

DEARBORN COUNTY PLAN COMMISSION MINUTES

Monday, May 22, 2017

7:00 pm

A. Andrew Baudendistel's reading of the Voluntary Title VI Public Involvement Survey –

As a recipient of federal funds, and in support of Dearborn County's efforts to ensure nondiscrimination and equal access to all citizens, the County gathers statistical data regarding participants in county activities. Therefore, we have provided a Voluntary Title VI public Involvement Survey at this meeting. You are not required to complete this survey. However, the form is anonymous and will be used solely for the purpose of monitoring our compliance with Title VI and ADA.

B. ROLL CALL –

Members present:

Jake Hoog

Mark Lehmann

Jim Thatcher

Dennis Kraus, Jr.

Dan Lansing

Russell Beiersdorfer.

Eric Lang

Mark McCormack – Planning Director

Andrew Baudendistel – Attorney

Members absent:

Art Little

Mrs. Beiersdorfer

C. ACTION ON MINUTES

Mr. Kraus presented action on the minutes. He started with the April 24th minutes. A correction to change Mr. Lansing to Mr. Lang was recommended for page 4, in the second paragraph. The first line of the second paragraph on page 4 also needed to be corrected. Judy Traynor is the applicant, not the adjoining property owner. No other corrections were proposed for these minutes, as drafted. **Mr. Beiersdorfer made a motion to accept the minutes as written and with the necessary changes. Seconded by Mark Lehmann. All in favor. None opposed. Motion carried.**

D. OLD BUSINESS SCHEDULED TO BE RE-OPENED: NONE

E. OLD BUSINESS TO REMAIN TABLED:

1. Request: Requesting 2 Waivers (1) Create an access point which does not meet the minimum driveway spacing requirements. (2) Create a direct access point onto Jamison Road.

Applicant:/Owner: Judy Traynor
Site Location: 24140 Mayfield Lane/Jamison Road
Legal: Sec. 35, T 7N, R 1W, Parcel #15-01-35-300-026.001-006
Township: Harrison
Zoning: Agricultural (A) Size: 6.449 Acres

WILL REMAIN TABELED.

F. NEW BUSINESS

1. Request: Primary approval to re-plat Lot 156 of the Villages of Sugar Ridge, a proposal which involves the creation of 22 residential units as well as waiver requests for: 1) a waiver to not construct sidewalks within proposed development area; 2) a waiver to not install curbs and gutters for the proposed residential street, as required by Article 3 of the Dearborn County Subdivision Control Ordinance.

Applicants/Owners: GMT Enterprises
Site Location: Augusta Drive, approx. 1000 feet from the northern Augusta Drive/ Stateline Road intersection (on the eastern portion of Augusta)
Legal: Sec. 13, T 6N, R 1W, Parcel #15-06-13-400-037.000-020
Township: Miller
Zoning: Planned Unit
Development (PUD); Residential Size: 7.013 Acres

Mr. McCormack, the Planning Director, presented the staff report. Mr. McCormack explained to the board that the envelopes with letters for adjoining property owners on Augusta Drive may not have been sent. The letters were drafted on May 5th and were supposed to be sent out within the next couple of business days. Mr. McCormack explained that he left on vacation with the assumption that the letters had been sent out after they had been drafted; however, when he came back from leave, he found the envelopes with the adjoining property owners' names on them in the staff file for this case item. There were not green cards or tracking numbers found. Mr. McCormack checked with the staff but was unable to confirm that the letters had been sent out. This issue has happened before but this may be the first time in which the staff

may have been fully responsible for a notification error in the past 10-15 years. The staff would like to reschedule this case item to have a special meeting for the board on Monday, June 12th, at 7pm (at the same normal time and location)—so that the letters are sent to the adjoining property owners and they have had adequate time to review the case materials and formulate and ask questions. The main potential issue with a special P.C. meeting being planned for the 12th is that the next BZA meeting is Tuesday, June 13th. Some of the members are on both boards, so they would have to do back-to-back meetings. Mr. McCormack notes that this case would be the only one discussed at the June 12th meeting. Based on the board's subsequent discussion, it was determined that most of the board members would be able to make it to a meeting on June 12th.

Mr. Beiersdorfer moved to table the Applicants' request for primary approval to re-plat Lot 156 of the Villages of Sugar Ridge to a special meeting to be scheduled on Monday, June 12th at 7 pm. Seconded by Mr. Lansing. All in favor. None opposed. Motion carried.

There were several adjoining property owners present at the meeting. Mr. McCormack asked the adjoining property owners to send him an email so that he can reply and send them information regarding this case as soon as possible.

G. ADMINISTRATIVE

1. Proposed ordinance changes to Article 20, regarding signage requirements, of the Zoning Ordinance.

Mr. McCormack presented the draft ordinances regarding Article 20. There are changes that need to be discussed.

Mr. Lang asked about people painting vehicles to make a sign, rather than using actual poster or yard signs. Mr. McCormack said that if it's on a shipping container with no wheels, it is considered a sign. If it has wheels, it is not necessarily a sign. There are really no set standards on putting signs on vehicles, according to Mr. McCormack. Large vehicles have to be on a paved or gravel surface, and must be located in the side or rear yard—which constrains large vehicular signage. All vehicles, in general, must be license and operable and driven by the owners or occupants of the property. The latter provisions also somewhat restrict vehicle signage, other than what is on work vehicles (typically for small businesses).

Mr. Lehmann asked Mr. McCormack about requiring permits on personal property (as far as having signs on personal property). Mr. McCormack said that problems could arise with that situation. Whatever is exempted has to be exempted equally. Mr. McCormack said that most of the signs people have for personal use are only temporary (e.g. real estate and for sale signs, contractor work on a recent on-site project, etc.).

Mr. Beiersdorfer asked about Section 2080 in terms of the BZA's review of *Electronically Changeable Message Boards*. Mr. Beiersdorfer said that most message boards are on the premises of the property owner(s) but there are several that have been approved that may be within 660 feet of another, existing sign of this type. In Dearborn County, most signs are on State Line Road, North Dearborn Road, S.R. 1, S.R. 48, U.S. 52, and in the St. Leon and West Harrison areas. Mr. McCormack acknowledged that some work needs to be done to that particular section. He notes that item D in regards to the U.S. Geological Survey mapping can be taken out.

Mr. McCormack noted that Section 2015, (proposed) number 3 represents what may be the biggest change to Article 20. Number 3 would be applicable to temporary real estate signs, as drafted. Mr. Lang mentioned potential sight distance issues. Mr. McCormack said he would add some language referencing the sight distance requirements in the ordinance. A new addition to item number 3 acknowledges the time limit for signage of this type to be up: "Such signage may be erected for a period of ninety (90) days." Any longer amount of time will require a permit. Mr. Lehmann pointed out that time allotted should be "per calendar year." The board agrees.

The board discussed the consistency of checking signs. Mr. Lehmann pointed out that staff cannot go around checking signs every day. Mr. McCormack said that he and the staff looks closely at complaints from neighbors or at issues that are noticeable from traveling the County's roadways while performing inspections and other activities. Not every sign can be checked in an immediate fashion, but the signs with noticeable issues tend to be taken care of within a relatively short period of time.

Mr. McCormack said that the time period for signs not requiring a permit can be changed but stressed that treatment of this, and other, types of signage must be equal. Mr. Lehmann thinks that a 90-day time limit is fair, but notes that this item should be written as: "Such signage may be erected for a period of up to ninety days." Mr. McCormack noted that the State legislature had been concerned about political signs being regulated too much at the local level and he acknowledged that a bill had been put forward that would automatically exempt political signs from being enforced locally by zoning ordinances for a certain time period before, during, and after elections. Mr. McCormack asked board if they had any other suggestions regarding this particular section. There were no other comments or questions.

Mr. McCormack reviewed number(s) 4 and 5 of Section 2015. He noted that number 8 is completely new. Mr. McCormack revised the last part of number 8 (last sentence), as it relates to murals. Off-premise commercial signage can be regulated according to most legal reviews associated with the recent Supreme Court decision--but communities cannot regulate free speech as it is protected by the second amendment. Mr. Lehmann asked what would happen if a mural was painted for a Thanksgiving Parade and was noted to be sponsored by Macy's. Would that type of mural be considered commercial or would it be protected free speech? Mr. McCormack indicated that this is the type of question / issue that he would ask his colleagues / peers elsewhere as well as one or more attorneys about, if that situation were to arise. He

notes that murals can contain both commercial and protected free-speech content. Mr. McCormack said that a line / threshold would have to be established as to what is considered commercial and what is considered protected free speech.

Section 2035, item number 4. (*Signs prohibited in districts.*) Mr. McCormack wants to look into adding “except as noted in Section 2005.” “Bus stops” and “public benches” could possibly be removed from the list, since Dearborn County doesn’t current have any of these. Mr. McCormack noted that signage on public benches, as long as it is placed where it should be and meets other general requirements, shouldn’t be a problem.

Section 2040. (*Entrance Signs Requiring a Permit.*) Added “planned or platted” developments to the existing text (for Agricultural and Residential zoning districts). The rest is the same.

Section 2050 was condensed a little bit. Item one is substantially the same as it is now in the current ordinance text—except that the maximum height is proposed to be limited to ten (10) feet in the new, proposed text. Mr. McCormack noted that item two was added to acknowledge the allowance of signage for home occupations in the future. (Currently, one is not permitted to have signage in association with a home occupation; that particular section of code in article 25 is also expected to be amended in the near future.) Mr. McCormack asks the board if other types of signs should be allowed on the buildings in Agricultural and Residential zoning districts.

Section 2070. (*Off-Premises Signs.*) item C, number 2 acknowledges that all signs should be located at least 60 feet from right of way. According to Mr. McCormack, a 60-foot setback should be big enough for fall-zone considerations.

Mr. McCormack notes that Section 2080 still needs some work and will be looked at again and hopefully improved by staff prior to next month’s meeting.

Mr. McCormack asked that the board look over all of the proposed amendment text(s) and let him know within the next week or two what changes are recommended. Mr. McCormack would like Article 20 ready for a vote in either June or July (ideally).

2. Proposed ordinance changes to Article 13, regarding proposed Industrial / Manufacturing zoning district requirements, of the Zoning Ordinance.

Mr. McCormack referenced Article 13, Section 1304, item number 2, Permitted Uses. Based on the board’s discussion of this particular item, the board’s opinion is that all of the text should be taken out after “business district.” This item and Articles 11-13 will be talked about more during the next meeting.

Mr. Kraus made a motion to adjourn the meeting. Seconded by Mr. Hoog. All in favor. None opposed. Motion carried.

Meeting adjourned at 8:30 pm.

Mark Lehmann, Vice-President

Mark McCormack, Secretary
Planning Director