

MINUTES
DEKALB COUNTY PLAN COMMISSION
Wednesday, November 15, 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, Frank Pulver, Bill Van Wye, Jerry Yoder, Elysia Rodgers and Sarah Delbecq.

Members Absent: Mike Kline, Randall Deetz

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

Community Representatives Present: Mark Benbow

Public in Attendance: Ruth Patterson, Richard Sowers, Leanne Roe, Colleen Bigelow, George Henry, Mark Henry, Greg Roberts

The Pledge of Allegiance was led by the President.

APPROVAL OF MINUTES:

Motion was made by Bill Van Wye and seconded by Sandra Harrison to approve the October 18, 2017 minutes. Motion carried.

CONSIDERATION OF CLAIMS:

Motion was made by Sandra Harrison and seconded by Jerry Yoder to accept the October claims as presented for \$14,604.71. Motion carried.

OLD BUSINESS:

NEW BUSINESS:

A public hearing was conducted pursuant to proper legal notice.

Petition #17-26 - Martha Thompson and Leanne Roe requesting a minor 2 lot subdivision. The property is located on County Road 64 between County Road 35 and County Road 39, Auburn, Indiana and is zoned A2, Agricultural.

Dawn Mason, Assistant Director, read the report. She noted that on the Staff Report there was an error stating that the property was located on CR 36 and that it should be CR 64. All legal documents however, had the correct address for the subject site.

Mr. Griffin asked if there were any questions for staff.

There were none.

Leanne Roe stated that she wanted to build a house.

Mr. Kruse asked if it would be standard stick construction. She said yes.

Mr. Kruse made clarification that she was wanting to build on Lot 2. There is an existing structure already on Lot 1.

Mr. Pulver asked if she was going to build one house on the 24 acre tract. She said yes.

Mr. Pulver asked if the land was all agriculture. Mrs. Roe stated that it was and that this was the last year farming the grounds.

Mr. Griffin asked if there were any further questions for the petitioner.

There were none.

Mr. Griffin asked if there were any members from the audience with comments or objections.

There were none.

Mr. Griffin closed the public hearing.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **9/5/17**
2. Legal notice published in The Star on **11/2/17** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff. **YES**
4. Letter from the County Board of Health, dated **10/30/17**
5. Letter from the County Highway Department, dated **9/20/17**
6. Letter from the County Surveyor or Drainage Board, dated **9/15/17**
7. Airport Board report, if applicable **AC-7**
8. Plat prepared by **LOJEK Survey Company**
9. The real estate being developed is in Zoning District **A2** 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. Additionally, all surrounding land is A2.

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 CR64.*
- c) *The extension of water, sewer & other municipal services, if applicable or required. Or private septic system and water N/A.*
- 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, 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.

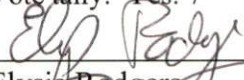
CONDITIONS THAT WILL NOT BE RECORDED BUT MUST BE MET:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with any floodplain management ordinance.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant if needed for compliance with Airport Board requirements.
6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. And further, where applicable, file written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

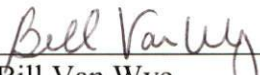
IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION, THOMPSON FARM ADDITION, PETITION # 17-26, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 15TH DAY OF NOVEMBER, 2017.

Sandra Harrison made motion to approve Petition #17-26, seconded by Bill Van Wye.


Vote tally: Yes: 7 No:



 Elysia Rodgers



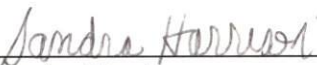
 Bill Van Wye



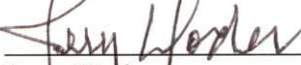
 Frank Pulver



 Sarah Delbecq



 Sandra Harrison



 Jerry Yoder



 Timothy Griffin

Petition #17-27 – Lisa Schilling requesting the vacation of a 1 lot subdivision. The property is located on County Road 40A just east of County Road 39, Auburn, Indiana and is zoned A2, Agricultural.

Mrs. Mason read the report.

Mr. Griffin asked if there were any questions for staff.

There were none.

The petitioner was absent. There was no representation. Mr. Gaumer advised that the Rules of Procedure stated that the petition may be tabled until the following regular scheduled meeting or

be dismissed at the discretion of the Commission. The Commission decided to hear the petition since it was a plat vacation, unless there were any pertinent questions that arise and cannot be answered.

Mr. Griffin asked if there were any members from the audience with comments or objections. George Henry, who owns surrounding property, said he was not opposed to it, he just wants to know exactly where it was going to be. Mrs. Mason showed Mr. Henry the map from the staff report and explained that they were just going to vacate the plat and that nothing would be being built and there would be no changes.

Mr. Griffin asked if there were any other audience members with comments or objections. There were none.

Mr. Griffin closed the public hearing.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **9/19/17**
2. Legal notice published in The Star on **11/1/17** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff and notice to each land owner in the Plat being vacated. **YES**
4. Letter from the County Board of Health, dated **10/30/17**
5. Letter from the County Highway Department, dated **10/16/17**
6. Letter from the County Surveyor or Drainage Board, dated **N/A**
7. Pursuant to I.C. 36-7-4-711 the Plan Commission has exclusive control over vacation of Plats or parts of Plats. Provided the County Commissioner's approval is also needed for vacation of public ways, streets or alleys. See I.C. 36-7-3-12.
8. The Zoning District is **A2 – Agricultural**
9. Is the vacation in harmony with the Comprehensive Plan of the County? **YES**
10. Has the petition met the following requirements as stated in the UDO 9.25 F.2.(a) (b) & (c) and I.C.36-7-4-711(b):
 - Properly stated the reasons for and the circumstances prompting the request:
Yes No _____
 - Specifically described the property in the plat proposed to be vacated:
Yes No _____
 - Given the name and address of every other owner of land in the plat:
Yes No _____
 - What covenants of record does Petition seek to vacate [I.C. 36-7-4-711(c)]?
All recorded with original plat
 - Have all land owners of the Plat been given an opportunity to comment [I.C. 36-7-4-711 (e)]?
Yes No _____
 - No objections were made.

FINDINGS OF FACT (UDO SECTION 9.25 H(4)(A) & IC 37-7-4-711(F) (1-3)

1. Have conditions in the platted area been changed so as to defeat the original purpose of the plat?

Yes, the platted lot is no longer intended to be as a buildable lot.

2. Is it in the public interest to vacation all or part of the plat?

Yes, the plat is in an agricultural district with the intent to be put into classified forest.

3. The value of the land in the plat not owned by the Petitioner will not be diminished by the vacation:

The entire platted subdivision is solely owned by the petitioner.

In event of a protest, the remonstrator, needs to show evidence of the following grounds in UDO Article 9.25 H(3) *No protest made.*

- a. The vacation will not hinder the growth or orderly development of the unit or neighborhood in which it is location or which it is contiguous. UDO Article 9.25 (H)
- b. The vacation will not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. UDO Article 9.25 (H)
- c. The vacation will not hinder the public access to a Church, School or other Public Building or Place. UDO Article 9.25 (H)
- d. The vacation will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous. UDO Article 9.25 (H)

CONDITIONS IMPOSED BY PLAN COMMISSION I.C. 36-7-4-711 (G):

1. Are there any drainage covenants?

None.

2. Are there any land use conditions?

None.

3. There is not an adverse effect on the public health, convenience, safety, morals or general welfare:

None.

COMMITMENTS:

1. Does Petitioner make any commitments?

N/A

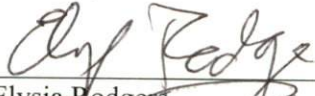
RECITAL - RECORDATION:

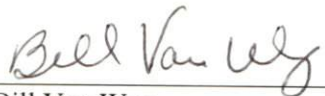
1. According to the UDO, a copy of this decision shall be filed with the DeKalb County Recorder's Office so that the Plat Vacation is made of record. The instrument for recording shall be approved by the County Attorney. Recordation to be done within sixty (60) days of when the Zoning Administrator deems any applicable conditions have been met.
2. Zoning Administrator will determine when conditions are met before recording of plat.

IT IS THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT PLAT VACATION, PETITION # 17-27 FOR SMOKEY BEAR WOODS LOT 1, RE-PLAT IS APPROVED ON THIS 15TH DAY OF NOVEMBER, 2017.

Sandra Harrison made motion to approve Petition #17-27, seconded by Elysia Rodgers.

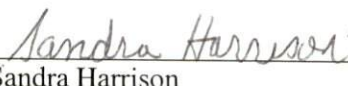
Vote tally: Yes: 7 No:

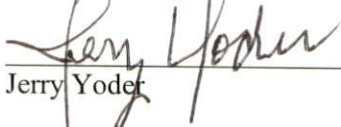

Elysia Rodgers


Bill Van Wye


Frank Pulver


Sarah Delbecq


Sandra Harrison


Jerry Yoder


Timothy Griffin

Petition #17-28 - Richard and Elizabeth Sowers requesting a 2 lot subdivision. The property is located on County Road 68 and County Road 27, Auburn, Indiana and is zoned A2, Agricultural. Mrs. Mason read the report.

Mr. Griffin asked if there were any questions for staff.

Mr. Kruse asked what the total acreage was. Mrs. Mason said there were 2 lots, each at 24.749 acres.

Mr. Griffin asked if there were any other questions for staff.

There were none.

Greg Roberts, representing the Sowers, stated that the owners were wanting to sell off the 2 lots as buildable because they are moving to Florida.

Mrs. Mason noted that there were some potential wetlands but that they can be reviewed and changed. However, based on soil bearings there would be no building near those potential wetlands.

Mr. Roberts said that the owners felt that they could sell the land easier if they made it buildable first.

Mr. Yoder asked why they only decided to split the 50 acres in half rather than make it dense. Richard Sowers, owner, said that because there was already one split out of the parent tract that they can only have 2 more splits per the requirements and that's why they only split the land into 2 lots and not more.

Mr. Griffin asked if there were any members from the audience with comments or objections.

There were none.

Mr. Griffin closed the public hearing.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on 9/26/17
2. Legal notice published in The Star on 11/2/17 and affidavit given to staff.

3. Certificate of mailing notices sent and receipts given to staff. **YES**
4. Letter from the County Board of Health, dated **11/3/17**
5. Letter from the County Highway Department, dated **10/12/17**
6. Letter from the County Surveyor or Drainage Board, dated **10/19/17**
7. Airport Board report, if applicable **N/A**
8. Plat prepared by **Donovan Engineering, Inc.**
9. The real estate being developed is in Zoning District **A2** 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 _____ CR27 _____.*
- c) *The extension of water, sewer & other municipal services, if applicable or required. Or private septic system and water _____ N/A _____.*
- 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, 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:

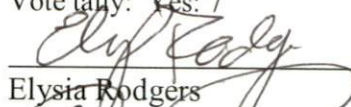
1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with any floodplain management ordinance.
4. Comply with any wetland laws and regulations where applicable.


- 5. Provide covenant if needed for compliance with Airport Board requirements.
- 6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. And further, where applicable, file written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION, STAGHORN ESTATES, PETITION #17-28, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 15TH DAY OF NOVEMBER, 2017.

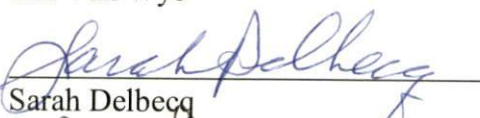
Jerry Yoder made motion to approve Petition #17-28, seconded by Sandra Harrison.

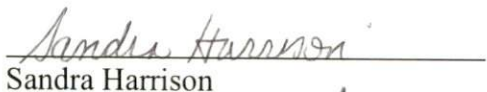
Vote tally: Yes: 7 No:

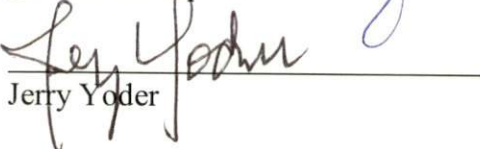

Elysia Rodgers

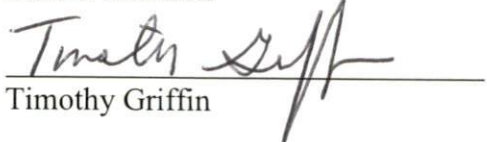

Bill Van Wye


Frank Pulver


Sarah Delbecq


Sandra Harrison


Jerry Yoder


Timothy Griffin

Rules of Procedure – Mr. Gaumer went over the proposed changes that were made to the Rules of Procedure.

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

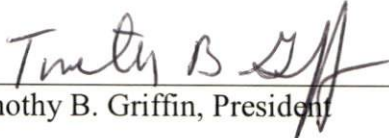
Mr. Gaumer announced the date and time for “Planning in a Diverse & Developing County: Livestock” which is a workshop/education session. He stated that it is not about Confined Feeds. It will be from 9 a.m. to (no later than) 2 p.m.

Mr. Gaumer shared the calendar for 2018.

Sandra Harrison reported that Hamilton is looking into making a section for tiny homes along the lake with sewer and water.

Mr. Benbow stated that the city approved a 75 lot subdivision at the corner of CR 427 and CR 34. He also said that the vacation of 13th St. did not get approved for the McKenney Harrison parking lot. There will also be a hotel put in by Home Depot.

There being no further business to come before the Plan Commission, the meeting was adjourned at 8:05 p.m.



Timothy B. Griffin, President



Bill Van Wye, Vice President