

# **PLAN COMMISSION MINUTES**

**Monday, May 24, 2010**

**7:00 P.M.**

## **A. ROLL CALL**

Members Present:

Mike Hall– Chairman  
Dennis Kraus, Jr.  
Russell Beiersdorfer  
Mike Hornbach  
Jake Hoog  
Ken Nelson  
Mark Lehmann  
Ralph Thompson  
Dan Lansing

Arnold McGill – Attorney  
Mark McCormack – Director

Members Absent:

None

## **B. ACTION ON MINUTES**

Mr. Thompson makes a motion to approve the November 23, 2009 minutes, as amended. Mr. Beiersdorfer seconds. All in favor. None opposed. Motion carries.

Mr. Thompson makes a motion to approve the December 21, 2009 minutes, as written. Mr. Beiersdorfer seconds. All in favor. None opposed. Motion carries.

Mr. Thompson makes a motion to approve the January 21, 2010 minutes, as amended. Mr. Lehmann seconds. All 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**

- 1. Request:** Primary Approval for a 19-lot subdivision, Havencrest Subdivision.
- Applicant:** Bayer-Becker /Owner: Larry Rutenschroer
- Site Location:** Georgetown Road
- Legal:** Sec. 15, T6, R1, Map #06-15, Parcel #043
- Township:** Miller Size: 11.53 Acres
- Zoning:** Residential (R)
- Note:** Tabled at the February meeting.

#### **E. NEW BUSINESS**

There was no new business.

#### **F. ADMINISTRATIVE**

- **Letters of Credit**

Mr. McCormack explains that the County Commissioners, at their May meeting, have requested the elimination of letters of credit from being accepted in the Subdivision Control Ordinance. He states that in discussions with surrounding cities and counties, they handle their financial guarantees in different ways—using bonds, letters of credit, and escrow accounts. He also states that some have had situations similar to the Villages of Sugar Ridge occur (but not necessarily on the same level); however, none of them have accepted the roads in these related situations.

Mr. Hall asks if the Plan Commission received a formal request to revise the Subdivision Control Ordinance.

Mr. Thompson states that the County Commissioners made a motion requesting the removal of letters of credit from the Plan Commission's Subdivision Control Ordinance during their May meeting. He is uncertain if a formal letter was issued to the Plan Commission.

Mr. Kraus reiterates that the County Commissioners have recommended removing the letters of credit from the Ordinance. He suggests removing the option at the risk of spending time on research only to have the County Commissioners override a Plan Commission's recommendation.

Mr. Nelson states that the County Commissioners are the legislative authority, and if their request is to remove letters of credit from the Ordinance, then the Plan Commission should respond accordingly. He states that he is concerned with the language/requirement of recording a bond and feels that if this is not a State-mandated item, and it is not currently being performed, then this particular language should be removed from the Ordinance.

Mr. McCormack states that a Subdivider's Contract is required to be signed and is recorded in the Recorder's Office; however, he is not familiar with a requirement that a bond be recorded. He states that he will check on the requirements for a bond and draft revisions, if needed, for the July meeting.

Ms. Lansing asks if the problem with the Villages of Sugar Ridge—and other development, typically—has been that a letter of credit has not been accepted or that the process regarding the acceptance and renewal of letters of credit has not been managed or maintained properly.

Mr. McCormack explains that for the Villages of Sugar Ridge, a letter of credit was never renewed or collected.

Mr. Thompson states that the problem with allowing letters of credit is that there is no mechanism that enables the County to collect the money, especially if the developer files for bankruptcy. He states that as soon as Mr. Macke filed for bankruptcy (for the Villages of Sugar Ridge) the letter of credit was useless. He further explains that the County Commissioners have accepted Augusta Drive and Oakmont Court 'as-is' into County maintenance.

Mr. McCormack explains to the other Board members that August Drive and Oakmont Court were both accepted by the County Commissioners at their May meeting. He states that the County Commissioners' decision does not include the acceptance of storm water/drainage improvements, the pedestrian/bike path, or a homeowners association. He presents the financial guarantee report and states that Tucker Development is addressing its deficiencies and is planning to have a plan prepared for the June 21, 2010 Technical Review Committee Meeting. He states the Mr. Jeff Tucker will also be attending the June 28, 2010 Plan Commission meeting to request a waiver for the Laurel Valley Development.

Mr. Thompson states that Mr. Tucker has indicated that a previous County Engineer accepted Seldom Seen; however, County records indicate otherwise.

Mr. McCormack states that he has not spoken to Mr. Tucker regarding the Seldom Seen Subdivision; however, Mr. Tucker will be attending the June 28, 2010 Plan Commission meeting and could answer any questions that the Board has at that time.

- **Changes to the Zoning District Text in the Dearborn County Zoning Ordinance.**

Mr. McCormack explains that he is in the process of putting together the Zoning Committee to update the Zoning Ordinance and he would like input as to how many members and what groups should be involved in this process. He states that he would like to begin meetings in July or August.

Mr. Kraus suggests having the County Commissioners involved with approximately 7 citizen members to contribute.

Mr. Hall states that he is concerned with having a large committee and no one showing up.

Mrs. Chris Mueller suggests discussing the research and homework involved with each individual as they are invited to join; so everyone involved understands what is being asked of them.

Mr. Hall states that the Plan Commission should be involved with the process since they will be voting.

Mr. McCormack asks about the inclusion of parking, signage, and landscaping in each Zoning District.

Mr. Hall states that he likes having separate Articles that address these subject matters.

Mr. Lehmann feels that a separate Article is better. In the event of future changes, there would be only one Article to change.

Mr. Kraus asks if it is possible to hire a landscape architect to assist in this process.

Mr. McCormack states that money is not available at this time to hire anyone; however, he could contact some of the colleges and see if any students or staff members that are available to assist with this process.

Mr. Thompson makes a motion to adjourn the meeting. Mr. Beiersdorfer seconds. All in favor. None opposed. Motion carries.

Meeting adjourned 8:23 P.M.

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Michael S. Hall, President

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Mark R. McCormack, Director of Planning