

PLAN COMMISSION MINUTES

Monday, December 19, 2011

7:00 P.M.

A. ROLL CALL

Members Present:

Mike Hall– Chairman
Russell Beiersdorfer
Mike Hornbach
Mark Lehmann
Daniel Lansing
Dennis Kraus, Jr.

Arnold McGill – Attorney
Mark McCormack – Director of Planning & Zoning

Members Absent:

Jake Hoog
Ken Nelson
Jeff Hughes

B. ACTION ON MINUTES

Mr. Hornbach makes a motion to approve the September 26, 2011 minutes as written. Mr. Beiersdorfer seconds. All in favor. None opposed. Motion carries.

Mr. Beiersdorfer makes a motion to approve the October 24, 2011 minutes as written. Mr. Lehmann seconds. All in favor. None opposed. Motion carries.

Mr. Lansing makes a motion to approve the November 28, 2011 minutes as written. Mr. Hornbach, Mr. Beiersdorfer abstains. Mr. Lehmann, Mr. Lansing, Mr. Kraus, Jr. and Mr. Hall in favor. None opposed. Motion carries.

C. OLD BUSINESS SCHEDULED TO BE RE-OPENED

There was no old business.

D. OLD BUSINESS TO REMAIN TABLED

There was no old business.

E. NEW BUSINESS

1. Request: **Proposed changes to the Dearborn County Zoning Ordinance and Subdivision Control Ordinance.**

- **Appendix A -Construction of Streets, Curbs & Gutters, Sidewalks & Driveways**

Mr. McCormack explains that the County Engineer and County Coordinator recently became aware of the fact that some of the County's standards and facilities are not in conformance with the Americans with Disabilities Act. Therefore, the County staff has been working in coordination with each other to identify and resolve any nonconforming items that exist. Mr. McCormack presents the staff report.

Mr. Listerman, County Engineer, explains that he recently attended a workshop and found that Dearborn County was one of a majority of areas of the state that is not in compliance with the ADA Federal Standards adopted years ago. He states that without compliance to these standards, federal grant monies are no longer available to the county. He notes that the county depends on the Federal Highway Administration funding to address necessary road improvements and maintenance. He explains that a committee has been set up to inventory the County's facilities and infrastructure and produce a plan to correct issues and deficiencies. He suggests using the Best Practices Manual for sidewalks—which recommends a 5ft. wide sidewalk in order to accommodate wheelchair passing and correct sidewalk issues.

Mr. Lehmann expresses concern with setting the width to 5ft. and having future laws change to a 6ft. or 7ft. width requirement. He also asks if there are requirements for sidewalks on one side of the road vs. both sides of the road.

Mr. Listerman states that it is possible for changes to occur in the future and that is why he is asking for the requirement to be set at a 5ft. width. He also states that the manual only addresses if a sidewalk is going to be built, it must comply with the ADA Standards.

Mr. Lehmann suggests allowing Technical Review to approve sidewalk variance requests instead of the Plan Commission because he feels there will be more waivers requests involving sidewalks on one side of the road.

Mr. Hall feels that these changes will make developers think outside of the box—creating some alternative development designs.

No public to comment.

Mr. Beiersdorfer makes a motion to forward a favorable recommendation to the County Commissioners for the proposed changes to Section 305R of the Dearborn County Subdivision Control Ordinance, as proposed and amended, to require any sidewalk within County right-of-ways to be a minimum of 5 feet in width. Mr. Lansing seconds. All in favor. None opposed. Motion carries.

Mr. Beiersdorfer makes a motion to forward a favorable recommendation to the County Commissioners for the proposed changes to Appendix A of the Dearborn County Subdivision Control Ordinance, as presented. Mr. Lansing seconds. All in favor. None opposed. Motion carries.

- **Article 25, Section 2570 - Cemeteries**

Mr. McCormack explains that the President of the Dearborn County Cemetery Commission (and Deputy Surveyor) Art Wenzel recently informed the Planning and Zoning staff that the local zoning restrictions with respect to burial grounds and cemeteries needed to be updated/amended in accordance with changes to the Indiana Administrative Code. Mr. McCormack presented the staff report.

No public to comment.

Mr. Beiersdorfer makes a motion to forward a favorable recommendation to the County Commissioners for the proposed changes to Article 25, Section 2570 of the Dearborn County Zoning Ordinance, as presented. Mr. Lehmann seconds. All in favor. None opposed. Motion carries.

- **Article 2, Section 200 -Advisory Plan Commission**

Mr. McCormack explains that on July 1st, new State laws went into effect regarding planning and zoning activities and functions. The Planning and Zoning Staff has prepared its reports to update the local regulations and standards contained within the County's Zoning Ordinance—so that these items may be consistent with State laws and procedures.

Mr. Hall asks if alternates can sit in for any member of the Board.

Mr. McCormack states that he will have to research this further, because he would like to have 3 alternates who could float when needed.

No public to comment.

Mr. Beiersdorfer makes a motion to forward a favorable recommendation to the County Commissioners for the proposed changes to Article 2, Section 200 of the Dearborn County Zoning Ordinance as presented. Mr. Kraus, Jr. seconds. All in favor. None opposed. Motion carries.

- **Article 3- Advisory Board of Zoning Appeals**

Mr. McCormack presented the staff report for this particular section of the zoning code.

No public to comment.

Mr. Lehmann makes a motion to forward a favorable recommendation to the County Commissioners for the proposed changes to Article 3, Section 300 of the Dearborn County Zoning Ordinance, as presented. Mr. Hornbach seconds. All in favor. None opposed. Motion carries.

Mr. Beiersdorfer makes a motion to forward a favorable recommendation to the County Commissioners for the proposed changes to Article 3, Section 325 of the Dearborn County Zoning Ordinance, as presented. Mr. Lehmann seconds. All in favor. None opposed. Motion carries.

Mr. Lansing makes a motion to forward a favorable recommendation to the County Commissioners for the proposed changes to Article 3, Section 330 of the Dearborn County Zoning Ordinance, as presented. Mr. Beiersdorfer seconds. All in favor. None opposed. Motion carries.

Mr. Beiersdorfer makes a motion to forward a favorable recommendation to the County Commissioners for the proposed changes to Article 2, Section 200 of the Dearborn County Zoning Ordinance, as presented. Mr. Kraus, Jr. seconds. All in favor. None opposed. Motion carries.

Mr. Beiersdorfer makes a motion to forward a favorable recommendation to the County Commissioners to replace Section 355 with the proposed text. Mr. Hornbach seconds. All in favor. None opposed. Motion carries.

F. ADMINISTRATIVE

Mr. McCormack presents the financial guarantee report and the 2012 meeting schedule.

The board finds the 2012 meeting schedule acceptable.

Mr. Kraus, Jr. makes a motion to adjourn the meeting. Mr. Lehmann seconds. All in favor. None opposed. Motion carries.

Meeting adjourned at 8:36 P.M.

Mike Hall, Chairman

Mark McCormack, Director of Planning & Zoning

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