



# Dearborn County Plan Commission

215 B. West High Street  
Phone: (812) 537-8821  
[www.dearborncounty.org/planning](http://www.dearborncounty.org/planning)

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

## PLAN COMMISSION AGENDA

Monday, May 23<sup>rd</sup>, 2016

7:00 P.M.

### A. ROLL CALL

### B. ACTION ON MINUTES

### C. OLD BUSINESS SCHEDULED TO BE RE-OPENED

- |                |  |
|----------------|--|
| 1. Request:    | To address the Plan Commission to discuss modifications to <u>both</u> the concept development plan and written commitments associated with the 'White Pines' Zone Map Amendment |
| Applicant:     | JDJ Surveying & Engineering / Owner: White Farm Development, LLC   |
| Site Location: | North Dearborn Road  |
| Legal:         | Sec. 20, T7, R1, Map #01-20, Parcel #013   |
| Township:      | Logan                      Size: 56 Acres  |
| Zoning:        | Residential-DP   |

### D. NEW BUSINESS

### E. ADMINISTRATIVE

- Proposed changes to the Dearborn County Plan Commission Fee Schedule.
- Proposed changes to the Dearborn County Zoning & Subdivision Control Ordinances
- Financial Guarantee Report
- Comprehensive Plan Update and 911 Project Discussions
- Discussion of Inter-local Agreement Updates (Aurora, St. Leon, West Harrison)

# DEARBORN COUNTY PLAN COMMISSION

## WHITE PINES COMMITMENTS

### STAFF REPORT



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## **NATURE OF REQUEST: White Pines Zone Map Amendment**

**Modifications to the written commitments required during the November 26<sup>th</sup>, 2007  
Plan Commission public hearing**

### **Background & Introduction:**

*The Applicant is requesting (potential) modifications to the written commitments required during the Plan Commission's review of its Zone Map Amendment request in 2007. The three (3) written commitments that were established at the above-referenced meeting—which were subsequently recorded (as instrument number 200800000873) following the Board of Commissioners' review and approval / authorization of the proposed rezone, per concept development plan—are:*

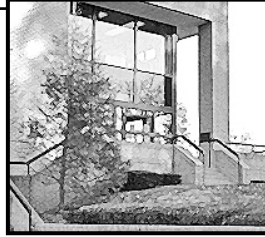
- 1) *There will be no more than 75 units created for the proposed White Pines subdivision, in accordance with the petition as heard and forwarded with a favorable recommendation by the Dearborn County Plan Commission on November 26, 2007.*
- 2) *A buffer area must be created on all lots with frontage along existing public streets.*
- 3) *The line-of-sight issues with the Short Road / North Dearborn Road intersection must be improved / corrected to the extent possible through a combination of clearing and grading on the project site. The proposed new street to intersect with North Dearborn Road must also be designed to maximize sight distance.*

**As noted in the Applicant's submittal letter, the Owners presently desire to modify Written Commitment Item Number 2 of the aforementioned legal instrument, to state that "...no buffer area is required if the subdivision is 56 Lots (56 units) or less." The Applicant's current request is limited only to the amendment of this Item. Please note: The Plan Commission's role in this process is to consider this request, and to forward a recommendation on this proposal to the Dearborn County Board of Commissioners for its consideration and final action.**

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#### Site Information:

This property—Logan Township, Township 7, Range 1, Section 20, identified as property parcel # 013—located on the northeastern portion of North Dearborn Road and Short Road intersection (and on the southeastern portion of the Short Road and Gaynor Ridge Road intersection), is currently located within a Residential (R-DP) Zoning District.

- 1) Please refer to IC 36-7-4-1015 (formerly IC 36-7-4-613), regarding the process with which the Plan Commission may permit, require, or modify written commitments for rezones.

#### Commitments; enforcement

Sec. 1015. (a) *As a condition to the:*

(1) *adoption of a rezoning proposal...*

*the owner of a parcel of real property may be required or allowed to make a commitment concerning the use or development of that parcel...*

(b) *Commitments are subject to the following provisions:*

(1) *A commitment must be in writing.*

(2) *Unless the written commitment is modified or terminated in accordance with this subsection, a written commitment is binding on the owner of the parcel...*

(5) *Except for a commitment that expires or automatically terminates under subdivision (4), or except as provided in subdivision (10), a commitment may be modified or terminated:*

*(A) by a decision of the plan commission or board of zoning appeals to which the commitment was made; or*

*(B) by the decision of the legislative body, if the commitment is made as part of a rezoning proposal being considered by the legislative body under the 600 or 1500 series of this chapter.*

*A decision by a plan commission or board of zoning appeals must be made at a public hearing after notice of the hearing has been provided under the rules of the plan commission or board of zoning appeals, as the case may be.*

(6) *During the time a rezoning proposal is being considered by the legislative body under the 600 or 1500 series of this chapter, the owner may make a new commitment to the legislative body or modify the terms of a commitment that was made when the proposal was being considered by the plan commission. This subdivision does not apply to a commitment to which subdivision (10) applies.*

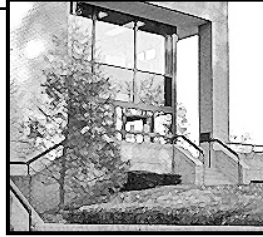
(7) *Except as provided in subdivision (8), no further action of the plan commission is required for an action taken by the legislative body under subdivision (6) to be effective.*

(8) *If a commitment is modified under subdivision (6) and the effect of the modification is to make the commitment less stringent, the modified commitment shall be referred to*

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*the plan commission for further review. The plan commission shall, not later than forty-five (45) days after referral of the modified commitment:*

*(A) ratify the modified commitment; or*

*(B) certify a recommendation to the legislative body that the commitment be further modified.*

*After considering the recommendation of the plan commission, the legislative body shall then make the final decision on the terms of the modified commitment.*

*(9) Requiring or allowing a commitment to be made does not obligate the plan commission, board of zoning appeals, or legislative body, as applicable, to adopt, approve, or favorably recommend the proposal or application to which the commitment relates...”*

## Enclosures & Statements

- 2) Please refer to enclosures for the full meeting minute summary for the November 26th, 2007 Plan Commission public hearing, as well as the Written Commitment(s) for the White Pines Zone Map Amendment, as submitted per concept development plan—and as recorded as instrument number 200800000873.
- 3) Please refer to the staff report from the *November 26th, 2007 Plan Commission public hearing* (for additional background references).
- 4) Please refer to the report from the *April 20, 2016 Technical Review Committee meeting*.
- 5) Please refer to the Applicant’s current statement(s) and enclosures.
- 6) **Please note that if this request is granted by the Plan Commission and Board of Commissioners, a new set of written commitments will need to be prepared and recorded to acknowledge the approved changes involving the subject property.**

200800000873  
Filed for Record in  
DEARBORN COUNTY, INDIANA  
BARBARA J. KAFFENBERGER  
02-05-2008 At 11:19:30 am.  
NC MISCELLA .00  
OR Book 191 Page 1474 - 1480

## **DECLARATION OF COMMITMENT AND AGREEMENT**

Comes now White Farm Development, LLC, the Dearborn County

Commissioners and the Dearborn County Plan Commission, and agree as follows:

WHEREAS, White Farm Development, LLC is the owner of the following described real estate attached and marked Exhibit(s) "A":

AND WHEREAS, White Farm Development, LLC has petitioned for an amendment to the zone map of Dearborn County on said real estate from an Agricultural District to a Residential-Development Plan (R-DP) District;

THEREFORE, White Farm Development, LLC agrees to and makes a written commitment as to the Concept Development Plan on said real estate only if it is developed in accordance with the petition as heard, and approved with conditions, by the Dearborn County Plan Commission on November 26, 2007.

## **COMMITMENT**

White Farm Development, LLC agrees to ensure the following will occur in conjunction with this Zone Map Amendment request from an Agricultural District to a Residential-Development Plan (R-DP) District for approximately 56 acres of the White Farm Development, LLC property in Section 20, Township 7N, Range 1W, Map # 01-20, Parcel 150120300013000018:

- 1) There will be no more than 75 units created for the proposed White Pines subdivision, in accordance with the petition as heard and forwarded with a favorable recommendation by the Dearborn County Plan Commission on November 26, 2007.
- 2) A buffer area must be created on all lots with frontage along existing public streets.
- 3) The line-of-sight issues with the Short Road / North Dearborn Road intersection must be improved / corrected to the extent possible through a combination of clearing and grading on the project site. The proposed new street to intersect with North Dearborn Road must also be designed to maximize sight distance.

ALL OF WHICH IS AGREED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

OWNERS / APPLICANTS:

\_\_\_\_\_  
Signature:  
Richard Schmidt Builders, Inc.  
Member of White Farm Development, LLC  
By *Richard C. Schmidt, President*

\_\_\_\_\_  
Typed or printed name:  
Richard Schmidt Builders, Inc.  
Member of White Farm Development, LLC  
By *Richard C. Schmidt, President*

NOTARY CERTIFICATE

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared \_\_\_\_\_, and acknowledged the execution of the foregoing certificate as his/her voluntary act the \_\_\_\_ day of \_\_\_\_\_, (year).

\_\_\_\_\_  
Notary Public (signature)  
My Commission Expires: \_\_\_\_\_  
Resident of \_\_\_\_\_ County, \_\_\_\_\_

\_\_\_\_\_  
(Name Typed or Printed)

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

\_\_\_\_\_  
*Arnold L. McGill*

*This Instrument was prepared by Arnold L. McGill, Attorney.*

ALL OF WHICH IS AGREED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

DEARBORN COUNTY  
PLAN COMMISSION:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name

NOTARY CERTIFICATE

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared \_\_\_\_\_, and acknowledged the execution of the foregoing certificate as his/her voluntary act the \_\_\_\_ day of \_\_\_\_\_, (year).

\_\_\_\_\_  
Notary Public (signature)

\_\_\_\_\_  
(Name Typed or Printed)

My Commission Expires: \_\_\_\_\_

Resident of \_\_\_\_\_ County, \_\_\_\_\_

*This Instrument was prepared by Arnold L. McGill, Attorney.*



ALL OF WHICH IS AGREED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

DEARBORN COUNTY  
BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name

NOTARY CERTIFICATE

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared \_\_\_\_\_, and acknowledged the execution of the foregoing certificate as his/her voluntary act the \_\_\_\_ day of \_\_\_\_\_, (year).

\_\_\_\_\_  
Notary Public (signature)

\_\_\_\_\_  
(Name Typed or Printed)

My Commission Expires: \_\_\_\_\_

Resident of \_\_\_\_\_ County, \_\_\_\_\_

*This Instrument was prepared by Arnold L. McGill, Attorney.*

# PLAN COMMISSION MINUTES

Monday, November 26, 2007

7:00 P.M.

## A. ROLL CALL

Members Present:

Mike Hall - President  
Patrick DeMaynadier – Vice-President-Arrived 7:20pm.  
Tom Cheek  
Nick Held  
Bob Laws  
Tarry Feiss  
Ken Nelson  
Ralph Thompson  
Dennis Kraus, Jr.

Mark McCormack – Director of Planning  
Arnold McGill – Attorney

Members Absent:

None

Mr. Hall made an announcement that an Executive Session had been held; Counsel advised the Plan Commission that litigation had begun with Mr. Mike Macke (developer) regarding the Villages of Sugar Ridge subdivision.

## B. ACTION ON MINUTES

*July 23, 2007 minutes:* Mr. Thompson made a motion to approve the July 23, 2007 minutes as amended. Mr. Nelson seconded. Mr. Kraus, Mr. Thompson, Mr. Laws, Mrs. Feiss, Mr. Held, Mr. Nelson in favor. None opposed. Mr. Cheek abstained. Motion carries.

*August 27, 2007 minutes:* Mr. Thompson made a motion to approve the August 27, 2007 minutes as written. Mr. Nelson seconded. Mr. Kraus, Mr. Thompson, Mrs. Feiss, Mr. Held, Mr. Cheek in favor. None opposed Mr. Hall, Mr. Laws abstained. Motion carries.

*September 24, 2007minutes:* Mr. Cheek made a motion to approve the September 24, 2007 minutes as written. Mr. Nelson seconded. Mr. Kraus, Mr. Laws, Mr. Thompson, Mr. Held, Mr. Nelson, Mr. Cheek in favor. None opposed. Mrs. Feiss abstained. Motion carries.

### C. OLD BUSINESS SCHEDULED TO BE RE-OPENED

- 1. Request:** **Zone Map Amendment of 56 acres from Agricultural (A) to Residential (R) for single family development.**
- Applicant:** **JDJ Surveying & Engineering / Owner: White Farm Dev.**
- Site Location:** **North Dearborn Road**
- Legal:** **Sec. 20, T7, R1, Map #01-20, Parcel #013**
- Township:** **Logan Size: 56 Acres**
- Zoning:** **Agricultural (A)**
- Note:** ***Tabled from August & October Plan Commission meetings.***

Mr. McCormack states the Applicants are requesting to rezone one land tract totaling approximately 56 acres from Agricultural (A) to Residential (R) to allow for a single family use. Mr. McCormack reviews the Staff Report and shows slides.

Mr. Cheek asks about the County project to fix North Dearborn Road, which was nixed by the State and where it currently stands.

Mr. Todd Listerman, County Engineer, states this area falls outside of the current improvement plans of which Mr. Cheek has referred; however, he notes it is in the County's long-term improvement plans.

Mr. Jeff Tucker, of White Farm development, states that the Applicants are proposing lots of .5ac to 1 ac. with frontage that will be 100ft. or greater with exception of the cul-de-sac lots. He notes that homes will be at least 1500sq.ft. and are estimated to be priced between \$250,000 and \$300,000. He states that in reviewing the criteria in the Comprehensive Plan, the Applicants are trying to keep development in or near where it already exists. He notes that there is development adjacent to the project site and that infrastructure is in place. He acknowledges the adjoining land uses to the site, as referenced in the current comprehensive Plan. He references other high density developments are within 1 mile of this site, such as Morgan's Ridge, Logan Senior Housing, etc. He feels this is the most desirable use for the land, stating 56 acres is not large enough to effectively farm. In reference to responsible growth and development, he feels residential growth is appropriate in the area and that the existing infrastructure is in place to accommodate this proposal. Mr. Tucker shows slides of the proposed homes for the development.

Mr. Hall asks if sidewalks are planned to be installed?

Mr. Tucker states the Ordinance calls for sidewalks on one side of the street.

Mr. Thompson asks about a buffer area for the perimeter lots?

Mr. Tucker states that the Applicants will design larger lots around the perimeter and focus more on the buffer design for Primary Approval.

*Open public comment.*

Mr. Bill Williams states there are poor conditions with the roads—noting that the intersection of Short Road and North Dearborn Road is very dangerous. He notes that pictures don't adequately illustrate what is seen when you are in a car and traffic flies down the road. He asks if the crown of the hill could be removed to improve visibility on North Dearborn Road. He further states that he is concerned with the impact on the schools, which he feels are already saturated. He asks how adding to these existing problems can be considered responsible development and growth? He asks who considers the schools in the planning process?

Mr. Cheek clarifies that the sight distance concern is the hump in the road on North Dearborn Road. He also recognizes the School Board as the appropriate authority with respect to the distribution / allocation of tax money and in regards to their facility needs. He explains that for each subdivision or major project, letters are received from the schools informing the Plan Commission that they will accept the new growth for a proposed development.

Mr. Steve Kuhn, of Gaynor Ridge Road, states this proposal still contains too many houses. He noted that the Board has spoken about this property in prior public hearings and asked for 1 to 3 acre lots; he states that they are still not getting what they have asked for. He acknowledges that this proposal involves the removal of the buffer areas and the road improvements—so nothing positive is coming from this development. He states the existing roads are dangerous and feels that they should be improved before more traffic is added to compound these situations. He feels this proposal does not fit within the community and that it would ruin the rural life that he knows and loves.

Mr. Tom Gaynor states he operates a livestock and grain farm on Gaynor Ridge Road. He notes that the approval of this proposal would cause an increase in taxes and would negatively impact the schools, emergency services, and roads. He states the neighboring property owners and their rights should be considered as well as how this project will affect a rural area. He presents pictures of existing road conditions and asks for consideration to these issues.

Mr. Glenn Crocker, adjoiner, states that the housing business is slow and presents a document of open housing and units available in the County at this time. He states that density is the major concern involving this application and refers to the discussion at the February Plan Commission meeting. He notes that at that time, the Applicants asked what the Board members were looking for and they responded with ranges of  $\frac{3}{4}$  acre to 1 acre lots. He states that at the April Plan Commission meeting they applied with the same proposal and at that meeting, due to a lack of full quorum, they were forwarded with a No Recommendation to the County Commissioners who denied the application in May. He notes that they re-applied for a modified project in August (for the current proposal for 75 lots); he notes that this hearing has been delayed since this time frame as a result of a failure to obtain a full quorum.

Mr. Crocker reaffirms that the proposal being heard at this meeting no longer contains landscaping/ buffers, major road improvements, or financial commitments. He states the Applicants have often used words such as ‘probably’ and ‘maybe’ with this proposal—which concerns the neighbors. He notes the existing safety issues associated with the roadways; these have been in existence for many years. He feels this is a transition parcel and at this time, this proposal of high density if granted would significantly hurt the transition phase of this area. He asserts that in reference to the schools, Lawrenceburg would love to have Hidden Valley Lake; however, this decision is not made at the local level as the State decides jurisdictional matters. He feels the issues in question tonight are whether to rezone this parcel to Residential or maintain the Agricultural community and develop it under the Agricultural standards for this parcel. He would like to see White Pines developed as country estates.

Mr. Bob Gaynor, adjoiner, states this is a very rural area with the exception of Harley Springs. He notes that there are 7 farms with livestock on Gaynor Ridge Road and he is concerned city folks will move in and won’t know what rural means. The roads are dangerous as they are and farmers are moving their equipment up and down them frequently. He states that this proposal is not responsible growth and development and feels that this is not the most desirable use for this land.

Mr. Richard Jung states that he has lived in Harley Springs for about 2 years now, and feels he has learned a lot tonight. He asks that this developer sell the property back to the farmers and move his development activities elsewhere.

Mr. Ralph Geis, of Gaynor Ridge Road, states since school started in the fall 3 cars have been in his yard. He notes that adding more traffic to this drag strip could cost young people their lives.

Mr. Todd Shumate asks of the Developer to give residents a reason of why to deviate from the recommendation at the February meeting of 1 acre lots for this proposal.

*Close public comment.*

Mr. Tucker states that the Applicants are proposing a 40ft. half right-of-way, the removal of trees, and the removal of dirt to improve the North Dearborn / Short Road intersection. He notes that at this point, they are uncertain as to whether or not there will be curbs and gutters. He states that their proposed density compares to Harley Springs; he proceeds to review densities and subdivisions within the area that have been recently approved.

Mr. Tucker agrees that the housing market is slow at this time; however it has been slow before and he is sure that it will improve (again). He points out some errors on the documentation regarding the number of buildable lots within the County. He further states that some of the previous commitments offered in association with this project site had been removed because the Board appeared to be primarily concerned with density. “Get your density down” was what he had heard. He was told that the proposed landscaping would die, and that the financial commitment to the schools and the County, was not good enough; therefore, they were eliminated.

Mr. Tucker states that this proposal will add less than 1% to the school enrollment and will increase traffic on the county roads by approximately 4%. The fiscal impact to the County will be minimal; this project will pay for itself. He reviews the criteria and states the topography is ideal; the utilities are in place; the proximity to services is close; dense development is within one mile; and there are no lots fronting on the County-maintained roads.

Mr. McCormack acknowledges that the document regarding buildable lots within the County was produced for an Advisory Committee meeting (for the Comprehensive Plan). He noted that these numbers were very rough and that a complete analysis had not been performed to eliminate the number of subdivision lots that were non-buildable lots, multiple lot ownership where structures have been built across property lines, etc.

Mr. Thompson asks what kind of sewer system is St. Leon requesting?

Mr. Tucker states it is a gravity and lift station system. He states that he would like to move the lift station over onto his property and is awaiting approval for that item.

Mr. Thompson asks about the road improvements status and clarification on North Dearborn Road.

Mr. Listerman states that he has spoken to INDOT and they have a call for projects sometime around January. He states that based on the size and project list of the County, previous under-funded projects from the State as a whole are more highly weighted and that some will definitely be funded / realized before ours. He notes that the County is working with Level 5 Engineering so that complete applications for local projects may be submitted.

Mr. Thompson asks about Gaynor Ridge Road and Short Road.

Mr. Listerman states that there are no current plans to upgrade these roadway facilities at this time. The department is currently looking at major roads for improvements.

Mrs. Feiss asks what the plan is for North Dearborn Road?

Mr. Listerman states that the North Dearborn Road project consists of 2-12ft. lanes, 6ft. shoulders with a re-alignment of Hiltz Road—starting at McCann Road and running to State Road 1. He further states that under the County's 2030 plan, almost all of North Dearborn Road would be addressed at a cost of \$130 million.

Mr. McCormack states that design issues of the road would be reviewed during subsequent review processes, such as those involving a Primary Plat and Improvement Plans.

Mr. Thompson asks what the status is on Seldom Seen and its bonding for Tucker Development?

Mr. Listerman states Seldom Seen is currently not shown as a County Road; however, Tucker Development is working with the County towards having that accepted into the system.

Mr. DeMaynadier states that he has no concerns at this time.

Mr. Cheek states that he likes the homes pictured as well as the fact that the Applicants have sewer and two points of entry. He also likes that existing sight distance concerns could be remedied. He is, however, concerned with a buffer area being removed and feels that this project needs landscaping; he would also like to see sidewalks.

Mr. Nelson states that during the previous discussion his opinion was that the plat have no bigger than  $\frac{3}{4}$  acre lots because it was providing a better development, it included sidewalks, landscaping, and road improvements. He states managed growth and proper growth is what we want. He would like to see buffer areas along the backs of the lots to break up development, and grading down the hump on North Dearborn Road.

Mr. Held states the property is ideal for residential development, he likes the reduction; however, he is still concerned if it blends in with the surrounding area. He agrees he would like to see a buffer no matter what the density is.

Mrs. Feiss states that she agrees with Mr. Held. She is concerned that this project conflicts with Article 5, Section 540 as it pertains to responsible growth and development—noting that the traffic and school concerns associated with this project.

Mr. Thompson reviews the criteria of Article 5, Section 540. He states that in reference to item 1, this property is indicated to be used primarily for Agricultural Use; however, he doesn't see a problem with a residential use in this location. He would like to see buffer protecting the adjoiners along Short and Gaynor Ridge Roads. In reference to item 2, Current Land Use and Conditions, this area is largely farming and rural and this project will have an impact on these activities. He feels that it is difficult to mix a farming community with the proposed residential community. In reference to item 3, Most Desirable Use, he states there are many opinions on the desirable use and he feels this is a transitional area. In reference to item 4, Conservation of property values, the enlarged lots and footprints of the houses should preserve and enhance property values in this area. In reference to item 5, Responsible Development and Growth, he feels moderate density is appropriate for this area since it is a transitional area. He states with the proposed density and concern for schools and roads, this proposal tonight is still too dense to provide responsible development and growth.

Mr. Laws believes in high density development because there are more efficiencies in high density and it saves farm land. He states he has supported this project at a higher number of units; he has no problem with this application.

Mr. Kraus states that this project fits well in the area since Harley Springs Subdivision is near. He is interested to know if written commitments for a buffer zone and sight distance improvements regarding the hump could be required.

Mr. McGill states yes, you can require these at this time.

Mr. Kraus asks if this density requires sidewalks?

Mr. McCormack states yes, sidewalks are required on one side. He also clarifies that there are larger setbacks associated with the lots with frontage on Gaynor Ridge Road and Short Road and on North Dearborn Road.

Mr. Thompson states that in regards to high density conserving farm land, he feels it eats farm land away in larger chunks (eventually) unless there is an arrangement for some type of development credits—thus, resulting in high density all over.

Mr. Nelson made a motion to forward a favorable recommendation to the County Commissioners for White Farm Development, as presented, with the condition that a buffer area be created on lots with existing frontage along public streets and that sight distance issues be corrected along North Dearborn Road—as approved by County staff. This being based in fact that this application is consistent with adjoining properties and current conditions in the area, is the most desirable use for this land, it will likely increase adjoining property values, and the density allows for service by public sewer and water meeting the criteria for responsible growth and development. Mr. Laws seconded. Mr. Kraus, Mr. Laws, Mr. Nelson, Mr. Cheek, Mr. Hall (President) in favor. Mr. DeMaynadier, Mr. Held, Mrs. Feiss, Mr. Thompson opposed. Motion carries.

#### **D. OLD BUSINESS TO REMAIN TABLED**

There was no old business.

#### **E. NEW BUSINESS**

**1. Request: Proposed changes to the Dearborn County Zoning Ordinance and Subdivision Control Ordinance, including:**

**Article 4 – Assurances for completion & Maintenance of Improvements. *Subdivision Control Ordinance***

Mr. McCormack states that in a series of staff meetings, the County Engineer and Planning Director have drafted revisions to Article 4 of the Dearborn County Subdivision Control Ordinance, which articulates the types of assurances accepted by the County, as well as the processes in which these assurances are received. He reviews the Staff Report.

Mrs. Feiss clarifies that letters of credit are acceptable.

Mr. McCormack states letters of credit and bonds are acceptable and that cashiers checks have been eliminated. He also notes that the renewal process has been improved to alleviate the renewal of a bond repeatedly.



Mr. Hall is concerned with having electronic seals on record drawings.

Mr. Thompson asks if there are any limits or restrictions on the letters of credit?

Mr. McCormack states that the County has the same requirements as to who may sign written commitments and the Subdivider's Agreements.

Mr. Listerman states that the staff is still researching for improvements to the ordinance(s). He states that historically speaking, there have been failures in the process of keeping track of financial guarantee records and expiration dates.

Mr. Thompson made a motion to forward the proposed changes to Article 4 with a favorable recommendation to the County Commissioners with amendments being made to Sections 430 and 435. Mr. Nelson seconded. All in favor. None opposed. Motion carries.

**Article 3, Section 305 P—Private Streets**  
***Subdivision Control Ordinance***

Mr. McCormack states that in a series of staff meetings, the County Engineer and Planning Director have drafted revisions to Article 3, Section 305P of the Dearborn County Subdivision Control Ordinance, which articulates the process and design standards (required) to establish private streets/ roads. He reviews the Staff Report.

Mr. Thompson made a motion to forward proposed changes to Article 3 as amended with a favorable recommendation to the County Commissioners for approval. Mr. DeMaynadier seconded. All in favor. None opposed. Motion carries.

**Article 25, Section 2516—Location of Accessory Structures**  
**Article 22, Section 2275—Fences**  
***Zoning Ordinance***

McCormack states in an effort to (both) improve safety and eliminate administrative discrepancies; he is proposing the following text amendments. He reviews the Staff Report.

Mr. Thompson states ponds near roads require certain safety measures and ask how this will affect those?

McCormack states those are still in the Ordinance under different Sections, and are not conflicting with this proposed Ordinance.

Mr. Thompson made a motion to Table this request for more research and modifications. Mr. Cheek seconded. All in favor. None opposed. Motion carries.

**Article 7, Certificate B1—Dedication Certificate**  
***Subdivision Control Ordinance***

McCormack states that as a result of some recent staff meetings with local surveyors and attorneys, the following text amendment to the Dedication Certificate has been prepared. He reviews the Staff Report.

Mr. Kraus made a motion to forward proposed changes to Article 7, Certificate B1 with a favorable recommendation to the County Commissioners for approval. Mr. Cheek seconded. All in favor. None opposed. Motion carries.

**F. ADMINISTRATIVE**

Mr. McCormack states that OKI needs a decision as to whether or not the County is willing to commit to its fiscal impact analysis study. He states that the alternative is to take our \$50,000 and do something on our own. The local cost for the OKI project would be \$15,000—or \$5,000 annually for the next 3 years.

Mr. Cheek made a motion to join the OKI impact analysis study and pay \$5,000 per year for 3 years. Mr. Thompson seconded. All in favor. None Opposed. Motion carries.

Mr. McCormack presents the bond staff report from Highway Department.

Mr. McCormack discusses the purchase of a newer vehicle to replace the department's older vehicle.

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

Meeting adjourned at 10:54pm

---

Mike Hall, President

---

Mark McCormack, Director of Planning & Zoning

# DEARBORN COUNTY PLAN COMMISSION

WHITE PINES ZMA

STAFF REPORT



215B West High Street, Suite 300  
Lawrenceburg, IN 47025

Phone: (812) 537-8821

Fax: (812) 532-2029

[www.dearborncounty.org/planning](http://www.dearborncounty.org/planning)

PLAN COMMISSION  
NOVEMBER 26<sup>TH</sup>, 2007 MEETING

**CASE: JDJ SURVEYING & ENGINEERING LLC, Applicant**  
**WHITE FARM DEVELOPMENT, LLC, Owner**



**NATURE OF REQUEST: Zone Map Amendment: From an Agricultural (A) District to a Residential (R) District**

## **Zone Map Amendment:**

*The Applicants are requesting to rezone one land tract totaling approximately 56 acres from Agricultural (A) to Residential (R) to allow for a single family residential use.*

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.

# DEARBORN COUNTY PLAN COMMISSION

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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, soils, 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 uses, open spaces, impervious surfaces including streets, parking areas, structures and buildings (general description of size area, intensities/densities, and height) and proposed stormwater drainage facilities;
- Utilities and Infrastructure;
- 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;
- 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;

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## Optional Requirements:

- Approximate location and number of residential units (if any) along with approximate square footage, density and height;
- The general location of all utilities and *the capabilities for extension and capacity to extend to the proposed subdivision area*;
- General description of the availability of community facilities such as schools, fire protection services and other types of facilities that would serve the development, if any, and how these facilities are affected by this proposal;
- *A detailed traffic study if the proposed development exceeds 1000 vehicle trips per day on average or if the project would significantly alter existing traffic patterns or volume (See Article 24, Section 2448);*

## **Staff Report: November 2007**

- 3) This property—Logan Township, Township 7, Range 1, Section 20, identified as property parcel # 013—located on the northeastern portion of North Dearborn Road and Short Road intersection (and on the southeastern portion of the Short Road and Gaynor Ridge Road intersection), is currently located within an Agricultural (A) District.
- 4) During the Comprehensive Plan Update, Plan Commission staff identified the aforementioned parcel as being used for Agricultural Use. The proposed development site is bordered to the north with Agricultural Uses, as well as Low and Moderate Density Residential Uses; to the east the property is contiguous with Moderate Density Residential Uses; to the south the tract is bordered by Agricultural and Moderate and High Density Residential Uses. Low and Moderate Density Residential Uses predominately adjoin the site to the west. *(Please refer to the Comprehensive Plan, pages 124-125, 129.)*
- 5) The Applicants have commissioned two (2) separate, Traffic Studies for other development applications involving this property in the past fourteen (14) months—utilizing ‘worst case scenarios’ of 131 (June 2006) and 94 dwelling units (December 2006). **As the current development application is expected to generate less than 1000 vehicle trips per day, an updated Traffic Study is not required to satisfy Article 5, Section 520 of the Zoning Ordinance.** *Please refer to the Technical Review Committee’s Recommendations and Findings on the last two (2) pages of this report.*

# DEARBORN COUNTY PLAN COMMISSION

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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 Residential Districts. 1. A Residential (R) zoning classification would allow for a maximum density of 4 units per acre—in this case, the project could, at most, result in the creation of 224 dwelling units. **Based on the Applicant's current submission (75 units), the 'maximum allowable use,' i.e. the maximum requested build-out of the proposed project, results in a net density of 1.51 units per acre—when subtracting the 6.41 acres identified as right-of-way. By comparison, the gross density of project proposal is 1.34 units per acre when including all acreage. Either of the above-referenced figures classifies the development as a High Density Residential project.** (Please refer to the Comprehensive Plan, pages 124-125 & 140-141.)

Staff recommends that a written commitment and a Certificate of Land Use Restriction be filed with the Dearborn County Recorder's Office (if the Applicant obtains a favorable recommendation to rezone this property), so that the Applicant's stated maximum density will not be exceeded.

- 7) **Please refer to the Goals and Strategies of the current 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:** *No portion of this proposed development lies within a Flood Hazard Area as determined by Community Panel Map 180038 0040B.*
- **Transportation Infrastructure / Functional Roadway Classifications:**
  - North Dearborn Road is a Category II Rural Arterial Road and has a paved width ranging from \*20 to 22 feet.
  - Short Road is a Category I Rural Local Road and has a paved width ranging from \*17.5 to 20 feet.
  - Gaynor Ridge Road is a Category I Rural Local Road and has a paved width ranging from \*19 to 19.5 feet from the existing Short Road intersection to the proposed new intersection / entrance leading into this site.

\*Please note that the measurements listed above were taken by Dearborn County Staff in July of 2006. These measurements are not intended to imply that there are uniform conditions on the roadways referenced.

# DEARBORN COUNTY PLAN COMMISSION

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- **Sanitary Sewer:** The Dearborn County Regional Sewer District is seeking to provide sewer service to the proposed subdivision in coordination with the Town of St. Leon and the Dearborn County Regional Sewer District. *Please reference the letters (from both the President of the Dearborn County Regional Sewer District and the President of the St. Leon Town Board) that have been included in the Applicants' information packet.*

**Staff recommends that a written commitment and a Certificate of Land Use Restriction be filed with the Dearborn County Recorder's Office (if the Applicant obtains a favorable recommendation to rezone this property), so that the Concept Development Plan street configuration and residential areas match, to a significant extent, any future subdivision plat submittals.**

## *Technical Review Committee Recommendations and Findings:*

**June 12<sup>th</sup>, 2006; October 16<sup>th</sup>, 2006; January 8<sup>th</sup>, 2007; July 16<sup>th</sup>, 2007 Meetings**

- 9) *Please refer to the Technical Review Report / letters from the June 12<sup>th</sup>, 2006; October 16<sup>th</sup>, 2006; January 8<sup>th</sup>, 2007; and July 16<sup>th</sup>, 2007 Technical Review Committee Meetings. Please note that all of the materials and modifications **required** from the Technical Review Committee to the Applicant have been submitted—although members of the Committee expressed some concern with respect to the letters addressing community facilities, utilities, and services provisions to this site. Additionally, the following recommended items remain to be addressed and are, at minimum, subject to your inquiry and review:*

- Information indicating the types, sizes, materials, and locations of any anticipated signage in association with this proposal;
- Information demonstrating the visual appearance(s) or types of architecture expected for the residential units that are intended to be situated on the project site.

In previous Technical Review Committee Reports / letters, the Committee has also acknowledged that the following items should be considered in regards to the modification of the Concept Development Plan(s):

- Additional neighborhood-oriented recreational and open space on-site amenities;
- Additional community-oriented offsite amenities or improvements.

# DEARBORN COUNTY PLAN COMMISSION

WHITE PINES ZMA

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10) *At the July 16<sup>th</sup>, 2007 Technical Review Committee meeting, the Committee and Staff acknowledged the following primary modifications to the Applicants' original Concept Development Plan:*

- *The number of proposed residential units within the current Concept Development Plan is **75 dwelling units**—rather than the (originally proposed) 131 units (in July of 2006), the 108 units (proposed in a subsequent submission in November of 2006) or the 94 units (proposed in a revised submission in February of 2007);*
- *The street configuration associated with earlier versions of this project has been significantly modified in the following manners:*
  - *In the current submittal, all proposed lots are intended to be accessed from the interior roadways associated with this neighborhood (plan)*
  - *None of the existing, adjacent county-maintained roadways are being improved;*
  - *Although the internal street pattern has been modified, the plan remains consistent with the Applicants' more recent concepts involving five (5) cul-de-sac streets;*
- *The average frontage associated with the individual lots proposed for this development is noted to exceed one hundred (100) feet—therefore curb and gutter improvements are not necessarily required during any subsequent platting process;*
- *All landscaping plans and financial written commitments that have been proposed in prior development applications involving this site have been removed from consideration.*

11) *Please refer to the County Engineer's letter in reference to the proposed entrances and road improvements in association with the Applicants' proposal.*

12) **Please refer to the Applicants' (current) Zone Map Amendment statements and enclosures.**





# Dearborn County Plan Commission

## TECHNICAL REVIEW COMMITTEE

215 B. West High Street

Lawrenceburg, IN 47025

Phone: (812) 537-8821

Fax: (812) 537-2029

[www.dearborncounty.org/planning](http://www.dearborncounty.org/planning)

**April 20, 2016**

**Attention: Jeff Stenger**

JDJ Surveying & Engineering, LLC

12606 Locust Lane

Sunman, Indiana 47041

**RE: Primary Plat, White Pines Estates**

Jeff,

As you know, the Dearborn County Technical Review Committee formally reviewed the Primary Plat application for White Pines Estates Subdivision that you submitted and finds that the plans can be submitted for Plan Commission request with the following items suggested to be revised or submitted as additional or missing information.

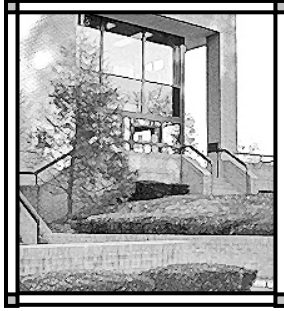
### **Plan Commission Modification and Waiver Request:**

As discussed with the Technical Review Committee, the request that will need to be made to the Plan Commission will be the following:

- A. Modification to previously approved and recorded written commitments for the initial zone map amendment of the property. Item #2 of the written commitments will be requested to be modified to reflect the additional wording that no buffer yard will be required if the subdivision is 56 lots or less. This modification request will be a favorable or unfavorable recommendation to the County Commissioners for a final decision.
- B. Modification to the previously approved Primary Plat of 75 lots. This will ensure that if the modification is denied, the previously approved Primary Plat will remain intact, if improvement plans can be submitted prior to the expiration of the last extension request. If the Board were to make an approval of this request, they would have to add a condition onto the approval based on the final outcome of the written commitments approval through the County Commissioners;

### **Primary Plat Deficiencies and Requested Items:**

1. Add a street section detail and a private lane section detail to the Primary Plat;
2. Please add any existing fencing, retaining walls, and structures within 100 feet of the subdivision boundary;
3. Please add the zoning districts associated with all adjoining properties;



# Dearborn County Plan Commission

## TECHNICAL REVIEW COMMITTEE

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Lawrenceburg, IN 47025

Fax: (812) 537-2029

4. Please properly label the areas of retention or detention, so it is clear if the areas will retain water or not;
5. The letters from the local school and fire/EMS still need to be submitted;
6. Please label building setback lines with the dimensions;
7. Please fix the math calculations for the lot phasing that was located on page two of the Primary Plat. Please add an estimated timeline for each phase on the revised plat;
8. Lot 31 must be a minimum of 30 feet wide for the panhandle;
9. Please add calculations for the average lot size for the entire subdivision to determine if a waiver is necessary to eliminate sidewalks for the subdivision. If requesting a waiver on this regulation, please note that on the plan;
10. Please add calculations to determine average lot frontage for the requirement of curb and gutter streets;
11. Please note a waiver is required to allow 38 lots on a dead-end street and set forth statements that indicate the need for the waiver;
12. Please note a waiver is required to allow a dead-end street longer than 1200 feet and set forth statements that indicate the need for the waiver;
13. Please add or make note of sight distances associated with the lots that front Short Road and Gaynor Ridge Road. If adequate sight distances can't be met add locations of shared driveways if necessary;

If you would like the Plan Commission to hear the Primary Plat request during the May meeting, revised plans will need to be submitted by Friday, April 22, 2016. If you have any additional questions please feel free to call me at the office.

Sincerely,

Nicole Daily  
Zoning Administrator



# DEARBORN COUNTY PLAN COMMISSION

County Administration Building, Suite 300, 215B West High St., Lawrenceburg, IN 47025  
Phone (812)537-8821 Fax (812)532-2029 Website: [www.dearborncounty.org](http://www.dearborncounty.org)



## LAND DIVISION APPLICATION

### Applicant / Contractor Information

Name: <u>JNJ SURVEYING &amp; ENG. LLC</u>	Phone No: <u>(513) 623-5994</u>		
Address: <u>12606 LOCUST LANE</u>	<u>SUNMAN</u>	<u>IN</u>	<u>47041</u>
<small>Street Address</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>

### Owner Information (if different from above)

Name: <u>WHITE FARM DEVELOPMENT LLC</u>	Phone No:		
Address: <u>25713 SANDY RIDGE RD</u>	<u>GUILFORD</u>	<u>IN</u>	<u>47022</u>
<small>Street Address</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>

### Site Information

Location: <u>LOMAN</u>	Section: <u>20</u>	Township (#): <u>7N ( )</u>	Range: <u>1W</u>	Acreage: <u>55.824</u>
Property Map # <u>1501203 05013 050018</u>	Zoning: <u>R</u>	Subdivision:	Lot:	

### Certified Survey: Requires 2 paper copies & 1 mylar (2 buildable lots or less, + remainder tract)

Date Received:	Fee, based on current Fee Schedule:			Receipt #
Parent Parcel Acreage:	Lot 1:	Lot 2:	Lot 3:	Remainder:
<small>(acres)</small>	<small>(acres)</small>	<small>(acres)</small>	<small>(acres)</small>	<small>(acres)</small>

**RECEIVED**  
**APR 22 2016**  
Dearborn County  
Planning and Zoning

### Tech Review: Requires 6 paper copies

Date Received:	Fee, based on current Fee Schedule:	Receipt #
----------------	-------------------------------------	-----------

- Primary Plat:**  **MINOR SUBDIVISION** - Requires 6 paper copies (7 buildable lots or less, + remainder)  
 **MAJOR SUBDIVISION** - Requires 14 paper copies (8 buildable lots or more, + remainder)

\*Please list all required Waiver(s) and/or Variance(s): SEE ATTACHED  
 \*Is the proposed subdivision within 2 miles of an incorporated area? If so, please list: \_\_\_\_\_

Date Received:	Fee, based on current Fee Schedule:			Receipt #		
<b>Utilities / Services:</b>	Sewer: <input checked="" type="checkbox"/>	Water: <input checked="" type="checkbox"/>	Electric: <input checked="" type="checkbox"/>	Gas: <input checked="" type="checkbox"/>	Fire / EMS: <input type="checkbox"/>	Schools: <input checked="" type="checkbox"/>

### Improvement Plan: Requires 6 paper copies

Date Received:	Fee, based on current Fee Schedule:	Receipt #
----------------	-------------------------------------	-----------

### Secondary Plat: Requires 4 paper copies & 1 mylar

Date Received:	Fee, based on current Fee Schedule:	Receipt #
----------------	-------------------------------------	-----------

As applicant, I understand that this application is being submitted in accordance with the Dearborn County Zoning & Subdivision Control Ordinances, and that I am responsible for the accuracy and completeness of this application. Further, I have read and understood the instructions associated with this application and understand that incomplete or inaccurate information may result in the delay or denial of this request.

**X**  
 Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

**X**  
 Planning Official's Signature \_\_\_\_\_ Date \_\_\_\_\_

## **JDJ Surveying & Engineering, LLC**

Dearborn County Plan Commission  
215 B West High Street  
Lawrenceburg, IN 47025  
RE: White Pines Estates

April 28, 2016

Dear Board Members,

On behalf of White Farm Development LLC, I am requesting the following:

1. Modification to the Written Commitment #2 as recorded in Instrument# 200800000873 to state that no buffer area is required if the subdivision is 56 Lots (56 units) or less.
2. Modifications to the approved Primary Plat reducing the number of lots to 56 per the attached Primary Plat.
3. A waiver of the requirements for sidewalks (1.003 lots per acre, Section 305R, Subdivision code).
4. A waiver for the number of lots served by a dead-end street system (38 Lots) and length of the dead-end street system (1880+/-) (Section 305N, Subdivision code)

The public streets proposed as part of this development will be 20 foot wide asphalt with open ditches conforming to meet Dearborn county Specifications for thickness and slope for Local I rural open section with no sidewalks as detailed in Appendix C of the Subdivision Control Ordinance. Bristlecone Lane is proposed as a shared Private driveway that will be a minimum of 10 feet wide of asphalt or concrete (hard surface). Our average lot frontage is 105+ lf for the new streets within the development so curb and gutter is not a requirement. Based on visual inspection, we believe that adequate sight distance can be achieved on all lots fronting on Short and Gaynor Road. Minor adjustments may need to be made to frontages or possible shared drive scenarios may be involved and will be presented during the improvement plan and secondary plat phase of the project as sight distance certification goes above and beyond the requirements of the primary plat.

Thank you for your consideration in this matter.

Jeff Stenger, P.S.  
JDJ Surveying & Engineering, LLC

## ADJOINERS

**Jack L. & Carole S. Gentry, Trustees**  
4766 North Dearborn Road  
Guilford, IN 47022

**Nathan & Tamara Rieman**  
26147 Easy Way Drive  
Guilford, IN 47022

**Richard N. and Sandi G. Baer**  
26414 Farmland Drive  
Guilford, IN 47022

**Frederick G. and Carrie A. Kerth**  
13597 North Heritage Gateway Avenue  
Marana, AZ 85653

**Benjamin & Peggy Layton**  
26462 Farmland Drive  
Guilford, IN 47022

**Daniel J. Meiners**  
26394 Farmland Drive  
Guilford, IN 47022

**David R. Breheim and Christine & Ronald Breheim**  
26454 Farmland Drive  
Guilford, IN 47022

**Jeffrey S. and Carole Haynes**  
4748 Gaynor Ridge Road  
West Harrison, IN 47060

**Raymond D. and Rosemary Woolery**  
26426 Farm Land Drive  
Guilford, IN 47022

**Kurt & Beth Powell**  
26207 Short Road  
Guilford, IN 47022

**Clyde and Edna P. Beck**  
4782 Gaynor Ridge Road  
West Harrison, IN 47060

**David E. and Patricia A. Bader**  
26247 Short Road  
Guilford, IN 47022

**Todd A. Shumate and Olivia N. Gray**  
4766 Gaynor Ridge Road  
West Harrison, IN 47060

**Clinton John and Shae Dawn Crocker**  
26333 Short Road  
Guilford, IN 47022

**Glenn R. and Carolyn M. Richardson**  
4884 Gaynor Ridge Road  
West Harrison, IN 47060

**Mihn Van Doan & Elizabeth Ann**  
4870 Gaynor Ridge Road  
West Harrison, IN 47060

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**Richard E. and Sheila R. Henderson**  
4904 Gaynor Ridge Road  
West Harrison, IN 47060

**Huong C Doan & Mohammed Inayat**  
4996 Gaynor Ridge Road  
West Harrison, IN 47060

**Thomas W. and Janice A. Gaynor**  
4500 Gaynor Ridge Road  
West Harrison, IN 47060

**Karen E. Schaeffler Geis**  
5083 Gaynor Ridge Road  
West Harrison, IN 47060

**Glenn C. and Diane M. Crocker**  
26429 Short Road  
West Harrison, IN 47060

**Donna M. Schmeltzer**  
P.O. Box 171  
Miami town, OH 45041

**Samuel T. & Michelle L. Lowe**  
4767 North Dearborn Road  
Guilford, IN 47022

**Robert E. & Barbara J Nelson**  
26160 Easy Way Drive  
Guilford, IN 47022

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3059 State Road 46, West Harrison, IN 47060  
Phone No. 812-637-2150  
FAX NO. 812-637-0888

April 8, 2016

Mr. Richard Schmidt  
White Farm Development, LLC  
25713 Sawdon Ridge Road  
Guilford, IN 47022

RE: White Pines Estate

Dear Mr. Schmidt:

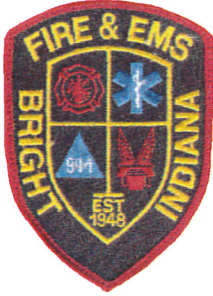
This letter is to confirm the Town of St. Leon's ability to provide sewer service to 56 lots for the above referenced project. Our commitment is contingent upon available wastewater treatment plant capacity and the following stipulations:

1. All costs (preliminary engineering report, design, construction, administrative, legal, etc.) associated with the project are the sole responsibility of the Developer;
2. Depending upon the future use of the facility, specific pretreatment requirements such as grease traps, oil-water separators, etc. may be required. Additionally, the Town of St. Leon reserves the right to refuse connection should the proposed waste, which in the opinion of its engineers, negatively impact the ability of the wastewater treatment plant to meet the requirements of its discharge permit.
3. The collection system shall be designed and constructed in accordance with the Town of St. Leon standards. St. Leon will inspect the construction. Fees for construction inspection are the responsibility of the developer.
4. The Developer shall provide the Town of St. Leon specific sanitary easements for all new sewer lines to be constructed. Sewer lines shall not be constructed within existing township or county right-of-ways.

If you have further questions, please contact me at (812) 637-2150 or (513) 383-6027.

Sincerely,

Stephen Canter, P.E.  
Town of St. Leon Wastewater Utility



## **Bright Volunteer Fire Company, Inc.**

23759 Brightwood Drive

Bright, Indiana 47025

Phone: 812-637-3473

Fax: 812-637-0010

Email: [brightfire.chief@comcast.net](mailto:brightfire.chief@comcast.net)

4/23/16

To Whom This May Concern,

The White Pines Estates Development located in Logan Township falls within the coverage area of the BVFD. As such, emergency services will be provided with the resources available. The BVFD is a volunteer department. Daytime resources are limited. Mutual Aid is utilized with all neighboring departments when the need arises.

The BVFD has not reviewed nor aligned on the fire hydrant location design and would like the opportunity to do so when it gets developed.

Should any other questions arise, I may be reached at the email address in the header.

Regards,

Kevin Gick  
Chief  
Bright Fire/E.M.S.



March 31, 2016

Dearborn County Planning & Zoning

To whom it may concern,

This is to verify that the Tri-Township Water Corporation agrees to serve the proposed White Pines Estate Subdivision, approximately 56 single family home sites near the corner of North Dearborn, Short, and Gaynor Ridge Roads. This project is proposed by White Farm Development and is located in Logan Township, Dearborn County, Indiana.

All cost to serve this project will be at the expense of the owner/developer, under the design and supervision of The Tri-Township Water Corporation.

Sincerely,

Jody Blasdel  
Utility Manager



535 North Eastern Avenue  
P. O. Box 445  
Connersville, IN 47331-0445  
Phone: (765) 825-1148  
Fax: (765) 825-3547  
[www.ovgc.com](http://www.ovgc.com)

To:  
White Farm Development

Ohio Valley Gas is the natural gas provider in Dearborn Co. Indiana, Logan Township. Being the provider in this area Ohio Valley Gas will be able to serve a 56 acre tract of land that is located just east of Short Road and located to the south of Gaynor Ridge Road and to the north of North Dearborn Road.

The said 56 acres is to be divide up and developed into a 56 lot subdivision and be named White Pines Estates.

Ohio Valley Gas looks forward to future of being the provider and working with the developer of White Pines Estates.

Thank You,  
Tracy Bare  
Connersville Assistant Manager

4/4/16

Richard Schmidt  
25713 Sawdon Ridge Rd  
Guilford, IN. 47022

Dear Mr. Schmidt


This letter is in regards to the proposed White Pine Subdivision. This subdivision is in the electric service territory of Southeastern Indiana REMC. Southeastern Indiana REMC has sufficient capacity to provide service for this 56 lot Subdivision.

The installation cost for any electric line extensions to serve these 56 lots will be determined at the time that someone requests electric service for the lots.

Attached is a right-of-way easement for this subdivision. Please have the appropriate parties sign this easement, notarize it and return it to us along with a copy of the legal description for this subdivision, in order that the easement can be recorded before any lots are sold.

If there are any questions, please call 1-800-737-4111, between 7:30 a.m. and 10:00 a.m. Monday – Friday

Sincerely,



Michael Summers  
Southeastern Indiana REMC  
Director of Engineering and Design  
Office: 1-800-737-4111  
Office: 1-812-689-4111  
Fax: 1-812-689-6987



# SUNMAN-DEARBORN COMMUNITY SCHOOLS

1 TROJAN PLACE, SUITE B  
ST. LEON, INDIANA 47012  
PHONE: 812-623-2291  
FAX: 812-623-3341

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DR. ANDREW JACKSON  
Superintendent

TOM HARRIS  
Director of Support Services

MARY ANN BAINES  
Director of Financial Operations

Richard Schmidt  
White Farm Development  
6492 Werk Road  
Cincinnati, OH 45248

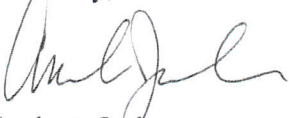
Dear Mr. Schmidt,

I am writing this letter in reference to a potential fifty-six (56) lot subdivision being developed in Logan Township.

As Superintendent of Sunman-Dearborn Community School Corporation, I can attest that we have the capacity in our schools to enroll the additional students that will be living in the subdivision. In fact, due to declining enrollment, we would welcome the additional students.

Please let me know if you need any additional information from me.

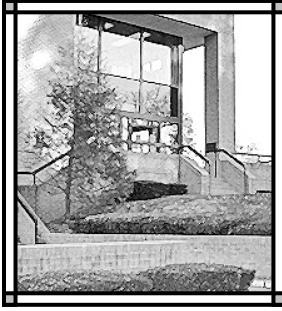
Sincerely,



Andrew Jackson  
Superintendent

## Equal Opportunity Employer

No person shall on the basis of age, race, color, religion, sex, handicapping conditions, or national origin, including limited English proficiency, be excluded from participation in, denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection. Information requested is used only to determine the applicants ability to meet job criteria and perform satisfactorily.



# Dearborn County Plan Commission

## STAFF CORRESPONDENCE

215 B. West High Street

Phone: (812) 537-8821

[www.dearborncounty.org/planning](http://www.dearborncounty.org/planning)

Lawrenceburg, IN 47025

Fax: (812) 532-2029

## Memorandum

RE: Inter-Local Agreement with Aurora; Proposed Update

Honorable Council Members:

During the past couple of weeks, the Plan Commission staff has been working with the Aurora City Manager to update the above-referenced agreement (for code enforcement and planning and zoning services). *While the staff and City Manager are working on additional changes and updates to this Inter-Local Agreement moving forward—with legal counsel involved with both communities (and in consideration of issues related to the possible intake / receipt of funds between the City and the County)—this proposed, amended agreement is limited strictly to additional, prorated funding being provided to the County (+\$5,000) for the remainder of this fiscal year.* The basis for the proposed increase in funds is that the City's demand for certain staff services has exceeded the amounts / limits originally discussed and anticipated when the agreement was being conceived. Essentially, an increase was necessary to avoid reduced services (moving forward) or possible termination of the existing agreement. An updated, revised agreement has been attached to this document for your review.

Please note:

- Item 13 of the enclosed, draft document acknowledges / states:  
“As of \_\_\_\_\_, in exchange for the services provided hereunder by the County, the City shall pay the County an annual sum of Thirty Thousand Dollars (\$30,000.00), prorated for the balance of 2016, then paid on or before January 31, 2017 for services rendered in 2016. The payment of \$30,000 shall be due by January 31 of each year that this Agreement is in effect unless terminated or modified in accordance with Section 14 (below). The monies associated with these services shall be disbursed in full to the Department of Planning & Zoning to provide the staffing and equipment needs necessary to fulfill this agreement.

Please note underlined, highlighted items (above) represent the only proposed change / amendment to the existing agreement at this time. Please also note that the increased funds associated with an updated agreement would be intended to be added to the part-time / internship funding set aside in the agreement (bringing the total amount set aside from the agreement for this purpose to \$10,760 / year).



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If County Council is amenable to the proposed changes to the existing agreement, and makes a motion to that affect at its meeting, then the Plan Commission staff will move forward with working with the County Attorney to complete the inter-local document and prepare it for signatures (for the Plan Commission and County Commissioners) and subsequent recordation. If you have any proposed changes or recommendations, please forward them to me at your earliest convenience.

Please let me know if you have any immediate questions or concerns that I can address. Thank you for your time and attention.

Respectfully,

Mark McCormack

Director of Planning & Zoning

(See Enclosures)

## **INTERLOCAL GOVERNMENTAL AGREEMENT**

### **CITY OF AURORA, INDIANA, AND DEARBORN COUNTY, INDIANA**

This Interlocal Agreement (hereafter the "Agreement") is hereby amended between the City of Aurora, Indiana (hereafter the "City") and the Dearborn County Plan Commission, (hereafter the "County"), who agree as follows:

1. The City designates the County as its enforcement officer and enforcement authority for the City's Code of Ordinances and applicable State statutes related to local zoning, planning, and unsafe buildings;

2. The County Plan Commission, through the Planning Director, shall work with the City Manager to identify and address the issues and priorities involved with or related to the execution of this Agreement.

3. The County shall enforce the City's zoning & subdivision control ordinances by investigating and taking proper action against ordinance and state statutory compliance issues within the City. The County code enforcement officer shall perform a minimum of one weekly inspection cycle, and other inspections and investigations, as needed, when notified of specific ordinance violations within the City.

4. The County shall receive and appropriately respond to citizen or public complaints related to ordinance violations occurring within the City, or other issues related to planning and zoning.

5. A staff member from the County shall attend all meetings of the Aurora Planning Commission, Board of Zoning Appeals, and Aurora Historic Preservation Commission, as needed; and shall attend any necessary meetings or court hearings required to provide code enforcement testimony and documentary evidence, and to provide technical assistance to the City, as needed.

6. The County, with assistance from the County Building Commissioner, shall be responsible to receive, administer, and review all City improvement location permits; all plat and subdivision requests; all requests for special use variance, zoning variances, and zoning changes; all requests for cell tower communication antenna construction or modification; all proceedings related to Hillside Erosion Control; and Historic Preservation Commission Certificates of Appropriateness. This shall include pre-application and post-application meetings with applicants, as needed, collection of all necessary application materials and documentation, and any site analysis and investigation needed to recommend appropriate action on each application.

7. The County shall be responsible for Status Report of Code Enforcement activities, enforcement actions taken, remediation on behalf of property owners and pending Code Enforcement timelines for City Manager and City Council meetings.

8. The County will assist with maintaining and updating City permit applications and guidelines.

9. The County shall serve as the City of Aurora FEMA Floodplain Administrator.

10. The County will assist the City with updating and drafting zoning and planning ordinances and subdivision control provisions.

11. The County will assist the City with a plan for addressing an over-abundance of poorly maintained low income housing in the downtown, and planning to balance the proper balance between housing, retail and commercial properties in the historic downtown in the City.

12. The County will provide grant writing assistance and administration oversight as a collaborative effort with the City.

13. As of May 2<sup>nd</sup>, 2016 in exchange for the services provided hereunder by the County, the City shall pay the County an annual sum of Thirty Thousand Dollars (\$30,000.00), prorated for the balance of 2016, then paid on or before January 31, 2017 for services rendered in 2017. The payment of \$30,000 shall be due by January 31 of each year that this Agreement is in effect unless terminated or modified in accordance with Section 14 (below). The monies associated with these services shall be disbursed in full to the Department of Planning & Zoning to provide the staffing and equipment needs necessary to fulfill this agreement.

14. Beginning on June 1, 2016, this Agreement shall be renewed automatically on June 1<sup>st</sup> of each calendar year, for the purposes of establishing budgets for the next fiscal year. This Agreement may be terminated by either party by providing the other party with a ninety (90) day written Notice of Intent to Terminate. This Agreement may only be modified by written agreement of both parties.

15. The Aurora City Attorney shall be responsible for addressing code enforcement, planning, zoning and related litigation and legal service needs for the City with the assistance of the County Planning and Zoning Department.

16. Both parties shall indemnify and hold harmless the other party and their respective elected and appointed officials, officers, directors, employees or agents, from any claims, demands or liability of any kind or nature arising from or related to the services provided under this Agreement.

17. A joint board is hereby established to effectuate the implementation of this Agreement. Said joint board shall be made up of the Mayor of the City, the City Manager of the City, the County Planning Director, the President of the County Board of Commissioners, and County Planning & Zoning Department staff member that handles code enforcement for the City. Said joint board shall meet as needed and official action may only be taken by a majority of the total members of the joint board (three votes).



ALL OF WHICH IS AGREED this 2<sup>ND</sup> day of May, 2016.

CITY OF AURORA:

*Donnie Hastings Jr.*  
Signature:

Donnie Hastings Jr.  
Typed or printed name:

NOTARY CERTIFICATE

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared Donnie Hastings Jr., and acknowledged the execution of the foregoing certificate as his/her voluntary act the 2<sup>ND</sup> day of May, 2016, (year).

*Guinevere A. Emery*  
Notary Public (signature)  
My Commission Expires: 11-9-2019  
Resident of Dearborn County, INDIANA

Guinevere Aurelie Blythe Emery  
(Name Typed or Printed)



ALL OF WHICH IS AGREED this \_\_\_\_ day of \_\_\_\_\_, 2016.

DEARBORN COUNTY  
PLAN COMMISSION:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name

NOTARY CERTIFICATE

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared \_\_\_\_\_, and acknowledged the execution of the foregoing certificate as his/her voluntary act the \_\_\_\_ day of \_\_\_\_\_, (year).

\_\_\_\_\_  
Notary Public (signature)

\_\_\_\_\_  
(Name Typed or Printed)

My Commission Expires: \_\_\_\_\_

Resident of \_\_\_\_\_ County, \_\_\_\_\_

ALL OF WHICH IS AGREED this \_\_\_\_ day of \_\_\_\_\_, 2016.

DEARBORN COUNTY  
BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name

NOTARY CERTIFICATE

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared \_\_\_\_\_, and acknowledged the execution of the foregoing certificate as his/her voluntary act the \_\_\_\_ day of \_\_\_\_\_, (year).

\_\_\_\_\_  
Notary Public (signature)

\_\_\_\_\_  
(Name Typed or Printed)

My Commission Expires: \_\_\_\_\_

Resident of \_\_\_\_\_ County, \_\_\_\_\_

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

\_\_\_\_\_  
Andrew D. Baudendistel

This Agreement prepared by: Andrew D. Baudendistel, *Dearborn County Attorney*, 60 East High Street, Lawrenceburg, Indiana 47025, Phone: (812) 537-4500