

**PLAN COMMISSION MINUTES**  
**Monday, February 27, 2017**  
**7:00pm**

**A. 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 provide 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.

**B. ROLL CALL –**

Members present:

Dennis Kraus, Jr. (President)

Art Little

Jim Thatcher

Dan Lansing

Mark Lehmann (Vice-President)

Eric Lang

Russell Beiersdorfer

Mark McCormack – Planning Director

Andrew Baudendistel – Attorney

Members absent:

Jake Hoog

**C. ACTION ON MINUTES:**

**Mr. Beiersdorfer made a motion to accept the minutes as written. Second by Mr. Little. All in favor. None opposed. Motion carried.**

**D. OLD BUSINESS - None**

**E. NEW BUSINESS**

1. Request:

**Approval for a Zone Map Amendment**

This property is currently zoned both Agricultural (A) and Highway Interchange (H-1). The request is to re-zone it entirely to Highway Interchange (H-1).

Applicant:	Dennis Kraus Land Survey Co
Owners:	Joe Leonard and Allison Johnson
Site Location:	Harrison Brookville Road /SR 52
Legal:	Sec. 4, T7N, R1W, Map 01-04

Township: Harrison  
Size: 17.12 Acres  
Zoning: Agricultural (A) & Highway Interchange (H-1)

Mr. Kraus (President) excused himself from the meeting, as he has worked on this project. The meeting was turned over to Mr. Lehmann (Vice-President).

Mr. McCormack presented the staff report. The Applicant is requesting to rezone approximately 14.875 acres from Agricultural (A) to a Highway Interchange Zoning District to allow a series of commercial uses—including, but not necessarily limited to: storage buildings, office space, landscaping sales, and market space(s). This property is approximately 4,400-4,500 feet northwest of the Harrison-Brookville Road and State Road 46 intersection. The parent parcel, as it presently exists, is currently located partially within a Highway Interchange (H-1) Zoning District (north of the railroad) as well as an Agricultural (A) Zoning District. The Applicant's proposal acknowledges that the mini-warehouse / storage use would not generate enough traffic to warrant a (traffic) study. Approximately 10-10.5 acres of the project site are situated within the one hundred (100) year flood hazard area (Flood Hazard Zone "AE"). Approximately 1 acre of the site is located within the 500-year floodplain. None of the property is situated within the floodway of the Whitewater River, as determined by FIRM Community Panel Map 180029C0042C. The storage buildings, "future development" area, and a portion of the proposed office space building shown / noted on the Applicant's concept plan, are located within the one hundred (100) year flood hazard area. The proposed types of buildings that are intended to be built on the subject property have been somewhat described—but no drawings or pictures have been submitted (to demonstrate the proposed visual appearance and type of architecture). A letter has not been submitted by the Fire and EMS provider(s) in reference to this project proposal.

Thirteen letters were sent out to adjoining property owners. Eleven letters were received and two were left but not picked up. One call was received by an adjoiner, Mrs. Wesling. She had general questions about what was being proposed.

Mr. Thatcher asked why the size of the parent tract on the report is 17.12 acres but there is only a request to rezone 14.875 acres. Mr. McCormack explained that a portion of the property was already zoned H-1 (north of the railroad). The 14.875 acres in the Applicant's proposal is the remaining portion of the property south of the railroad that is currently zoned Agricultural.

Mr. Lansing asked if the railroad is still used in that area. Mr. McCormack believes that this particular section is not currently in use.

The board had no additional questions of Mr. McCormack.

Jeff Stenger, the Applicant's representative and a land surveyor, was called forward to represent the D. A. Kraus Land Survey Co.

Mr. Stenger explained that the Owners want to re-zone the property south of the railroad to match the rest of the property. He noted that this land is located within the West Harrison TIF District. He advised that the Fire and EMS Department in New Trenton has not responded, as far as a letter acknowledging service.

Mr. Lehmann asked about the railroad running across the front of the property. If future development were to happen and intensify the use of the site, he questioned if a blanket zone change addresses that possibility.

Mr. Stenger advised that is correct (with the exception of the proposed stricken uses).

If a traffic study is necessary and it is determined that multiple ingresses / egresses would be needed, Mr. Lehmann asked how this would be addressed. Mr. Stenger advised that the property owner isn't likely to get another access in this area. Mr. Stenger stated that the existing railroad crossing would need to be upgraded if the use of the site significantly intensifies. He stated that the Owners likely won't be allowed to fill the whole site, depending on what has already been filled in the area. Mr. Stenger can't see a development on this property generating a high traffic volume at this time, especially where more than one ingress/egress would be needed.

Mr. Lang advised there is significant sight distance at the current driveway access to the site, so one could move a lot of people in and out efficiently.

It appears as though there is enough space for a turn lane, per Mr. Lehmann.

Mr. Stenger noted as for the use of the railroad, there were rail workers replacing rails up by the interstate this past summer.

Mr. Lang asked about the detention sizing, in terms of whether the area shown has been sized based on the Owners' current proposal. Mr. Stenger noted if more detention is needed, it will be provided. He also advised there is a lot of infiltration going on in that area of the site.

The board had no additional questions of Mr. Stenger.

**Mr. Beiersdorfer moved to open public discussion. Seconded by Mr. Thatcher. All in favor. None opposed. Motion carried.**

Ms. Karen Schlachter approached the podium, representing the Wesleys. Their family property adjoins the side and the back of the proposed rezone area. A concern they have is the raising and elevating of the ground; increased run off will affect their property and crops. The Owner has already started to build up the land. She stated just last year, the river rose to Barber Rd. and they have had some flooding issues at other times too. Many years ago, the family farm house across the street had to be moved / rolled up the hill. The biggest concern they have is that hiking the ground up will offset the water in to the fields.

Mr. Lang advised that from an engineering perspective, one is not able to trap water and direct it onto the neighboring property. The Owners will be limited to a certain amount of fill by the Army Corp because they are filling in a flood plain.

Ms. Schlachter advised that the Owners are already raising the land. She wants to know how high they are planning on raising the land because her family is already experiencing issues. Ms. Schlachter showed the board pictures she had taken of the area they are already raising, and the proximity of the project to their property line / crops.

Mr. McCormack advised these are just concept plans. They are required to submit construction plans for review in the future, if the use is approved and the project proceeds. The Applicant will be required to direct the water to another storm water area; not onto a neighboring property.

Ms. Schlachter noted that the railroad has run in the last couple of years.

Mr. McCormack showed the topography of the land; it is a relatively flat area.

The zoning change process was discussed with Ms. Schlachter.

Ms. Schlachter advised that her family is also concerned about increased traffic in this area as well. She stated the more people that come in to an area, the greater chance of trespassing on their property.

She also wanted to know how close they could put buildings to the property line. Mr. McCormack advised side setbacks are 50 feet in this case.

Mr. McCormack advised that the Owners can move the storage units; what they propose now may need to be rearranged for a variety of reasons. Mr. McCormack also noted that different levels / agencies require different things so many changes may need to be made to the concept plan. He also stated they have to put their septic system outside of the 100 year flood area.

Ms. Schlachter spoke again about previous flooding issues.

Mr. Stenger talked about variances that would be required in the future if the Owners want to proceed with the plan, as drawn.

Mr. McCormack explained to Ms. Schlachter the Board of Zoning Appeals process.

Ms. Schlachter also inquired if the Owners will be fencing in the area with the detention pond. There are requirements in regards to fencing.

Mr. McCormack spoke about how most storage units have privacy fences. Mr. Stenger concurred that there will be fencing on this project.

Ms. Schlachter again asked about the Owners raising the elevation. Mr. McCormack advised if the Applicant wants to grade 1+ acres, they need a Rule 5 permit to do that beforehand. Mr. McCormack also spoke about water trespass issues.

**Mr. Thatcher moved to close public discussion, seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.**

Mr. Stenger re-approached the podium. He advised that it is currently proposed that there be a chain link fence within the landscaped area(s). All of the specific development plans will be addressed in another, future step. He noted that only two feet of fill needs to be added. The Applicants understand that they can't block off water or cause increased discharge onto the neighboring property. In regards to the building setbacks, he acknowledged the need for variances.

Mr. Thatcher asked about the dirt that has been hauled in. Mr. Stenger advised that all of that activity happened before the Owners consulted with D.A. Kraus Land Survey Company. The fill and dirt-moving activity has stopped.

Each member discussed their opinion on the matter, with no one expressing a concern with the proposed rezone and uses.

Mr. McCormack recommends that written commitments be added if the application receives a favorable recommendation, in consideration of the items highlighted in the staff report.

**Mr. Lang made a motion for a favorable recommendation to the County Commissioners for the proposed zone change from Agriculture to H-1, with the written commitments: 1) any uses which have been stricken from the list of acceptable uses by the Applicant must be removed as potential future uses on this property; 2) if the traffic count for the property ever exceeds 1000 trips/day, a traffic study will be required; 3) the recommendation is contingent upon receipt of a favorable letter from the local fire and EMS provider.**

**Mr. Lehmann stated he had a motion for a favorable recommendation to county commissioners for a zone change from Agricultural to H-1 for Harrison Brookville Road /SR 52, Sec. 4, T7N, R1W, Map 01-04, consisting of 14.875 of the property's 17.12 acres with the written commitments: 1) any uses which have been stricken from the list of acceptable uses by the Applicant must be removed as potential future uses on this property; 2) if the traffic count for the property ever exceeds 1000 trips/day, a traffic study will be required; 3) the recommendation is contingent upon receipt of a favorable letter from the local fire and EMS provider. Motion Seconded by Mr. Lansing. All in favor. None opposed. Motion carried.**

Mr. McCormack advised he will try to get this on the agenda for the county commissioners meeting for March 21<sup>st</sup> but will need to check this out to make sure he can do so.

Mr. Kraus rejoined the meeting.

F. **ADMINISTRATIVE**

The inter-local agreement has been reviewed and signed by all parties for the City of Aurora now.

Mr. McCormack is hopeful to get the inter-local agreements with St. Leon and West Harrison within the next month.

Items added to the original agreements included: 1) adding internal control measures; 2) acknowledgement for the receipt of fees; 3) getting the building dept. agreements included in the inter-local agreements; 4) having the county engineer or his designee look at potential driveway accesses.

The Plan Commission does have to sign off on the inter-local agreements. There is a vacancy on the board right now so 8 members need to sign off on it, instead of 9 (as drafted).

Mr. Thatcher asked where the amount of \$30,000 came from mentioned in the inter-local agreement to be paid by the City of Aurora. Mr. McCormack advised that it was previously \$25,000 but the work the county did exceeded the amount the City was paying—so the City of Aurora agreed to pay an additional \$5,000 last year to maintain specific service levels. With a 90-day notice, Mr. Thatcher noted that the contract can be terminated but asked if there would be any potential re-negotiation. Mr. Baudendistel stated if Mr. McCormack is comfortable with the financial amount(s) of each agreement, then it won't need to be revisited unless the money isn't enough to cover the work that needs to be done. Mr. McCormack has previously went to St. Leon and West Harrison and asked for a 10% increase, about once every 5-7 years. Mr. McCormack monitors each agreement / situation closely. They are hopeful the work in the City will plateau instead of continuing to increase. The Department of Planning & Zoning is starting to do more than enforcement in the City—much like what has happened in St. Leon and West Harrison.

**Mr. Lang made a motion to sign the agreement. Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.**

Mr. McCormack noted that there was no bond report this month.

Ordinance discussions will be held next month.

Mr. McCormack advised that staff is in the process of setting up a meeting for the sound system—as the current system / setup is not working.

Mr. Kraus stated it is of his opinion that this board approach the commissioners and council and ask for money for a new sound system. He will be approaching the county commissioners at their next meeting, at Commissioner Little's suggestion.



Mr. McCormack advised there is an opening for a citizen member to be on the American Planning Association, Indiana chapter. Mr. McCormack asked that if any board member would be interested in participating, that he contact him.

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

Meeting adjourned at 8:45pm.

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Dennis Kraus, Jr, President

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Mark McCormack, Planning Director

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