

PLAN COMMISSION MINUTES

Monday, October 26, 2009

7:00 P.M.

A. ROLL CALL

Members Present:

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

Mark McCormack – Director of Planning
Arnold McGill – Attorney

Members Absent:

Jake Hoog
Mark Lehmann

B. ACTION ON MINUTES

Mr. Thompson made a motion to approve the September 28, 2009 minutes, as written. Mr. Beiersdorfer seconded. 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

There was no old business.

E. NEW BUSINESS

- 1. Request:** **Vacation of streets and alley ways in the Town of Chesterville**
- Applicant:** **Dennis Kraus, Jr. / Owner: Ed Schwartz**
- Site Location:** **Chesterville Road**
- Legal:** **Sec. 25, T6, R3, Map #09-25,**
- Township:** **Sparta Size: .288 Acre**
- Zoning:** **Agricultural (A)**

Mr. Kraus states that he has a conflict of interest, but requests that he be able to present the application and (then) step out of the room during the Board's discussion. The Board agrees with his request.

Mr. McCormack states that the Applicant is requesting to vacate an unimproved thirty-three-foot (33') street right-of-way and a twelve-foot (12') alley right-of-way in the Town of Chesterville. He explains that the street, as platted, does not meet minimum county right-of-way width and it would be difficult to upgrade the street to current county standard. Mr. Ed Schwartz, owns half (1/2) of the property affected by this vacation. The other affected property owners, George and Penny Portlock, have other existing access available from Chesterville Road. It is the intention of Mr. Schwartz to vacate the street and alley to permit a better use of the land. Mr. McCormack presents the staff report and shows slides.

Mr. Kraus states that the platted street and alley have not been developed; he believes the alley across the north line is 16.5-foot wide—not 12-foot wide as stated earlier. He also states that the Schwartz driveway is situated over Will Street (as platted).

Mr. Beiersdorfer asks if the Schwartzs' own all of the properties in question in the Subdivision.

Mr. Kraus states yes, they own all the lots in the Subdivision adjoining this request. He further explains that since these roads were within a platted subdivision, and the adjoining property is located outside that subdivision, the vacated property will all go to the Schwartz's. Mr. Kraus leaves the room.

No public to comment.

Mr. Thompson made a motion to forward a favorable recommendation to vacate Will Street and the 16-foot alley way to the County Commissioners, with the following consideration to the Ordinance criteria: 1) that the request does not inhibit the growth of the community; 2) that the request does not affect the neighbors in a material fashion; 3) that the request does not block access for adjoiners; 4) that the request does not hinder public use for the neighborhood. Mr. Beiersdorfer seconded. All in favor. None opposed. Motion carries.

2. Request: Proposed Article 18 – Wind Energy Conversion Systems to the Dearborn County Zoning Ordinance.

Mr. McCormack states that the purpose of this Article is to regulate the placement, construction, and modification of Mini WECS, SWECS, and Wind Energy Conversion Systems (WECS) in Dearborn County. The regulations set forth herein have been formulated to facilitate economic opportunities for the local economy and to protect the health, safety, and general welfare of the public as these improvements are commissioned. He explains that the provisions of this Article will: 1) Establish a reasonable and efficient process for the review and approval of Mini WECS, SWECS, and WECS applications; 2) Prescribe required distances for setbacks for Mini WECS, SWECS, and WECS from buildings, property lines, and easements; 3) Institute minimum performance regulations for Mini WECS, SWECS, and Wind Energy Conversion Systems; and 4) Create standards for the removal of Mini WECS, SWECS, and WECS and their appurtenant structures. Mr. McCormack presents the proposed Article 18 and staff report.

Mr. Nelson asks if this is adding a new Article to the Ordinance.

Mr. McCormack states yes, a whole new Article is being proposed.

Mr. Nelson states that in Section 1842, the term ‘waiver’ needs to be replaced with ‘variance.’

Mr. Hall asks why the mini- WECS and SWECS are indicated as Accessory Uses.

Mr. McCormack states that those would only require a minor plot plan similar to a garage or a pole barn. WECS are larger—generally more commercial—structures that require a more initial review, so a major site plan would be required for those.

Mr. Beiersdorfer asks what the difference in process would be for a regular windmill used for decoration or water.

Mr. McCormack states that he would have to look into this further, and suggests proposals less than 45-feet in height would require a minor location permit. He also states that he will be researching alternative energies as these technologies are becoming more popular.

Mr. Beiersdorfer states that he has been reading more about solar arrays being put onto rooftops with positive results.

Mr. McCormack explains that this proposal was put together to address safety concerns with wind towers that are being placed in the County at this time, and he is willing to look into further regulations and bring this back to the Board next month.

Mr. Thompson made a motion to Table the proposed Ordinance to the next meeting for further review. Mr. Kraus seconded. All in favor. None opposed. Motion carries.

F. ADMINISTRATIVE

Mr. McCormack gave a brief update on the following:

- Subdivision road bonds- discussion took place over developers not finishing roads and turning them over to County. Suggestions were to advertise them in the newspaper, place a moratorium on their development projects and zoning permits, and to pursue judgments against the developer for the cost to bring the roads up to County Standards. No decisions were made, staff will further review options.
- Advisory Committee Members- Update on returning members and possibility of adding new members.
- 2010 Meeting schedule presented.
- FEMA maps- new preliminary maps are available for public workshop; approximately 300 properties within the County are affected.
- Mixed martial arts- ordinance excerpts were presented from Florida and Utah allowing these events to be held indoors with no alcohol served. Other suggestions were to allow the Sherriff's Department to handle these on a case by case base.

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

Meeting adjourned at 8:30P.M.

Mike Hall, President

Mark McCormack, Director of Planning & Zoning