

DEARBORN COUNTY PLAN COMMISSION MINUTES

Monday, September 25, 2017

7:00 pm

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 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.

B. ROLL CALL –

Members present:

Jake Hoog

Mark Lehmann

Jim Thatcher

Dennis Kraus, Jr.

Dan Lansing

Russell Beiersdorfer

Eric Lang

Art Little

Mark McCormack – Planning Director

Andrew Baudendistel – Attorney

Members absent:

John Hawley

C. ACTION ON MINUTES

NO ACTION ON THE MINUTES.

D. OLD BUSINESS SCHEDULED TO BE RE-OPENED: NONE

E. OLD BUSINESS TO REMAIN TABLED: NONE

F. NEW BUSINESS

1. Request: Waivers from Article 3, Section 315c of the Subdivision Control Ordinance for the purpose of creating a non-conforming panhandle tract for building purposes.
- Applicant: JDJ Surveying & Engineering, LLC
 Owner: John Cox
 Site Location: 29559 Peppertown Road
 Legal: Sec. 3, T 7N, R 1W, Parcel # 15-01-03-500-028.002-006
 Township: Harrison
 Zoning: Agriculture (A) Size: 6.97 Acres

Mr. McCormack presented the staff report. The Existing Land Use, Zoning, Vicinity, and Site maps were shown to the board. The pictures taken of the proposed site, including the shared driveway access, were shown. There are no special requirements when it comes to driveway spacing and direct access, as Peppertown Road is classified as a local roadway. The Applicant’s proposal involves leaving a garage / storage structure on a 3.587-acre building tract, with a panhandle width of 19.8 feet—which is 10.2 feet deficient of the ordinance requirement—and a shared access easement across the adjoining property (which is intended to be family if the property sells as planned, in the near future). There is an alternative plan in place if this plan is not approved by the board, which can be better explained by the Applicant. The waiver requests are derived from Article 3, Section 315c and Article 1, Sec. 160 of the Dearborn County Subdivision Control Ordinance. Sight distances have not been provided by the Applicant (for the proposed driveway access area). There were several letters sent to adjoining property owners. 6 were delivered and 1 was not delivered prior to the meeting. A few phone calls were received from neighboring property owners, but no complaints.

Jeff Stenger, surveyor for JDJ Surveying & Engineering, approached the podium. The buyers / future owners of the property would like to sell the proposed 1.228-acre parcel located in the front (along Peppertown Road), and keep the garage structure on the proposed 3.587-acre building tract. One of the Applicant’s children lives on adjoining property and would like to move to the rear structure of the family’s property. The 19.8-foot wide panhandle to the proposed 3.587-acre tract is relatively flat panhandle, so a driveway could be put in if needed. The waiver request is to keep options open for future use(s). The Faxons are intending to purchase the (current) Owner’s property, which adjoins their own property, and they want all of the property attached and connected so they can sell the other property that they are wanting to give to their son. Mr. Stenger indicated that he thinks he only needs a waiver for the width of the proposed panhandle—not a second waiver regarding the 150-foot distance referenced

in Section 315c of the Subdivision Control Ordinance. Mr. Stenger noted that the garage needs a 5-foot minimum side setback. He stated that the septic system is about 8-9 years old. There were no other questions for Mr. Stenger.

Mr. McCormack came back to the podium. He clarified a few items related to the waiver requests and staff's current and previous interpretations of the flag-lot ordinance (Section 315c of the Subdivision Control Ordinance). He indicated that he has tried to be consistent with previous interpretations of the ordinances.

There were no further questions for Mr. McCormack.

Mr. Kraus opened up public discussion. There was no one present who desired to speak on this issue, so there was no public discussion. **Mr. Lang moved to close public discussion. Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.**

Discussion amongst the board. It was clarified that 2 waivers are needed, until the ordinance has been changed, given past staff interpretations and board actions.

Mr. Lang made a motion to approve the waiver request for the proposed panhandle width of 19.8 feet, as shown and presented. Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.

Mr. Lang made a motion to grant a waiver for the 150-foot required distance for the panhandle, as shown and presented. Seconded by Mr. Lehmann. All in favor. None opposed. Motion carried.

- | | | |
|----|---------------------|--|
| 2. | Request: | To make a determination regarding whether a resolution and an amendment proposal to the economic development plan for the West Aurora Tax Increment Finance (TIF) District area, as forwarded by the Dearborn County Redevelopment Commission, conform to the County's plans of development. |
| | Applicant: | Dearborn County Redevelopment Commission |
| | Site Location: | Parts of U.S. 50, Randall Ave., Cole Ln., Kerrisand Ave., Lindsay Ave., Marsh Road, Sherman Drive, and Chartom Cir. |
| | Sections: | Parts of 2, 3, 10, 11, and 14 |
| | Township #: | 4 |
| | Political Township: | Washington |
| | | Range: 2 |

Mr. McCormack presented the staff memo and showed slides of the TIF area, including the zoning, land use maps, floodplain maps, and vicinity maps of the area. The proposed economic development area plan is one of 3 plans being updated by Dearborn County Redevelopment Commission and One Dearborn. The plans for this, and the other economic development / TIF District areas need to be evaluated by the plan commission to see if they confirm with the Plan Commission's plans for development for the County, via the Comprehensive Plan and any other applicable planning documents.

The West Aurora TIF District area has no floodplain or floodway areas and is mostly zoned for industrial and commercial uses. Other issues that should be considered: recent zoning approvals, the applicable Indiana Code references, previous decisions regarding the West Aurora TIF District and its allocation areas.

There were no further questions for Mr. McCormack.

Jim Deaton, President of the Dearborn County Redevelopment Commission, approaches the podium. He noted that these plans have been updated so that they can reference more current information and recent trends, and so that certain actions can take place by the Redevelopment Commission moving forward that is not specifically outlined or referenced in the current plans. For example, if the Redevelopment Commission wants to provide incentives that were not in previous plans, purchase land, give land away, do bonding, help people develop by building access roads, and give financial support, the updated plans proposed for each TIF / economic development area will allow them to do so in a much better, easier manner. Mr. Deaton acknowledged that no boundaries of TIF are being changed, just the plan for the TIF economic development area. The Redevelopment Commission is trying to encourage development in the area. There are maps and other exhibits included with these plans. The amended plans are intended to allow for everything to be brought into conformance with the current law. The original plans were very limited and the Redevelopment Commission had to jump through hoops in order to get approval for what they wanted to do—and the TIF rules change every year. The Dearborn County Redevelopment Commission is requesting a resolution to be signed by the Plan Commission for this plan update and amendment.

The board asked Mr. Deaton some questions. In regards to the original TIF / economic development area plans (the Redevelopment Commission is not sure of who prepared them), anything the commission wanted to do, they had to either go to the County Council and / or the Plan Commission in order to obtain the necessary approvals. There were no further questions for Mr. Deaton.

To recap, the Plan Commission must adopt the resolution that acknowledges that the amended plan is in conformance with the County's current plans for development (such as the Comprehensive Plan and other planning documents) before the Redevelopment Commission is allowed to take it to the commission for their approval.

Mr. Beiersdorfer made a motion to adopt resolution 2017-2, which is the drafted resolution to adopt the economic development plan as amended and restated for the West Aurora economic development area / TIF District. Seconded by Mr. Lang. All in favor. None opposed. Motion carried.

3. Request: To make a determination regarding whether a resolution and an amendment proposal to the economic development plan or the St. Leon Tax Increment Finance (TIF) District area, as forwarded by the Dearborn County Redevelopment Commission, conform to the County's plans of development.

Applicant: Dearborn County Redevelopment Commission

Site Location: Parts of SR 1, Schuman Road, Sawmill Road, and Frey Road.

Section: Part of 14

Township #: 7

Range: 2

Political Township: Kelso

Mr. McCormack showed slides of the St. Leon TIF area, including the zoning, land use maps, floodplain maps, and vicinity maps of the area. As noted earlier, the proposed economic development area plan is one of 3 plans being updated by Dearborn County Redevelopment Commission and One Dearborn. The plans for this, and the other economic development / TIF District areas need to be evaluated by the plan commission to see if they confirm with the Plan Commission's plans for development for the County, via the Comprehensive Plan and any other applicable planning documents.

Issues to consider: applicable Indiana code references, recent zoning approvals, and previous decisions regarding the St. Leon TIF District and its allocation areas. Mr. McCormack noted that this area is one that the county has had fewest problems with, administratively.

Mr. Kraus raised the issue that the legal description that had been provided for this particular area was incorrect, as it contained land within the town of St. Leon.

Mr. McCormack speculated that the legal description was the same as the original description provided to the County before the TIF District and economic development area was formally created. The Town of St. Leon formed its own Redevelopment Commission to eliminate the area within the Town that would have been included within the St. Leon TIF District that eventually got adopted and approved through the County Plan Commission, Commissioners, and Redevelopment Commission.

Mr. Kraus indicated that the legal description would have to be corrected / updated to remove the Town area.

Ms. Andrea Ewan, attorney for the Redevelopment Commission, indicated that the Redevelopment Commission would update the legal description as necessary prior to the Redevelopment Commission's final hearing and action to amend and update the plan for this particular area.

There was no further discussion from board.

Mr. Little made a motion to move and adopt resolution 2017-3, which is the drafted resolution to adopt the economic development plan as amended and restated for the St. Leon economic development area / TIF District, with the amendment that is has an updated, correct legal description and map shown. Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.

- | | | |
|----|---------------------|--|
| 4. | Request: | To make a determination regarding whether a resolution and an amendment proposal to the economic development plan for the West Harrison Tax Increment Finance (TIF) District area, as forwarded by the Dearborn County Redevelopment Commission, conform to the County's plans of development. |
| | Applicants: | Dearborn County Redevelopment Commission |
| | Site Location: | Parts of Harrison-Brookville Rd., US 52, SR 46, Longnecker Road, Moore Drive, Johnson Fork Road, Peppertown Road, Ziegler Blvd., Reiner Drive, East Drive, Stout Road, McQueen Rd., Sheldon St., Esther St. |
| | Section: | Parts of 3, 4, 10, 11, 12, 13, 14, 15 |
| | Township #: | 7 |
| | Range: | 1 |
| | Political Township: | Harrison |

Mr. McCormack showed slides of the West Harrison TIF area, including the zoning, land use maps, floodplain maps, and vicinity maps of the area. As noted earlier, the proposed economic development area plan is one of 3 plans being updated by Dearborn County Redevelopment Commission and One Dearborn. The plans for this, and the other economic development / TIF District areas need to be evaluated by the plan commission to see if they confirm with the Plan Commission's plans for development for the County, via the Comprehensive Plan and any other applicable planning documents. The West Harrison TIF Area has had some problems administratively, as the parcel listing and boundaries provided originally were not correct and were not in conformance with State and local rules. The existing zoning in this area is primarily industrial and commercial, with some areas being agricultural, and with a considerable floodplain area along the Whitewater River. There were no further questions for Mr. McCormack.

Mr. Kraus indicated that he needed to review the legal description for this area to make sure if it is adequate / correct. He acknowledged that referencing parcel numbers as part of the description was not an acceptable practice, a parcels and ownership change.

Ms. Andrea Ewan, attorney for the Redevelopment Commission, reiterated that the Redevelopment Commission would update the legal description for this or any of the other TIF District areas as necessary prior to the Redevelopment Commission's final hearing and action to amend and update the economic development plan for this particular area.

Mr. Lang made a motion to move and adopt resolution 2017-4, which is the drafted resolution to adopt the economic development plan as amended and restated for the West Harrison economic development area / TIF District, pending a review and correction (if necessary) of the final legal description of the TIF. Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.

G. ADMINISTRATIVE

- **Proposed Changes to the Fee Schedule** (including legal ad fee adjustment, zoning verification letters, and zoning verification inspection fees): No update given. This will be discussed at a future, upcoming meeting.

- **2018 Budget Review**-There were no questions from Council about the general budget but Mr. McCormack had to explain how the interlocal with Aurora is set up again (for the 5th time). He is unsure if the agreement is in jeopardy, given some of Council's apparent questions and concerns. There was no communication about this item prior to the budget hearings—and Mr. McCormack has not heard back from anyone on Council or from the Auditor's Office since the budget hearings. Mr. McCormack will keep the board, and the City Manager (who Mr. McCormack has spoken with) posted.
- **Interlocal agreement with the Town of Dillsboro (Update)**- Mr. McCormack noted that the agreement was recently approved by the commissioners and has been recorded.
- **Tiny homes and Airbnb/VRBO Discussions**: No update given. This will be discussed at a future, upcoming meeting.
- **Financial Guarantee Report (Update)**- No update at this time.
- **Staff Changes (Update)**- Hired Annalee Cochran (Administrative Assistant). A Part-time Code Enforcement Officer should be hired within the next week or so, following interviews.

There will at least be an October working meeting with the board.

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

Meeting adjourned at 9:35 pm.

Dennis Kraus, Jr., President

Mark McCormack, Secretary
Planning Director