

MINUTES
MEETING OF DEKALB COUNTY PLAN COMMISSION
Wednesday, October 19, 2022

The Regular Meeting of the DeKalb County Plan Commission was called to order at 7:01 p.m. in the DeKalb County Commissioner's Court by Sarah Delbecq.

ROLL CALL:

Members Present: Sarah Delbecq, Sandra Harrison, Jerry Yoder, Jason Carnahan, Mike Watson, Frank Pulver, Elysia Rodgers, Bill VanWye, and Suzanne Davis

Members Absent: Michelle Lassiter

Staff Present: Plan Commission Attorney Andrew Kruse, Zoning Administrator and Director Chris Gaumer and Alicia Shackelford, Secretary

Community Representatives Present: Don Myers (Auburn)

Public in Attendance: John Dillingham, Lynda Carper, Linda Blakesley, Kent Whan, Rick Patterson, Angela Holt, Bryan Provines, Sara Provines, Andrew Provines, Parker Moore, Terry Rosenbury, and Doug Reinesch

The Pledge of Allegiance was led by President, Sarah Delbecq.

APPROVAL OF MINUTES:

Motion was made by Mike Watson and seconded by Jason Carnahan to approve the July 5, 2022 minutes. Motion carried.

APPROVAL OF CONSIDERATIONS:

Motion was made by Jason Carnahan, seconded by Sandra Harrison to approve July, August, and September 2022. Considerations of Claims for \$94,087.15. Motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

Petition: # 22-40 John & Amy Dillingham and Tim & Jenni Crager requesting a Zone Map Amendment from I3 – Heavy Industrial to A2 – Agricultural. The properties are located at the northwest corner of County Road 61 and County Road 34, Butler

Chris Gaumer read the report.

Sarah Delbecq asked if there are questions or comments from the members.

Bill Van Wye asked if the rezone is needed to build a new home. And if there was industrial use around the property now.

Chris Gaumer explained that if the property remained zoned as I3, rebuilding the home due to loss of fire, tornadoes, etc. would not be permitted. Also mortgage companies would not offer loans and insurance companies may not cover losses.

John Dillingham stepped up to the podium to answer any questions. He stated that the Cragers were interested in rezone. The Dillingham family use the property for recreation and don't have plans to develop the property for residential.

Sarah Delbecq asked for further questions or comments from the public or from Plan Commission. There were none.

Sarah Delbecq closed the public hearing.

Attorney Andrew Kruse reviewed the Findings with Members:

JURISDICTIONAL FINDINGS:

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 **August 3, 2022**
2. Legal notice published in The Star on **October 7, 2022** and Publishers Affidavit given to staff
3. Certificate of mailing notices sent and receipts given to staff.
4. Report from the County Board of Health, dated **August 9, 2022**
5. Report from the County Highway Department, dated **August 3, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 3, 2022**
7. Report from the County Surveyor, dated **August 3, 2022**

UDO & STATUTORY MATTERS TO CONSIDER:

1. Is the change in zoning in harmony with the Comprehensive Plan?
The subject site has a Future Land Use (FLU) designation of Industrial Use. The proposed zoning district is not necessarily compatible with this FLU designation but the designation does not limit the Zoning Districts that can be located within it.
2. Do the current conditions and the character of current structures and uses in each district adapt to the proposed zoning?
The existing development surrounding the area is Agricultural and Single Family Residential
3. Is the change in zoning consistent with the most desirable use for which the land in each zoning district is adapted?
The proposed zoning district is desirable in this area.
4. Will the change in zoning help with the conservation of property values throughout the jurisdiction?
The property values of the area should not be disturbed negatively considering the adjacent uses.
5. Does the change in zoning promote responsible development and growth?
In changing the zoning of the property to A2, Agricultural, the Plan Commission will be promoting the desired use for the land.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

The recommendation from staff is to give a favorable recommendation to the County Commissioners for the requested Zone Map Amendment.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS DEVELOPMENT PLAN, PETITION #22-40, JOHN & AMY DILLINGHAM AND TIM & JENNI CRAGER, IS HEREBY GRANTED APPROVAL ON THIS 19TH DAY OF OCTOBER 2022.

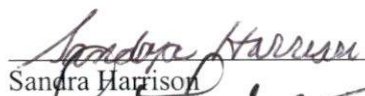
Motion made by Bill VanWye, Seconded by Sandy Harrison

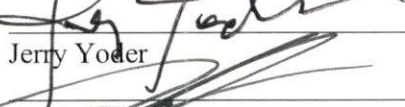
Vote tally: Yes: 8 No: 0


Sarah Delbecq

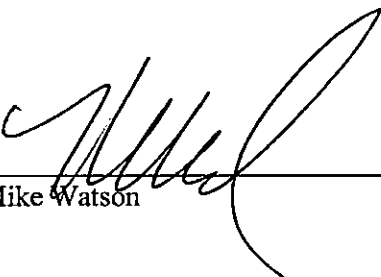
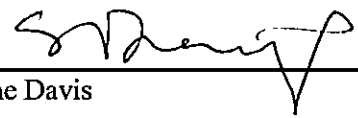

Frank Pulver


Bill VanWye


Sandra Harrison


Jerry Yoder


Jason Carahan


Mike Watson
Suzanne Davis

Petition # 22-41 Charles F. Jr. & Linda Blakesley requesting a Zone Map Amendment from C2 – Neighborhood Commercial to R1 – Low Density Residential. The property is located at 1221 State Road 8, Auburn, Indiana

Chris Gaumer read the report.

Sarah Delbecq asked if there are questions or comments from the members.

Bill Van Wye asked if the total acres was 0.8 acres and if the property has Garrett sewer and water.

Chris Gaumer answered in the affirmative. The property is not on Garrett sewer or water.

Jason Carnahan asked if this would be the same as the previous petition in regards to the rebuilding if not rezoned.

Mr. Gaumer answered in the affirmative.

Frank Pulver asked when the home was built.

Mr. Gaumer stated 1986.

Linda Blakesley stepped up to the podium to answer any questions. There were none.

Sarah Delbecq asked for further questions or comments from the public.

Don Myers asked about the septic system failing and if another septic system could be put on the property or connect to sewer.

Mr. Gaumer answered that the City of Garrett could connect via the mobile home park to the south.

Sarah Delbecq asked for further questions or comments from the public or from Plan Commission. There were none.

Sarah Delbecq closed the public hearing.

Attorney Andrew Kruse reviewed the Findings with Members:

JURISDICTIONAL FINDINGS:

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 **September 12, 2022**
2. Legal notice published in The Star on **October 7, 2022** and Publishers Affidavit given to staff
3. Certificate of mailing notices sent and receipts given to staff.
4. Report from the County Board of Health, dated **September 28, 2022**
5. Report from the County Highway Department, dated **September 12, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 13, 2022**
7. Report from the County Surveyor, dated **September 13, 2022**

UDO & STATUTORY MATTERS TO CONSIDER:

1. Is the change in zoning in harmony with the Comprehensive Plan?
The subject site has a Future Land Use (FLU) designation of Commercial Use. The proposed zoning district is not necessarily compatible with this FLU designation but the designation does not limit the Zoning Districts that can be located within it.

2. Do the current conditions and the character of current structures and uses in each district adapt to the proposed zoning?
The existing development to the north is residential while to the south is commercial. This change in zoning will be consistent with the properties to the north and will remain residential.
3. Is the change in zoning consistent with the most desirable use for which the land in each zoning district is adapted?
The proposed zoning district is desirable for this property and the area.
4. Will the change in zoning help with the conservation of property values throughout the jurisdiction?
The property values of the area should not be disturbed negatively considering the adjacent uses.
5. Does the change in zoning promote responsible development and growth?
In changing the zoning of the property to R1, Low Density Residential, the Plan Commission will be promoting the desired use for the land.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

The recommendation from staff is to give a favorable recommendation to the County Commissioners for the requested Zone Map Amendment.


IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS DEVELOPMENT PLAN, PETITION #22-41, CHARLES JR. & LINDA BLAKESLEY, IS HEREBY GRANTED APPROVAL ON THIS 19TH DAY OF OCTOBER 2022.

Motion made by Bill VanWye, Seconded by Jerry Yoder

Vote tally: Yes: 8 No: 0

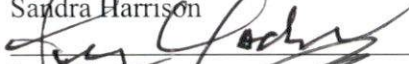

Sarah Delbecq


Frank Pulver

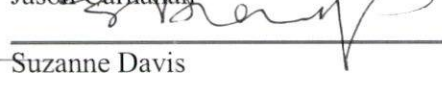

Bill VanWye


Mike Watson


Sandra Harrison


Jerry Yoder


Jason Carnahan


Suzanne Davis

Attorney Fee Agreement 2023: Chris Gaumer & Andrew Kruse reviewed the agreement with the Plan Commission for the Plan Commission & Board of Zoning Appeals. Motion was made by Mike Watson to approve the Attorney Fee Agreement for 2023. Motion was seconded by Jason Carnahan. All voted in favor of the motion.

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

Court Case Updates:

Joel Yoder Case – Attorney Andrew Kruse reviewed the case with members. \$6,175 remaining in judgement payments. Mike Watson made a motion to cease to pursue action on the contempt of court and renew lien for judgement payment at 10 years. Jason Carnahan seconded. All voted in favor.

Laura Lawhead Case – Attorney Andrew Kruse reviewed the case with members. The violation fine of \$7,500 may be paid through the sale of properties owned by the Lawheads. The delay in this case is due to the estate of Laura Lawhead in the courts.

Mike Watson gave an update on Auburn developments.

COMMENTS FROM PUBLIC IN ATTENDANCE:

Andrew Provines, CR 75, explained that he was guided to attend today's meeting to speak regarding the Solar Ordinance and requesting that the Ordinance for Solar Panels be reopened. Mr. Provines asked for information on the Overlay requirements and not a rezone requirement; setback information; some requirements in the ordinance do not take care of residents.

Mr. Gaumer stated the Plan Commission gives recommendations to the County Commissioners and any request to amend the text of the ordinance would need to be sponsored by a member of the Plan Commission or County Commissioners.

Sarah Delbecq and Andrew Kruse gave information on how to go about revising the ordinance and what is needed for the Plan Commission to review.

Andrew Kruse explained that the Committee is open to hear what the public has to say.

Terry Rosenberry, CR 44, spoke against the solar panels and how she feels it will affect her surrounding farm.

Angela Holt, CR 19, addressed concerns/questions regarding the solar ordinance and the overlay and development plan process and public hearing process. She also questioned nuisance prevention for sounds, lighting and glare, the landscape buffers around the solar panel fields, as well as the bond of decommissioning and the disposal of the panels.

Mr. Gaumer explained the process for Commercial Solar Energy Systems overlay and development plan. He further explained that the ordinance has requirements for some of her concerns.

Andrew Provines returned to the podium with comments/questions regarding the solar panel landscape buffers; property taxes and tax abatements.

Mr. Gaumer, Mike Watson & Sarah Delbecq answered his concerns regarding a landscape buffer that offers "complete screening" of the panels. Tax abatements are approved by the County Council/County Commissioners and the Plan Commission. Taxes are based on use of the property and not zoning.

Doug Reinesch, CR 60, commented he will have to sell his home & leave the county and will take a 'hit' due to solar panel field(s).

Frank Pulver and Mike Watson asked the acreage of a solar project by the property and stated that no development plan is submitted.

Andrew Provines stated the acreage of solar projects that he had information on.

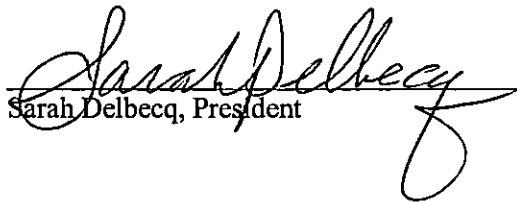
Parker Moore, CR 61, commented/questioned putting solar panel fields on/next to manufacturing or disturbed property and how do the solar panel fields affect property values.

Mike Watson, Frank Pulver and Jason Carnahan stated that DeKalb County is not developing any solar projects; cannot legally tell an existing company to develop solar on the property; property owners have the right to develop their property legally at its highest value.

Bryan Provines, CR 75, commented on solar development; property owner rights; setbacks; requirements to make it more difficult for solar to be developed. Mr. Provines stated "keep us from going pitch forks and torches and look out for each other" and protect the residents.

Sarah Delbecq asked if there was any further questions or comments from the public or members. There were none.

The meeting was adjourned at 8:18 p.m.


Sarah Delbecq, President


Secretary, Alicia Shackelford