



# Dearborn County Plan Commission

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

## PLAN COMMISSION AGENDA

**Monday, March 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**

Request:	<b>A Zone Map Amendment</b> from R to B-1 to allow a series of commercial uses	
Applicants:	CLM Surveying & Engineering	
Site Location:	The northwest corner of the Stateline Road and Sneakville Road intersection	
Legal:	Sec. 34, T 7N, R 1W, Parcel # 15-01-34-104-008.000-006	
Township:	Harrison	
Zoning:	Residential (R)	Size: 3.128 Acres

### **F. ADMINISTRATIVE**

- To review and discuss proposed ordinance amendments the Dearborn County Zoning Ordinance, with respect to the Zoning Update Study (involving Text changes at this time)

## DEARBORN COUNTY PLAN COMMISSION MEETING

March 28, 2022

7:00 PM

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

### **A. ROLL CALL**

#### **MEMBERS PRESENT:**

Dennis Kraus Jr - President

Jake Hoog

Mark Lehmann - Vice President

Jim Thatcher

Dan Lansing

Russell Beiersdorfer

Jeff Hermes

Eric Lang

Joe Vogel - Came in at 7:04pm

Mark McCormack - Planning Director, Secretary

Andrew Baudendistel - Attorney

MEMBERS ABSENT—NONE

### **B. ACTION ON MINUTES—**

**Mr. Beiersdorfer made a motion to approve the Plan Commission meeting minutes from February 28, 2022, as presented. All in favor. None opposed. Motion carried.**

### **C. OLD BUSINESS - NONE**

#### **D. NEW BUSINESS –**

The Board welcomed the new Board Member, Jeff Hermes, the new Purdue Extension Office representative.

- 1. Request:** **A Zone Map Amendment from R to B-1 to allow a series of commercial uses**  
**Applicants:** **CLM Surveying and Engineering**  
**Owner:** **UHDE Investment Properties, LLC**  
**Site Location:** **The northwest corner of Stateline Road and Sneakville Road intersection**  
**Legal:** **Sec. 24, T 7N, R 1W, Parcel #15-01-34-104-008.000-006**  
**Township:** **Harrison**  
**Zoning:** **Residential (R)      Size: 3.128 Acres**

Mr. McCormack presented the staff report and the slide presentation of the request. The request is to rezone the subject property from a residential district to a Local Business (B-1) commercial district. The property owner did not submit a concept development plan with this request. Mr. McCormack stated there were a couple of items missing for the application to be considered a complete Concept Development Plan. Therefore, this request would be need to be reviewed from the perspective of the “maximum allowable use(s)” based upon the requirements, principally permitted uses, and conditional uses of the zoning being requested. The application also did not include a traffic estimate or analysis; therefore, staff is making a recommendation that this particular item be addressed as a written commitment if this application receives a favorable recommendation.

There were 43 mailers sent for this application; 40 were delivered and 3 were returned.

The Technical Review Committee reviewed this application on February 7<sup>th</sup>, 2022. There were two items that remain in question related to the comments from the Technical Review Committee, which included the lack of a complete concept development plan and there were no letters submitted from the fire, EMS and educational service providers at the time of staff’s (mailed) report to the board.

Mr. McCormack went through the inspection photos of the property in the slide show. There were 6 emails that were received in the office from citizens in the area. Mr. McCormack read the emails from Mr. Reddington who was opposed to this rezone. The emails were read aloud at the meeting at the request of Mr. Reddington. The other 5 emails were not read, but the Board had received the emails.

Mr. McCormack stated that this property has had different zones over time. The first zoning associated with the property in the 1965 zoning maps was residential; then in 1980 the property was commercial. In 1997, the property was residential again. There was no information found that would explain the changes in the old zoning maps.

Mr. McCormack stated that the property is located within a subdivision--but staff could not find during research that there were any covenants and restrictions that would acknowledge that this property could not be used as commercial.

Mr. Eric Lang stated that there is currently an Alta Survey being completed on the property and there will be a 50-year title search completed as well. He knows this because he is the one who would be working on the survey.

Mr. Jim Thatcher stated that he believes the Alta Survey and the title search would be needed to make a final decision, to see if there were any covenants and restrictions that would be found that would state that the property could not be developed as a commercial site.

Mr. Baudendistel stated he believes that Mr. Lang should step down at this time.

Mr. Mike Morman, with CLM Surveying and Engineering and representing the property owner, addressed the Board on the request. He first passed out the letter from fire and EMS that had finally arrived. He stated that there is a group from a bank that has put in an offer to develop the property into a bank if the rezone request is approved through the Plan Commission and the County Commissioners. He stated that Mr. McCormack covered the request very well and asked the Board if they had any questions for him.

Mr. Thatcher asked if the bank was going to purchase the entire property—and if so, would only a bank be constructed or would the property be split to develop another commercial use on the property.

Mr. Morman stated he wasn't sure if the bank would use the entire property or not.

Mr. Hoog asked if the owner was fine with the recommendation of the Technical Review Committee for requiring a traffic analysis in the future.

Mr. Morman stated that the owner would be in agreement with the requirement of a traffic analysis.

There were no further questions for the Applicant.

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

Mr. John Hollis, of 2305 Floyd Court, addressed the Board with his concerns. He stated that the realtor that sold him his property stated that the property would never be developed as commercial. He noted that there is drainage that goes under the tree line; he has concerns for drainage of the property since there are already drainage issues on the vacant ground. He opposes the rezone request.

Mr. Gary Noel, of 24361 Stateline Road, addressed the Board with his main concern(s) which is traffic. He stated that the nursery has three driveways and there is a lot of traffic coming from all of them. He stated there have been several accidents on this section of road. He would want the property to stay residential as this area is more residential than commercial in nature. The commercial areas are closer to the Bright main intersection; this area is more residential.

Mrs. Donna Gutzwiller, of 24605 Dawn Paul Drive, stated that she opposes the rezone request as she feels that the property should stay residential. She has the same concerns that were already mentioned with traffic and drainage.

Mrs. Cynthia Noel, of 24631 Stateline Road, had turned in a card but didn't have anything new to add for the comments that had already been stated.

Mrs. Dottie Sweeney, of 2212 Sneakville Road, stated that she opposes the request because this area is her home. She feels that even if a bank is built, banks always close and then she and her neighbors would be living next to a vacant building. She believes the property needs to stay residential.

Mr. Kevin Mossburger, of 2330 Sneakville Road, addressed the Board with a few concerns. He had a couple of questions regarding the zoning map. He noticed that the other church was zoned commercial, he wanted to know if the church had to be in commercial.

Mr. McCormack stated that churches are permitted to be within a residential zoned district and in commercial districts.

Mr. Mossburger continued with the rest of the group of concerns, citing traffic, drainage, and the fact that it's a residential area. He stated that the realtor, selling the property, was bragging about the property already being under contract for sale for commercial use.

Mr. Thatcher stated that this Board does not assume anything for a request until it comes to a vote. He does not like that people make assumptions that the Board members have already made a decision because of the actions of others.

Mr. Anthony Albanese, of 24601 Dawn Paul Drive, stated that his family's back yard abuts this property. His kids would be playing next to a potential large parking lot. He and his wife were told that this property would be developed as a subdivision when they bought their house. He stated that this property is more contiguous with the residential than the commercial lots. He is very opposed to the request. He also noted that there is a park in the vicinity of this property. He stated that noise is a also concern with this property, especially the potential of a drive-thru business.

Mr. Rob Ebling, of 2242 Sneakville Road, he asked if the map shows that this vacant property is part of Grubbs Estates Subdivision. He stated that should mean that it should stay residential. He stated with the amount of curb cuts across the street at the nursery there are going to be issues with the traffic.

Mr. Boyd Cooper, of 2222 Sneakville Road, stated he is opposed to the rezone. He believes this is like signing a blank check with this open rezone to commercial. He stated that he is surprised that it isn't considered wetlands because of the type of plants that are located on this property. He doesn't feel that a dark parking lot should abut residential property. He is concern with the noise that a commercial lot would bring with increased of traffic and the lights that would shine on the adjoining properties which are residential.

Mr. Dave Bosse, of 24575 Lela Drive, opposes the rezone request. The one point he wanted to bring up was there are other vacant commercial properties located in the cross roads of Bright which would be better suited for commercial. He feels that this area needs to stay residential.

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

Mr. Kraus asked if Mr. Morman would answer the questions regarding one of the public comments of the owner developing the property as residential.

Mr. Morman stated that Mr. Uhde, the Owner, is not opposed to anyone buying the property to build whatever they want. The interested party at this time for the property is a bank. With a bank type of use, there will be things required like detention, landscaping that would buffer the property. Storage Units are not permitted in a B-1 zone, to address concerns brought up earlier. Mr. Uhde is not wanting to sell to a gas station so he is willing to strike #31 of the uses (gas station) from the list of permitted uses. The Owner is wanting low-impact business uses on this property.

Mr. Lehmann asked if the Owner would be willing to put pencil to paper to state that there is a need for specific accesses to the property. For example, would he be willing to limit the number of access points to the property.

Mr. Morman stated the property owner is willing to follow what the traffic analysis would recommend.

Mr. Thatcher asked if the bank approached the property owner. Where there any other businesses that approached the property owner. Were there any residential developers that approached the property owner.

Mr. Morman stated it was just the bank and other businesses; no residential developers have showed any interest in the purchase of this property.

The Board discussed the three choices of a vote for this request; no recommendation, favorable recommendation, and unfavorable recommendation.

Mr. McCormack stated that if a favorable recommendation was forwarded to the County Commissioners, any conditions of that recommendation should be reflected by the Plan Commission as written commitments.

Mr. Hoog asked on the map going south, how many other businesses are located along Stateline.

Mr. McCormack stated the more south you go towards the intersection of Jamison, there are more commercial properties than residential.

Mr. Lehmann asked at what point will it be determined how many access points would be allowed.

Mr. McCormack stated that it would depend how the property is developed and what the traffic analysis would determine. The number of accesses could be determined during a land division or a major site plan review permit review.

Mr. Lehmann is worried about the number of divisions of this property because of the number of access points. He wanted to know if the Board could limit the number of access points onto Stateline and Sneakville.

Mr. McCormack stated that the Board could limit the number of access points. He notes that in any case, with Stateline being an arterial road and with Sneakville being a collector road, access will be limited and new accesses will need to meet driveway spacing requirements.

Mr. Beiersdorfer stated that he is familiar with the area. He stated that the businesses across Sneakville and Stateline are businesses that have been there for many, many years. Stateline is a main drag through Bright and this is the area where businesses want to be.

Mr. Lehmann stated that this property has been available to build houses on for many years, yet it has lay vacant. It does meet the criteria for future growth of business. He doesn't feel that he has heard enough evidence that it shouldn't be a commercial property.

Mr. Hoog stated that he agrees that the property has been vacant for years and if it was going to be residential it would have already been developed. It lends itself to more of a commercial developed property.

**Mark Lehmann makes a favorable recommendation for a zone map amendment from residential to B-1, the northwest corner of Stateline and Sneakville Roads, Section 34, Township 7N, Range 1W for the parcel listed on the meeting agenda with the following conditions—to be written commitments—that a traffic study be conducted with the criteria met in Article 5, Section 520 during the development of all three and half acres, and to limit one access point for all three and a half acres off of Stateline and another one off of Sneakville Road, and that item #31 be eliminated from the list of principally permit uses in a B-1 as outlined in the current Zoning Ordinance.**

Mr. Mr. Lansing asked if the Board was able to limit the number of times that they would be allowed to split the property.

Mr. Kraus requested a second to the motion at hand and then the Board can discuss the motion.

**Mr. Beiersdorfer seconded the motion.**

Mr. Beiersdorfer asked about the concern with the restrictions and covenants of the subdivision since this property is actually platted as part of the subdivision. He wanted to amend the motion to add that the Alta Survey and Title Search must be completed prior to the request going before the County Commissioners.

**Mr. Lehmann stated that he would amend the motion to included the contingent with the Alta Survey and Title Search be completed before the continuing to the County Commissioners.**

**Mr. Beiersdorfer seconded the amended motion.**

The full amended motion was read again by Mr. Kraus.

**Mr. Lehmann made a motion to forward a favorable recommendation to the County Commissioners for the Zone Map Amendment from residential (R) to Local Business (B-1) provided the owner agree to the written commitments that a traffic study be completed prior to a Site Plan Permit application and approval, that the property be limited to one access point off Stateline Road and one access point off of Sneakville Road, item #31 be eliminated from the list of principally permit uses in a B-1 as outlined in the Zoning Ordinance, and the Alta Survey and Title Search be completed prior to the request being forwarded to the County Commissioners for a final vote. The recommendation is based on the criteria set forth in Article 5, Section 540 of the Dearborn County Zoning Ordinance and the attached Finding of Facts. Mr. Beiersdorfer seconded the motion. Mr. Beiersdorfer, Mr. Hermes, Mr. Hoog, Mr. Lehmann, Mr. Kraus all voted in favor. Mr. Lansing voted to oppose the motion. Mr. Thatcher abstained because of the County Commissioners ultimately making a final decision. It was noted that Mr. Lang can not vote as he recused himself from this case. The final vote is 5 in favor, one opposed, 2 abstained. Motion carried.**



A recess was called to allow the public to clear the room before the Board moved onto other business.

**E. ADMINISTRATIVE**

The meeting was called to back to order.

Mr. McCormack asked if the Board members wanted to discuss the next steps for the zoning text proposed changes.

Mr. Lang rejoined the meeting.

The Board feels that there should be one meeting to have the members of the Zoning Advisory Committee present and also have the meeting open to the public to hopefully get more involvement. This would be a discussion based on the proposed text changes to the agriculture and residential zoning districts. This would not be discussions on the zoning map.

The Board decided to go through the survey that was taken for the zoning changes.

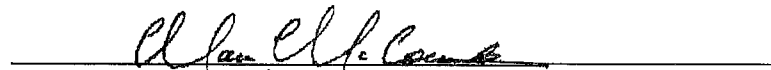
Mr. McCormack handed out the results of the survey and discussed the questions and the answers. He asked the Board to take a look over the survey over the next couple of weeks and send him comments so that he has comments before creating a staff report for the April meeting.

**Mr. Beiersdorfer made a motion to adjourn the meeting. Seconded by Mr. Lehmann. All in favor. None opposed. Motion carried.**

Meeting adjourned at 9:25pm



**Dennis Kraus – President**

  
**Mark McCormack – Planning Director, Secretary**