



Dearborn County Plan Commission

165 Mary Street Lawrenceburg, IN 47025
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www.dearborncounty.org/planning

PLAN COMMISSION AGENDA

Monday, June 27th, 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. To address the Plan Commission to discuss a modification to one of the Written Commitments associated with the 2009 and 2010 Plan Commission public hearings for the Stone Zone Map Amendment—specifically with respect to adding 2 more (full) access points off of Harrison Brookville Rd. than the originally-approved 2 access points.

Applicants:	Land Consultants
Owner:	Dearborn County Redevelopment Commission
Site Location:	Approximately 2,000 ft. east of the US 52 and I-74 interchange between 1144 and 1582 Harrison Brookville Rd.
Legal:	Section 11, Township 7, Range 1
Township:	Harrison
Zoning:	Moderate Industrial (I2-DP, Original ZMA)
Size:	82 acres (Original Affected Acreage of ZMA area)

F. ADMINISTRATIVE

- To review and discuss proposed ordinance amendments and updates to the Dearborn County Zoning Ordinance, specifically with respect to the text(s) of Article 3, regarding the Advisory Board of Zoning Appeals.

DEARBORN COUNTY PLAN COMMISSION MEETING

June 27, 2022

7:00 PM

Dennis Kraus Jr. 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. PLEDGE OF ALLEGIANCE

B. ROLL CALL

MEMBERS PRESENT:

Dennis Kraus Jr.—President

Mark Lehmann—Vice President

Jake Hoog

Jim Thatcher

Eric Lang

Jeff Hermes

Dan Lansing

Joe Vogel

Nicole Daily—Zoning Administrator

MEMBERS ABSENT—

Mark McCormack

Andrew Baudendistel – Attorney

Russell Beiersdorfer

C. ACTION ON MINUTES—February 28th, 2022

Mr. Lehmann approved the meeting minutes for February 28th 2022 as written. Motion seconded by Mr. Lang. All in favor. None opposed. Motion carries.

D. OLD BUSINESS – NONE

E. NEW BUSINESS –

- (1) Request: Modification to one of the Written Commitments associated with the 2009 and 2010 Plan Commission public hearings for the Stone Zone Map Amendment-specifically**

with respect to adding 2 more (full) access points off of Harrison Brookville Road than the originally approved 2 access points.

Applicants: Land Consultants

Owner: Dearborn County Redevelopment Commission

Site Location: Approximately 2,000 ft. East of the US 52 and I-74 interchange between 1144 and 1582 Harrison Brookville Road

Legal: Section 11; Township 7; Range 1 Parcel: #15-

Township: Harrison

Zoning: Moderate Industrial (12-DP, Original ZMA)

Size: 82 acres (Original Affected Acreage of ZMA area)

Modifications to the approved written commitments:

The applicants are requesting to discuss a potential modification to the written commitments required during the February 23rd, 2009 Plan commission meeting, which were modified at the August 23rd, 2010 Plan Commission meeting. At the initial meeting, the original Applicants presented a concept development plan. IN consideration of the concept development plan and the fact that the proposed uses for the site were not specifically identified (although they were limited), there were three (3) written commitments that the Plan Commission made in accordance with its favorable recommendation to the County Commissioners. The first commitment acknowledges that the uses for the property would be limited to those that were articulated in “Exhibit B” a commitment that was subsequently modified/slightly expanded in August of 2010 to allow for an automobile sales business to locate to a portion of the site (where Hirlinger Chevrolet no occupies; which was rezoned to a Community Business zoning district in November of 2012). The second commitment, which is the most up-to-date, recorded as Instrument #2010006324, stipulates: “...There will be two street access points to the development site. These access points will be located in a manner that is consistent with the Applicant’s Concept Development Plan as well as all applicable State and County regulations...” For this second commitment, the Applicant is currently asking for a modification that would increase the number of (full) access points to four (4) street access points to serve the development site. The third commitment that states: “...a traffic study that is consistent with Article 24, Section 2448 of the Dearborn County Zoning Ordinance must be submitted to the Dearborn County Technical Review Committee...” still remains in effect. To date, each development proposal/use that has located on the original 82-acre site has been required to submit information regarding a traffic assessment/estimate – although a full traffic study has not been warranted since the ordinance threshold (of approximately 1,000 vehicle trips per day) has not been reached.

Site Information

The original property – Harrison Township, Township 7, Range 1, Section 11 – is currently located within a Moderate Industrial (I-2) and a Community Business (B-2) Zoning District and is located

approximately 2000 feet east of the U.S. 52 and Interstate 74 interchange. This property is situated wholly within the West Harrison Tax Increment Finance (TIF) District.

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

IC 36-7-4-1015

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 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.
 - (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 acquires an interest in the parcel. However, a commitment is binding on the owner who makes the commitment even if the commitment is unrecorded. An unrecorded commitment is binding on a subsequent owner or 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; or
- © otherwise in accordance with the rules of the plan commission, board of zoning appeals, or legislative body to which the commitment is made.

- (4) 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...”

Enclose Reports & Statements

- (2) Please refer to enclosures for information related to the February 23rd, 2009 Plan Commission public hearing.
- (3) Please refer to the current, recorded written commitments associated with this development, recorded as Instrument # 2010006321.
- (4) Please refer to the Applicants’ current statement(s) and enclosures, including the proposed access plan. *According to the applicant’s letter dated 05/02/2022, both of the proposed (full)access

points are "...a minimum of 540 feet from an existing driveway. The spacing and sight distance(s) meet the County design criteria..."

- (5) Please refer to the County Engineer's report (forthcoming) regarding the aforementioned, proposed access plan.
- (6) 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. Todd Listerman, County Engineer, wrote a letter stating this proposal meets all county requirements.

There were 10 letters mailed out and 9 delivered and 1 non deliverable.

Mr. Mark Lehmann - Inquired about the driveway spacing and asked if there is enough spacing with the Stone property.

Ms. Daily stated that yes there is enough spacing.

Mr. Lang stepped down from the Board because he works for Land Consultant, who is the applicant on this request.

Mr. Jeff Talkers from land consultants, wanting to see if he can get the proposed driveway spacing and additional 2 driveways. The issue in 2009 on the property Bayer Becker gave their best idea on how it could be built. What has happened since, Chevrolet came in first and built a narrow and deep lot. Dyke Industries wants their own lot and access. They believe the center is the best place, and Mr. Stone needs access to his farm. These are valid points, and safety isn't an issue with it being a flat road.

Mr. Lehmann asked if the access to Chevrolet staying shared or just for Hirlinger Chevrolet?

Mr. Talkers stated it will remain shared.

Mr. Lehmann made a motion to open public discussion. Seconded by Mr. Hoog. All in favor. None opposed. Motion carried.

Mr. Viel, adjoining property owner, addressed the Board. We own property within 500 feet of the access point. My question is, if you're putting in more access points is a traffic study warranted. Dyke seems to be a great business. Not knowing who the existing owners will be, we would like to have a traffic study done. She asked if this is going to be divided up any further.

Mr. Kraus stated they haven't said that, they are just asking for additional access points and keeping the gravel drive. They may be doing this to better market the property. That was given to us originally.

Mr. Lehmann made a motion to close public discussion. Seconded by Mr. Hoog. All in favor. None opposed. Motion carried.

Mr. Lehmann made a motion to approve modification to the written commitments to the rezone to add 2 additional full access points to the highway interchange to a manufacturing 2 district. Mr. Lansing seconded the motion. All in favor. None opposed. Motion carried.

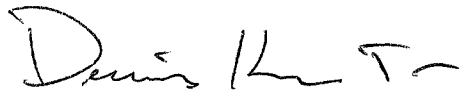
F. ADMINISTRATIVE

Article 3 for BZA, we haven't had a meeting to discuss with the Board. You can give me your opinion, some members might not like the 3 minutes unless it's a cell tower.

Ms. Daily stated there will be a public workshop / special meeting on July 14th at Agner Hall at the Fairground in Lawrenceburg. This workshop is scheduled for 6:00pm to 9:00pm.

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

Meeting adjourned at 8:16 pm



Dennis Kraus – President



Mark McCormack—Planning Director, Secretary