



Dearborn County Plan Commission

215 B. West High Street
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www.dearborncounty.org/planning

PLAN COMMISSION AGENDA

Monday, February 22nd, 2016

7:00 P.M.

A. ROLL CALL

B. ACTION ON MINUTES

C. OLD BUSINESS SCHEDULED TO BE RE-OPENED

1. Request: Review of the Preliminary Plat for a 6-lot minor subdivision, Mt. Pleasant Acres
Applicant: JDJ Surveying Owner: Barker Ravenna, LLC
Site Location: Mt. Pleasant Road
Legal: Sec. 5 & 8, T6, R1, Map #06-05 & 06-08, Parcel # 024.000 & 003.000
Township: Miller Size: 58.174 Acres
Zoning: Agricultural (A)

D. NEW BUSINESS

E. ADMINISTRATIVE

DEARBORN COUNTY PLAN COMMISSION

MT. PLEASANT APPEAL

STAFF REPORT



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Primary Plat Appeal:

Barker Ravenna, LLC received Primary Plat approval for the Mt. Pleasant Acres Subdivision—a land division proposal designed to accommodate 6 buildable lots (as subdivided from two existing parent tracts)—from the Dearborn County Technical Review Committee on January 4th, 2016. Two appeals from adjoining property owners were received—one on January 13th (Kenneth & Helen Thomas) and one on January 15th (Charles Andrews) in accordance with IC 36-7-4-708.

1) Please refer to the Appeal statements from Mr. & Mrs. Thomas and from Mr. Andrews.

- Please refer to Article 25, Section 2570 of the Dearborn County Zoning Ordinance and Indiana Administrative Code IC 14-21-1 regarding the local and State requirements pertaining to development activity adjacent to existing cemeteries. Based on the appeal statement(s) received from Mr. Andrews (on his behalf as well as the Mt. Pleasant Cemetery Association), there are concerns that proposed development of the shared driveway access (at minimum) would be within 100 feet of the cemetery and its associated gravesites. *County staff has contacted the Department of Historic Preservation & Archeology at the Indiana Department of Natural Resources and is awaiting feedback with respect to this issue. Staff is also (additionally) working with Art Wenzel, Deputy Surveyor and member of the Dearborn County Cemetery Commission, on this item so that a full report can be made at the February 22nd Plan Commission public hearing.

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- 2) **Please refer to Article 1, Section 160 of the Dearborn County Subdivision Control Ordinance** regarding Appeals.

“Appeals of this Ordinance may be made to the Commission by any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Planning Director or his designated staff. *Such appeal shall be made within thirty (30) days of such person’s written receipt of the Staff decision by filing with the Commission office an application for a notice of appeal specifying the grounds upon which the appeal is being sought.* Public notice of such appeal shall be given to any and all parties of record at least ten (10) days prior to the public hearing. The Planning Director shall transmit to the Commission all the papers constituting the record for the appeal...”

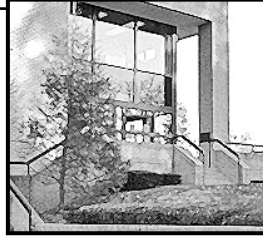
Background:

- 3) This 58.17-acre property—Miller Township, Township 6, Range 1, Sections 5 & 8, identified as being parcel #s 024.000 and 003.000—located approximately 3500 feet south and west of the Mt. Pleasant Road and Sneakville Road intersection—is currently situated within an Agricultural (A) Zoning District.
- 4) The existing land use of the subject property, as referenced in the 2009 update to the Dearborn County Comprehensive Plan, is considered Agricultural. **In 2008-2009, the property was identified by County staff to be adjoined primarily by Agricultural uses—except for the northern and northeastern areas, which were classified as being adjoined by Low to Moderate Density Residential Uses.*
- 5) **Please refer to Article 25, Table 25.1 of the Zoning Ordinance** regarding the minimum dimensional standards and maximum density requirements for Agricultural Districts. *An Agricultural (A) zoning classification allows for a maximum density of 1 unit per acre. The Applicant is proposing .10 units per acre—a density which classifies the development as a Low Density Residential / Rural Residential project. (Please refer to the Comprehensive Plan, pages 124-125, 140-141.)*

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Technical Issues:

- 6) Please refer to Article 2, Section 200 of the Dearborn County Subdivision Control Ordinance regarding the classifications of Subdivisions.

SECTION 200 - Subdivisions Types

“The following applies to Subdivisions or the divisions of land which are used for commercial, industrial, office, residential, or other types of uses. The Subdivision of land can occur in the following three forms...

2. Minor Division of Land - A Minor Subdivision of land involves the division of seven (7) buildable lots or less in addition to the Parent Tract, and is located along an existing public street or a private drive as specified in this Ordinance and involves minimal grading. The review procedure for a minor division of land involves a Primary Plat and a Secondary Plat as outlined in this Article. *The minor division of land involves no widening or extension of a public street or stormwater detention. The procedures and application requirements are outlined in this Article...*”

- 7) Please refer to Article 2, Section 208 of the Dearborn County Subdivision Control Ordinance regarding the Primary Plat Procedure.

SECTION 208–Primary Plat Procedure

“The purpose of Primary Plat approval is to determine whether a proposed plat complies with all relevant development requirements set forth, or incorporated, in this Ordinance, and to identify the relevant development standards with which the proposal does not comply, if any. The Primary Plat is intended to be a conceptual layout of the proposed Subdivision and not a construction level detailed review.”

- 8) Please refer to Article 2, Section 216 of the Dearborn County Subdivision Control Ordinance for the Primary Plat Requirements.

SECTION 216 - Primary Plat Requirements

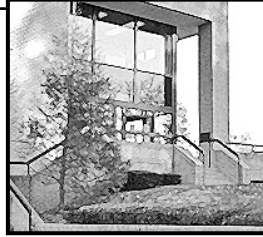
“The Primary Plat shall meet the minimum acceptable design standards set forth in Article 3 of this Ordinance and the general applicable regulations for the construction of public improvements as set forth in this Ordinance, and the Dearborn County Zoning Ordinance...”

In addition to the aforementioned requirements, the Primary Plat must contain the information set forth in this Section.

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Technical Report

- 9) *Please refer to the Technical Review Report / letter from the January 4th, 2016 Technical Review Committee Meeting; the final report is dated January 7th, 2016. Please note that the items in this report that remain to be addressed, as far as the Primary Plat (document) submittal, are:*
- (a) There are still letters from applicable utility and emergency service providers that need to be submitted (though County staff has received letters for water service and a letter regarding potential onsite sewage disposal systems from the Dearborn County Health Dept.);
 - (b) A Rule 5 approval must still be submitted;
 - (c) Although a note has been added to updated plat acknowledging that ‘no direct driveway access is permitted in the easement area north of the cemetery’, it is recommended that this area either be removed as an ingress/ egress easement area—or change the note to reflect that ‘no driveway access is permitted...’
- 10) **Please refer to the Applicants’ statements and enclosures.**

INDIANA CODES REGARDING PLAT REVIEWS & APPEALS

IC 36-7-4-708

Subdivision control; primary approval or disapproval of plat; appeal to plan commission; procedure; review

Sec. 708. (a) An applicant or other interested party may appeal to the plan commission the primary approval or disapproval of a plat, or the imposition of a condition on primary approval by the plat committee. A notice of appeal must be filed with the commission within ten (10) days after the action of the plat committee. However, if the plat committee grants primary approval for the subdivision of land without public notice and hearing under section 701(d) of this chapter, an interested party may appeal the approval to the plan commission by filing a notice of appeal with the plan commission not more than ten (10) days after a copy of the plat committee's action is mailed to the interested party. Notice shall be given and a hearing held by the commission in the same manner as in the case of the plat committee.

(b) The commission has the same power as the committee to approve, disapprove, or impose conditions on the approval of plats.

(c) The primary approval by the commission of a plat must be certified on behalf of the commission by an official designated in the subdivision control ordinance.

(d) The primary approval or disapproval of a plat by the plan commission or the imposition of a condition on primary approval is a final decision of the plan commission that may be reviewed as provided by section 1016 of this chapter.

As added by Acts 1981, P.L.309, SEC.23. Amended by Acts 1982, P.L.211, SEC.12; P.L.320-1995, SEC.11.

IC 36-7-4-1016

Remedies and enforcement; review by certiorari of commissioner's decision

Sec. 1016. The following decisions of the plan commission may be reviewed by certiorari procedure in the same manner as that provided for the appeal of a decision of the board of zoning appeals:

(1) A final decision under the 700 series of this chapter (subdivision control).

(2) A final decision under IC 36-7-3-11(h) (appeal of a vacation decision).

(3) A final decision under the 1400 series of this chapter (development plans).

(4) A final decision under the 1500 series of this chapter (planned unit development), when authority to make a final decision is delegated to the plan commission by the legislative body under section 1511 of this chapter.

As added by Acts 1981, P.L.309, SEC.23. Amended by Acts 1981, P.L.310, SEC.57; P.L.320-1995, SEC.21.