

# **PLAN COMMISSION MINUTES**

**Monday, August 24, 2009**

**7:00 P.M.**

## **A. ROLL CALL**

Members Present:

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

Mark McCormack – Director of Planning  
Ashley Webb – Enforcement Officer  
Arnold McGill – Attorney  
Todd Listerman – County Engineer

Members Absent:

None

## **B. ACTION ON MINUTES**

March 23<sup>rd</sup>, 2009 – Mr. Thompson made a motion to approve the minutes as written. Mr. Beiersdorfer seconded. Mr. Nelson abstained. Mr. Thompson, Mr. Lehmann, Mr. Hoog, Mr. Hornbach, Mr. Lansing, Mr. Beiersdorfer, & Mr. Kraus in favor. None opposed. Motion carried.

April 27<sup>th</sup>, 2009 – Mr. Nelson made a motion to approve the minutes with corrections. Mr. Thompson seconded. Mr. Hornbach and Mr. Hoog abstained. Mr. Nelson, Mr. Thompson, Mr. Lehmann, Mr. Lansing, Mr. Beiersdorfer, & Mr. Kraus in favor. None opposed. Motion carried.

## **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:** Major Revisions and Wavier to Primary Approval of Morgan's Ridge Subdivision.
- Applicant/Owner:** Maxwell Development
- Site Location:** Mt. Pleasant Road
- Legal:** Sec. 29, T7, R1, Map #01-29, Parcel #025/008.002
- Township:** Logan                      **Size:** 114 Acres
- Zoning:** Residential (R)

Mr. Thompson explained that he has received calls from adjoining property owners, as a County Commissioner, and offers to step down if the Board feels there would be a conflict of interest. There were no objections; Mr. Thompson retained his seat at the Board.

Mr. McCormack stated that the Applicant is requesting to make major changes to the accepted Concept Development Plan and Primary Plat for the Morgan's Ridge Subdivision—specifically, the Applicant is requesting to reduce the total number of lots in the Morgan's Ridge Subdivision to 90 lots (87 buildable, 3 non-building lots)—significantly reducing the residential density of the development. The Applicant's proposed reconfiguration also involves the elimination of two (2) connections to adjacent tracts and establishes two (2) private streets in the development. In 2007, the Applicant presented and received approval for a Primary Plat which provided connections to four (4) adjacent tracts. He explained that this revised plat proposal involves the elimination of two (2) connections to adjacent properties (in the south and southwestern portions of the development). He further stated that all of the streets on the approved Primary Plat from 2007 were intended to be dedicated and publicly-maintained. The proposed plat submission utilizes two (2) private streets to create adequate frontage(s) for lots situated in both the northern and southern portions of the Subdivision. He also stated the Applicant is seeking to establish 14-wide private streets—which require a waiver of 6 feet in width and involves a unique consideration for the establishment of passing blisters and an adequate turnaround. In conversations with the County Technical Review Committee, the Applicant has also expressed an interest in utilizing a different pavement construction standard than what is currently set forth in the Dearborn County Subdivision Control Ordinance. He further explained that the Applicant's proposed revisions to the Morgan's Ridge Subdivision include the removal of all sidewalks, curbs and gutters throughout the development. In conversations with the Plan Commission staff, the Applicant has indicated that these changes are directly linked to the significant decrease in the subdivision's overall density. He stated that the Applicant is seeking to eliminate the curb and gutter requirements set forth in the Dearborn County Subdivision Control Ordinance by establishing lots that average more than 100 feet of frontage. He reviewed the history of this development, stating that these properties—Logan Township, Township 7, Range 1, Section 29, identified as property parcel #s 025, 008.002—located on the northwestern portion of Mt. Pleasant Road, are currently located within a Residential (R)

District. This property, totaling approximately 102 acres, was rezoned by the Dearborn County Board of Commissioners (with a favorable recommendation and a series of written commitments forwarded to this unit from the Plan Commission) on October 17th, 2006. Primary Plat Approval for the Morgan's Ridge Subdivision, consisting of 182 building lots, was granted on February 26th, 2007. Mr. McCormack reviewed the staff report and showed slides.

Mr. Randy Maxwell, of Maxwell Development, stated the Applicants are requesting 14ft. private streets in place of the original approval of flag lots. He explained that this would eliminate curb cuts onto Mt. Pleasant Road and allow a design layout of the development that makes more sense. He also requested a "T" turnaround option in place of the cul-de-sac(s), since buses usually make 3 point turns anyways.

Mr. Thompson asked where the southern private street would end.

Mr. Maxwell stated that that street can end anywhere. He also stated that he spoke to an adjoiner about access and he presents a new design of what can be done if the private streets were to be accepted at this meeting.

Mr. Todd Listerman, County Engineer, stated that during Technical Review it was discussed what to do with the County's private street standards. He felt that for 6 homes, a 14ft. wide design would be as narrow as one would want to go with a cul-de-sac at the end and allow for plenty of room for a turnaround. He suggested grading to a 20ft. width and paving to a 14ft. width; right-of-way would be there if needed in the future.

Mr. Thompson clarified that the Applicants are proposing a stone base of 14ft. in width without blisters.

Mr. Maxwell stated they would like to do chip-stone improvement with some type of impervious surface.

Mr. Thompson asked how these streets will be maintained.

Mr. Maxwell stated there is a property owner's maintenance agreement supplied in the file.

Mr. Thompson asked what would need to happen if the adjoiner would want to develop more than 3 lots.

Mr. McCormack stated that for any more lots to be added in the development, the private street would need to be brought up to county standards—unless an additional waiver would be requested like tonight. He noted that in looking at the topography of the adjoining property, several challenges lay in the way for heavy development.

*Open public comment.*

Mrs. Cynthia Harding, adjoiner, stated that she grew up on the property that isn't considered buildable, and knew a lot can be accomplished when proper engineering and bulldozers are acquired. She stated that in 2007 there was a vision for Logan presented which included infrastructure improvements and future access. She felt this is not inline with what was presented in 2007 and that their farm is being landlocked, since the right-of-way is being removed. She asked that the Board consider her family and hold Mr. Maxwell accountable for his promises to the county. She further stated that Mr. Maxwell did discuss some options with them; however, nothing has been placed in writing. After seeing a new proposal tonight, it is evident that changes can always occur. She stated that connectivity was required by Mr. Mitter and referenced by Mr. Listerman in the 2007 approval. She was not opposed to combining lots; she would just like to request not eliminating the access and using a private drive.

Mr. Nelson stated that the objective used to be that there not be any landlocked parcels created. He asked how the parcel became landlocked. He also asked what would have happened if the golf course was never developed.

Mrs. Harding stated that her parents bought the property 30 years ago and it was landlocked at that time. She also stated that with the golf course existing then there was a future for development; however, now the development has come in their farm is landlocked. She stated that Lutz Road is too dangerous to develop off of, so their only way for development is from Mt. Pleasant Road.

Mr. Nelson felt that when you buy property that is landlocked, the burden shouldn't be on the neighbor to buy or fund a road.

Mrs. Harding asked what has changed since 2007 that used to require access and now it doesn't.

Mr. Nelson stated that the lot development has dropped significantly, so there is no need for the high density requirements.

Mrs. Harding felt those items are still important and should be considered. She further stated that if not granted tonight, Mr. Maxwell has explained that he will combine the lots into one and sell one lot. She asked if combining the lots is allowed.

Mr. Hall states that yes, those lots can be combined and sold as one with road frontage on Mt. Pleasant.

Mr. Nelson stated that these lots have never been platted, so they do not even exist right now.

Mr. Hall stated that tonight this application is presented as part of a new process.

Mrs. Sandra Weisgerber, adjoiner, stated that she has lived at her current residence for 35 years. She stated that she understands people have the right to develop their land, but didn't realize the development commitment could be changed after approval has occurred. She stated that she would like to see the golf course developed responsibly and not leave landlocked properties. She asked the board to consider their previous meeting minutes which states that connectivity had to be done. She reminded the Board that in 2007 she asked 3 times if access would be provided to her property; she was told yes.

Mr. Nelson asked if the right-of-way can be dedicated to the county, with the road to remain private.

Mr. Listerman stated that there are currently privately-maintained roads in county right-of-ways.

Mrs. Weisgerber stated that there are smaller lots located in the middle of this development and she wonders why there isn't more access required for those lots.

Mr. Kraus stated that the street connections were required when the original development was dense; it has substantially changed. He stated that to increase the density would require Mr. Maxwell to come back to this board.

Mr. Carl Anthon of Mt. Pleasant Road, stated that he is concerned about the dip on Mt. Pleasant Road. He stated that it is difficult to see, and to increase traffic in this area is bad due to that blind spot. He suggested connecting to Steele Road and sending traffic that way.

Mr. Kraus stated that driveways need to meet sight distance requirements and those are addressed during the Improvement Plan Review process. He also stated that Mr. Maxwell doesn't own property to Steele Road.

*Close public comment.*

Mr. Thompson stated that the purpose of this process is to balance people's rights. He was concerned with having a private street and leaving a property landlocked. He suggested that instead of an easement, a right-of-way be granted to the county, but not to build a road at this time. He would also like to see the easement for the cul-de-sac increased for future development. He was in favor of reducing lots, and felt that the use of private streets around the lake makes sense and was a more appropriate way to develop.

Mr. Nelson agreed.

Mr. Lehmann stated that the regulations are written for access to public streets for a reason. He asked if it is better to have a private street with a better layout, or have several flaglot accesses to a right-of-way in the case it's needed for lot access. What precedence is to be set?

Mr. Hall stated that there is limited frontage to get out, and there is no use to have frontage through the lake. He felt this access easement is no different than a road except that it is to be privately maintained. He was concerned with the maintenance agreement for the streets.

Mr. Hoog stated that he liked the proposal and agreed with what has been said. He would like to see a 16ft. road instead of a 14ft. road. He was concerned with the adjoiner becoming landlocked again.

Mr. Hornbach stated that he liked the layout because it made more common sense to see this than drives through the lake. He asked if there is any guarantee of easement to get back to the landlocked property, and stated that he would like to see something worked out with the property owners.

Mr. Lansing stated that the street width isn't a concern with only 6 houses. He stated that he drives a FedEx truck on narrow roads in the winter, and it's not too bad if there are only 6 houses. No need to increase the size with just a few houses on it.

Mr. Beiersdorfer stated that he agreed with what has been said. There have always been problems with private roads; if wanted to be county then cost to upgrade to county standards.

Mr. Kraus agreed and has no problem with this proposal.

Mr. Hall asked if there is a problem with the cul-de-sac being over 1200ft. on the new proposal being submitted tonight.

Mr. Maxwell stated that the new private street is approx. 650ft. long.

Mr. Thompson made a motion to approve the major revisions to 87 lots relieving the requirements for curb and gutter and sidewalks due to the lowered density, with a waiver for a private street of 14 ft. /16ft. on easements on the north side of the lake and south and west side of the lake and a private street on the southwest corner of the property on a dedicated right-of-way to the proposed cul-de-sac, instead of a 50ft. easement be a 50ft. right-of-way and a 50ft. right-of-way at the cul-de-sac instead of 30ft. and right-of-way extended to the property line from some point along the right-of-way to the west. In accordance with the guiding principles that this would enhance the quality of area, look to long term development, enhance adjacent property values along with property values of this development and not burden Maxwell Development to have to put in a county road at this point in time.

Mr. Hall suggested a waiver of bonding for the private streets.

Mr. Thompson agreed that bond be waived for private streets.

Mr. Nelson seconded.

Mr. Maxwell stated that he appreciated the motion; however, he wonders if this approval would be allowing the County to accept dedicated public right-of-way at a 14ft. private street standard allow for future streets improvements.

Mr. Nelson stated that no, this is the process of a wavier request and not everyone gets a wavier.

Mr. Thompson amended the motion to allow a 14ft. width road.

Mr. McCormack clarified the motion that to ensure that it required improvements to be placed at this time, in terms of the private streets. He asked if there are any changes to this plan, if it would require Plan Commission approval.

Mr. Maxwell asked if he would decide not to build the street and the lots were 100% meeting the requirements, then would he have to come back to the board.

Mr. Nelson stated yes, because this proposal has approval and he would be requesting to change that approval.

Call for vote:

Mr. Thompson, Mr. Nelson, Mr. Hornbach, Mr. Lansing, Mr. Beiersdorfer, Mr. Kraus, Mr. Hoog, in favor. Mr. Lehmann opposed. Motion carried.

Motion:

Mr. Thompson made a motion to approve the major revisions to 87 lots relieving the requirements for curb and gutter and sidewalks due to the lowered density, with a wavier for a private street of 14 ft. on easements on the north side of the lake and south and west side of the lake and a private street on the southwest corner of the property on a dedicated right-of-way to the proposed cul-de-sac, instead of a 50ft. easement be a 50ft. right-of-way and a 50ft. right-of-way at the cul-de-sac instead of 30ft. and right-of-way extended to the property line from some point along the right-of-way to the west, with a waiver for bonding on the private streets. In accordance with the guiding principles that this would enhance the quality of area, look to long term development, enhance adjacent property values along with property values of this development and not burden Maxwell Development to have to put in a county road at this point in time. Mr. Nelson seconded. Mr. Thompson, Mr. Nelson, Mr. Hornbach, Mr. Lansing, Mr. Beiersdorfer, Mr. Kraus, Mr. Hoog, in favor. Mr. Lehmann opposed. Motion carried.

## **F. ADMINISTRATIVE**

Mr. McCormack gave a brief update on the following:

- Advisory Committee future participation (Comprehensive Plan).
- West Harrison and Manchester Grant administration
- Website updated

- St. Leon meeting Ordinance review
- Presented new Comprehensive Plan books

Mr. Beiersdorfer made a motion to adjourn the meeting. Mr. Kraus seconded. All in favor. None opposed. Motion carried.

Meeting adjourned at 9:33P.M.

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Mike Hall, President

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Mark McCormack, Director of Planning & Zoning