

**PLAN COMMISSION
MINUTES**

**Monday, August 22, 2016
7:00pm**

Mr. Dennis Kraus Jr. read ADA compliance statement

A. ROLL CALL

Members Present:

Dennis Kraus Jr.—President
Mark Lehmann—Vice President
Jim Thatcher
Russell Beiersdorfer
Art Little
Dan Lansing
Eric Lang
Jake Hoog
Mike Hornbach

Mark McCormack—Director of Planning & Zoning
Derek Walker—Assistant Planner
Andrew Baudendistel—Attorney

Members Absent: None

B. ACTION ON MINUTES—

Mr. Mark Lehman made a motion to approve the meeting minutes from May 23, 2016, as presented. Mr. Eric Lang seconded the motion. All in favor. None opposed. Motion carried.

C. OLD BUSINESS SCHEDULED TO BE RE-OPENED—None

D. OLD BUSINESS TO REMAIN TABLED—None

E. NEW BUSINESS

- 1. Request:** To create two access points onto an Arterial Road which do not meet the minimum driveway spacing requirements; and creating a direct access point onto an Arterial Road (State Road 48)
- Applicant:** Justin Noppert
- Owners:** Justin and Natalie Noppert (1/3)
Andrew and Susan Long (1/3), and
Jeremy and Sonya Strom (1/3)
- Site Location:** Adjacent to 7689 State Road 48 (to the West)
- Legal:** Sec. 35, T6N, R 2W, Parcel #15-05-35-300-046.000-019
Sec. 2, T 5N, R 2W, Parcel #15-08-02-200-002.000-019
- Township:** Manchester **Size:** 40 Acres
- Zoning:** Agricultural (A)

Mr. Mark McCormack presented to the Board the Applicant’s request for two waivers (of the Subdivision Control Ordinance): 1) to create two access points onto a Category II Arterial Road which do not meet driveway spacing requirements; and 2) to create one direct access point onto a Category II Arterial Road. The Board was presented with the staff report and slide show, which included existing condition information, site inspection photographs, and a conceptual lot layout / plan. In this case, the Applicant is proposing to approve a driveway access for Tract 1 that is 111 feet short of the driveway spacing requirements—and another driveway access for Tract 2 that is 188 feet short of the driveway spacing requirements.

The waivers being requested are in reference to Article 3, Sec. 305B of the Subdivision Control Ordinance, in conjunction with Article 24, Sec. 2406 and 2410 of the Dearborn County Zoning Ordinance.

Mr. McCormack described the following issues being of concern to the staff, as it evaluated this case and the associated property: 1) the existing and planned septic areas for both the existing tract and the proposed new housing units; 2) the presence of unauthorized structures; 3) a non-conforming structure remains on the property which was supposed to have been demolished (as part of a prior certified survey review and approval); and 4) storm water concerns, particularly with respect to the western property owner / adjoiner (Schuh).

Mr. McCormack noted the concerns that Mr. Schuh had talked to him about by phone. Mr. Schuh was concerned with new development activity that would potentially lead to increased drainage issues on his property.

Mr. McCormack read the statement that the County Engineer prepared requesting, “. . .*that the driveway point for Tract 1 be connected to the existing, shared driveway that is currently intended / proposed to serve Tract 2 and the remainder tract.*”

Mr. McCormack noted that six letters were sent out to property adjoiners; five letters were confirmed as being delivered and one was sent back to the post office. Mr. Schuh was the only adjoining property owner to respond directly to staff.

Mr. Justin Noppert spoke on behalf of the property owners and explained the concept layout and long-range plan associated with the property. He stated that his intentions are to make sure that all of the noncompliant structures / issues are adequately addressed. He noted that the storage structure that had been designated to be removed / demolished from a prior certified survey process is currently being used to store materials for the renovation of the existing home on the property and he expects this structure to be removed upon substantial completion of the newer home structure. Mr. Noppert stated the property owners would like to eventually split Tract 1 into two lots and have a shared driveway access down the middle of the future, proposed lot line. He acknowledged that this is why they are addressing the second access point at this time. Mr. Noppert stated that the owners intend to wait on the division of Tract 1 as they don't all know when each potential home will be constructed and they don't want to unnecessarily go through a minor subdivision process.

Mr. Mark Lehman asked for clarification on which structure was intended to be demolished.

Mr. Noppert stated that it was going to be the pole barn behind the existing house on the adjacent tract—the structure in front of the newer residence on the 40-acre property.

Mr. Mark Lehman asked if the secondary septic area for the newer house on the 40-acre property was within the proposed panhandle / access easement area.

Mr. Noppert stated that their intent was to keep the proposed panhandle / access easement area away from the secondary septic area for the newer house (shown as Tract 2 on the current concept / lot layout plan).

Mr. Lang described the nature of the presby system, in terms of how they are designed to work, and said that he should be able to squeeze a smaller secondary site on the property (reserved for Tract 2, with the newer, existing house) without any significant issues.

Mr. Lehman stated that future owners may not want to go with this type of system and may be subject to different requirements, which could present a problem.

Mr. Lehman asked if there was a way to access Tract 1 off the existing shared drive, instead of having another, individual (direct) access point to SR 48.

Mr. Noppert said that it may be possible but it would be challenging to do that and fit the primary and secondary septic sites associated with all of the anticipated / planned home sites.

Mr. Lehman asked if Mr. Noppert knew anything about any runoff issues in association with his neighbors (the Schuhs).

Mr. Noppert said the swale along State Road 48 disappears as it gets closer to Mr. Schuh's property. Mr. Noppert said the proposed houses would catch storm water in their associated gutters and the water would run off to the south of the property and alleviate any additional runoff onto Mr. Schuhs property.

Mr. Kraus asked if there were any other questions for Mr. Noppert.

Mr. Lang made a motion to open a public discussion. Mr. Beiersdorfer seconds the motion. All in favor none opposed.

Mr. Larry Schuh came to the podium and stated that he used to mow the grass for his parents; the tire from the tractor he used to mow created what appears to be a small ditch. He said the rain water was his only concern, not the proposed buildings. He stated that he is primarily concerned with the State not making any significant attempt to divert the storm water away from his property. Mr. Schuh said he has no problem with what Mr. Noppert has proposed.

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

There were no other comments from the public.

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

Mr. Noppert addressed Mr. Schuh's concerns and said that the property owners plan to have conversations with Mr. Schuh going forward, and will aid in requesting action from the State.

Mr. Kraus asked why he didn't show drawings of his future intentions, as far as the additional building lot that would split Tract 1 (as it is currently being presented), and request everything at once.

Mr. Noppert stated that he had a discussion with Mr. McCormack and that he decided it would be best to wait and see what happened with the property and felt there was no need to rush the process—considering the fact that the property owners didn't know the exact timing of when each and every house would be built.

Mr. Hornbach asked if there had been any septic system test sites established for Tract 1.

Mr. Noppert said that he had four sites tested; he had worked previously with Mr. Mike Hall at the time that the soil testing took place.

Mr. Lehman asked if there was any way to reconfigure the property adjacent to the 1900s house—as far as the southern and western property lines—so that the existing pole barn could be saved / remain and be in compliance.

Mr. Noppert noted that the pole barn was an eyesore and that he would not be sad to see it removed from the property. He stated that the property owners had tried to be able to keep the building—but the way everything had to be laid out they couldn't get everything to work out.

Mr. Lang stated that it was difficult to see how this is an unusual or extreme circumstance and needs to see how a better alternative could not be created, for him to feel comfortable with the conditions to allow for a waiver for the proposed access points, particularly the proposed driveway for Tract 1. Mr. Lang asked for Mr. Noppert to better explain himself, as far as the background of the situation and the property owners' intentions.

Mr. Noppert stated that the topography of the site was a significant limitation and noted that the soil analysis had driven the location of the access points. He noted that excellent sight distance was noted at both of the proposed access points. He also stated that there would be the same volume of traffic, no matter how many driveway / access points are established. Mr. Noppert notes that by having a shared driveway point on Tract 1, between two lots if the property owners move forward with an additional land division in the future, they could fit in both the primary and the secondary sites for two tracts (as currently planned).

Mr. Beiersdorfer stated that he would have a hard time denying the approval of the driveway access that has already been paid for and improved after INDOT gave the applicant the wrong guidance.

The Board had no further discussion on the request.

Mr. Lang made a motion to table the Applicants' request(s) until next month's meeting, with the understanding that Mr. Noppert and his surveyor will produce a preliminary site plan detailing all of the proposed improvements as well as the proposed future division of Tract 1 to better equipped to acknowledge as to whether or not an extreme or unusual situation exists in association with this property / request. Mr. Lehman seconds the motion. No discussion on the motion. All in favor. None opposed. Motion carried.

F. ADMINISTRATIVE—

Mr. McCormack started discussions under administrative items.

He stated that he will have the Zoning Administrator give an update of the 911 / addressing project that the Planning & Zoning staff have been working on at the next meeting.

Mr. McCormack noted the Zoning Administrator will also provide an update with respect to the BEP program at the next meeting as well. He noted that significant work for Round 2 is slated to begin soon, but that it may consist of a smaller set of properties than was originally anticipated.

Mr. McCormack mentioned that the Planning & Zoning staff has a new intern from UC; Mr. Liang will be putting in about 5-6 hours a week and will be primarily helping with Comprehensive Plan-related items for the Town of St. Leon and the County. Mr. McCormack is also planning to hire a part-time person (soon) to help with code enforcement, to free up the staff time (of the planners in the office) for other tasks.


Mr. McCormack acknowledged that the last public open house for the Bright 74 Study is coming up, and noted that he would send an email out with details. At a future meeting, Mr. McCormack noted that he will be talking more about the I-275 gateway project.

Mr. Beiersdorfer made a motion to adjourn the meeting. Mr. Little seconded the motion. All in favor. None opposed. Motion carried.

Meeting adjourned at 8:08 PM



President



Mark McCormack, Planning Director