



Dearborn County Plan Commission

215 B. West High Street
Phone: (812) 537-8821

Lawrenceburg, IN 47025
Fax: (812) 532-2029

www.dearborncounty.org/planning

PLAN COMMISSION AGENDA

Monday, July 27th, 2015

7:00 P.M.

A. ROLL CALL

B. ACTION ON MINUTES

C. OLD BUSINESS SCHEDULED TO BE RE-OPENED

D. OLD BUSINESS TO REMAIN TABLED

E. NEW BUSINESS

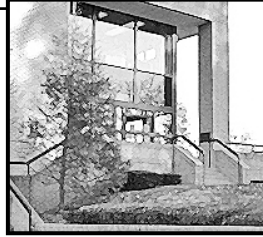
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|------------------|---|------------------------------|
| 1. Request: | Zone Map Amendment; requesting to be rezoned to Manufacturing Two (M-2) | |
| Applicant/Owner: | Maxwell Development / Tootles Trust | |
| Site Location: | Moore Drive, West Harrison, IN | |
| Legal: | Sec. 10 & 15, T 7, R 1, Map #01-10 & #01-15, Parcel #033.000 & #004.000 | |
| Township: | Harrison | Size: Approximately 90 Acres |
| Zoning: | Currently Zoned Agricultural (A) and General Business (B-2) | |

F. ADMINISTRATIVE

DEARBORN COUNTY PLAN COMMISSION

TOOTLES ZMA

STAFF REPORT



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PLAN COMMISSION
JULY 27TH, 2015 MEETING

ZONE MAP AMENDMENT REQUEST

CASE: TOOTLES TRUST, *Owners*
MAXWELL DEVELOPMENT, *Applicants*

NATURE OF REQUEST: To REZONE property within an Agricultural (A) District and General Business (B-2) District to a Manufacturing Two (M-2) District

Zone Map Amendment:

The Applicants are requesting to rezone approximately 90.3 acres from an Agricultural (A) District and General Business (B-2) District to a Manufacturing Two (M-2) Zoning District to allow for a series of industrial uses at this location.

The Applicants are requesting the Plan Commission to forward a recommendation (*either favorable or unfavorable*) for a Zone Map Amendment to the Dearborn County Board of Commissioners, who will ultimately make the final decision on this request.

- 1) **Please refer to Article 5, Section 540 of the Dearborn County Zoning Ordinance** regarding the criteria that the Plan Commission and Board of Commissioners must pay reasonable regard to in the examination of a Zone Map Amendment request.

SECTION 540 - Findings Necessary for Map Amendment

In preparing and considering proposals for zoning text and map amendments, the Plan Commission and the legislative unit shall pay reasonable regard to the following:

1. The Comprehensive Plan;
2. Current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction;
5. Responsible development and growth.

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- 2) **Please refer to Article 5, Section 520 of the Dearborn County Zoning Ordinance** concerning the minimum requirements for an application for a Zone Map Amendment that involves a Concept Development Plan.

A Concept Development Plan if submitted shall include the following minimum requirements and any other supporting information that the applicant believes addresses the specific findings used in reviewing a Zoning Map Amendment.

Minimum Requirements:

- General Existing Site Characteristics – ownership; topography with a maximum contour interval of ten (10) feet—two (2) foot intervals preferred; soils maps (and legends); drainage; vegetation; and other physical characteristics;
- Transportation Patterns - public and private roads and internal and external circulation patterns, rights-of-ways, easements and parking;
- Land Use Characteristics - existing and proposed land use maps as referenced in the Dearborn County Comprehensive Plan—including the location, description and size (acreage) of all proposed land uses—as well as maps and accompanying documentation illustrating the following amenities, where applicable: open spaces, neighborhood and / or community amenities, impervious surfaces including streets, parking areas, structures and buildings (general description of size area, intensities/densities), and proposed stormwater drainage facilities. The proposed land use map should also accurately depict average lot sizes and densities on the plan at a scale no larger than 1” = 200’ and should be oriented with north, to the extent feasible, located near the top portion of the plan;
- Approximate location and number of (both) anticipated residential and non-residential units along with approximate square footage, density and height;
- Utilities and Infrastructure: The general location(s) of existing sewer, water, electric, and gas utilities, if applicable, that will serve the proposed development must be shown or referenced on the concept plan. *This information shall also be accompanied by written statements from the service providers that address capacity issues as well as affirm the capability of the applicant to have these services extended to the proposed development. *All written statement(s) shall be considered current—if less than 1 year old;*
- Relationship of Proposed Zone Change with Comprehensive Plan - how specifically the proposed zone change would conflict, conform, complement or otherwise affect the Comprehensive Plan as well as any special studies that are designed to further detail the Comprehensive Plan in a specific area;

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- An 8.5" by 11" or 11" by 17" reduction of the plan that can be copied on a standard photocopier;
- An area map showing adjacent property owners and existing land uses within 500 feet of the parcel;

The Applicants have not submitted a Concept Development Plan in association with this particular Zone Map Amendment request. According to Article 5, Section 520 of the Dearborn County Zoning Ordinance: "...Rezoning applications submitted without a Concept Development Plan shall be reviewed from the perspective of the "maximum allowable use" based upon the requirements, principally permitted uses, and conditional uses of the zoning being requested..."

Staff Report:

- 3) This property—Harrison Township, Township 7N, Range 1W, Sections 10 & 15, identified as being parcel #s 033.000 and 004.000—located on the southern portion of Harrison Brookville Road (in this section)—is currently located within an Agricultural Zoning District and a General Business (B-2) District.

****Please note: The legal description provided in association with this property may need to be modified, as there are discrepancies in the deeded acreage(s) and the taxed acreages. Additionally, if only a portion of the subject property is ultimately recommended to be rezoned, then a completely new legal description will be required.****

+Please refer to the 'Floodplain/Flood Prone areas' section of Item #8 in this report.

- 4) During the Comprehensive Plan Update process, County staff identified this parcel as being used for Agricultural and Commercial purposes. The proposed development site is bordered to the east and northeast by Commercial Use(s); the remaining areas of the site are bordered by Agricultural Uses.
- 5) The Applicants' proposal does not include a traffic estimate, as ***the industrial uses associated with this development have not been specifically limited / identified—other than sexually-oriented businesses, which have been voluntarily removed.***

**Please note: The Dearborn County Technical Review Committee also has the authority to require a full Traffic Study (in accordance with Article 23, Section 2320 of the Zoning Ordinance) during a Site Plan Review process, if necessary or applicable.*

*****Staff recommends that this item be addressed as a written commitment if this application receives a favorable recommendation.***

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- 6) **Please refer to Article 25, Table 25.1 of the Zoning Ordinance** regarding the minimum dimensional standards and maximum density requirements for a Manufacturing Two (M-2) District. *A Manufacturing Two (M-2) zoning classification would allow for a maximum building density of 25,000 square feet per acre. The presence of floodplain / flood-prone areas on the property makes the maximum density challenging, if not impossible to meet or exceed on most of the property.*
- 7) **Please refer to the Goals and Strategies of the Comprehensive Plan**, pages 59, 72-74, 95, 110, 116, 121, 148-149
- 8) Land Use Designation Criteria:

Please refer to the Comprehensive Plan, Land Use Element, pages 124, 142-149

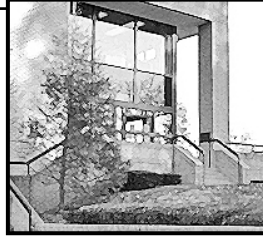
- **Moderate and Steep Slopes:** As stated in the Comprehensive Plan, slopes with gradients over 20% should be avoided for clearing, re-grading, or construction. *There appear to be no areas identified in this project that are intended to be developed that meet or exceed this (20%) threshold.*
- **Floodplain/Flood Prone areas:** *More than half of the 68-acre southern parcel involved with this request is situated within the floodway of the Whitewater River. Approximately 2/3 of the remaining area for both parcels appears to be situated the one hundred (100) year flood hazard area (Flood Hazard Zone "A"), as determined by the applicable FIRM Community Panel Map.* *None of this area is currently being used for building purposes or outside storage.
- **Transportation Infrastructure / Functional Roadway Classifications:**
 - U.S. 52 is a Category II Arterial Road—with a paved width ranging from 22 to 24 feet in this area. (4,680-6,508 vehicles per day)

*The transportation figures included in this section have been determined by referencing the Dearborn County Department of Transportation & Engineering traffic counts and County staff's field inspection(s). These measurements are not intended to imply that there are uniform conditions on the roadways referenced.
- **Sanitary Sewer:** This property is proposed to connect to the City of Harrison sanitary sewer facility, via the Dearborn County Regional Sewer District.

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Technical Review Committee Recommendations and Findings:

- 9) *Please refer to the Technical Review Report / letter from the June 15th, 2015 Technical Review Committee Meeting.* Please note that as of Tuesday, July 14th, these items remain incomplete or questionable:
- A letter / document confirming the availability of the site's Fire and EMS services has been received, but the letter is not from the affected Fire and EMS department;
 - As noted earlier in this report, other than an acknowledgement that sexually-oriented businesses are proposed to be excluded (by the Applicants) from consideration for this site, there are no specific restrictions regarding the industrial uses associated with a Manufacturing Two (M-2) Zoning District designation for this development.
- 10) **Please refer to the Applicant's Zone Map Amendment statement(s) and enclosures.**
- 11) *The County Engineer is reviewing the application and will provide a letter, which will be sent out separately.* At present, the only vehicular access to this site is from Moore Drive, which connects to Harrison Brookville Road across from the I-74 interchange near West Harrison.