



# Dearborn County Plan Commission

165 Mary Street      Lawrenceburg, IN 47025  
Phone: (812) 537-8821      Fax: (812) 532-2029  
[www.dearborncounty.org/planning](http://www.dearborncounty.org/planning)

## PLAN COMMISSION AGENDA

**Monday, February 28<sup>th</sup>, 2022**

**7:00 P.M.**

**\*Location:** *Henry Dearborn Meeting Room; Dearborn County Government Center*

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

**C. ACTION ON MINUTES**

**D. OLD BUSINESS – NONE TO BE RE-OPENED**

**E. NEW BUSINESS**

1. Request:      To re-plat the utility easements associated with part of lot 5 of the Reiner Acres Subdivision and lot 4 and part of lot 17 of the Paul Wiwi Subdivision

Applicant:	Seig Surveying
Site Location:	668 Harrison-Brookville Road between the East Dr. and Reiner Dr. intersections
Legal:	Section 12, Township 7, Range 1
Township:	Harrison
Zoning:	Agriculture (A)
Size:	1.2 acres (Approx. Affected Acreage)

Turn page



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2. Request: To address the Plan Commission to discuss a modification to one of the Written Commitments associated with the 2005 Plan Commission public hearing for the Harvest Ridge Zone Map Amendment—specifically with respect to a (proposed) significant reduction to the proposed density associated with the development and the corresponding traffic impacts and recommendations.

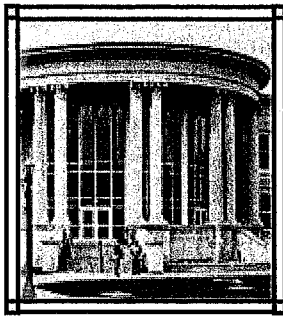
Applicant / Owner: Maxwell Properties V, Inc.  
Site Location: SR 46 and Trojan Road intersection, with respect to the applicable written commitment  
Legal: Section 15, Township 7, Range 2 of Kelso Township  
Township: Kelso  
Zoning: Residential (DP)  
Size: 101.21 acres (Original Affected Acreage of ZMA area)

3. Request: Primary approval of the Harvest Estates Subdivision, a development proposal which involves the creation of 15 new single-family residential units as well as a waiver request to not construct sidewalks within the proposed development area, as required by Article 3 of the Dearborn County Subdivision Control Ordinance. The affected property involves changing the approved concept development plan for the Harvest Ridge Zone Map Amendment (from 2005).

Applicant / Owner: Maxwell Properties V, Inc.  
Site Location: Approximately 4,000' south of the SR 46 and Trojan Road intersection  
Legal: Section 15, Township 7, Range 2 of Kelso Township  
Township: Kelso  
Zoning: Residential (DP)  
Size: 45.662 acres (Affected Acreage of Primary Plat / ZMA area)

## F. ADMINISTRATIVE

- To review and discuss proposed ordinance amendments the Dearborn County Zoning Ordinance and the Subdivision Control Ordinance, and to discuss other administrative items—including updates related to Planning & Zoning staff activities and projects.



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## PLAN COMMISSION MINUTES

Monday, February 28<sup>th</sup>, 2022

7:00 P.M.

**\*Location:** *Henry Dearborn Meeting Room; Dearborn County Government Center*

### A. PLEDGE OF ALLEGIANCE

### B. ROLL CALL- ALL MEMBERS PRESENT

### C. ELECTION OF OFFICERS-

**Russell Beiersdorfer made a motion to keep the current slate of officers. Dan Lansing seconds. All in favor. None opposed. Motion carries.**

**Russell Beiersdorfer made a motion to keep Andy Baudendistel as attorney. Seconded by Eric Lang. All in favor. None opposed. Motion carries.**

### D. ACTION ON MINUTES-

**There were no minutes to review.**

### E. OLD BUSINESS – NONE TO BE RE-OPENED

### F. NEW BUSINESS

1. Request:      To re-plat the utility easements associated with part of lot 5 of the Reiner Acres Subdivision and lot 4 and part of lot 17 of the Paul Wiwi Subdivision

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Mr. McCormack, Planning Director, states that the applicant is requesting to make significant changes to the accepted Primary Plat(s) for parts of lots in both the Reiner Acres Subdivision and the Paul Wiwi Subdivision. Specifically, the Applicant is seeking to re-plat the utility easements associated with part of lot 5 of the Reiner Acres Subdivision and lot 4 and part of lot 17 of the Paul Wiwi Subdivision.

From the staff report, please refer to Article 2, Section 288 of the Dearborn County Subdivision Control Ordinance regarding revisions to approved Primary Plats.

## **Section 288 – Revisions to approved Primary Plats and /or Improvement Plans**

*“In certain cases, a Developer or Applicant may find it necessary to make changes to the arrangement, size, number, or location of individual lots, streets, or utilities. These changes are recognized as a typical part of the development process. In general, the Improvement plan, and Secondary Plat should be the same in design and layout as the approved Primary plat. Any changes that are made to the approved Primary plat shall be submitted to and reviewed by the Planning Director or his designee to determine if these changes are major or minor in scope. Major changes will require a new public hearing as identified in Section 208.”*

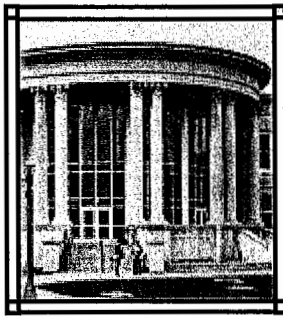
### **Background/General Information (from staff report):**

These properties—located at 668 Harrison-Brookville Road between the East Dr. and Reiner Dr. intersections in Harrison Township—involves approximately 1.2 acres in Section 12, Township 7, Range 1, and are currently situated within an Agricultural (A) District. Please note that the first phase of the Paul Wiwi Subdivision, which contains lot 4, was platted in 1963. The second phase of the Paul Wiwi Subdivision, which contains part of lot 17, was platted in 1968. The Reiner Acres Subdivision, which contains part of lot 5, was platted in 1994.

### **Specific Revisions/Proposed Resolution (from staff report):**

The Applicant is requesting to *“replat and reroute the existing utility easements on the Noppert lands so they do not run through (the) existing and possible future improvements.”* As noted in the Applicant’s narrative, the existing utilities have been located per the 811 Locate Ticket #210890436 and the proposed re-plat shows that they do not run through any of the existing utility easements that are proposed to be rerouted. The Applicant further notes *“the proposed easement routes still will be able to serve the adjacent lots...”*

The Applicant also notes that all of the Noppert lands involved in this replat request were combined through the recordation of a Declaration of Contiguous Lots—which occurred in Instrument number 2021004721, from May 27, 2021 (not the 2018 document referenced, which was missing a parcel).



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This case item was initiated after the Planning & Zoning staff became aware of unauthorized improvements on the Noppert property that encroached on and/or over property lines and also into the existing utility easements. \*If the replat request is not granted, the Owners' only other options are to try to vacate and/or replat the original utility easements—or to otherwise remove the non-compliant, unauthorized improvements.

Mr. McCormack acknowledged that Mr. Reiner's letter, as an interested party, may not have been sent to him, in error. He noted that staff checked the phones and did not get any messages (following Mr. McCormack's call to Mr. Reiner's phone on file, from a recent permit). Mr. McCormack also emailed Mr. Reiner but has not received a response.

A neighbor in the audience stated that Mr. Reiner was not able to make this meeting, as he had recent surgery but noted that Mr. Reiner is fine with whatever takes place.

Mr. Baudendistel noted that based on the testimony at the meeting, he does not see a problem with proceeding with the hearing.

Mr. Kraus thanked Mr. McCormack for his presentation to the Board.

Mr. Seig, land surveyor, is present to represent the Nopperts (the owners of the property), who are working out of town. Mr. Joe Noppert asked Mr. Seig what could be done to address the issues that have been created. Mr. Seig noted that things got a little messy, trying to reroute the easements; the proposed, new easements aren't under any improvement that has been built. The Nopperts are trying to get back into compliance with the county. Mr. Seig determined a route that could work (for the proposed easements), called 811, and found that there are no utilities in the proposed easements. Mr. Seig noted that these easements may not ever be needed, as the lots in the area are all developed. The proposed route seems like the best fit and doesn't impact existing improvements. For the area where the concrete drive exists, directional boring can be done or some of the drive can be taken out if necessary. Mr. Seig stated that Mr. McCormack did a good job presenting the issue.

Mr. Lang questions if all of the houses in this area were developed at the same time?

Mr. Seig stated that all of the lots directly adjacent to the Noppert property have been developed. The utilities serving the adjacent lots are already in place. *Most of the houses appear to have been built in the same time period.*

**Mr. Beiersdorfer made a motion to open public discussion. Mr. Lehmann seconded the motion. All in favor. None opposed.**



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## Public discussion:

Mr. James French states that he is the father of one of the adjacent lot owners. He notes that there is a gas line that runs along one of the common property lines. He states that the gas line was put in before the survey was done (and indicated the location of the gas line on the map).

Mr. Seig notes that sometimes 811 misses something.

Mr. French indicated that there is a gas line that comes into the adjoining house. There is a gas line easement.

Mr. Seig indicated that the area and width of the proposed rerouted easement(s).

James French is concerned that gas line may not be in an easement.

Mr. Seig noted that one can see the service (flags on the pictures taken by staff). On the original plats, there was no easement. The easement Mr. French is referring to is just for personal service. It is their own line. It doesn't serve anyone else—so there is no issue.

**Mr. Beiersdorfer made a motion to close public discussion Mr. Lehmann seconded the motion. All in favor. None opposed. Motion carries.**

Mr. Kraus asked if any of the Board members have a strong opinion on what they want to do. He acknowledged that a lot of these easements go unnoticed. Not everyone pulls the record plat. He verifies with staff that the motion would be to approve or deny the proposed re-plat.

**Mr. Lang made a motion to approve the modification of the plats involved and to relocate the easements, as shown. Mr. Beiersdorfer seconds the motion. All in favor. None opposed. Motion carries.**

2. Request: To address the Plan Commission to discuss a modification to one of the Written Commitments associated with the 2005 Plan Commission public hearing for the Harvest Ridge Zone Map Amendment—specifically with respect to a (proposed) significant reduction to the proposed density associated with the development and the corresponding traffic impacts and recommendations.

Applicant / Owner:	Maxwell Properties V, Inc.
Site Location:	SR 46 and Trojan Road intersection, <u>with respect to the applicable written commitment</u>
Legal:	Section 15, Township 7, Range 2 of Kelso Township
Township:	Kelso
Zoning:	Residential (DP)
Size:	101.21 acres (Original Affected Acreage of ZMA area)



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Mr. McCormack begins the staff presentation / report. The applicant is requesting to discuss a potential modification to the written commitments required during the February 28<sup>th</sup>, 2005 Plan Commission public hearing for a Zone Map Amendment (ZMA). At the aforementioned meeting, the Applicant's representatives discussed the original development proposal, which involved a traffic study that outlined certain recommended transportation improvements as part of the Harvest Ridge Concept Development Plan for the subject property (that involved 340 proposed single-family dwelling units). There were two (2) written commitments that the Plan Commission made in accordance with its favorable recommendation to the County Commissioners. The first commitment involved the Applicant ensuring that there would be adequate sewer capacity at St. Leon Utilities to serve the proposed development—which has been satisfied, to date. The second commitment, as recorded in Instrument # 2005000004323, stipulates that *"the intersection improvements, recommended by the Traffic Operation Analysis prepared by A & F Engineering will be completed to the SR 46/ Trojan and the SR 1/ Schuman (road) intersections..."* For this second commitment, the Applicant is asking for relief, as the Applicant now proposes a significant reduction to the proposed density associated with the development (to reduce the total number of dwelling units to 138)—which corresponds to a substantial traffic reduction /impact (according to an updated analysis by A & F Engineering, the original firm that prepared the aforementioned Traffic Operation Analysis).

From the staff report, the board was asked to refer to enclosures for the full meeting minute summary of the February 23<sup>rd</sup>, 2009 public hearing.

### Site Information (from staff report):

The original property – which contained approximately 101.21 acres, in Section 15, Township 7, Range 2 of Kelso Township – is approximately 4,000' South of the SR 46 and Trojan Road intersection.

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.

### IC 36-7-7-1015

#### Commitments; enforcement

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

- (1) Adoption of a rezoning proposal;*
- (2) Primary approval of a proposed subdivision plat or development plan;*
- (3) Approval of a vacation of all or part of the plat..." "the owner of a parcel of real property may required or allowed to make a commitment concerning the use or development of that parcel.*

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



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- (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.*
- (3) A commitment shall be recorded in the office of the county recorder. After a commitment is recorded, it is binding on a subsequent owner or any other person who requires an interest in the parcel. However, a commitment is binding on the owner who makes the commitment is unrecorded. An unrecorded commitment is binding on a subsequent owner other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment.*
- (4) A commitment may contain terms providing for its own expiration. A commitment may also contain terms providing that the commitment automatically terminates:*
  - (A) if the zoning district or classification applicable to the parcel is changed;*
  - (B) if the land use to which the commitment relates is changed;*
  - (C) otherwise in accordance with the rules of the plan commission, board of zoning appeals, or legislative body to which the commitment is made.*
- (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..."*

## Enclosed Reports & Statements (from staff report):

1. Please refer to the staff report from the February 28<sup>th</sup>, 2005 Plan Commission public hearing.
2. Please refer to the current, recorded written commitments associated with this development, recorded as Instrument #200500004323
3. Please refer to the Applicant's current statement and enclosures, including the Memorandum from A & F Engineering regarding "Harvest Ridge-St. Leon, Indiana"
4. Please refer to the County Engineer's report regarding the aforementioned, updated traffic analysis performed by A & F Engineering.
5. Please note that if this request is granted by the Plan Commission, a new set of written commitments will need to be prepared and recorded to acknowledge the approved uses and density for the subject property. Any written commitments should also address the accessibility requirements for the site as well as the time period allotted for a traffic study to be performed.

Mr. McCormack states that the Board will need to modify or terminate the commitment associated with the original traffic study's recommendation for a left turn lane to be installed at the SR 46 / Trojan Road. He noted that staff had sent 71 letters to interested parties; 69 of which have been delivered, 1 remains in transit and 1 is listed as unknown.





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Mr. Beiersdorfer confirms with staff the location of the turn lane improvement in question.

Mr. Hoog asks if the left turn lane was based off the original number of houses proposed.

Mr. McCormack confirms that yes, the written commitment acknowledges that there would be a turn lane (per the recommendations in the Applicant's original traffic study) for 340 units—which is way more than the number of units that have been approved in the primary plat for the west side. He can't answer why changes with respect to the written commitments were not addressed when the primary plat for 198 units was reviewed. He notes that the current proposal is down to 168 total units (being proposed) vs. 340 in the original traffic study and ZMA request. The current memo from the traffic engineering group acknowledges that there would need to be an additional 420 dwelling units to warrant the left-turn lane in question, at the present time. Mr. McCormack notes that the higher number may reflect relatively recent changes to school traffic, as far as changes to the campus area and may also be a result of staggered start and end times for the schools.

Mr. Maxwell, representing the Applicant, notes that 17 years ago today was when this case was initially reviewed by the plan commission. The original traffic study found that the improvement at Schuman and SR 1 needed to be made. The result of that improvement does not seem to have addressed the safety at that intersection, as there have been a lot of accidents since that improvement was made. Now the State is putting a light there, well after the Applicant made the recommended improvement(s) to that intersection. Mr. Maxwell notes that the development for this property is being scaled back now. He states that the reason there wasn't a revision made to the written commitments at the time of the primary plat submission was because the Applicant(s) wanted to do the right thing. He notes that the Applicant needs to address this item first, before it can then proceed with subsequent development related to the original Harvest Ridge (concept development plan) site.

**Mr. Beiersdorfer made a motion to open public discussion. Mr. Lehmann seconded the motion. All in favor. None opposed. Motion carries.**

Sarah Jordan, an adjoining property owner, bought the old farm house on Dog Ridge Road, surrounded by the Harvest Ridge ZMA site. She has a question regarding a strip of land in front of her house. It is owned by the Dearborn County Commissioners. Her only concern is that it is right in front of her home. She questions what can be done since the county owns that land. Ms. Jordan stated that she didn't notice the issue until she closed on the property. She is concerned about not having road frontage.

Mr. Lang acknowledges that Ms. Jordan does have frontage, as there is right-of-way.



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Mr. McCormack noted that he is not sure why the land was platted the way it was, but stated that the area that Ms. Jordan is referring to is for road right-of-way and associated improvements. It was dedicated to the County Commissioners for those purposes. She has legal, conforming frontage.

**Mr. Beiersdorfer moves to close public discussion. Mr. Lang seconds to close public discussion. All in favor. None opposed. Motion carries.**

Mr. Kraus questions whether the Board is discussing or making a motion to eliminate one or part of one of the original written commitments.

Mr. McCormack confirms that the second written commitment would need to be modified or be otherwise interpreted and be based on the updated traffic analysis and recommendations.

Mr. Hoog asks if the SR 1 improvements are connected.

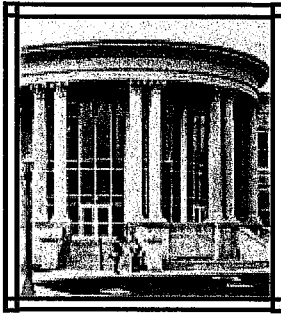
Mr. Kraus notes that the SR 1 improvements are separate.

Mr. Hoog questions if the Sheriff Department staff should be directing traffic at the intersections.

Mr. Lang noted that if the sheriff isn't there it would definitely make a difference in pulling into the intersection. A new left turn lane on Trojan Road to get onto SR 46 would cause more problems than it would solve.

Mr. Kraus acknowledges that the traffic study says the left-turn lane isn't justified based on the most up-to-date information.

**Mr. Hoog motions for an approval to the release of the written commitment for the (original traffic study recommendation regarding the installation of a) left-hand turn lane on Trojan Lane turning onto SR 46. Mr. Lehmann seconds the motion. All in favor. None opposed. Motion carries.**



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3. Request: Primary approval of the Harvest Estates Subdivision, a development proposal which involves the creation of 15 new single-family residential units as well as a waiver request to not construct sidewalks within the proposed development area, as required by Article 3 of the Dearborn County Subdivision Control Ordinance. The affected property involves changing the approved concept development plan for the Harvest Ridge Zone Map Amendment (from 2005).

Applicant / Owner: Maxwell Properties V, Inc.  
Site Location: Approximately 4,000' south of the SR 46 and Trojan Road intersection  
Legal: Section 15, Township 7, Range 2 of Kelso Township  
Township: Kelso  
Zoning: Residential (DP)  
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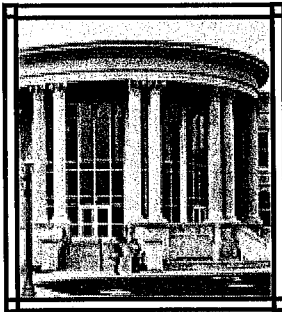
Mr. McCormack begins the staff presentation. The Applicants are requesting to re-plat part of the eastern portion of the Harvest Ridge Zone map Amendment area/subdivision. Specifically, the Owners are seeking to: 1.) create 15 single family homes, separating this development area from the harvest Ridge Subdivision area and renaming it; 2) changing the street configuration; 3) remove common areas and curbs and gutters; and 4) obtain a waiver pertaining to sidewalks not being installed within the development area.

Please refer to Article 2, Section 288 of the Dearborn County Subdivision Control Ordinance regarding revisions to approved Primary Plats.

### **Section 288 – Revisions to Approved Primary Plats and or Improvement Plans**

*“In certain cases, a Developer or Owner may find it necessary to make changes to the arrangement, size, number, or location of individual lots, streets, or utilities. These changes are recognized as a typical part of the development process. In general, the Improvement Plan, and Secondary Plat should be the same in design and layout as the approved Primary shall be submitted to and reviewed by the Planning Director or his designee to determine if these changes are major or minor in scope. Major changes will require a new public hearing as identified in Section 208.*

*Any changes made to the improvement plan shall be submitted to and reviewed by the staff to determine if the changes are major or minor. Major changes will require the developer to reapply under the Improvement Plan procedure identified in Section 228.*



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*Major changes shall consist of any substantial increase in density, elimination of roadway connections, major realignment of roadways, major reconfiguration of lots and similar type changes..."*

## Background/General Information (from staff report):

The affected property – which involves changing the approved concept development plan for the Harvest Ridge Zone Map amendment (from 2005) – contains approximately 45.662 acres, in Section 15, Township 7, Range 2 of Kelso Township, and is approximately 4,000' South of the SR 46 and Trojan Road intersection. Please note that this property rezoned by the Dearborn County Board of Commissioners (with a favorable recommendation and a series of written commitments forwarded to this unit from the Plan Commission) in March of 2005. Primary Plat Approval for the Harvest Ridge Subdivision, consisting of 198 building lots, was granted in May of 2005. There are currently 69 dwelling units on 70 buildable lots on the west side of the Harvest Ridge Zone Map Amendment area. There is a total of 70 more dwelling units planned within the original rezone area-with a total of 68 single family dwelling units proposed on the east side of Dog Ridge Road (resulting in 138 total building lots for single family dwellings)

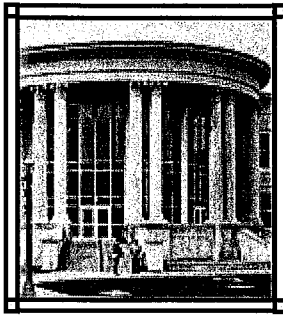
In summary, the proposed density involving the original Harvest Ridge Zone Map Amendment area has been significantly reduced, and is being proposed to be reduced further. These reductions result in increased lot sizes which negate the ordinance requirements for curb and gutter and which make sidewalks potentially a borderline required item. These reductions also result in the development area having less common area and have prompted the Owners to rename and rebrand the development area.

## Replat/Waiver Requests (from staff report):

The Applicants are also seeking a waiver in association with this development proposal. The first waiver is with respect to the installation of sidewalk improvements. According to Article 3, Section 305 R. Sidewalks:

*"All subdivisions or developments shall have sidewalks constructed according to the following standards:*

- a. Sidewalks shall be required along both sides of all local streets in new residential Subdivisions that have an average density of two dwelling units per acre or greater. However, sidewalks are not required along cul-de-sac streets serving 6 lots or less and are only required on one side if it serves 12 lots or less but more than 6 lots. The commission can require sidewalks as described in this item if the Subdivision contains a large lot or lots that might skew the density calculations.*



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- b. Sidewalks shall be required along one side of all local streets in new Residential Subdivisions that have an average density of one dwelling unit per acre or greater but less than two dwelling units per acres. The commission can require sidewalks as described in Item A or B above if the Subdivision contains a large lot or lots that might skew the density calculations. Sidewalks are not required along cul-de-sac streets serving 6 lots or less.*
- c. Sidewalks are not required for new Residential Subdivisions if the average density is less than one dwelling unit per acre. The Commission can require sidewalks as described in Item A or B above if the Subdivision contains a large lot or lots that might skew the density calculations;*
- d. Sidewalks may be required between blocks when determined by the Commission to be appropriate;*
- e. A subdivider can propose paths or trails as substitutes for conventional sidewalks if the alternative system provides the same or better level of pedestrian access, upon approval by the commission;*
- h. The Commission, upon request of the subdivider can grant waivers of the sidewalk requirements, if extreme grading or construction techniques would be necessary to accommodate the sidewalks. In addition, the Commission can grant a waiver upon request; if the Average Daily Traffic (ADT) for the Subdivision is less than 250 trips per day.*
- i. The Commission can require sidewalks to be placed along existing public streets where the Subdivision fronts if the Subdivision adjoins or is near other community services such as a school, library or existing sidewalks..."*

Mr. McCormack noted that there were 12 letters mailed to interested parties. 11 letters have been delivered and 1 is in transit.

Mr. Maxwell represented the Applicant(s). The 15 proposed lots average a width of about 120-feet, much more than what is required in a residential zoning district. The proposed street is 750 feet in length. Some of the larger lots may skew the data regarding the requirement for a sidewalk to be placed on one side of the proposed street. A waiver is being requested, but the density can be dropped more to negate the need for a sidewalk if needed. Ms. Jordan, an adjoiner to the proposed development to the north, has approached Mr. Maxwell and wants to buy more land; he wants to sell her more land. There is a real nice ridge straight behind the farm house. Mr. Maxwell told her, if he sells the acreage, it will skew what he wants to do. He notes that there is only one other subdivision in the county that has 1 sidewalk on one side of the road. Mr. Maxwell suggests that the next time there is an ordinance to be revisited or reconsidered, the sidewalk requirement should be considered to be tied to curb and gutter and lot widths. He notes that the constructability of sidewalks with open ditch system in someone's front yard, in the right-of-way, with the grade involved



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it really isn't feasible. The current proposal involves the creation of 15 lots on a 46-acre parent parcel. The current and future development will not cross the blue line stream. With future development in mind, there will likely not be more than 32 total buildable lots on this 46-acre piece.

**Mr. Lang made a motion to move to open public discussion. Mr. Lehmann seconded to open to public discussion. All in favor. None opposed. Motion carries.**

Ellen Bulach, neighbor to the proposed 15 lot subdivision, asked Mr. Maxwell if he is going to develop the land south of Ms. Jordan's land. She also asks where the new entrance would be located.

Mr. Maxwell confirmed the location of the development area and showed Ms. Bulach where the entrance would be, half way between her (Ellen) home and Sarah Jordan's home.

Sarah Jordan asked if the development would be served by the public sewer service?

Mr. Maxwell stated yes, it will be about 75 feet up the street.

Ms. Bulach stated that she just wants farm land around her but she knows that won't happen. The proposed development won't bother her side. She asks how big the proposed lots are going to be.

Mr. Maxwell stated one acre per lot—noting that there will be some lots smaller and some bigger.

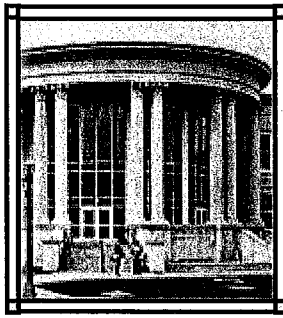
Ms. Bulach said that the east side of Dogridge Road looks like army barracks, in that other subdivision. She told Mr. Maxwell to make sure to put a privacy fence between Ms. Jordan's property and the subdivision.

Ms. Jordan thanked the Board for letting her talk. She works in real-estate and noted it is an emotional market. She has a relationship with Ms. Bulach. She lives in her old house. St. Leon has been a beautiful community to her, and she is not against this development—and she plans on maintaining the integrity of the house and area. Her view is her biggest priority, and the Maxwells will sell her the land so that she can keep that view. No one wants it but change is part of life. She thanked Ms. Bulach for asking for a privacy fence.

**Mr. Beiersdorfer moves to close public discussion. Mr. Lehmann seconds to close public discussion. All in favor. None opposed. Motion carries.**

Mr. Lang questions what needs to be decided.

Mr. McCormack noted that there is the sidewalk issue that would require a waiver and also primary plat approval for the development. He notes that if the reasons given for the waiver request are acceptable, then the board would need to move forward with the primary plat request.



## Dearborn County Plan Commission

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Mr. Lang notes that it isn't often that someone wants to reduce density. The area is a combination of rural and subdivision. The lots proposed are larger (not looking like a 1950s crammed subdivision).

Mr. Lehmann acknowledged that Mr. McCormack has told the board a couple times on previous subdivisions that if you don't look at connectivity with sidewalks and / or trails it won't happen for a long time, if ever. It would be nice if a connection could be made from the neighborhood area to the school for pedestrians. Walkways don't work with the grade behind a ditch, but he still thinks with all that space there is a way to connect the subdivisions together. He sees a whole lot of space to do something. As far as the 15 lots being proposed, that's fantastic. When the north area of the remaining parent acreage comes in to be developed, he questions how to get this all connected together for the community.

Mr. Lang offers a counter point. You have a single dead-end street that's 750 feet long, that doesn't have any chance of connecting anywhere else. There are open ditches, where he lives, and people walk on the road, and it's somewhat busy. He has grown up walking on the road, it has become like a sidewalk. He wouldn't walk on Dog Ridge Road; he thinks a sidewalk would be better there but a sidewalk in the proposed subdivision interior would be hard to do right with curb and gutter.

Mr. Lehmann was wondering if a trail system could be established somewhere around the larger lots in the back. It could work its way to the North, maybe to Dogridge to tie them together. Mr. Lehmann notes that when the Board amended the sidewalk / trail ordinance, the thought process was to connect communities together with pathways of some kind.

Mr. Lang is concerned about putting a path near a detention basin, as there are times you don't want people back there (e.g. during storm occurrences / events).

Ms. Jordan noted that sidewalks are nice; however, she has noticed that people tend to loiter at the entrance of the other subdivision at the stop sign, across from her house. She feels that the new subdivision should not have sidewalks.

Ms. Bulach indicated that she can see that subdivision as well, and noted that people don't walk on the sidewalks, they walk on the road.

Mr. Maxwell said that it makes the most sense to ask who is going to build and maintain a sidewalk or trail system. It would be nice to have a sidewalk from the south to the school. Sidewalks cost around \$5,000 a homeowner to install. He thinks the county doesn't need to maintain sidewalks. There would be no HOA for his subdivision, which would likely have \$500,000 houses. There are issues both for and against having sidewalks / trails. There are areas appropriate to have sidewalks but he doesn't want these types of improvements in this subdivision with an open ditch system. It is a nightmare, with only one done in 20 years in the county. He doesn't disagree with the board members that the longer, bigger roadways are the better places to put these types of improvements. There are a lot of walkers and runners, and there haven't been a lot of accidents. It is ok for dead end streets.

Mr. Lansing noted that not all subdivisions have sidewalks.



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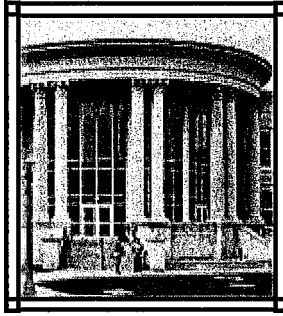
**Mr. Beiersdorfer made a motion to grant primary approval for the 15-lot Harvest Estates subdivision on a cul-de-sac street. Eric Lang seconded the motion. All in favor. None opposed. Motion carries.**

**Mr. Beiersdorfer made a motion to grant the waiver for sidewalks, since there will be such a low volume of traffic on the proposed cul-de-sac street. Mr. Lansing seconded the motion. All in favor. None opposed. Motion carries.**

## **G. ADMINISTRATIVE**

- To review and discuss proposed ordinance amendments the Dearborn County Zoning Ordinance and the Subdivision Control Ordinance, and to discuss other administrative items—including updates related to Planning & Zoning staff activities and projects.





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## Article 2

### Section 200-Advisory Plan Commission

Mr. McCormack read revisions for Article 2, regarding the Advisory Plan Commission. He went over the major changes since the last plan commission meeting, included calling of special meetings, limited speaking time for interested parties, pooled speaking time, the petition process, etc.

Mr. Lehmann questioned if the applicant can't be notified should cases be delayed?

Mr. McCormack noted that there is a provision that covers this—and allows the board to choose to delay if there is agreement.

Mr. McCormack suggests that the BZA adopt similar rules as the Plan Commission, if these amendments pass.

**Mr. Lehmann made a motion to send a favorable recommendation for Article 2, regarding the Advisory Plan Commission, to the County Commissioners, as presented. Mr. Beiersdorfer seconds the motion. All in favor. None opposed. Motion carries.**

Mr. McCormack notes that there will be a meeting in March; which looks like there will be two cases. It is probably going to be enough that staff and the board will not be able to get into zoning text amendments. Staff can put it on the agenda, but there could be a separate meeting that will not be on the regular schedule (to finalize the text and the zoning map).

Mr. Kraus noted that if extra meetings are needed they should be held before the end of May.

Mr. McCormack stated that he could send some dates; he will have to look for this room and other rooms and work around school breaks as much as possible.

Mr. Thatcher asks if the zoning text discussions can be put on the next meeting agenda, and if the meeting runs late then a special meeting could be called.

Mr. McCormack asks about the notice for a special meeting.

Mr. Baudendistel notes that it involves a 48-hour notice posted on the door and a notice to the media. If we aren't getting into the public meeting process, that would be the way to handle things.

Mr. McCormack noted that the dead line for the office admin position is now up. The staff has some interviews this week, with second interviews later.

**Mr. Beiersdorfer moves to adjourn the meeting. Mr. Lehmann seconds. All in favor. None opposed. Motion carries.**



# Dearborn County Plan Commission

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Meeting adjourned at 9:33pm

A handwritten signature in black ink, appearing to read "Dennis Kraus, Jr.", is written over a horizontal line.

**Dennis Kraus, Jr. – PRESIDENT**

A handwritten signature in black ink, appearing to read "Mark McCormack", is written over a horizontal line.

**Mark McCormack – PLANNING DIRECTOR, Secretary**