

MINUTES
DEKALB COUNTY PLAN COMMISSION
Wednesday, August 16, 2017

The Regular Meeting of the DeKalb County Plan Commission was called to order at 7:00 P.M. in the Commissioner's Court of the DeKalb County Courthouse by President Tim Griffin.

ROLL CALL:

Members Present: Tim Griffin, Sandra Harrison, Jerry Yoder, Frank Pulver, Randall Deetz, Sarah Delbecq, and Elysia Rodgers.

Members Absent: Mike Kline, Bill VanWye

Staff Present: Plan Commission Attorney David Kruse, Director/Zoning Administrator Chris Gaumer, Assistant Director Dawn Mason & Secretary Caeli Hixson

Community Representatives Present: Mike Benbow

Public in Attendance: Michael Slentz, Darlene Crawford, Todd Bauer

The Pledge of Allegiance was led by the President.

APPROVAL OF MINUTES:

Motion was made by Sarah Delbecq and seconded by Jerry Yoder to approve the July 19, 2017 minutes. Motion carried.

CONSIDERATION OF CLAIMS:

Motion was made by Sandra Harrison and seconded by Frank Pulver to accept the July claims as presented for \$12,449.04. Motion carried.

ELECTION OF SECRETARY:

Karen Bassett has resigned. Caeli Hixson has been selected as her replacement. Motion to appoint Caeli Hixson as Secretary of the Plan Commission was made by Randall Deetz and seconded by Jerry Yoder.

NEW BUSINESS:

A public hearing was conducted pursuant to proper legal notice.

Petition #17-21 – Darlene Crawford requesting to rezone the property from C2, Neighborhood Commercial to A2, Agricultural. The property is located at 2784 County Road 47, Waterloo, Indiana.

Chris Gaumer, Director, briefly explained that Mrs. Crawford was seeking a rezone for purposes of refinancing her home. Mr. Gaumer also stated that the rezoning would conform to the future land use map and that there would be no changes to the current uses which comply with the Comprehensive Plan.

Mr. Griffin asked if there were any questions from the Board Members.

Sarah Delbecq asked if the future land use on the map provided was current. Mr. Gaumer stated that it was. She asked when the property was rezoned as C2, Mr. Gaumer stated that it was zoned as C2 in 2009. She asked if current C2 properties were to be rezoned as A2, who would be

responsible for the rezoning, the owners or the board? Mr. Gaumer stated that eventually they would like to do staff initiated rezones but it is currently up to the property owners to get the property rezoned.

Mr. Griffin asked Mrs. Crawford if she had any comments or questions.

Darlene Crawford, property owner, stated that she was unaware of the zoning until she attempted to refinance her home. She is seeking an approval on a rezone for refinancing purposes.

Mr. Gaumer read a letter that was in support of the rezone on Mrs. Crawford's property from Bill and Amy Buchs, adjoining land owners, stating that they have no objections and in fact, favor it.

Mr. Griffin asked if there were any other questions. There were none.

David Kruse noted that the zoning staff has made a recommendation to approve the rezone.

JURISDICTIONAL FINDINGS:

- 1. The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.**

- a. Application completed and filed on 7/12/17*
- b. Legal notice published in The Star on 8/4/17*
- c. Certificate of mailing notices sent and receipts given to staff. Yes*
- d. Report from the County Board of Health, dated 7/31/17*
- e. Report from the County Highway Department, dated 7/18/17*
- f. Report from the County Surveyor or Drainage Board, dated 7/18/17*

UDO & STATUTORY MATTERS TO CONSIDER:

- 1. Is the change in zoning in harmony with the Comprehensive Plan?**

Yes, the subject site has a Future Land Use Map (FLUM) designation of Mixed Agricultural/Rural Residential. The proposed zoning district is compatible with this FLU designation.

Mixed Agricultural/Rural Residential

Mixed Agricultural/Rural Residential is land that is developed with agricultural land as well as single-family residential units. Usually these lots range from less than 5 acres to 20 acres in size. Some of the single family homes are for the farm owner while others are for people wishing to live in the rural county.

- 2. Do the current conditions and the character of current structures and uses in each district adapt to the proposed zoning?**

Yes, the existing development in the area is a mix between single family residential home sites and agricultural practices. The purpose of the Neighborhood Commercial (C2) district is for uses associated with the shopping, service and family needs of adjacent or local residential areas that are typically smaller shops or businesses serving a localized area. For a single family home to be built or for one to be expanded in this district, the owner would be required to go to the Board of Zoning Appeals for a Use Variance or Special Exception. By changing the zoning district to A2 Agricultural, the use would be permitted as well as other residential/agricultural type uses that are seen in this area.

3. Is the change in zoning consistent with the most desirable use for which the land in each zoning district is adapted?

Yes, the most desirable use for this property is residential/agricultural and other uses permitted in the A2, Agricultural zoning district due to the property location within the County.

4. Will the change in zoning help with the conservation of property values throughout the jurisdiction?

Yes, the property values of the area shouldn't be disturbed considering the zoning would be going from a more intense commercial zone of C2, Neighborhood Commercial to a low/moderate residential/agricultural zone of A2, Agricultural. This will also provide better compatibility of uses in the area and less problems with development standards for the residences that are currently in the area.

5. Does the change in zoning promote responsible growth and development?

Yes, the rezoning would be promoting principle L.5.1 (page 30 of the Comprehensive Plan) which states: "Discourage development in predominantly agricultural areas that impedes farming practices." As stated before, the C2, Neighborhood Commercial district is not compatible with agricultural uses. Thus by rezoning these properties to A2, Agricultural the Plan Commission will be eliminating the possibility of incompatible uses being next to each other, which protects the residents in the area from possible negative impact from uses permitted in the C2, Neighborhood Commercial district and the development standards to property values.

CONDITIONS OF APPROVAL:

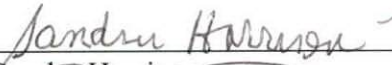
1. There was a pre-existing development and no further conditions are needed

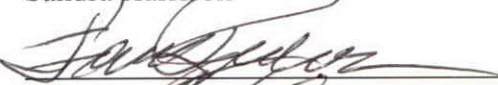
IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS ZONE MAP AMENDMENT, PETITION # 17-21, FOR DARLENE CRAWFORD, IS HEREBY CERTIFYING A FAVORABLE RECOMMENDATION TO THE COUNTY COMMISSIONERS ON THIS 16th DAY OF AUGUST, 2017.


Motion made by Sandra Harrison and Seconded by Jerry Yoder. Motion carried.

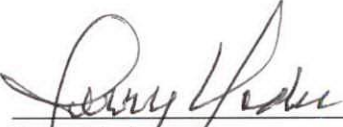
Vote tally: Yes: 7 No: 0



Timothy Griffin

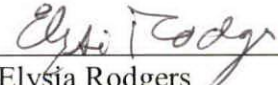

Sandra Harrison


Frank Pulver


Randall Deetz


Jerry Yoder


Sarah Delbecq


Elysia Rodgers

Petition #17-22 –Michael Lynn Slentz requesting a minor 1 lot subdivision. The property is located on State Road 1 just South of County Road 20, Butler, Indiana and is zoned A1, Conservation Agricultural.

Dawn Mason, Assistant Director, read the report into the record. Mrs. Mason gave a brief description of the split. The South two parcels, which would have been the remaining land after lot 1 was split out and the adjoining parcel below that, were merged so as to meet the standards on the required road frontage thus eliminating a variance and the need for further conditions to be met.

Mr. Griffin asked if there were any questions from the Board Members. There were none.

Mr. Griffin asked if Mr. Slentz had any comments or questions.

Todd Bauer, with Foresight Consulting, spoke on behalf of the petitioner, Michael Slentz. Mr. Bauer stated that they were simply requesting a recommendation of approval for a 1 lot subdivision with further intentions of it becoming a home sight.

Mr. Griffin asked if there were any further questions. There were none.

JURISDICTIONAL FINDINGS:

1. The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

- a. Application completed and filed on 5/19/2017*
- b. Legal notice published in The Star on 8/1/2017 and affidavit given to staff.*
- c. Certificate of mailing notices sent and receipts given to staff. Yes*
- d. Letter from the County Board of Health, dated 5/24/2017*
- e. Letter from the County Highway Department, dated 5/19/2017*
- f. Letter from the County Surveyor or Drainage Board, dated 7/21/2017*
- g. Airport Board report, if applicable N/A*
- h. Plat prepared by ForeSight Consulting*
- i. The real estate being developed is in Zoning District A1 which permits the requested development.*

FINDINGS OF FACT - UDO REQUIREMENTS:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?

Yes, the minor subdivision will be used for residential purposes, which is compatible to the existing and adjacent land use.

2. Does the Minor Subdivision conform to the following UDO standards:

- a. Minimum width, depth & areal of lot(s)*
- b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.*
 - *Adequate access off State Road 1.*
- c. The extension of water, sewer & other municipal services, if applicable or required. Or private septic system and water YES.*
- d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. YES*

Yes, all applicable standards conform to the UDO requirements.

CONDITIONS OF APPROVAL:

STANDARD CONDITIONS TO BE RECORDED ON OR WITH THE PLAT:

- a. This lot shall be included in any subdivision arising from any further development of the land involved. However, there is no intention that any terms, conditions or restrictions on a future plat would have any retroactive applicability to this division of land.
- b. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
- c. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on this site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
- d. The appropriate agricultural covenants shall be on the plat.
- e. The appropriate drainage covenants shall be on the plat.

CONDITIONS THAT WILL NOT BE RECORDED BUT MUST BE MET:

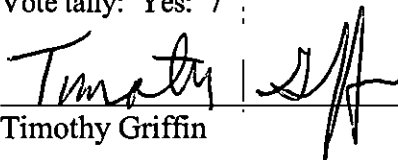
- a. Comply with the Board of Health Report of 5/24/2017, the County Highway Department Report of 5/19/2017, the County Drainage Report of 7/21/2017, and subject to the terms and conditions set forth in any of said reports, and access to building site and residential structure shall be over the driveway approved by the Highway Department for the respective lot.
- b. Comply with Staff Report.
- c. Comply with any applicable Environmental standards as required in Article 5, 5.11; EN-01, in Unified Development Ordinance.
- d. Comply with any Flood Plain Management Ordinance.
- e. Comply with any wetland laws and regulations, where applicable.
- f. Provide covenant if needed for compliance with Airport Board Requirements. *N/A*
- g. Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS MINOR SUBDIVISION PETITION # 17-22, FOR SLENTZ ACRES IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 16th DAY OF AUGUST, 2017.

Motion made by Randy Deetz and Seconded by Elysia Rodgers. Motion carried.

Vote tally: Yes: 7

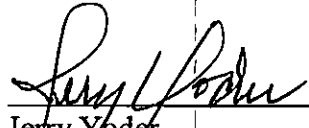
No: 0


Timothy Griffin


Sandra Harrison


Frank Pulver


Randall Deetz


Jerry Yoder


Sarah Delbecq


Elysia Rodgers

OLD BUSINESS:

A public hearing was conducted pursuant to proper legal notice

Petition #17-16 – Text Amendment – Subdivision Standards

Mr. Gaumer stated that this petition was tabled in June of 2017. He has since met with Plan Commission attorney David Kruse and researched surrounding counties' policies for exempt divisions. Mr. Gaumer briefly explained the revisions of specific text change that were of concern before. Mr. Kruse asked Mr. Gaumer to go over bulletin #8 under Article J., Exempt Division of Land.

Mr. Deetz was questioning the response time of other departments in regards to their approval of any divisions of land. Mr. Gaumer stated that they would have 10 days to review the application and he assured that there would be follow up of any departments who did not respond within a timely manner but that they would still be required to give their approval just like they do now.

Mr. Kruse asked what would happen if a department refused to cooperate and Mr. Gaumer stated that it would be held until the approval was received. Mr. Kruse asked what would happen if an exemption was denied. Mr. Gaumer explained that the decision could be appealed or it would be brought to the Plan Commission.

There was a brief introduction by Mr. Gaumer on the possibility of a Plat Committee.

Mrs. Delbecq asked if notifying the adjoining land owners on a decision was to be done only if there was a Plat Committee and Mr. Gaumer stated that was correct.

Mr. Gaumer also pointed out the revision on recording deadlines, to be more consistent with neighboring counties, to be changed from 120 days to 6 months for plat approvals.

Mr. Gaumer also introduced a sample copy of what the exempt approval form would look like. He stated that the form would also be recorded with the survey and that if this is approved, letters would be sent out to surveyors informing them of these changes. The approval form getting recorded also helps with tracking of properties.

Mrs. Delbecq asked if any surrounding counties did anything different as far as the public notice. Mr. Gaumer said no, most of them allow for exemptions and/or are doing something similar.

Mr. Gaumer advised that if they felt that it was not going smoothly they would put a halt to it and revise again.

Mr. Griffin asked if anyone had any questions or comments. Mr. Bauer stated that he felt like it would be beneficial for all sides because it would cut down time and simplify the processes.

There was a brief discussion on potential future revisions of components of the UDO that need to be addressed.

Mr. Griffin asked if there were any questions or concerns. There were none.

JURISDICTIONAL FINDINGS:

1. **The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.**

- a. *Petition filed on 4/25/2017*
- b. *Legal notice published in The Star on 6/12/2017*

UDO AND STATUTORY MATTERS TO CONSIDER:

1. **Is the change in text in harmony with the Comprehensive Plan?**

Yes, the proposal makes it easier to function and implement the Comprehensive Plan.

2. Is the change in text consistent with the current conditions and the character of current structures and uses in each zoning district?

Yes, the proposal makes it easier to function and implement the Comprehensive Plan.

3. Does the change in text help with the most desirable use for which the land in each zoning district is adapted?

Yes, it makes it clearer.

4. Will the change in text promote the conservation of property values throughout the jurisdiction?

Yes, the efficient residential growth is the driving force for rural land values

5. Will the change in text promote responsible growth and development?

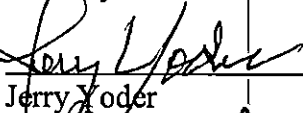
Yes, the proposal is orderly and responsible.

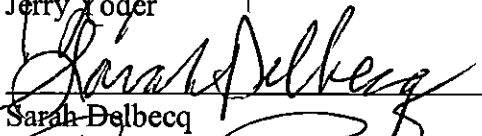
IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS TEXT AMENDMENT, PETITION # 17-16, FOR SUBDIVISION STANDARDS, IS HEREBY CERTIFYING A FAVORABLE RECOMMENDATION TO THE COUNTY COMMISSIONERS ON THIS 16th DAY OF AUGUST 2017.

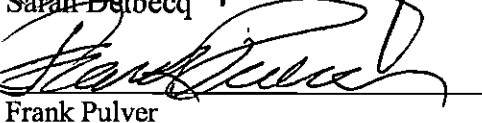
Motion made by Sandra Harrison as favorable and Seconded by Frank Pulver. Motion carried.

Vote tally: Yes: 7 No: 0

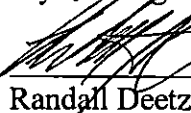

Timothy Griffin

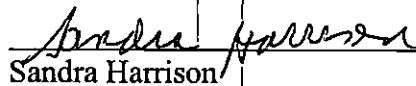

Jerry Yoder


Sarah Delbecq


Frank Pulver


Elysia Rodgers


Randall Deetz

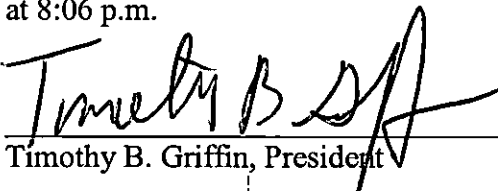

Sandra Harrison

REPORTS FROM OFFICERS, COMMITTEES, STAFF OR TOWN/CITY LIAISONS:

Mr. Deetz reported that Waterloo met to rezone a corner lot on U.S. 6 and State Road 427 from residential to commercial due to an interest in someone purchasing the lot.

Mr. Pulver reported that Garrett did not meet this past month.

There being no further business to come before the Plan Commission, the meeting was adjourned at 8:06 p.m.


Timothy B. Griffin, President

Mike Kline, Vice President