

PLAN COMMISSION MINUTES

**Monday, September 26, 2016
7:00pm**

A. Andrew Baudendistel reading of 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 IV and ADA.*

B. ROLL CALL

Members Present:

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

Mark McCormack—Director of Planning & Zoning
Nicole Daily—Zoning Administrator
Andrew Baudendistel—Attorney

Members Absent: None

C. ACTION ON MINUTES—

Mr. Russell Beiersdorfer made a motion to approve the minutes of August 22, 2016, as written.
Mr. Eric Lang seconded the motion. All in favor. None opposed. Motion carried.

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

E. OLD BUSINESS TO REMAIN TABLED—None

F. NEW BUSINESS

- 1. Request:** **Requesting 2 Waivers: (1) Create two access points which do not meet the minimum driveway spacing requirements; (2) Create a direct access point onto SR 48.**
- Applicant:** **Justin Noppert**
- Owner:** **Justin and Natalie Noppert (1/3), Andrew and Susan Long (1/3), and Jeremy and Sonya Strom (1/3)**
- Site Location:** **SR 48**
- Legal:** **Sec. 35, T6, R2, Parcel #15-05-35-300-046.000-019**
 Sec. 2, T5, R2, Parcel #15-08-02-200-002.000-019
- Township:** **Manchester** **Size: 40 acres**
- Zoning:** **Agricultural**

Mr. Mark McCormack presented the Board the staff report and slide presentation for the request for two waivers. Mr. McCormack presented the new items that were submitted as requested by the Board from the previous meeting (in August). The long term plan is to have two homes on the proposed shared access drive (which is the westerly-most drive in the applicant's proposal). The submitted documentation clears up the location of the primary and secondary proposed septic locations, along with proposed locations of the anticipated, future homes. Mr. McCormack presented slides with new pictures of the property to illustrate the areas that were highlighted on the newly-submitted concept plans.

The Board had no questions at this time for Mr. McCormack.

Mr. Justin Noppert, the applicant, addressed the Board. He stated that he spent about a day with the Dearborn County Health Department laying out the future septic locations in order to submit the updated concept plan that the Board requested at the last meeting.

Mr. Eric Lang asked if all the septic locations have been soil tested.

Mr. Noppert stated there has been soil testing completed on the property.

Mr. Lang asked if the homes are expected to be the sizes that are drawn on the map.

Mr. Noppert stated that both of the homes are sized according to plans, with a 3-bedroom home anticipated for each lot.

Mr. Lang questioned the setback of the homes from the right-of-way.

Mr. Noppert stated that the front yard setback from the right-of-way is approximately 120 feet and noted that the homes also meet the 30-foot side yard setback.

Mr. Noppert stated that the State (INDOT) has already approved the driveway locations and driveway designs for the residential structures.

Mr. Lehmann questioned if the State already approved the proposed driveway locations, does the Board just need to also affirm the driveway locations.

Mr. McCormack stated that the Board discussed this issue at the last meeting; he noted that the State doesn't appear to be enforcing its own standards or regulations as to the spacing of driveways on State-maintained roadways. The County's ordinance was put into place to match the State's guidelines for driveway spacing distance on arterial roadways.

Mr. Kraus stated that there is a letter in the Board's packet from the County Engineer. The County Engineer has stated in the letter that the locations meet sight distance.

Mr. McCormack stated the unusual circumstances for this request could be that the State is not enforcing its own guidelines / rules and is issuing permits for driveways that do not meet spacing requirements—making it harder to enforce the County's regulations regarding direct access to arterial roadways. He noted that the bigger issues with the State and its development review process will not be sorted out until after this meeting and this request.

Mr. Lehmann asked what the plan would be if the second access was not approved by the Board.

Mr. Noppert stated that the property owners weren't sure at this point, because of the plans that they have already put together. The topography of the land does make it harder to reconfigure two to three additional homes for all the families. This layout works with the lay of the land and a shared driveway access reduces the number of driveways.

Mr. Lang stated that the variance for the furthest driveway to the west is approximately 250 feet from the nearest existing driveway, which almost meets the code as it is stated for a 275-foot separation. The proposed driveway for Tract 1 on the concept plan is in a better situation than the driveway that was already approved by INDOT and is in place.

Mr. McCormack stated there are concerns with some of the existing structures. One needs to be removed because it is over the property line. There are others that need to be permitted. These will need to be addressed before another land division is approved by County staff.

The Board had 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.

No public discussion.

Mr. Mike Hornbach made a motion to close public discussion. Mr. Lang seconded the motion. All in favor. None opposed. Motion carried.

Mr. Lang made a motion to approve both waiver requests, citing that the waivers meet the criteria and the special circumstances involved are: (1) INDOT mishandled the permitting process involving the driveway spacing guidelines and (2) the topography of the land to develop future homes on the property. Mr. Beiersdorfer seconded the motion. All in favor. None opposed. Motion carried.

- 2. Request: Requesting a Zone Map Amendment from B-1 to B-2**
Applicant/Owner: Terry Sillis / Bright Enterprises, LLC
Site Location: Jamison Road, Being Lot 2 of Picnic Woods Section 1
Legal: Sec. 34, T7, R1, Parcel #15-01-34-404-009.000-006
Township: Harrison Size: 2.46 acres
Zoning: Restricted Business (B-1)

Mr. Mark McCormack presented the Board with the staff report and slide presentation for the request to rezone approximately 2.46 acres from Restricted Business (B-1) to a General Business (B-2) Zoning District to allow: a mini-warehouse / storage use to be situated on approximately 70% of the acreage; and a variety of other possible uses on the remaining 0.74 acres. The applicant is requesting the Plan Commission to forward a favorable recommendation to the Dearborn County Board of Commissioners, who will ultimately make the final decision on this request. The applicant's proposal estimates that this development would generate approximately 50 vehicle trips per day for the mini-warehouse / storage use—based on the projected volume of that particular business use. As some of the commercial uses associated with this site, specifically for the 0.74 acre remaining lot, have not been specifically limited or identified, staff recommends that a traffic analysis for any future use on the 0.74-acre tract be submitted during any subsequent site plan review application—and that this request be addressed in the form of a written commitment. The Technical Review Committee reviewed this request on August 15th, 2016. The applicant has submitted a list of uses that are proposed to be stricken from the list of principally permitted uses in a B-2 zoning district. Staff recommends that the Board reference the list provided by the applicant in the form of a written commitment if a favorable recommendation is forwarded.

Mr. Lehmann asked what is in place to limit the amount and visibility of outdoor storage.

Mr. McCormack stated that the site plan review process would include the applicant to install fencing and / or landscape buffering. The Board can also include a written commitment to limit outdoor storage in the location shown on the concept plan as submitted for this request.

The Board had no further questions for Mr. McCormack.

Mr. Terry Sillis, the owner / applicant, addressed the Board on the request. He believes that the proposed uses are good uses for the property. He understands that there will need to be buffering adjacent to the doctors' offices. He does not want this property to be an eyesore for the community. He is being involved in the rezone process and if this request is approved,

the developers of the storage units will purchase the necessary acreage for the storage units and Mr. Sillis will maintain ownership of the remaining property.

Mr. Lansing stated his concern will be the outdoor storage that could be seen above fencing, such as large recreational vehicles.

Mr. Sillis understands that concern and the idea of having larger storage units for those types of vehicles has come up during discussions with the proposed developers after the concept was submitted; details were not able to be incorporated into the concept plan prior to this meeting.

Mr. Lehmann asked if there are any plans for the remaining 0.74 acres.

Mr. Sillis stated that he has no plans at this time. There is interest from the adjoining hardware store to have deliveries and outdoors storage. There is also potential interest from the developers of the storage units. If their business is successful, they would want to purchase the remaining property.

Mr. Hoog asked what units would be part of the first phase.

Mr. Dan Bihn, the developer, stated that the two building units on the right-hand side of the concept plan would be included in phase one. He noted that there is still some flexibility in the concept plan.

The Board had 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.

No public discussion.

Mr. Mike Hornbach made a motion to close public discussion. Mr. Lehmann seconded the motion. All in favor. None opposed. Motion carried.

Mr. Art Little stated that he had several phone calls on this request. He agrees with the people that called and expressed concerns about the location of the proposed use, and noted that it would be nice if something else other than storage units would be built on this property. He doesn't believe this type of use should be developed this close to the main commercial area of Bright.

Mr. Jim Thatcher stated that he doesn't believe it is responsible development to have storage units located in the heart of the Bright area.

Mr. Lehmann stated that he agrees it is odd for storage units to be located next to a doctor's office, but there is also a hardware store and auto body shop neighboring this property. He stated that storage units are permitted in a B-2 zoning district and there is parcel that is zoned B-2 abutting the subject property. He doesn't see enough evidence to not to forward a favorable recommendation.

Mr. Lang acknowledged that the proposed storage / warehouse use is allowed as a conditional use within a B-1—so it is not a stretch from what can be developed in a B-1 zoning district. He doesn't feel that the proposed use is an extreme request for the property.

Mr. Hoog stated that Section 540 of the Zoning Ordinance states that there should be reasonable regard to the items listed in that section. He understands that it may not be a desirable location for storage units to some people, but he doesn't feel that the proposal is out of character with the businesses that are in the area and adjoining the property. He doesn't feel that it will have an adverse effect on property values.

Mr. Lansing is concerned with the outdoor storage involved with the request. He believes that storage units are needed in the area because of the growing community. He doesn't believe that it is the best location for this type of use but doesn't believe it is irresponsible development.

Mr. Hornbach stated that the storage units may not fit as well with the other businesses that surround this property.

Mr. Beiersdorfer stated that this is the property of the owner / applicant and notes that the proposed use isn't far from the type of development that can be placed on the property without going through any public hearing request. He believes that if the development is done right, that this would be a good transition from the existing businesses to the residential area. There would be less traffic and noise than a business running 12 hours per day with customers.

Mr. Kraus stated he had a phone call from a resident who expressed that storage units are not the best use for the property. Mr. Kraus noted that he feels that this proposed use is not far from being a use that is permitted in a B-1 zoning district. If the rezone request is not approved, the owner could take this concept to the Board of Zoning Appeals and apply for a conditional use.

Mr. Thatcher stated that he wished the storage units were being proposed on property located on the outskirts of town. He believes that there are uses better suited for this particular property.

Mr. Lehmann stated that he is not seeing the language in the ordinances that this request is not meeting the necessary criteria.

Mr. Sillis asked to readdress the Board. He noted that he has owned this property for 30 years, and he has tried to get all kinds of retail development on this property. Bright does seem to have the number of residents to maintain a lot more retail. The retail that currently exists in Bright is service-related.

Mr. Dan Bihn stated that he has met with Mr. McCormack about the buffering and landscaping requirements and those issues / concerns will be adequately addressed. The proposed fencing will be vinyl fencing.

Mr. Kraus stated the Board can attach conditions to any recommendation; however, the Board of Commissioners can ultimately change those conditions.

Mr. Lehmann made a motion to forward a favorable recommendation to the Board of Commissioners for a zone map amendment of property within a Restricted Business (B-1) district—to change it to a General Business (B-2) district, with the following conditions / commitments to be added to the Applicant’s submitted concept plan: 1) The landscape bufferyard will be increased to a Level 2 along the southern and western property lines; 2) all of the trees required in the Level 2 bufferyard must be evergreen trees for the affected portions of the site; 3) the detention facility needs to be adequately sized for the proposed use; and 4) any outdoor storage on the property needs to be buffered on the western and southern property lines above the largest height of any outdoor storage. Mr. Beiersdorfer seconded the motion. Mr. Hoog, Mr. Beiersdorfer, Mr. Hornbach, Mr. Lehmann, and Mr. Lang voted in favor of the motion. Mr. Little, Mr. Thatcher, and Mr. Lansing opposed the motion. Motion carried.

Administrative:

The 911 road range project is continuing to move forward and the main work is almost completed; things will be slowing down since Jamie Smithers (the Administrative Assistant) is leaving for another position within the County.

Mr. McCormack noted that a part-time code enforcement position is being advertised for the office. This person would work on some of the enforcement cases associated with the Planning & Zoning Office as well as potential addressing issues that come up with the 911 project.

Ms. Daily and Mr. McCormack discussed issues with an ordinance regarding accessory structures in front of a primary structure. There is no clear defined side yard setback listed in the ordinance for structures that are located in the front of a primary structure when they meet the front yard setback (in Article 25, Section 2516). This issue will be discussed with the Board of Zoning Appeals to prepare options to change the ordinance. It will also be discussed with the Plan Commission in the future once a draft ordinance proposal is written.

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

Meeting adjourned at 10:05 PM

President

Mark McCormack, Planning Director