

DEARBORN COUNTY PLAN COMMISSION MINUTES

Monday, January 22, 2018

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:

Russell Beiersdorfer

Jake Hoog

Dennis Kraus, Jr.

Eric Lang

Mark Lehmann

Jim Thatcher

John Hawley

Mark McCormack – Planning Director

Andrew Baudendistel – Attorney

Members absent:

Dan Lansing

Vacant citizen member position—*to be appointed by the County Commissioners*

B. ELECTION OF OFFICERS

Mr. Beiersdorfer made a motion to keep the officers the same, which would leave Dennis Kraus, Jr. as the President, Mark Lehmann as the Vice-President, and Mark McCormack as the Secretary.

Seconded by Mr. Jim Thatcher. All in favor. None opposed. Motion carried.

Mr. Hoog made a motion to keep Mr. Baudendistel as the appointed Plan Commission Attorney.

Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.

C. ACTION ON MINUTES

Mr. Beiersdorfer makes a motion to approve the December 18, 2017 Plan Commission minutes, as written. Seconded by Mr. Lehmann. 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:** Zone Map Amendment from an Industrial Three (I-3) to an Agricultural (A) Zoning District
- Applicant:** Tim Mara, Oxbow of Indiana, Inc.
- Site Location:** SE of US 50 and East of I-275, adjacent to I-275 and the Great Miami River
- Legal:** Sec. 1 & 12, T5, R1, Map #'s 07-01, 07-12 (includes multiple parcel numbers)
- Township:** Lawrenceburg
- Zoning:** Industrial (I-3)

Mr. Mark McCormack presented the staff report and slide presentation. The Applicant is requesting to rezone approximately 347.68 acres from a Heavy Industrial (I-3) Zoning District to an Agricultural (A) District to preserve the use of these properties as wetlands, woodlands, conservation, and agricultural areas. The Applicant is requesting the Plan Commission to forward a favorable recommendation for the Zone Map Amendment to the Dearborn County Board of Commissioners, who will ultimately make the final decision on this request. The entire property is located in the floodway, which is regulated by the IDNR. The campground activities that were on much of the site previously (by the prior owner) were discontinued in the last year and are not intended to be re-established by Oxbow of Indiana, Inc. There are no significant utilities on the property and no anticipated development activities or planned improvements. There are 6 existing billboards scattered throughout the property along the interstate.

The Technical Review Committee met to discuss this application at its December 18, 2017 meeting. As this zone map amendment proposal involves no development activities or planned improvements—and due to the location of the site in the floodway—the Committee did not have any significant issues or concerns with this application as presented.

There were 12 letters that were mailed to interested parties; 8 of which had been delivered, 4 letters remained “in transit”. There were a couple of phone calls by adjoining, who had just asked for an explanation of the request. Once it was explained, there had been no concerns noted.

Mr. Beiersdorfer asked if the entire acreage being presented was currently zoned I-3.

Mr. McCormack stated that it was all zoned I-3, and there were no other zoning districts within the area.

There were no further questions from the board for Mr. McCormack.

Mr. Tim Mara, representative for Oxbow of Indiana, Inc. (a.k.a. Oxbow), addressed the Board. Oxbow has been working on acquiring this property for many years, and consistent with their plans, the members are requesting to rezone to agricultural to be able to conserve the property. Oxbow has been spending the last several months cleaning up the property with many volunteers. It will take years to complete a full cleanup of the site from the previous use of the property as a campground area. Mr. Mara stated that this rezone proposal represents a great use of the property, since the entire property is located in the floodway. Oxbow has plans on keeping the existing shelter that was built by the previous property owner. There are 6 billboards that are on the site and the Oxbow members are hoping that eventually the lease agreements will retire and they will be able to remove the billboards.

Mr. Jon Seymour, another representative of Oxbow of Indiana, Inc., addressed the Board. He estimates that it will take three years to clean the entire property. Oxbow will also be working on access for people to use the property for simple recreational purposes (that help with the conservation of the property).

There were no questions from the Board for the Applicant.

There was no public present, therefore the Board did not open the floor for public discussion.

Mr. Beiersdorfer believes this rezone should definitely be approved because of the area being completely in the floodway, and the property's best use would be conservation.

Mr. Beiersdorfer made a motion to forward a favorable recommendation to the Board of Commissioners. Seconded by Mr. Hawley. All in favor. None opposed. Motion carried.

G. ADMINISTRATIVE

Mr. McCormack discussed the new Board members and the rotation of Board members for the Plan Commission. Mr. Thatcher has taken the place of Kevin Lynch as one of the Board of Commissioners. He will also be replacing Art Little as the County Commissioners representative to the Plan Commission. County Council will also be replacing Dan Lansing with another Council member as their representative. Mr. McCormack noted that Council's next meeting will be held tomorrow so it has not yet been confirmed who will be replacing Mr. Lansing. Since Mr. Thatcher is now a County Commissioner, the Commissioners must appoint a new citizen member to the Plan Commission. Also, since Mr. Thatcher served on both Plan Commission and Board of Zoning Appeals, there will need to be another volunteer or the new member will need to serve both Boards (Plan Commission and BZA). Mr. Lehmann stated that if the new citizen member (to be appointed by the County Commissioners) would not be interested in serving both Boards, he would be willing to do so.

Mr. McCormack discussed the newly-created Finding of Fact forms for Rezones and Primary Plat applications. He noted that these forms would be attached to the applications for Plan Commission requests and the Board members would be able to use the forms and information provided by the Applicant to make their findings of facts for each case.

The Board did not have any issues with the forms, as drafted—so they will be put into use immediately moving forward.

Mr. McCormack discussed the draft, updated interlocal agreement with the Town of West Harrison. He noted that the funding from the Town would be increased to add staff assistance with creating a comprehensive plan for the Town. This would also include maintaining the document throughout the years of the agreement—as well as Zoning and Subdivision Control Ordinances. Mr. McCormack noted that the Town of West Harrison just appointed a new attorney; therefore, the agreement cannot be presented to Council until their new attorney has reviewed the agreement.

Mr. McCormack also discussed the hire of a new intern to help with work in the office and with other communities with interlocal agreements.

Mr. Beiersdorfer makes a motion to adjoin the meeting. Seconded by Mr. Lehmann. All in favor. None opposed. Motion carried.

Meeting adjourned at 8:23 p.m.

Dennis Kraus, Jr., President

Mark McCormack, Secretary
Planning Director