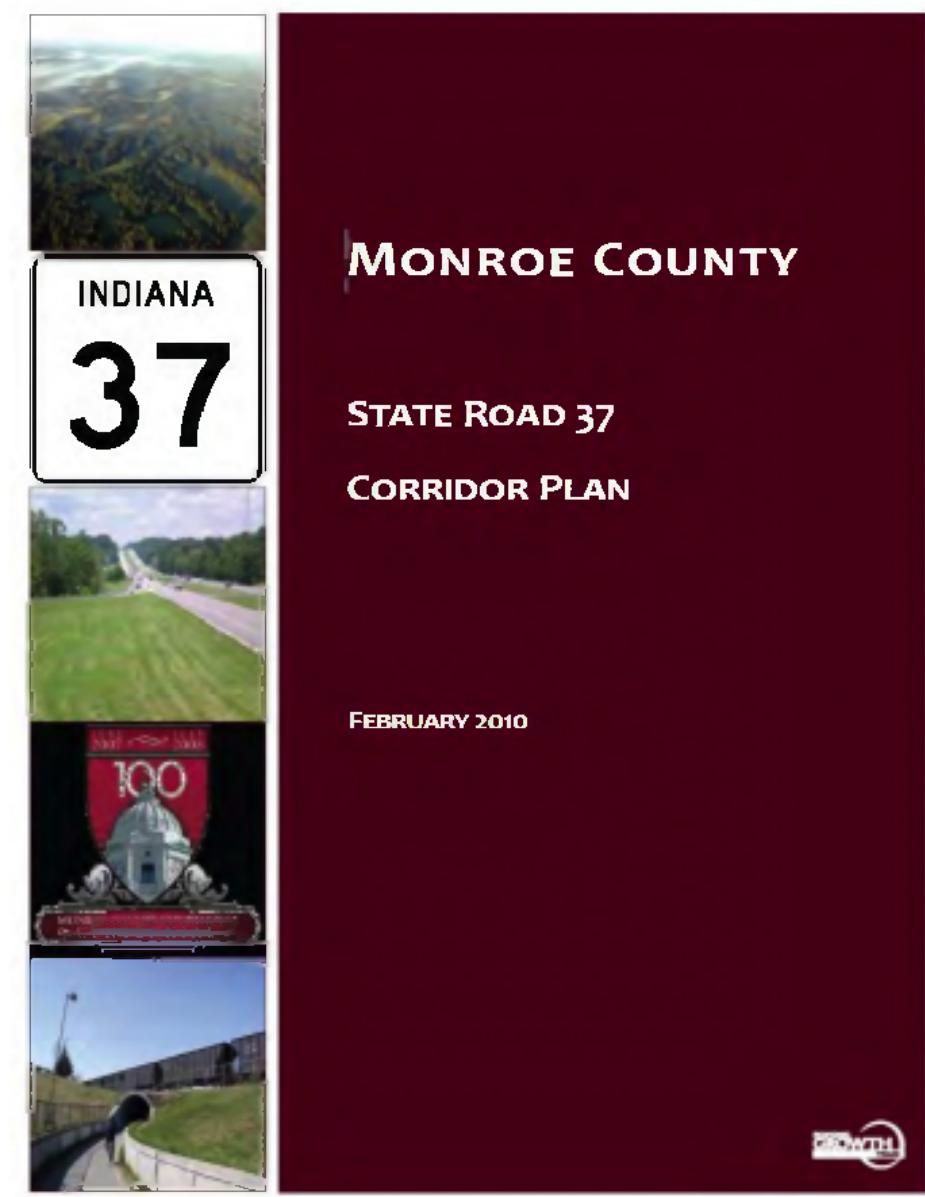
To maintain Rural Residential property use opportunities, an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. Where appropriate infrastructure is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





## STATE ROAD 37 CORRIDOR PLAN DISCUSSION

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



## VIII. LAND USE IMPACTS AND RECOMMENDATIONS

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

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

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

### Morgan/Monroe County Line to Sample Road

#### Area Includes:

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

#### Impacted Roads:

SR 37, CR 800 N / Williams Road, Thomas Drive, Dorothy Drive, Simpson Chapel Road, Lee Paul Road, Fox Hollow Road, Chambers Pike, Dittmore Road, Crosscut Road, Burns Road, Fryants Creek Road, Norm Anderson Road, Sylvan Lane, Sparks Lane and Weyport Road

#### Development Intent

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

#### Existing Conditions and Development Patterns

SR 37 north of Blountington is a mostly rural area characterized by rolling and wooded topography interspersed with agricultural lands and homes. Near the Morgan/Monroe County line, the landscape is largely undeveloped areas, and among the Morgan/Monroe State Forest. Development increases in density in areas closer to Blountington. Larger businesses along this route include Houser Energy, a salvage yard, Oliver Winery, a fish/cataract shop, and Worms Way Garden Center.

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





## 1.69 Impact Summary

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

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

### Future Land Use

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

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

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

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

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

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

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

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

## **FINDINGS OF FACT - REZONE**

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

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

#### **Findings:**

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

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

#### **Findings:**

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

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

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

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

**Findings:**

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

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

**Findings:**

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

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

**Findings:**

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

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

September 29, 2023

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

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

**Petition:**

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

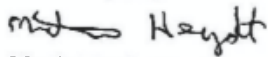
**Regulatory Taking:** AH & SH, LLC has researched the 1997 comprehensive map amendment and the award of PB zoning to selected parcels. The liberal use of the PB zone on similarly situated properties but not for AH & SH, LLC’s property was not previously fully known. That zoning decision in conjunction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

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

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

Respectfully submitted,

AH & SH, LLC



Martin Heydt, Member

**EXHIBIT 2: Monroe County Assessor's Office Letter**



**JUDITH A. SHARP**

Monroe County Assessor

LEVEL III CERTIFIED INDIANA ASSESSOR-APPRAISER

June 14, 2023

Dear Planning Commission Members,

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

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

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

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

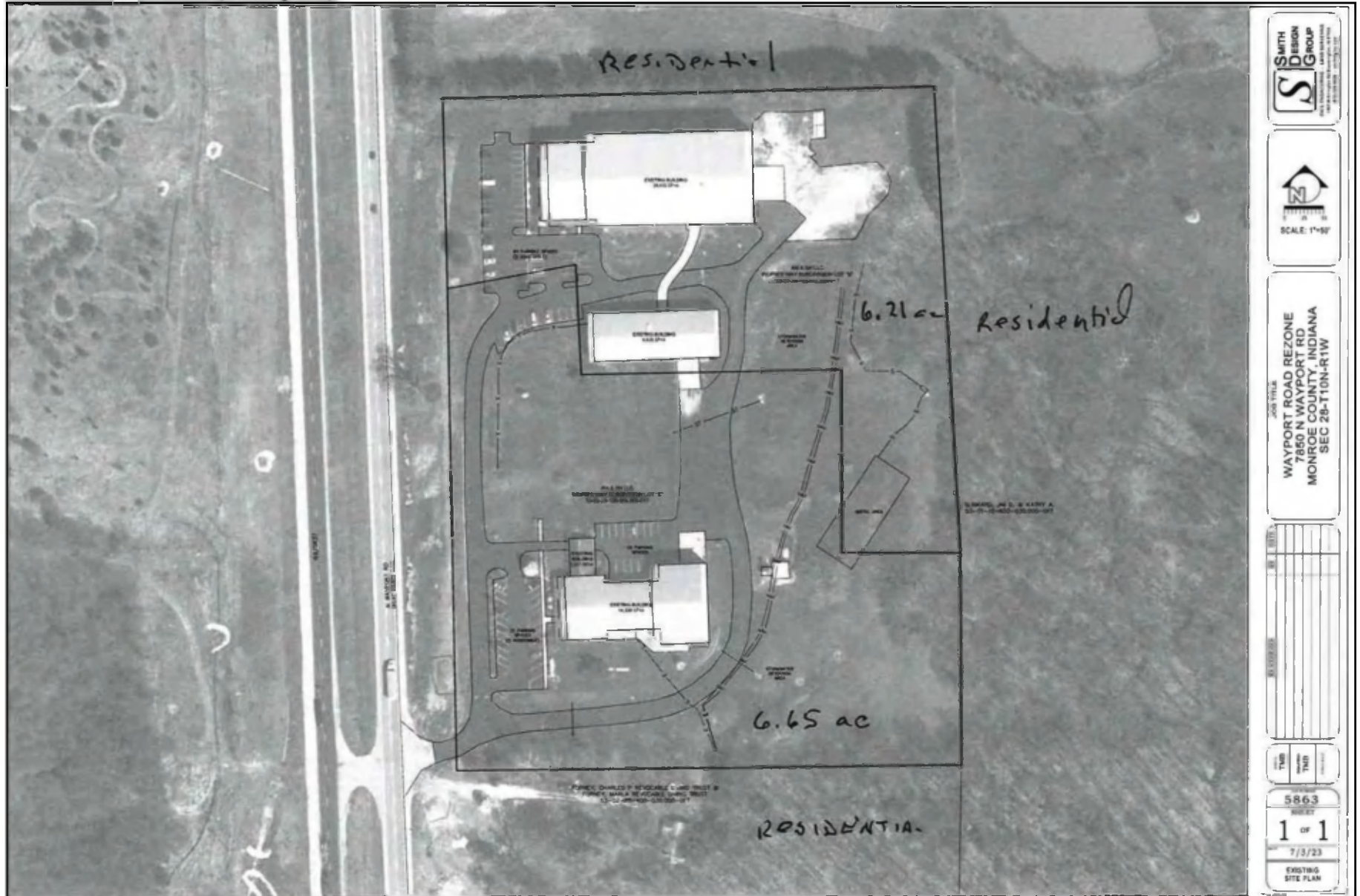
Judith A. Sharp

Monroe County Assessor

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

EXHIBIT 3: Site Plan (Conceptual)





**EXHIBIT 5: AGR Use Table**

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

**EXHIBIT 6: LB and GB Use Table**

USES	INTENSITY			USES	INTENSITY			USES	INTENSITY		
Agricultural Uses		IR	CR	Retail and Wholesale Trade		IR	GR	Manufacturing, Mining		IR	GR
Historic Adapt vs Reuse		P	P	Accessory Use		P	P	Accessory Use		P	P
Residing House	L	P	P	Agricultural Supply	H		P	Commercial Printing	H		P
Historic Adapt vs Reuse		P	P	Apparel Shop	L	P	P	Construction Trailer	L	P	P
Public Area Swamp Fill		IR	CR	Appliance Sales	L		P	General Contractor	M		P
Accessory Use		P	P	Aurifine House	H		P	Historic Adaptive Reuse		P	P
Charitable, Fraternal, or Social	L		P	Bakery (Retail)	L	P	P	Adult Daycare Businesses	I/M	P	P
Community Center	L	P	P	Bank/ATM	L	P	P	Multifamily		IR	GR
Daycare Facility	M	P	P	Bearing Materials	H		P	Business or Industrial Center	H		P
Federal Home	M		P	Cabinet Sales	L		P	Community/Industrial Adapt vs Reuse			P
Group Home Class I	L	P	P	Camera and Photographer Supply	L	P	P	Shipping Center			P
Group Home Class II	L	P	P	Confectionery	L	P	P				
Historic Adapt vs Reuse		P	P	Convenience Store	H	P	P				
Empire	H		P	Department Store	M		P				
Movie Clinic	L	P	P	Drugery Sales	L		P				
Nursing Home	L		P	Drugstore	M	P	P				
Religious Facilities	H	P	P	Fertilizer Sales (Packaged)	M		P				
Remedial Garbage/Refuse Removal	H	P	P	Foodstuffs (Retail)	L	P	P				
Retirement Center	L	P	P	Foodstuffs (Wholesale)	H		P				
Telephone and Telegraph Services	L	P	P	Food Market	L	P	P				
Temporary Care Facility	L		P	Furniture Sales	L		P				
Utility Service Facility	M	P	P	Garden Center	H		P				
Water Treatment Facility	H	P	P	General Evening Sales	L		P				
Business and Personal Services		IR	CR	Gift Shop	L	P	P				
Accessory Use		P	P	Grocery Store	M		P				
Air Cargo and Package Service	H		P	Gunshop	M	CU	CU				
Air Craft Charter Service	L		P	Haircare	L	P	P				
Airport Transportation Service	M		P	Hardware	M	P	P				
Appliance Repair	L	P	P	Historic Adaptive Reuse			P				
Barber Service	L	P	P	Home Improvement Center	H		P				
Beauty Service	L	P	P	Jewelry	L		P				
Cafe	L	P	P	Liquor Store	M	P	P				
Coin Operated Cleaning/Laundry	L	P	P	Meat Supply	L		P				
Convenience Storage	M	P	P	Manufactured Housing Sales	M		P				
Copy Service	L	P	P	Meat Market	L	P	P				
Dry Cleaning and Laundry Pickup	L	P	P	Music Store	L		P				
Dry Cleaning and Laundry Service	L		P	Office Showroom	M		P				
Electrical Repair	L	P	P	Office Supplies	M		P				
Employment Agency	M	P	P	Cigars/Grocery	L		P				
Equipment Rental	M	P	P	Pet Shop	L		P				
Finance Services	L	P	P	Restaurants	M	P	P				
Fabricating Service	L		P	Restaurants (New in)	H		P				
Financial Service	M	P	P	Spinning Goods	L	P	P				
Gas Station	L		P	Tavern	L		P				
Historic Adapt vs Reuse		P	P	Used Merchandise (Antiques)	L		P				
Hotel	M		P	Used Merchandise (Flea Market)	H		P				
Insurance Agency	L	P	P	Used Merchandise (General)	L		P				
Insurance Brokering	L	P	P	Automotive and Transportation		IR	GR				
Legal Service	L	P	P	Accessory Use		P	P				
Locksmith	L	P	P	Automotive Rentals	M		P				
Massage Studio	M	P	P	Automotive/Parts Repair Shop	H		P				
Motel	M		P	Automotive Sales	H		P				
Office	L	P	P	Automotive Supply	M		P				



**EXHIBIT 7: Letters of Support**



June 12, 2023

RE: 7850 & 7854 N Wayport Rd Bloomington, IN

To whom it may concern,

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

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

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

Sincerely Submitted,

Andy Peterson

Peterson Realty, LLC  
PO Box 5758 Bloomington, IN 47407

## EXHIBIT 8: Letters of Opposition

**From:** [Andrew Long](#)  
**To:** [Drew Myers](#)  
**Cc:** Eric Koch  
**Subject:** Opposition to Worms Way property rezoned to PB  
**Date:** Thursday, November 30, 2023 3:17:26 PM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

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