

DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

Planning: 260.925.1923 • Building: 260.925.3021 • GIS: 260.927.2356 • Fax: 260.927.4791

AGENDA

DeKalb County Plan Commission

Commissioners Court – 2nd Floor DeKalb County Court House

Wednesday, September 18, 2024

5:00 PM

To view the livestream, click here: <https://tinyurl.com/YouTubeDCPC>

1. Roll call
2. Pledge of Allegiance
3. Prayer
4. Approval of Minutes: August 28, 2024
5. Consideration of Claims: August 2024

Payroll	\$21,167.74
Equipment GIS	\$86.00
Lassus	\$253.16
Mileage – Jhace Sleeper	\$78.50
OKI Planning Conference Registration	\$320.00
Shepherds	\$69.95
Tireville	\$655.20
USPS – Postal Machine Refill	\$100.00
Verizon	\$117.06
WestWood Car Wash	\$6.00
TOTAL:	\$22,853.61

6. Old Business: None
7. New Business:

Petition #24-32 – Ernie Vance requesting a Zone Map Amendment of approximately 0.36 acres from C1, Village Commercial to C2, Neighborhood Commercial. There is no development plan proposed for this property at this time. The properties are located at and around 1032 US Highway 6, Corunna, Indiana.

Petition #24-33 – Brian Rothgeb, applicant, Westrick LLC, property owner, requesting a Plat Vacation of Lot 3 in Rotondo Estates. The purpose of the vacation is to add this property into a new 14 Lot subdivision. The properties are located at the northwest corner of County Road 17 and County Road 66, Auburn, Indiana.

Petition #24-34 – Brian Rothgeb, applicant, Westrick LLC, property owner, requesting a Zone Map Amendment of approximately 58 acres from A2, Agricultural to RE, Rural Estate. The purpose of the Zone Map Amendment is to allow a 14 Lot subdivision. The properties are located at the northwest corner of County Road 17 and County Road 66, Auburn, Indiana.

Petition #24-35 – Brian Rothgeb, applicant, Westrick LLC, property owner, requesting a Conventional Subdivision known as Rotondo Estates, Section II. This subdivision will be a

total of 14 lots and will be used for single-family residences. The properties are located at the northwest corner of County Road 17 and County Road 66, Auburn, Indiana.

8. Reports from Officers, Committees, Staff or Town/City Liaisons
9. Comments from Public in Attendance
10. Adjournment

No Meeting in October

**If you cannot attend, please contact Meredith Reith
mreith@co.dekalb.in.us | (260) 925-1923**

***PLEASE ENTER THROUGH THE NORTH DOOR OF
COURTHOUSE LOCATED ON SEVENTH STREET.**

****No cellphones, tablets, laptops, or weapons are permitted.**

MINUTES
DEKALB COUNTY PLAN COMMISSION
Wednesday August 28, 2024

The Special Meeting of the DeKalb County Plan Commission was called to order at 6:00 p.m. in the DeKalb County Commissioner’s Courtroom by Plan Commission President, Jason Carnahan

ROLL CALL:

Members Present: Jason Carnahan, William Hartman, Sandra Harrison, Tyler Lanning, Suzanne Davis, Angie Holt, Elysia Rodgers, Jerry Yoder and Frank Pulver.

Members Absent: William Van Wye

Staff Present: Plan Commission Attorney Andrew Kruse, Director/Zoning Administrator Chris Gaumer, and Secretary Meredith Reith

Community Representatives Present: Mike Makarewich

Public in Attendance: Johnathon & Jessica Shull, Karl & Erin Reith, Alexzandra Reith, Grant Reith, Sandy Carnahan, Claramary Winebrenner, Nicole Steury, Andrew Provines, Jacob Snodgrass, Linda Snodgrass, Chris & Judy Krafft, Caramee Crabill, Robert Wilder, Sara Shull, Melvin Steury, Derek & Kelly Brown, Jessica Harty, Chad & Allision Carnahan, Clay Carnahan, Ricky Houser, Brent Houser, John Crunk, Karen Crunk, Isaac Witmer, William & Sherrill Miles, Rene Hammitt, Randy and Terry Houser, Kellen Dooly, Cary Brent Warfield, Beth Holman, Jeff Tuttle, Angela Provines, Kelly Kneller, Todd Goings, Sara Provines, Bryan Provines, Lynn Reinhart, Todd Treesh, Jared Malcolm, Janet Provines, Michael Wellman, Curtis Nordick, Jacqui Kitchen, Tina Krafft, Kathryn Bassett, and Scott Forti.

PLEDGE OF ALLEGIANCE:

Jason Carnahan led The Pledge of Allegiance.

PRAYER:

Jerry Yoder led in prayer.

APPROVAL OF MINUTES:

Motioned by Sandra Harrison to approve the July 17, 2024 meeting minutes. Seconded by Suzanne Davis. None opposed. Motion carried.

CONSIDERATION OF CLAIMS:

Jason Carnahan inquired about any comments, questions, or motions to approve July 2024 claims, totaling \$26,928.31.

Angie Holt motioned to approve claims seconded by William Hartman. None opposed. Motion carried.

OLD BUSINESS: None

NEW BUSINESS:

Before the petition Jason Carnahan asked the board if the September 18 meeting could be changed to 5 p.m. or 6 p.m. Chris Gaumer would like to see the meeting to be held earlier with more petitions coming forward. The board agreed to have the meeting scheduled for 5 p.m. instead of 7 p.m.

Petition #24-27 – Thalassa Energy Project LLC requesting an Amendment to the Commercial Solar Energy Overlay District. The purpose of the amendment request is for the inclusion of properties in the CSES Overlay District per Article 03, Section 3.13 B(1)(a) & (b) of the DeKalb County Unified Development Ordinance. The underlying Zoning District will not be amended, and this is not a request for a Development Plan Application. The properties are generally located south of County Road 40, east of County Road 51, north of State Road 8, and west of State Road 1, Butler, Indiana.

Mr. Carnahan went through the proposed petition explaining how the meeting would be conducted. He stated that this requested application is to have properties located in the CSES Overlay District and is not a Development Plan. The properties currently involved in the amendment would only apply and do not include any other solar projects. The Plan Commission hasn't seen a Development Plan for this project nor has one been submitted.

Mr. Gaumer stated the process of the meeting before reviewing the staff report. He stated where the proposed CSES overlay boundaries would be and that there are currently zero acres which are part of the overlay district. This is the first step to a commercial solar energy systems project. For this amendment, the Plan Commission is required to give a favorable, unfavorable, or no recommendation to the County Commissioners. The Commissioners will then adopt or reject the Plan Commission's recommendation. The County Commissioners will hold their public hearing on September 9th at 9 a.m. and the public is welcome to attend. He welcomed any questions from the board for him or the representatives.

Mr. Carnahan asked if there were any questions amongst the board. There were none. He invited the representative from Thalassa Solar to come and give their presentation.

Jacqui Kitchen approached the podium she thanked the Plan Commission for reviewing and considering Thalassa Solar's application. She introduced her team Curtis Norfolk and Michael Wellman. She outlined what Lightsource BP developments consist of in the United States. She stated that as a land use planner by trade she understands the community's input to have a strong development code for solar. However, over the last year it has appeared evident that the solar project will not be easy for them to build in DeKalb County in the foreseeable future. As evidenced by the recent denial of the EDF Sculpin Project and as Mr. Gaumer pointed out no projects have made it through this point of the process. The Thalassa project having similar design attributes may not be feasible. With this we are evaluating the intent to fund this project in the future. When Lightsource submitted their application, they intended to receive direct feedback from the board. If the application is recommended for denial, we intend to stop development. Understanding that this decision will need to be finalized. We are not opposed to the decision being finalized. Addressing that her and her team are here to answer any question that the board may have.

Jerry Yoder asked if the power generated would be used for SDI or where would it be going?

Ms. Kitchen outlined how the project works when the power is generated. She stated that the power that is generated will be directed into the grid. It will be up to the utility to determine where the power will go. Not directly benefiting SDI or any landowner, it would go directly to the grid.

Suzanne Davis asked where the panels are sourced from?

Ms. Kitchen stated that we source from all over the world. Having business partners throughout Southeast Asia and a majority are sourced here in the United States.

Angie Holt asked if the scope of the project intent goes beyond the outlined A2 areas that are requested in the solar overlay. Would the I2 or I3 industrial areas become part of the project?

Ms. Kitchen stated that just the parcels outlined there within the project boundaries would be where the panels and related infrastructure would be placed.

Mr. Gaumer added that if they would get to the Development Plan phase and we would recognize that there's more area, they would have to come back and request additional area in the overlay district. Mrs. Holt stated if it was I2 or I3 they wouldn't be required to have a solar overlay. Mr. Gaumer stated that it is required for any zoning district except we exclude open space and parks being allowed to have an overlay district.

Mr. Yoder confirmed that when a Development Plan is submitted that is when they will find out where the transfer station and equipment will be located. Ms. Kitchen answered yes.

Frank Pulver inquired if any other solar projects are in Indiana.

Ms. Kitchen stated that there are projects located throughout Indiana. The closest project is the Honeysuckle project located in St. Joseph County. They have just completed construction and will be coming online. The Bellflower Solar in Rush and Henry counties have operations taking place for about a year now.

Mr. Carnahan asked if there was any more discussion or input amongst the board before we open the public portion of the hearing to comments for and against.

Mr. Gaumer stated that when the Sculpin Solar project was brought forward it was about 1,800 acres as proposed. Thalassa has proposed half of what they did at 872 acres.

Mr. Carnahan explained the process for the public hearing. There will be a total of 30 minutes for those speaking for or against. A 15-minute time frame each way with a maximum of three minutes per person. He opened the public comment to those wishing to speak in favor of the project first.

Kerry Brent Moorefield approached the podium to ask a question regarding the panels. He questioned when Ms. Kitchen stated that the panels came from First Solar and where they were produced before then. He wanted to know where in Southeast Asia the panels are sourced. Mr. Gaumer stated that he will make note of the questions to be answered.

William Miles approached the podium to speak in favor of the petition. He stated his opinions regarding solar power and to his understanding solar is the best renewable system to have in this area. Understanding that people don't want the solar in the field across from them. With probably 90% of those residences being located directly around the farm ground. He addressed that property taxes are higher for farmers without some additional income. He indicated that the proposed solar project is only temporary, and the contracted land will return to farm ground at the end of the agreed upon term.

Mr. Carnahan addressed that if anyone else would like to speak in favor of the project to come forward. Seeing none, he announced for those wishing to speak against the project to come forward.

Jessica Shull approached the podium to speak against the petition. She thanked the board members for taking the time to speak. She noted that this is not about view it's about more than that. We talk about property rights but if you build a house, you must have it permitted. You must have permits for digging a pond, placing your mailbox, and if you want to run a commercial business out of your home. She addressed her concerns about why solar is unreliable, decreases property values, and is not the most efficient use of agricultural land. She mentioned that nothing has changed since opponents spoke against the Sculpin project. We are still looking at decreased property values and not the best use of land. She indicated that why would we replace the most efficient way of producing food with the most inefficient way of producing power. Not aligning with the underlying zoning regulation and giving foreign control over our land and our power. She addressed why things need to stay local and keep American control over these things. Asking that we don't make decisions that don't align with zoning, that cost are citizens by depreciating property values, and that will hurt the cultural and heritage of DeKalb County.

Andrew Provines approached the podium to speak against the petition. He wanted to reiterate again that nothing has changed since Sculpin was in the community. We still have input and followers against these projects from the community. He stated that at the beginning of this process there wasn't that much information regarding these solar companies. More information and research are available to see what's happening with these industrial solar projects. He addressed his concerns regarding the ordinance of the five questions that will be asked, referring to the Comprehensive Plan. He stated that the most preferable use of the land is farming. A solar farm is not agricultural but industrial solar. Not being responsible for the development of growth.

John Crunk approached the podium to speak against the petition. He addressed that everyone has property rights. You have the right to do what you want with your own property. The problem is that it will affect the next-door neighbor. He stated that his residence is the property located directly west of SDI. The

small area not highlighted is his residence and will be surrounded on four sides. Addressing that he was approached by a representative from Thalassa. They wanted to be able to grant an easement across his property. He read the contract to the board and explained what the easement would consist of. He stated his concerns that if they are serious about going forward with this project, they need to meet with the neighbors whose land will be impacted. He asked the board to consider this when making their vote.

Nicole Steury approached the podium to speak against the petition. The original project was on both sides of her home. At some point the project decreased in size and no one knows why. She explained why this is an inconsistent company not communicating with the people that have committed to leases and the ones that live next to the proposed projects. She addressed her concerns about a British company owning land in DeKalb County. She discussed the Comprehensive Plan as to what it states regarding the future success of the County. The Plan Commission has been established to regulate development that's consist to the general welfare of the residents.

Jessica Harty approached the podium to speak against the petition. She addressed her concerns regarding the Inflation Reduction Act to solar. What will happen to these companies when they are defunded? She added that in the ordinance there's an opportunity for them to put in a bond. Being no guarantee if they're foreign companies coming in. The federal government has stated that most Solar's not reliable without our taxpayer dollars. Adding that we don't really know how to recycle solar panels.

Mr. Carnahan stated that there's still time if someone would like to speak against the project. Hearing none.

Mr. Gaumer stated that he would like Jacqui Kitchen to come up before public comment ended to address the questions that were heard. Where is First Solar located? What is Southeast Asia considered?

Ms. Kitchen approached the podium to address the two questions. She stated that First Solar is a manufacturing company in Toledo Ohio. Most of the panels we receive are from First Solar. Others that we our contracted with are based out of the Philippines and Malaysia.

Mrs. Davis asked Ms. Kitchen how much property will be owned by Thalassa and what percentage will be leased?

Ms. Kitchen stated that she didn't have the exact numbers. She believed it to be 50/50 but probably 40% owned vs leased. She added that if this project doesn't move forward, and with this project being an LLC through Lightsource BP we would continue to own the land. We would look at our options to sell it like any other landowner. Whether or not a solar developer could buy it is to be determined or another landowner could. If this project doesn't go forward our associated interconnection position to plug into the grid would expire. There would not be much value in another solar company coming along and purchasing that property.

Mr. Gaumer stated that we received 35 letters addressed to the Plan Commission. They received the copies of the letters on Tuesday. He read the names and the date of who they were received from into the record. Stating that the letters received today will be added into the final meeting packet.

Mr. Carnahan announced that the public portion of this petition was concluded. We will now give more time for discussion amongst the board.

William Hartman stated that he read all the letters that were received. The residents took their time writing these letters. Stating that he had to agree with them. When we went through this first project with the overlay he wasn't really in agreement. Addressing that this is not the proper way for industrial solar to be developed. He stated that they need to go through the same process as any other industrial or commercial developer would. An overlay is too broad in his opinion and not the proper process to bring forward.

Tyler Lanning stated to go along with Mr. Hartman's concerns. Being his first time going through a solar project. It brought forward a lot of these main points that were supposed to be addressed. Being an

overlay, it's supposed to be an exception to the zoning that's there. He stated his concerns as to why it's hard for him to validate and support these leaving questions unanswered. Maybe if all these concerns could be addressed properly. It would make him feel better that everything is being done correctly. He stated not being against solar or alternative energy options being supportive of all those involved.

Mrs. Holt stated that she viewed the sites proposed before the meeting took place. As she drove around, she observed the homes that would be covered on four sides and multiple others that would be covered on two sides. She addressed that 99% of the properties were productive farm ground. The only property that could meet these requirements would maybe be the property on CR 55 adjacent to SDI. The rest was what the Comprehensive Plan has envisioned for the county with the rural setting and abundance of farm ground. She addressed her concerns about the perimeter location being spread out around more homes. It's impacting more neighboring properties making it all the worse for that area of the community.

Sandra Harrison stated that the location is the right place around SDI. She added that this is the only real place that solar fits.

Mr. Hartman expressed that SDI generates income, solar will cost tax dollars and increase electric bills.

Mr. Lanning stated that he would like it more if solar wasn't being subsidized by the government. When talking about taxes and the income value it's hard to know what it must present. With it being subsidized it can't stand alone as its own program. Being favorable if it was a stand-alone project.

Mrs. Harrison stated that right now things are being subsidized more.

Mrs. Davis added to Mrs. Harrison's comment that things are being subsidized and we don't have any control as to what will happen regarding the tax. She agreed that this is a much better place for the solar to go. She addressed more as to why solar would be suitable to be in this location.

Mrs. Holt said that we aren't necessarily looking for a less terrible place to put these and really the taxes are unrelative. As a Plan Commission that's outside our scope and we need to base our opinion on the five questions presented before us.

Mr. Carnahan inquired if the board members had any further questions or comments. Seeing none, he asked Andrew Kruse to review the Findings of Fact.

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 8, 2024**.
2. Legal notice published in The Star on **August 15, 2024** 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 – **not applicable**
5. Report from the County Highway Department, dated **August 20, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 12, 2024**.
7. Report from the County Surveyor, dated **August 19, 2024**.

UDO AND STATUTORY MATTERS TO PAY REASONABLE REGARD TO:

1. The Comprehensive Plan?
2. Current conditions and the character of current structures and uses in each zoning district?
3. The most desirable use for which the land in each zoning district is adapted?
4. The conservation of property values throughout the jurisdiction?
5. Responsible growth and development?

Angie Holt explained her motion for an unfavorable recommendation to the County Commissioners.

Comments amongst board:

Mr. Pulver asked Mr. Hartman when you say that the process being down now is not the way it should be done. What is the proper way?

Mr. Hartman stated that would be rezoning. Mr. Pulver asked if we would rezone all the properties. Mr. Hartman stated that from what he understands yes.

Mr. Pulver asked how it was handled when SDI was put there. Was it rezoned?

Mr. Gaumer stated that this has been a discussion often. The reason an overlay was allowed is because with an SDI project the land is never going to revert to agriculture. From what we know about solar projects when it's decommissioned in 30-40 years the land will revert back to agriculture. There's not much information regarding this process and if the ground will be productive afterwards. He addressed why an overlay would be in place. Once the solar projects are decommissioned the overlay goes away and the land reverts to the original land it was. He explained why a rezone wouldn't be a good fit for these projects.

Mr. Pulver asked if the overlay was established in the Comprehensive Plan.

Mr. Gaumer stated that is not in the Comprehensive Plan. What's established in an overlay is addressed in the ordinance. The UDO establishes these districts. He stated what the overlay district as been established to do:

1. Add development standards
2. Reduce development standards
3. Add uses
4. Reduce uses
5. Any combination of the above

He asked if going the overlay district route is something the Plan Commission wants to have. Needing to define in the UDO how you would want an overlay district to work. Are you wanting them to add uses or just reduce uses or are we just not wanting overlay districts at all. Having them go through a zoning district change instead. By adding industrial zoning, you would open the district to more than just solar. He stated that if this is something the Plan Commission wants to see done you need to have discussion. This will be a good topic for discussion when we do the Comprehensive Plan and as to how the zoning ordinance needs to change to reflect the views of the citizens of the county.

Mr. Pulver stated his opinion regarding renewable energy being at a point as the only option. Not knowing the right or wrong way to approach this, not being for or against solar. We are running out of choices. A non-participating landowner has rights like anyone else but at the end of the day something must change.

Mr. Yoder stated maybe we should investigate something more efficient. With something that is only 15% efficient when it's running. That 15% will not get you much. There's going to be other types of energy that will come in.

Mrs. Holt stated that as a Plan Commission when we look at the new Comprehensive Plan, we need to look at having the idea of maybe small nuclear reactors. Needing to get community input for what this will look like in the plan.

Mr. Gaumer stated that he has inquired about information from Purdue University regarding nuclear reactors. No one knows how big there supposed to be to produce enough energy to be profitable. When these companies are coming, they must be profitable with whatever renewable energy source they bring forward. He stated that the district was created without more community input. He stated that it was like

when confined feeding standards were discussed. There were meetings taking place to establish standards that would protect the neighboring properties. Not until the second or third meeting is when the community came out against the standards. Addressing that the Plan Commission needs to make sure they're informing the community about what is taking place during our meetings.

Mrs. Davis stated that she has been watching the Commissioners meetings. Hearing about the chicken barns. To her it seems that there's going to need to be discussion about the farms coming forward.

Mike Makarewicz stated that we are not necessarily a legislative body. So, if the applicant follows the directions, he feels being on the City of Auburn's Plan Commission some of these questions need to be taken care of by a legislative body. He addressed his concerns regarding how the process should take place when voting on a project. We shouldn't necessarily vote regarding our feelings but if they meet all the standards applied. He asked if overlays were popular in other counties?

Mr. Gaumer stated that he would have to look at the study provided by Purdue Extension for all twenty-nine counties on Solar, Wind, and CAFO's in Indiana. To his understanding probably 75% vs 10-15 make them go to the BZA or zoned industrial use. The overlay is used due to being able to convert back to what it originally was.

Mr. Lanning stated that it's not fair to say that we voted with our feelings, and they followed all these rules. The motion clearly stated how they went against these five questions. He can't really prove that the conservation of properties values throughout the jurisdiction won't be affected negatively. Like the gentlemen clearly stated before, he will be surrounded on four sides of his residence. Something like this could have been addressed. It just needs to be done in the right way and proved effective. He would like more data showing the efficiency that's unbiased. Like when the gentlemen stated the solar company wanting to buy him out of his residence. He received one notice about it the contract and that was it. With the income to make they could easily have offered him fair value to buy him out. He stated that when you get into some of these other issues this makes him still hesitant. It would still be beneficial to the ones that own the land but could still affect the neighboring properties. Any company going through this process needs to make sure they check all the boxes. Don't give us a reason to say no. He thought more could have been done and better communication to get it through.

Mr. Makarewicz stated that he agreed with Mr. Lanning and there's no right or wrong. He believes in the process to go through. But how prepared were they when they came into this meeting. With them having other projects in other counties and states you would have thought they would have heard these questions before. Part of him agrees they came in unprepared, just needing more details. Hoping they will learn from this and move on.

Mr. Pulver addressed that this is why he asked if there were other projects in Indiana. Talking about both projects that are apparently operating. To him that should have been her opportunity to step up another level and could have done better for herself and us.

Mrs. Davis stated that she believed Ms. Kitchen had no intention of this being favorable. She just wanted it to be formalized. Mr. Pulver stated that he got that in her opening speech.

Mr. Yoder stated that if the solar company would come in and start leasing properties that would be okay. But when a foreign company comes in and starts buying ground that's a red flag for him. Mr. Lanning added that he agreed but he doesn't really want to discriminate something of zoning for that reason. He didn't want to mention that but on a personal level he wouldn't want a foreign company to own land in DeKalb County.

Mr. Kruse stated that it's better not to. It's okay to acknowledge these topics from a political level. Further addressing why, it would okay to discuss pwhat is going on with renewable energy.

Mr. Carnahan stated that these are discussions that can be heard leading up to the Comprehensive Plan rewrite and how to handle laying these out in the future.

COMMENTS/QUESTIONS FROM THE PUBLIC IN ATTENDANCE:

Lynn Reinhart approached the podium thanking everyone for the opportunity to speak. Listening to the conversation that took place. Wishing that more conversation could of took place before or prior to when the motion was made. He addressed when the conversation switched from solar to livestock you need to look at all these projects for what they are.

Mr. Carnahan stated that no one else was in attendance.

ADJOURNMENT:

Jason Carnahan adjourned the meeting at 7:50 p.m.

President – Jason Carnahan

Secretary – Meredith Reith

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 24-32
Date Application Filed: 3/16/2024
Fee Paid: 300
Cash

Application for Amendment to Zone Map (Rezone) (Section 9.06)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: Ernest Vance
Address: 11114 Crested Oak Ct
Fort Wayne IN 46845
Telephone Number: 260-908-3908 E-Mail: EVANCEPLUS3@Yahoo.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: _____
Address: _____
Telephone Number: _____ E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____
Address: _____
Telephone Number: _____ E-Mail: _____

Legal Ad Payment & Public Hearing Notifications: Applicant Owner Representative

Existing Zoning Classification of Property: C1-Village Commercial

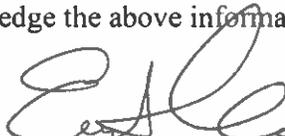
Proposed Zoning Classification of Property: C2-Neighborhood Commercial

Address or Legal description of property:
US Le parcel #'s = 25-05-04-201-015
25-05-04-201-016

Percentage of Property Owners Included: 100%

Statement or reason for the request for a Zone Map Amendment:
Rezone requested for construction trade / Salon

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: 
(If signed by representative for applicant, state capacity)

This staff report is prepared by the DeKalb County Department of Development Services to provide information to the Plan Commission to assist them in making a decision on this application. It may also be useful to members of the public interested in this application.

SUMMARY FACTS:

PROPERTY OWNERS: Ernest Vance
SUBJECT SITES: 1032 US Highway 6, Corunna
REQUEST: Zone Map Amendment
EXISTING ZONING: C1, Village Commercial
PROPOSED ZONING: C2, Neighborhood Commercial
SURROUNDING LAND USES AND ZONING: North: Welding Fabrication Shop (I2 – rezoned in 2024 from C1 & R2)
South: Single-Family Residential (R3)
East: Single-Family Residential & Farm Ground (C1)
West: Liquor Store (C2 – rezoned in 2012 from C1)

ANALYSIS:

The information provided in this staff report has been included for the purpose of reviewing the proposed zone map amendment (rezoning). Since the rezoning process does not require a site plan, there may be additional requirements placed on the property through the Technical Review and/or Development Plan process to address development regulations, if required.

The request is to rezone approximately 0.36 acres from C1, Village Commercial to C2, Neighborhood Commercial at 1032 US Highway 6, Corunna, Indiana. See Location Map.

The purpose of the rezone is to allow for a construction trade office for a roofing business and salon.

LOCATION MAP:

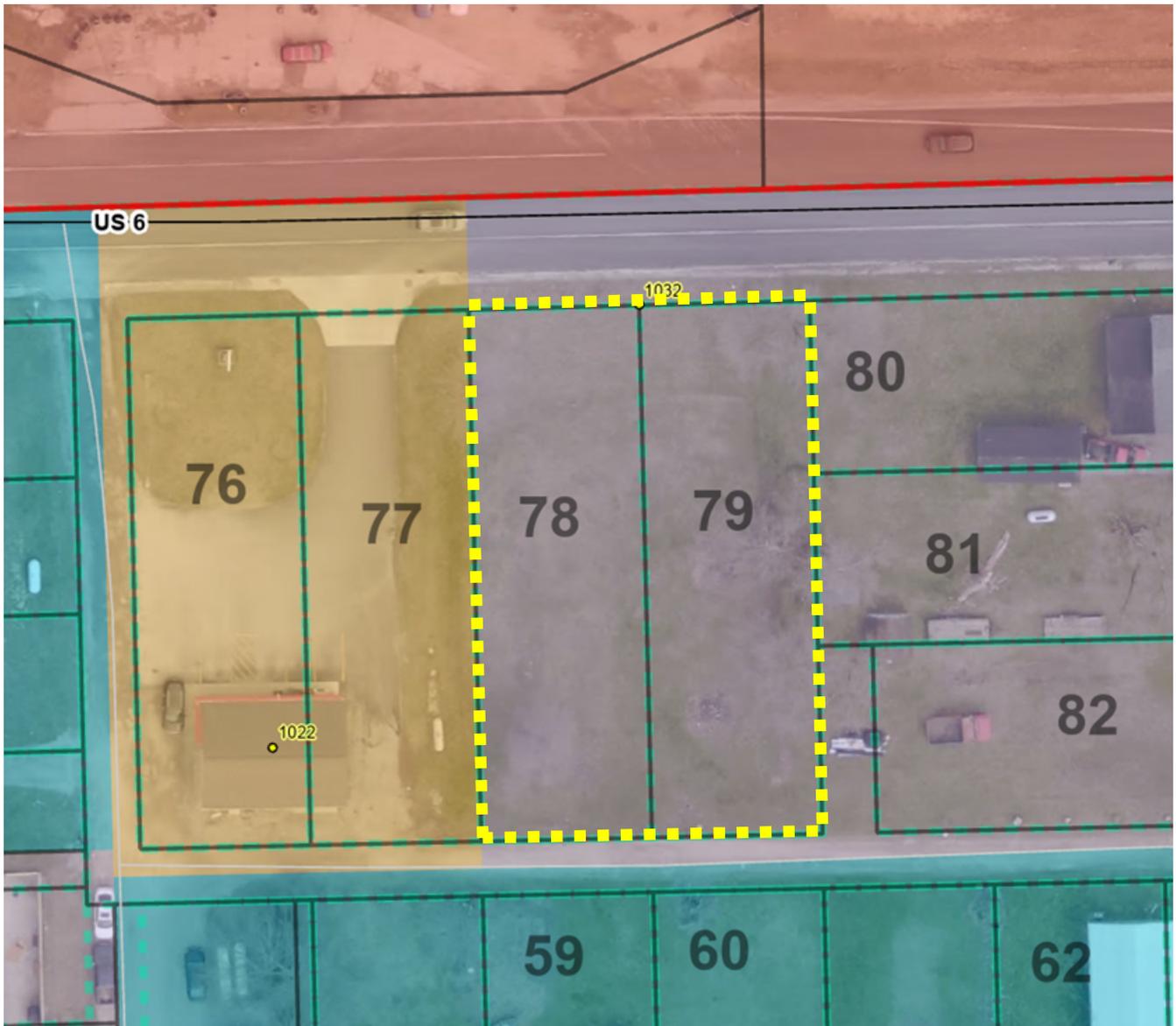


Yellow Outline: Subject Area
Red Outline: Town of Corunna Municipal Limits



Yellow Outline: Subject Area
Red Outline: Town of Corunna Municipal Limits

EXISTING ZONING MAP:



Light Purple: C1, Village Commercial (existing zoning)
Orange: C2, Neighborhood Commercial
Teal: R3, Village Residential
Yellow Outline: Subject Area
Red Outline: Town of Corunna Municipal Limits

FUTURE LAND USE MAP:



Light Blue: Commercial use
Yellow: Residential Use
Yellow Outline: Subject Area
Red Outline: Town of Corunna Municipal Limits

PROPOSED ZONING MAP:



- Green: A2, Agricultural
- Red: I2, Low Intensity Industrial
- Light Purple: C1, Village Commercial
- Orange: C2, Neighborhood Commercial (proposed zoning)
- Light Blue: R2, Medium Density Residential
- Teal: R3, Village Residential
- Yellow Outline: Subject Area
- Red Outline: Town of Corunna Municipal Limits

Differences between the C1, Village Commercial (Existing) and the C2, Neighborhood Commercial (Proposed) Zoning Districts:

C1: Village Commercial: This district is established for existing business uses in small unincorporated towns or villages. (page 1-5 of UDO)

Permitted uses within the C1 zoning district include the following (page 2-28 of the UDO).

Accessory Permitted Uses

- Home Based Business

Agricultural Permitted Uses

- Agricultural Crop Production

Commercial Permitted Uses

- Automobile Gas Station
- Bank Machine/ATM
- Barber/Beauty Shop
- Billiard/Arcade Room
- Coffee Shop
- Coin Laundry
- Delicatessen
- Emergency Medical Care Clinic
- Farmers Market
- Financial Services Office
- Grocery/Supermarket, Small
- Ice Cream Shop
- Law Office
- Low Intensity Retail
- Pet Grooming/Store
- Photographic Studio
- Real Estate Office
- Restaurant
- Show Repair
- Studio Arts
- Tailor/Pressing Shop
- Tanning Salon

Institutional Permitted Uses

- Child Care Institution
- Church, Temple or Mosque
- Community Center
- Government Office
- Government Operation (non-office)
- Jail
- Juvenile Detention Facility
- Library, Public
- Museum
- Park, Public
- Parkin Lot, Public
- Recycling Collection Point
- School (P-12)
- Trade of Business School
- University or College

Industrial Permitted Use

- Telecommunication Facility

Residential Permitted Uses

- Dwelling Unit (upper floors)
- Lodging House

C2: Neighborhood Commercial: This district is established for the provision of small scale retail goods and services required for regular or daily convenience of nearby neighborhoods and agricultural areas. (page 1-5 of UDO)

Permitted uses within the C2 zoning district include the following (page 2-30 of the UDO).

Agricultural Permitted Uses

- Agricultural Crop Production
- Farm Implement Sales

Commercial Permitted Uses

- Automobile Accessory Installation
- Automobile Gas Station
- Bakery
- Bank Machine/ATM
- Banquet Hall
- Bar/Tavern
- Barber/Beauty Shop
- Billiard/Arcade Room
- Bowling Alley
- Cellular Phone Service
- Club or Lodge
- Coffee Shop
- Commercial Training Facility or School
- Construction Trade Office
- Day Care, Adult
- Day Care, Child
- Delicatessen
- Design Services Office
- Dry Cleaning Service (on site or drop off)
- Emergency Medical Care Clinic
- Farmers market
- Financial Services Office
- Fitness Center/Health Club
- General Services Office
- Health Spa/Day Spa
- Furniture Shop
- Grocery/Supermarket

Commercial Permitted Uses (cont'd)

- Ice Cream Shop
- Low intensity Retail
- Medical Office
- Medium Intensity Retail
- Party/Event Store
- Pet Grooming/Store
- Photographic Studio
- Plant Nursery
- Print Shop/Copy Center
- Quick Cash/Check Cashing
- Recreation Center/Play Center
- Restaurant
- Restaurant with Drive-Up Window
- Show Repair
- Show Sales
- Skating Rink (indoor use)
- Studio Arts
- Tailor/Pressing Shop
- Tanning Salon
- Movie Theatre
- Vehicle Sale
- Video/DVD Rental

Industrial Permitted Use

- Telecommunication Facility

Institutional Permitted Use

- Police, Fire or Rescue Station

Residential Permitted Uses

- Lodging House

Unified Development Ordinance Requirements

When considering a zone map amendment, the DeKalb County Plan Commission and the County Commissioners are obligated — under Section 9.06 G(3) of the DeKalb County Unified Development Ordinance — to pay reasonable regard to the following:

- a. The Comprehensive Plan;
- b. Current conditions and the character of current structures and uses in each district;
- c. The most desirable use for which the land in each district is adapted;
- d. The conservation of property values throughout the jurisdiction; and
- e. Responsible development and growth.

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 16, 2024**
2. Legal notice published in The Star on **September 6, 2024** and Publishers Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Non-Objection letter from the County Board of Health, dated **September 10, 2024**
5. Non-Objection letter from the County Highway Department, dated **August 19, 2024**
6. Non-Objection letter from the DeKalb County Soil & Water Conservation District, dated **August 16, 2024**
7. Non-Objection letter from the County Surveyor, dated **August 16, 2024**
8. Letter from the DeKalb County Airport Authority is not applicable.

UDO & STATUTORY MATTERS TO CONSIDER:

1. Is the change in zoning paying reasonable regard to the Comprehensive Plan?
The subject area has a Future Land Use (FLU) designation of Commercial. The proposed zoning district is compatible with this FLU designation.
2. Is the change in zoning paying reasonable regard to the current conditions and the character of current structures and uses in each district?
The existing development surrounding the properties are commercial, residential and industrial in use. This change in zoning will be consistent with the surrounding properties' current conditions and character of current structures and land uses.
3. Is the change in zoning paying reasonable regard to the most desirable use for which the land in each district is adapted?
The proposed zoning district is desirable for this property and the area.
4. Is the change in zoning paying reasonable regard to the conservation of property values throughout the jurisdiction?
The property values of the area should not be disturbed negatively considering the adjacent uses.
5. Is the change in zoning paying reasonable regard to responsible development and growth?
In changing the zoning of the properties to C2, Neighborhood Commercial, the Plan Commission will be promoting the desired use of the land while promoting responsible development and growth.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending a favorable recommendation to the County Commissioners for the requested Zone Map Amendment. Should there be any conditions or commitments made by the Plan Commission and adopted by the County Commissioners, they shall be written and recorded in the Office of the DeKalb County Recorder.

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 24-33
Date Application Filed: 8/14/2024
Fee Paid: CR 1204

Application for PLAT VACATION (Section 9.25)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: Brian Rothgeb
Address: 1822 San Giovanni Court
Auburn, IN 46706
Telephone Number: (260) 414-9873 E-Mail: customvintagehomes@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Westrick, LLC, c/o Michael Westrick
Address: 105 Twin Eagles Boulevard West
Huntertown, IN 46748
Telephone Number: (260) 433-5835 E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: Joseph R. Herendeen, PS, Sauer Land Surveying, Inc.
Address: 7203 Engle Road
Fort Wayne, IN 46804
Telephone Number: (260) 469-3300 E-Mail: joe@sauersurveying.com

Legal Ad Payment & Public Hearing Notifications: Applicant Owner Representative

Number of Parcels & Total Area (square feet or acreage):
1 parcel, 10.690 acres

Name of Subdivision and Address or Parcel # of property:
Rotondo Estates, Parcel No. 17-09-26-100-008.000-001

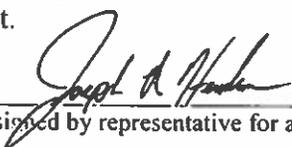
Legal description of property affected:
Lot Number 3, Rotondo Estates,

Reason for the Proposed Vacation:
To rezone to include in a future 14 lot plat

The Plat Vacation should include (check all that apply):

- All of the Platted Area All recorded restrictive covenants
 Part of the Platted Area as shown in the attached documents None of the restrictive covenants
 Those restrictive covenants specifically listed in the attached documents

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature:  Joseph R. Herendeen, PS, as agent
(If signed by representative for applicant, state capacity)

This staff report is prepared by the DeKalb County Planning Department to provide information to the Plan Commission to assist them in making a decision on this application. It may also be useful to members of the public interested in this application.

SUMMARY FACTS:

APPLICANT: Brian Rothgeb

PROPERTY OWNER: Westrick LLC,

SUBJECT SITE: northwest corner of County Road 17 and County Road 66, Auburn

REQUEST: Vacate Lot 3 of Rotondo Estates

EXISTING ZONING: A2: Agricultural

SURROUNDING LAND North: Farm Ground (A2)

USES AND ZONING: South: Farm Ground (A2)
 East: Single Family Residential (A2)
 West: Farm Ground (A2)

ANALYSIS:

Plat Vacation Prerequisites: UDO 9.25 (B)

1. *The owner of land in a Secondary Plat may file with the Plan Commission a petition to vacate all or part of the plat pertaining to the land owned by the applicant.*

Plat Vacation Applicability: UDO 9.25 (C)

1. *The owner of land in a Secondary Plat may file with the Plan Commission a petition to vacate all or part of the plat pertaining to the land owned by the applicant.*
 2. *This Plat Vacation procedure shall not be used to vacate right-of-way.*
- The Applicant proposes to vacate only Lot 3 of Rotondo Estates. If approved, the vacation of Lot 3 will allow for this parcel to be added to a Zone Map Amendment Application and a new 14 Lot subdivision.

JURISDICTIONAL FINDING:

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 14, 2024**
2. Legal notice published in The Star on **September 6, 2024** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 10, 2024**
5. Letter from County Highway dated **August 28, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 28, 2024**
7. Letter from the Drainage Board, dated **September 5, 2024**
8. Airport Board report, if applicable: **not applicable**

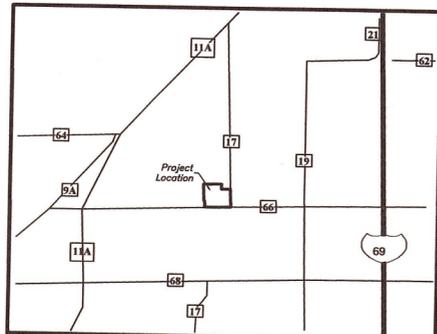
PROPOSED FINDINGS OF FACT:

1. Have conditions in the platted area been changed so as to defeat the original purpose of the plat?
Yes, the property owner wishes to add this parcel to a new 14 Lot subdivision. To be able to do so, Lot 3 must be vacated.

2. Is it in the public's interest to vacate all or part of the plat?
Yes, the vacation will allow for a new subdivision to be created that will add value and enhance the area with new single-family homes.
3. Will the value of the land in the plat not owned by the Petitioner be diminished by the vacation?
No, the vacating of this lot will not negatively impact neighboring properties.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending approval to vacate the plat and is not recommending any commitments or conditions.

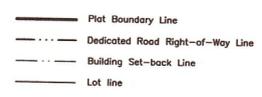


Location Map

Zone A2: Agricultural

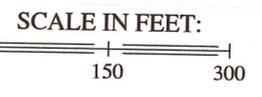
Setbacks:
 Front: 50'
 Side: 30' for primary structure, 10' for accessory structure.
 Rear: 30' for primary structure, 10' for accessory structure.

PLAT LEGEND



AREAS:

Lot #1	Net Area: 15.563 acres
	Easements: 0.000 acres
	Dedicated Right-of-Way: 0.214 acres
	Total Gross Area: 15.777 acres
Lot #2	Net Area: 6.000 acres
	Easements: 0.000 acres
	Dedicated Right-of-Way: 0.330 acres
	Total Gross Area: 6.330 acres
Lot #3	Net Area: 9.688 acres
	Easements: 0.000 acres
	Dedicated Right-of-Way: 1.002 acres
	Total Gross Area: 10.690 acres
Overall Gross Area:	32.797 acres



202301566
 04/04/2023 09:57:11 AM
 RECORDER OF DEKALB CO, IN
 LETA HULLINGER
 RECORDED AS PRESENTED
 FEE AMOUNT: 30.00

Primary & Secondary Plat of:
ROTONDO ESTATES

A subdivision of part of the Northwest Quarter of Section 26,
 Township 33 North, Range 12 East, DeKalb County, Indiana.

Owner & Developer:
 Westrick, LLC
 105 Twin Eagles Boulevard West
 Huntstown, IN 46748
 Tel: (260) 433-5835

Surveyor - Planner:
 Sauer Land Surveying, Inc.
 14033 Illinois Road, Suite C
 Fort Wayne, IN 46814
 Tel: 260/469-3300

DESCRIPTION:

Part of the Northwest Quarter of Section 26, Township 33 North, Range 12 East, DeKalb County, Indiana, being more particularly described as follows, to-wit:

Beginning at the Center of said Section 26, being marked by a cast iron monument; thence North 01 degrees 47 minutes 12 seconds West (GPS grid bearing and basis of all bearings in this description), on and along the East line of said Northwest Quarter, being within the right-of-way of County Road 17, a distance of 984.58 feet to a survey nail; thence South 88 degrees 44 minutes 23 seconds West and parallel with the South line of said Northwest Quarter, a distance of 435.00 feet to a #5 rebar; thence North 01 degrees 47 minutes 12 seconds West and parallel with the South line of said Northwest Quarter, a distance of 435.00 feet to a #5 rebar; thence South 88 degrees 44 minutes 23 seconds East and parallel with the East line of said Northwest Quarter, a distance of 159.37 feet to a #5 rebar; thence South 88 degrees 44 minutes 23 seconds West and parallel with the South line of said Northwest Quarter, a distance of 884.06 feet to a #5 rebar on the West line of the East Half of said Northwest Quarter; thence South 02 degrees 00 minutes 43 seconds East, on and along said West line, a distance of 810.00 feet to a #4 rebar at the Northeast corner of a 1.34 acre tract of real estate described in a deed to Sarah Rozema in Document Number 202207024 in the Office of the Recorder of DeKalb County, Indiana; thence North 88 degrees 24 minutes 44 seconds East, a distance of 25.00 feet to a #5 rebar; thence South 02 degrees 00 minutes 43 seconds East and parallel with the West line of the East Half of said Northwest Quarter, a distance of 334.14 feet to a survey nail on the South line of said Northwest Quarter; thence North 88 degrees 44 minutes 23 seconds East, on and along said South line, being within the right-of-way of County Road 66, a distance of 1289.56 feet to the point of beginning, containing 32.797 acres of land, subject to legal right-of-way for County Road 17 and County Road 66, and subject to all easements of record.

DEED OF DEDICATION

We, the undersigned, Michael D. Westrick, member of Westrick, LLC, and owner of said real estate shown and described herein, do hereby layoff, plat and subdivide, said real estate in accordance with the within plat. This subdivision shall be known and designated as the "ROTONDO ESTATES", an addition to DeKalb County, Indiana. All streets shown and not heretofore dedicated are hereby dedicated to the public. Front, side, and rear yard building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets, there shall be erected or maintained no building or structure. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision, shall take their titles subject to all easements of record.

Witness our Hand and Seal this 4th day of April, 2023.

Michael D. Westrick, Member



State of Indiana)
 County of DeKalb)

Before me the undersigned Notary Public, in and for the County and State, personally appeared MICHAEL D. WESTRICK, acknowledging the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and notarial seal this 4th day of April, 2023.

Carla J. Alford

Notary Public
 Printed Name
 Resident of Allen County

My commission expires: 1/13/2026

DULY ENTERED FOR TAXATION

APR 04 2023

Susan Blum
 AUDITOR DEKALB COUNTY

RESTRICTIVE COVENANTS:

The owner(s) of the lot within this subdivision agrees to recognize the existing agricultural land usage surrounding this subdivision and further agrees to not object to the surrounding agricultural land use or changes therein as permitted by law, i.e., I.C. 34-1-52-4.

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.

There shall be compliance with the laws and regulations of any Federal, State, or local agency.

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. No manufactured or mobile homes are permitted on these lots.

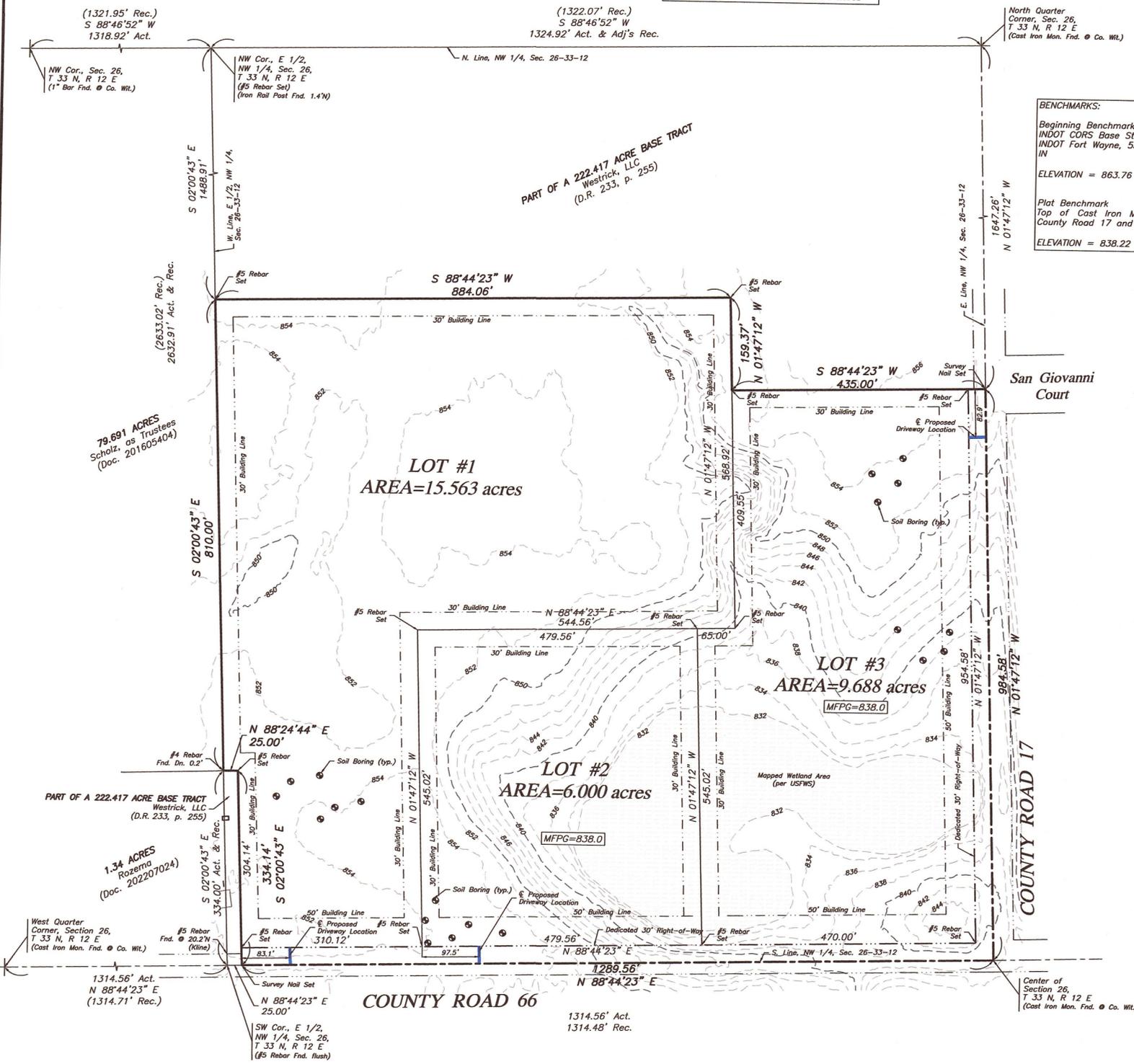
No commercial livestock farming of any kind is permitted on these lots.

DRAINAGE COVENANT:

The Owner of Lot 2 agrees that the pond will be used by Lots 1, 2, and 3 for storm water drainage.

AVIATION COVENANT:

Airport Zone: This development lies within the AC7 zone of the DeKalb County Airport and is subject to certain limitations and restrictions as set out and specified in the "DeKalb County Airport Zoning Ordinance". The maximum allowable height for any building, structure or tree in this development is limited to 200 feet above ground level at the site unless a variance is first obtained from the DeKalb County Board of Aviation.



BENCHMARKS:
 Beginning Benchmark:
 INDOT CORS Base Station RCTM0009, located at
 INDOT Fort Wayne, 5333 Hatfield Road, Fort Wayne,
 IN
 ELEVATION = 863.76 [NAVD '88]
 Plat Benchmark
 Top of Cast Iron Monument at the Intersection of
 County Road 17 and County Road 66
 ELEVATION = 838.22 [NAVD '88]

NOTE:
 1. Boxed elevation indicates minimum flood protection grade

SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: County Road 17 & County Road 66, Auburn, IN 46706

This survey is intended to create a new tax parcel lying entirely within the record boundaries of a tract of real estate described in a Quit-Claim Deed from Michael Westrick to Westrick, LLC, dated October 25, 2001, and recorded in Deed Record 233, page 255, in the Office of the Recorder of DeKalb County, Indiana:

In Accordance with Title 865, Article 1.1, Chapter 12, Sec. 1 et. seq. of the Indiana Administrative Code, the following observations and opinions are submitted regarding various uncertainties in (a) reference monuments, (b) lines of occupation, (c) record descriptions, and (d) those uncertainties due to random errors in measurement ("relative positional accuracy"). There may be unwritten rights associated with these uncertainties.

REFERENCES: A copy of the following documents were reviewed in completion of this survey:
-The deeds of the subject tract and the adjoining tracts, as shown on the plat of survey.
-DeKalb County Surveyor's Section Corner Records.
-A survey of the base tract by Michael C. Kline Associates, Inc., Survey Record 4, page 199.

(A) AVAILABILITY OF REFERENCE MONUMENTS:
The existing monuments of the Public Land Survey corners were held as controlling corners and were used as the basis for this survey. The found monuments are considered by the undersigned surveyor to be "local corners" which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the survey certificate in conformity with said survey monuments. Uncertainties based on existing monuments are not readily determinable due to the use of said local corners. The following monument was accepted as the location of the Public Land Survey corners:

- The Center of Section 26.....County witnessed survey nail found.
- The North Quarter corner of Section 26.....County witnessed cast iron monument found.
- The Northwest corner of Section 26.....County witnessed 1 inch diameter bar found.
- The West Quarter corner of Section 26.....County witnessed cast iron monument found.
- The SW Cor., E 1/2, NW 1/4 of Section 26.....#5 rebar found.
- The NW Cor., E 1/2, NW 1/4 of Section 26.....#5 rebar set, deed-called iron rail post found 1.4 feet North.

The South and East lines of the Northwest Quarter and the West line of the East Half of the Northwest Quarter were established by using the above-referenced monuments. Uncertainties due to variances between found controlling monuments and record distances were determined to be a maximum of 0.11 feet in the North-South direction and 2.85 feet in the East-West direction. Uncertainties due to variances between all found monuments and record distances were determined to be 2.85 feet in any direction.

(B) OCCUPATION AND/OR POSSESSION LINES:
Occupation and/or possession lines near the perimeter of subject tract are shown on the plat of survey with the variances from the boundary lines as established in this survey. Encroachments and/or discrepancies may be buried or otherwise obscured by natural or man-made obstructions. There are no observable uncertainties in occupation and/or possession lines.

(C) AMBIGUITY OF RECORD DESCRIPTIONS:
Upon review of the most current deeds of record, the base tract description does not contain any ambiguity with any of the adjoining descriptions. Therefore, there are no uncertainties based upon record descriptions.

(D) RELATIVE POSITIONAL ACCURACY:
The relative positional accuracy representing the uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Suburban Survey (0.13 feet plus 100 ppm) as defined by IAC 865.

(E) ESTABLISHMENT OF LINES AND CORNERS:
1. The East line of subject tract was established on and along the East line of the Northwest Quarter.
2. The South line of subject tract was established on and along the South line of the Northwest Quarter.
3. The most Westerly line of subject tract was established on and along the West line of the East Half of the Northwest Quarter.
4. The remaining lines of subject tract was established at the direction of the client.

(Continued on right)

SURVEYOR'S REPORT

(continued from left)

- (F) NOTES:
1. This survey is an opinion of a licensed land surveyor of the State of Indiana as to the actual location of the lines and corners outlined in the deed description. This opinion is based on logic, relevant field and research evidence, and established surveying principles. However, this opinion is subject to the interpretation of its deed description, and the boundaries of adjacent tracts may not be consistent with the boundaries of the subject tract. As a consequence, another surveyor may arrive at a different conclusion and different location of the boundaries.
 2. A survey cannot resolve uncertainties in the position of the original boundaries that exist. Only courts may establish property lines. The boundaries were established from the most current recorded descriptions. An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.
 3. The flood statement hereon is for informational purposes only. Accurate determination of the flood hazard status of the property can only be made by an elevation study which is beyond the scope of this survey.
 4. No attempt has been made to review or come to an opinion on the title or marketability of the title. Any appearance of an opinion on the title is unintentional.
 5. Unplatted easements, setback lines, restrictive covenants, or land use regulations affecting the subject tract are shown only when documentation of such matters has been furnished by the client.
 6. All documents of record and information from other public sources referred to in this survey are hereby incorporated as part of this survey as if fully set out.
 7. No attempt has been made to determine the zoning status of the property. It is the responsibility of the parties involved in the real estate transaction to determine compliance with zoning regulations.
 8. Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
 9. Subsurface and environmental conditions were not examined or considered as a part of this survey.
 10. Any acreage shown is based on the boundaries established from the deed description and no certification is made that the land area shown on the survey is the exact acreage owned by the client.
 11. Expression of distances to hundredths of a foot and angles to seconds of arc is solely to minimize errors introduced by rounding. Neither distances nor angles can be measured to the degree of precision implied by the stated units. No dimension on the survey can be interpreted to be of greater precision than the relative positional accuracy stated in Part (D) of the Surveyor's Report.
 12. Since the last date of fieldwork of this survey, conditions beyond the knowledge or control of Sauer Land Surveying, Inc. may have altered the validity and circumstances of matters shown or noted hereon.
 13. Declaration is made to original purchaser of the survey and is not transferable to additional institutions or subsequent owners. This survey is valid only with the surveyor's original or electronic signature and seal, full payment of invoice, and complete with all pages of survey.
 14. No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.

Primary & Secondary Plat of:

ROTONDO ESTATES

A subdivision of part of the Northwest Quarter of Section 26, Township 33 North, Range 12 East, DeKalb County, Indiana.

Owner & Developer:
Westrick, LLC
105 Twin Eagles Boulevard West
Huntertown, IN 46748
Tel: (260) 433-5835

Surveyor - Planner:
Sauer Land Surveying, Inc.
14033 Illinois Road, Suite C
Fort Wayne, IN 46814
Tel: 260/469-3300

Note: An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.

This property appears to lie within Zone X as the description plots by scale on Flood Insurance Rate Map Number 18033C 0240E, effective September 29, 2006.

PLAN COMMISSION CERTIFICATE

Under authority provided by Chapter 174- Acts of 1947, enacted by the General Assembly of the State of Indiana and all acts amendatory thereto, and in ordinance adopted by the Board of County Commissioners of DeKalb County, Indiana, this plat was given approval by the County of DeKalb as follows:

Approved by the County Plan Commission at a meeting held on the 4 day of April, 2023.

Elyse Foddy
Chairman
Chris Gammor
Zoning Administrator

CERTIFICATE OF SURVEYOR

I, Joseph R. Herendeen, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; that based on my knowledge, experience and belief this plat and accompanying legal description accurately depicts a survey completed and certified by the undersigned; that all corners are marked with 24 inch long #5 rebars bearing plastic caps imprinted "SLSI Firm 048".

I, Joseph R. Herendeen, certify the above statements to be correct to the best of my information, knowledge, and belief. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Joseph R. Herendeen
Joseph R. Herendeen, Indiana Professional Surveyor
Date: 03/24/2023



DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 24-34
Date Application Filed: 8/14/2024
Fee Paid: ck/2024

**Application for Amendment to Zone Map (Rezone)
(Section 9.06)**

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: Brian Rothgeb
Address: 1822 San Giovanni Court
Auburn, IN 46706
Telephone Number: (260) 414-9873 E-Mail: customvintagehomes@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Westrick, LLC, c/o Michael Westrick
Address: 105 Twin Eagles Boulevard West
Huntertown, IN 46748
Telephone Number: (260) 433-5835 E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: Joseph R. Herendeen, PS, Sauer Land Surveying, Inc.
Address: 7203 Engle Road
Fort Wayne, IN 46804
Telephone Number: (260) 469-3300 E-Mail: joe@sauersurveying.com

Legal Ad Payment & Public Hearing Notifications: Applicant ___ Owner ___ Representative

Existing Zoning Classification of Property: A2 Agricultural

Proposed Zoning Classification of Property: RE Rural Estate

Address or Legal description of property:

East Half of the Northeast Quarter of Section 26, excepting the plat of Rotondo Estates, together with Lot 3 of Rotondo Estates

Percentage of Property Owners Included: 100%

Statement or reason for the request for a Zone Map Amendment:

To allow for a residential subdivision with 14 single family lots

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature:  Joseph R. Herendeen, PS, as agent
(If signed by representative for applicant, state capacity)

This staff report is prepared by the DeKalb County Department of Development Services to provide information to the Plan Commission to assist them in making a decision on this application. It may also be useful to members of the public interested in this application.

SUMMARY FACTS:

- APPLICANT:** Brian Rothgeb
- PROPERTY OWNER:** Westrick LLC
- SUBJECT SITE:** northwest corner of County Road 17 and County Road 66, Auburn
- REQUEST:** Zone Map Amendment
- EXISTING ZONING:** A2, Agricultural
- PROPOSED ZONING:** RE, Rural Estate
- SURROUNDING LAND USES AND ZONING:** North: Farm Ground (A2)
South: Farm Ground (A2)
East: Single Family Residential (A2)
West: Farm Ground (A2)

ANALYSIS:

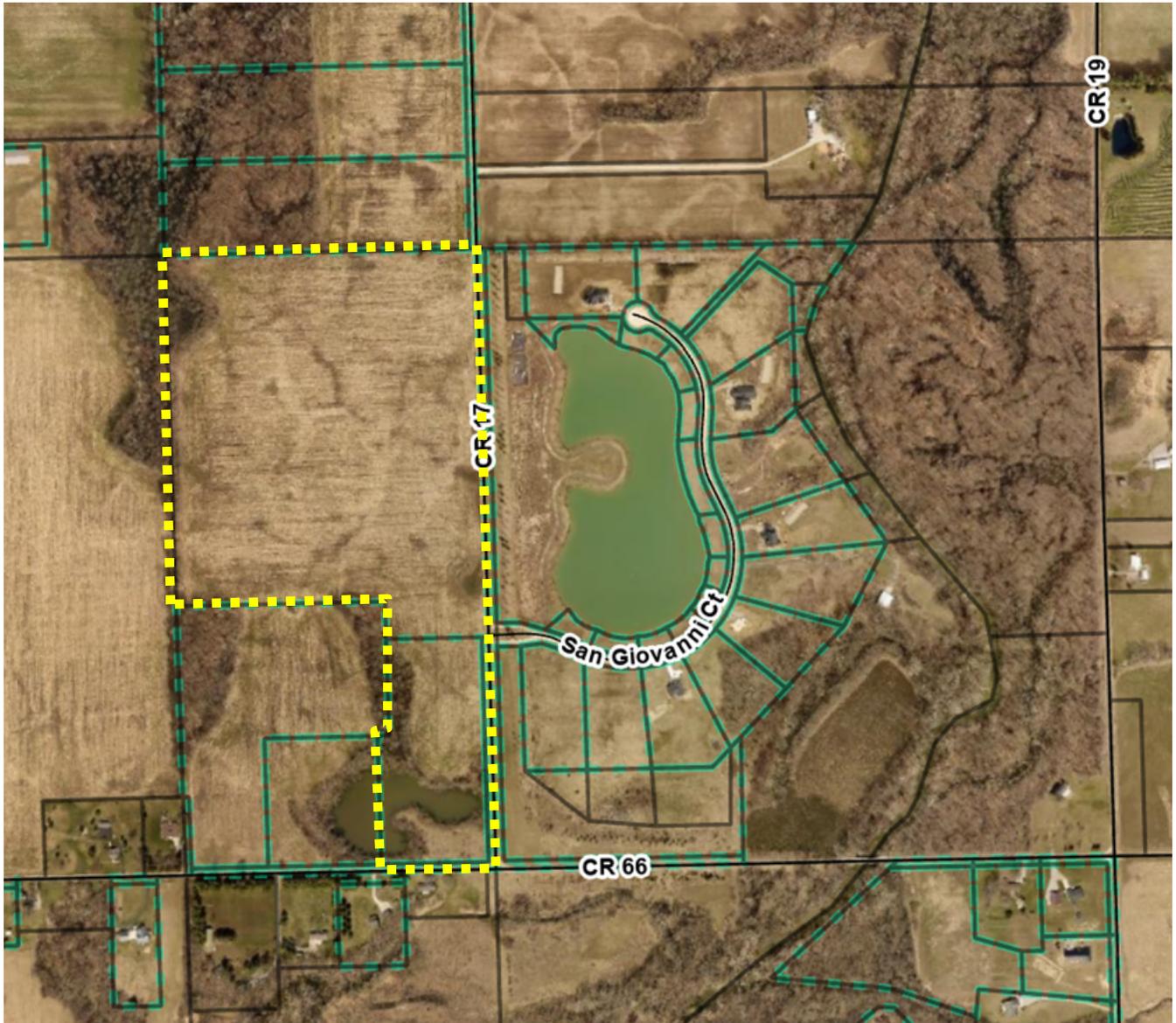
The information provided in this staff report has been included for the purpose of reviewing the proposed zone map amendment (rezoning). Since the rezoning process does not require a site plan, there may be additional requirements placed on the property through the Technical Review and/or Development Plan process to address development regulations, if required.

The request is to rezone approximately 58 acres from A2, Agricultural to RE, Rural Estate at the northwest corner of County Road 17 and County Road 66, Auburn, Indiana. See Location Map.

The purpose of the rezone is to allow for a 14 Lot, Conventional Subdivision.

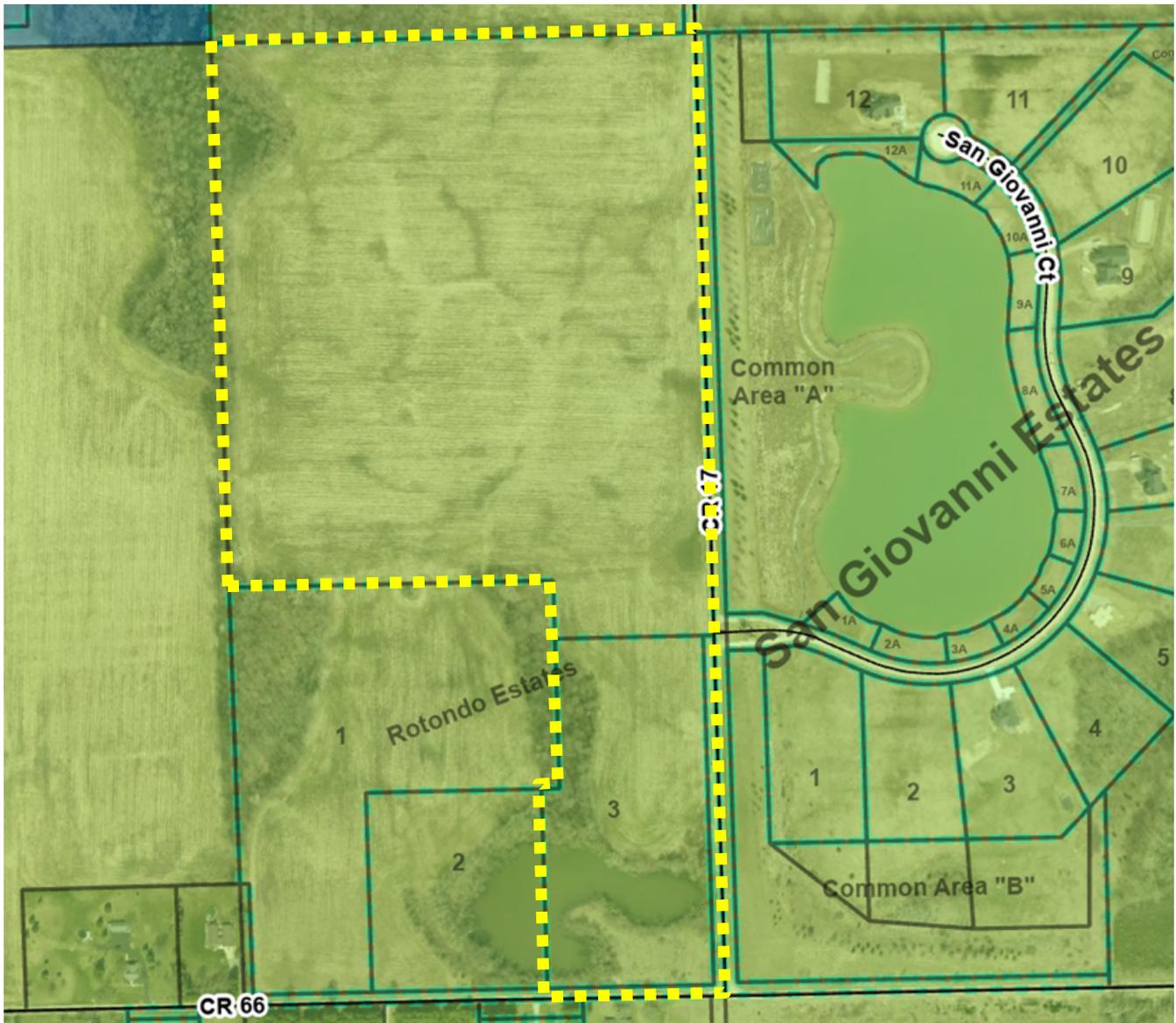
The Plan Commission should note that San Giovanni Estates, east of this proposed development, which was purchased in 2021 but this applicant, was approved in 2002 and was zoned C-RS, County – Rural Suburban. The development was vacant and undeveloped until Westrick LLC/Custom Vintage Homes purchased the property in 2021. Since then, all but one lot has been sold.

LOCATION MAP:



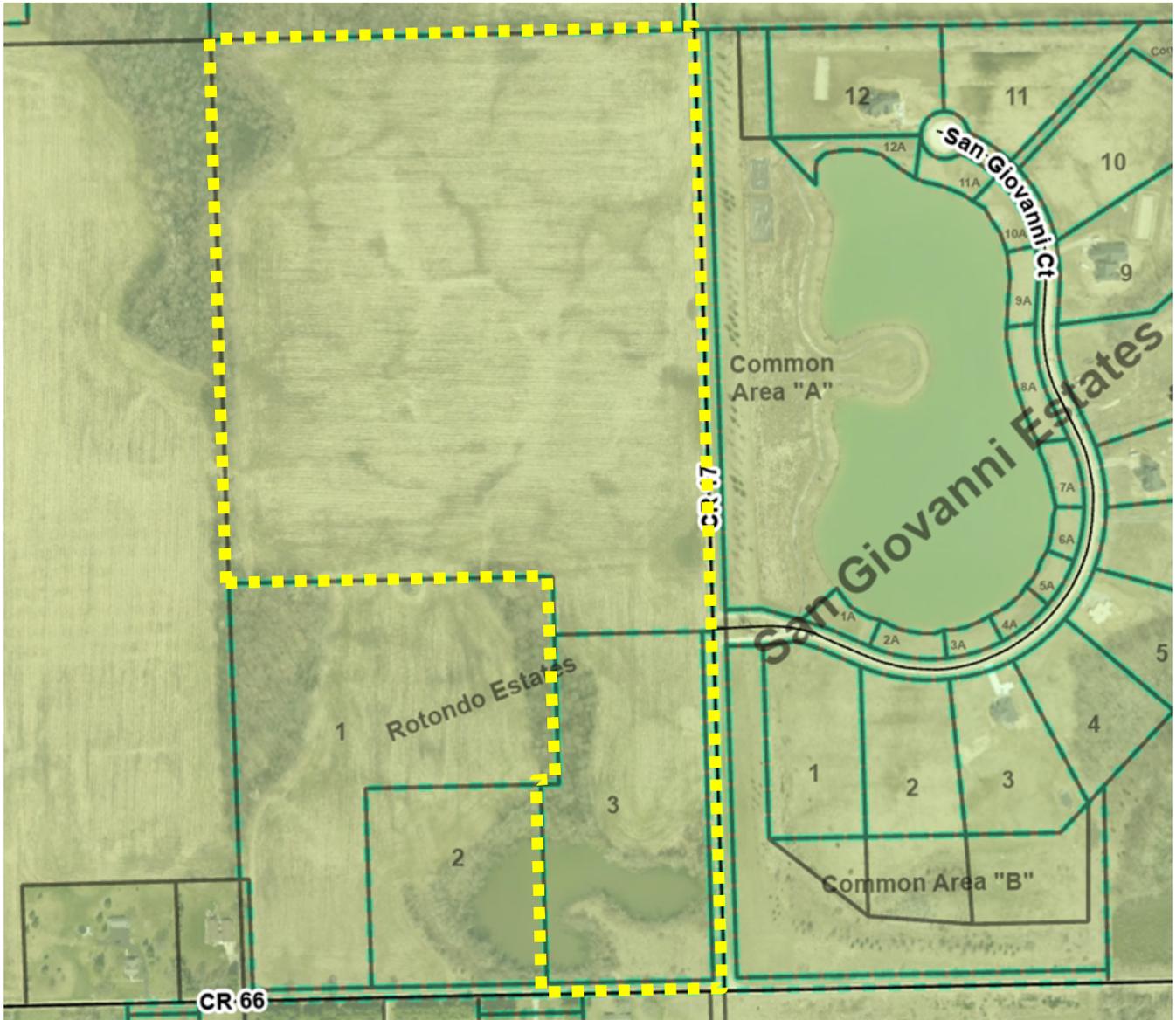
Yellow Outline: Subject Area

EXISTING ZONING MAP:



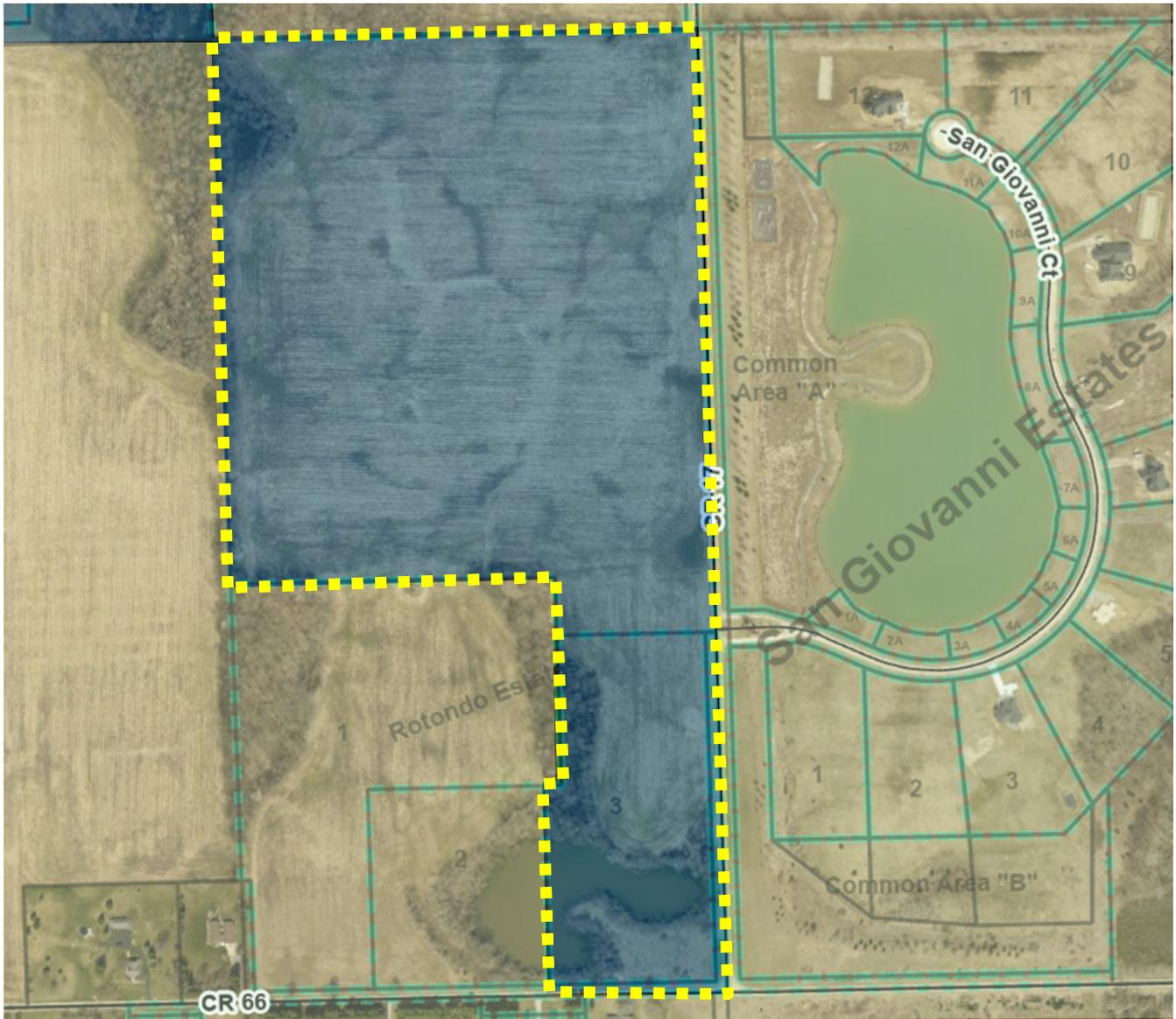
Green: A2, Agricultural (existing zoning)
Blue: RE, Rural Estate
Yellow Outline: Subject Area

FUTURE LAND USE MAP:



Light Green: Mixed Agricultural/Rural Residential
Yellow Outline: Subject Area

PROPOSED ZONING MAP:



Green: A2, Agricultural
Blue: RE, Rural Estate (proposed zoning)
Yellow Outline: Subject Area

Differences between the A2, Agricultural (Existing) and the RE, Rural Estate (Proposed) Zoning Districts:

A2: Agricultural: This district is established for agricultural areas and buildings associated with agricultural production; also allows for some small infusion of non-agricultural single-family detached homes in areas where impact on agriculture and rural character is minimal. (page 1-5 of UDO)

Permitted uses within the A2 zoning district include the following (page 2-06 of the UDO).

Accessory Permitted Uses

- Home Based Business

Agricultural Permitted Uses

- Agricultural Crop Production
- Confined Feeding Operation – Up To Two (2) Times Indiana Department of Environmental Management (IDEM) Numbers
- Orchard
- Raising of Farm Animals
- Storage Buildings: Agricultural
- Storage of Agricultural Product
- Tree Farm

Industrial Permitted Use

- Telecommunication Facility

Institutional Permitted Uses

- Police, Fire or Rescue Station

Residential Permitted Uses

- Child Care, Home
- Dwelling, manufactured Home
- Dwelling, Single Family
- Fair Housing Facility (Small)
- Farmstead
- Storage Buildings, Private, Non-residential

RE: Rural Estate: This district is established for single-family detached homes in a rural or country setting. (page 1-5 of UDO)

Permitted uses within the RE zoning district include the following (page 2-12 of the UDO).

Accessory Permitted Uses

- Home Based Business

Agricultural Permitted Uses

- Agricultural Crop Production
- Orchard
- Storage Buildings: Agricultural
- Tree Farm

Industrial Permitted Use

- Telecommunication Facility

Institutional Permitted Uses:

- Park, Public

Residential Permitted Uses

- Bed and Breakfast
- Dwelling, manufactured Home
- Dwelling, Single Family
- Fair Housing Facility (Small)
- Storage Buildings, Private, Non-residential

Unified Development Ordinance Requirements

When considering a zone map amendment, the DeKalb County Plan Commission and the County Commissioners are obligated — under Section 9.06 G(3) of the DeKalb County Unified Development Ordinance — to pay reasonable regard to the following:

- a. The Comprehensive Plan;
- b. Current conditions and the character of current structures and uses in each district;
- c. The most desirable use for which the land in each district is adapted;
- d. The conservation of property values throughout the jurisdiction; and
- e. Responsible development and growth.

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 14, 2024**
2. Legal notice published in The Star on **September 6, 2024** and Publishers Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Non-Objection letter from the County Board of Health, dated **September 10, 2024**
5. Non-Objection letter from the County Highway Department, dated **August 28, 2024**
6. Non-Objection letter from the DeKalb County Soil & Water Conservation District, dated **August 28, 2024**
7. Non-Objection letter from the County Surveyor, dated **August 27, 2024**
8. Letter from the DeKalb County Airport Authority is not applicable.

UDO & STATUTORY MATTERS TO CONSIDER:

1. Is the change in zoning paying reasonable regard to the Comprehensive Plan?
The subject area has a Future Land Use (FLU) designation of Mixed Agricultural/Rural Residential. The proposed zoning district is compatible with this FLU designation.
2. Is the change in zoning paying reasonable regard to the current conditions and the character of current structures and uses in each district?
The existing development surrounding the properties are agricultural and residential in use. This change in zoning will be consistent with the surrounding properties and the current conditions and character of current structures and land uses in the area.
3. Is the change in zoning paying reasonable regard to the most desirable use for which the land in each district is adapted?
The proposed zoning district is desirable for this property and the area. The neighboring development San Giovanni Estates has all but 1 lot sold. It appears that this type of development in this area is needed and desired.
4. Is the change in zoning paying reasonable regard to the conservation of property values throughout the jurisdiction?
The property values of the area should not be disturbed negatively considering the adjacent uses.
5. Is the change in zoning paying reasonable regard to responsible development and growth?
In changing the zoning of the properties to RE, Rural Estate, the Plan Commission will be promoting the desired use of the land while promoting responsible development and growth.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending a favorable recommendation to the County Commissioners for the requested Zone Map Amendment. Should there be any conditions or commitments made by the Plan Commission and adopted by the County Commissioners, they shall be written and recorded in the Office of the DeKalb County Recorder.

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 24-85
Date Application Filed: 8/14/2024
Fee Paid: CK 1204

Application for SUBDIVISION
Conservation Agricultural (A1 only) ___ Minor ___
Conventional Conservation ___ Traditional ___
Strip ___ Commercial District ___ Industrial Park ___
(Section 9.22)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: Brian Rothgeb
Mailing Address: 1822 San Giovanni Court
Auburn, IN 46706
Telephone Number: (260) 414-9873 E-Mail: customvintagehomes@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Westrick, LLC, c/o Michael Westrick
Address: 105 Twin Eagles Boulevard Wes
Huntertown, IN 46748
Telephone Number: (260) 433-5835 E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: Joseph R. Herendeen, PS, Sauer Land Surveying, Inc.
Address: 7203 Engle Road
Fort Wayne, IN 46804
Telephone Number: (260) 469-3300 E-Mail: joe@sauersurveying.com

Legal Ad Payment & Public Hearing Notifications: Applicant ___ Owner ___ Representative

Name of Proposed Subdivision: Rotondo Estates, Section II

Number of Parcels & Total Area (square feet or acreage):
14 lots, 2 block areas & roadways, 57.449 acres

Address or Parcel ID # of property:

Northwest corner of County Road 17 and County Road 66

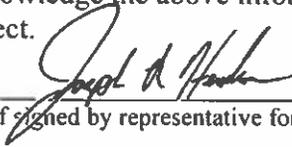
Parcel No. 01-09-26-100-004

Legal description of property affected:

Part of the East Half Northwest Quarter of Section 26 Township 33 North, Range 12 East, containing 57.449 acres

Proposed Use of Subdivision (i.e.: Single or Multi-Family Residential, Commercial or Industrial)
Single Family Residential

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature:  Joseph R. Herendeen, PS, as agent
(If signed by representative for applicant, state capacity)

Sauer Land Surveying, Inc.

Joseph R. Herendeen, PS - Indiana

7203 Engle Road
Fort Wayne, IN 46804
TEL 260/469-3300 FAX 469-3301
www.sauersurveying.com

Re: Rotonodo Estates, Section II
County Road 17
Auburn, IN 46706

To whom it may concern,

Westrick, LLC, is requesting the following waivers:

7.04 B2: Ingress/Egress onto Public Streets.

Waiver requested for length of cul-de-sac longer than 500 feet due to layout of the land and location of the proposed entrance.

7.04 I: Sidewalks: required on both sides of the street.

Waiver requested due to lack of connectivity to existing sidewalks in San Giovanni Estates and/or neighboring parcels.

7.20 Entryway feature standards

Waiver requested that this will be done at a later date and permitted appropriately.

7.29 B: Percentage of Minimum Open Space

Waiver requested due to site feasibility an accessibility. 9.27% including Block "A" and Block "B" for wetland/detention area which can only county as 50%. Lot areas are larger so this development will still have an open feel.

7.31 A: Pedestrian Network Standards.

Waiver requested due to lack of connectivity to existing sidewalks in San Giovanni Estates and/or neighboring parcels, as stated above.

7.39 C: Curbs.

Waiver requested to eliminate curbs to make community more aesthetically pleasing for a subdivision with a country feel.

7.41 A: Residential Street Lighting Standards.

Waiver requested due to lack of street lights in San Giovanni Estates.



Respectfully,
Joseph R. Herendeen, PS

This staff report is prepared by the DeKalb County Department of Development Services to provide information to the Plan Commission to assist them in making a decision on this application. It may also be useful to members of the public interested in this application.

SUMMARY FACTS:

- APPLICANT:** Brian Rothgeb
- PROPERTY OWNER:** Westrick LLC
- SUBJECT SITE:** northwest corner of County Road 17 and County Road 66, Auburn
- REQUEST:** Convention Subdivision – Primary & Secondary Plat
- EXISTING ZONING:** RE, Rural Estate
- SURROUNDING LAND USES AND ZONING:**
 - North: Farm Ground (A2)
 - South: Farm Ground (A2)
 - East: Single Family Residential (A2)
 - West: Farm Ground (A2)

ANALYSIS:

Definition of Subdivision: The division or partial division of a parent tract (as defined) or any parcel of land into at least two or more smaller lots, parcels, sites, units, plats, or interests or the combination of two or more smaller lots into one lot for the purpose of offer, sale, lease, transfer of ownership, or development. It also includes replat or vacation of plat. Divisions of parent tracts which meet the standards of an exempt division (9.22 D) shall not be counted in determining whether or not a further division qualifies as an exempt subdivision. No division shall create the original, parent parcel to be a nonconforming lot

UDO 1.19 Establishing Buildable Lots - No structure shall be permitted on a lot unless the lot:

- A. Resulted from a legal subdivision of land approved by the Plan Commission, or*
- B. Was legally established prior to January 1, 2009 but is not the result of a split of a platted lot not approved by the Plan Commission.*
- C. Is otherwise allowed by recorded covenants and/or restrictions of a platted subdivision which was approved by the Plan Commission.*

Zoning District Design Standards:

UDO 2.12: RE – Rural Estate District Development Standards:

- *Minimum Lot Area: 2 net acres (not including any dedicated rights of way and recorded easements) or 1 acre if connected to municipal sanitary sewer*
 - *Proposed Lot Area: Ranging from 2.018 acres to 4.593 acres. All lots will have an on-site residential septic system*
- *Minimum Lot Width: 150 feet*
 - *Proposed Lot Width: All lots meet or exceed standard*
- *Minimum Lot Frontage: 30 Feet*
 - *Proposed Lot Frontage: All lots meet or exceed standard*
- *Minimum Front Yard Setback: 50 feet for primary and accessory structures*
 - *Proposed Front Yard Setback: meets standards as shown on plat*
- *Minimum Side Yard Setback: 35 feet for primary structures and 10 feet for accessory structures*
 - *Proposed Side Yard Setback: meets standards as shown on plat*
- *Minimum Rear Yard Setback: 35 feet for primary structures and 10 feet for accessory structures*
 - *Proposed Rear Yard Setback: meets standards as shown on plat*
- *Minimum Dwelling Size: 1,600 square feet*
 - *Will be required to meet standards at permitting*

Dedicated Right-of-Way:

- This Conventional Subdivision fronts the following roads:
 - County Road 17 is considered a County Local Road with a projected total right-of-way width of 60 feet
 - Proposed right-of-way dedication: 30 feet
 - County Road 66 is considered a County Local Road with a projected total right-of-way of 60 feet.
 - Right-of-way has been dedicated per the original Rotondo Estates, Lots 1-3

Conventional Subdivision Standards: Article 6, 6.11: Conventional Subdivision Standards

- *Prerequisite Base Zoning: RE, R1, R2, R3, & M1*
 - The applicant has requested a Zone Map Amendment from A2 to RE. Staff is recommending that this plat, if approved, may not be recorded until final approval of the zoning change by the DeKalb County Commissioners.
- *Minimum Pre-Development Site Area: 2 acres*
 - Property is a total of approximately 58 acres.
- *Maximum Pre-Development Site Area: None*
- *Retention Pond Location: Adjacent to internal or Perimeter Roads*
 - No new retention ponds are proposed. Existing wetland areas to be maintained.
- *Minimum Perimeter Landscaping: 30 feet of common area or permanent landscape easement along any perimeter road*
 - 50-foot landscape easement owned by the Rotondo Estates, Section II Home Owners Association
- *Minimum Open Space: 15%*
 - Waiver requested for 5.73% open space. Waiver requested due to site feasibility & accessibility. Open space is calculated at 9.27% which includes all of Block A, Block B excluding the wetlands and Block B including only one-half of wetland area.
- *Minimum Block Length: 200 feet*
 - Minimum block length meets standards as shown on plat
- *Maximum Block Length: 1320 feet (1/4 mile)*
 - No block in this development exceeds 1320 feet (1/4 mile)
- *Minimum Cul-de-sac Length: 150 feet*
 - Minimum cul-de-sac length meet standards.
- *Maximum Cul-de-sac Length: 500 feet*
 - Waiver requested for north cul-de-sac. The proposed length is 696.27 feet.
- *Sidewalks/Perimeter Paths: Sidewalks required on both sides of internal streets. Perimeter paths or sidewalks shall be installed along perimeter roads when required by the Plan Commission.*
 - Waiver requested by applicant due to lack of connectivity to San Giovanni Estates and/or neighboring parcel
- *Minimum Right-of-Way on Internal Streets: 60 feet*
 - The proposed right-of-way is 60 feet.
- *Minimum Design Speed: 35 mph*
 - Not applicable: Roads will be private and not dedicated to the County.
- *Minimum Road Width: 28 feet*
 - Not applicable: Roads will be private and not dedicated to the County.
- *On-Street Parking: Single-sided required, two-sided optional*
 - Not applicable: Roads will be private and not dedicated to the County.
- *Minimum Tree Plot Width: 5 feet*
 - Not applicable due to waiver requested.
- *Minimum Sidewalk Width: 4 feet*
 - Not applicable due to waiver requested.

Additional design standards that apply for a Conventional Subdivision: Article 7 of the UDO

Article 7, Section 7.04: Access Road Standards

- Development complies with the standards.
- No waiver required because County Road 66 & County Road 17 are classified as a local road in Thoroughfare Plan – not a major or minor arterial classification
- 7.04 I: Sidewalks: required on both sides of the street. Waiver requested by applicant due to lack of connectivity to San Giovanni Estates and/or neighboring parcels

Article 7, Section 7.06: Alley Standards

- Not Applicable

Article 7, Section 7.08: Anti-monotony Standards

- Complies with Standards: Lots range in size.

Article 7, Section 7.09: Common Area Standards

- Complies with Standards: open space for drainage in existing wetlands

Article 7, Section 7.11: Conservation Standards

- Complies with Standards: open space for drainage in existing wetlands

Article 7, Section 7.13: Construction Surety Standards

- Not applicable: Roads will be private and not dedicated to the County

Article 7, Section 7.14: Covenant Standards

- Appropriate Covenants are on the plat where required.

Article 7, Section 7.15: Dedication of Public Improvements Standards

- Not applicable: No improvements will be made public.

Article 7, Section 16: Development Amenity Standards

- Not applicable: Development does not meet the threshold for applicability.

Article 7, Section 7.18: Development Name

- Rotondo Estates, Section II is unique and does not currently exist in DeKalb County.

Article 7, Section 7.19: Easement Standards

- Not applicable: All drainage and utilities will be located within the private road right-of-way and within Blocks A & B.

Article 7, Section 7.20: Entryway Feature Standards

- The applicant shall receive approval for any and all entryway features for this development.

Article 7, Section 7.21: Erosion Control Standards

- Soil & Water Conservation District will require a Construction Stormwater General Permit before and construction begins.

Article 7, Section 7.22: Lot Establishment Standards

- Proposed lots meet or exceed design standards.

Article 7, Section 7.24: Maintenance Surety Standards

- Not applicable: Roads will be private and not dedicated to the County

Article 7, Section 7.26: Monument & Marker Standards

- Proposed development will meet or exceed these standards.

Article 7, Section 7.29: Residential Open Space Standards

- Minimum open space: Waiver requested for 5.73% open space. Waiver requested due to site feasibility & accessibility. Open space is calculated at 9.27% which includes all of Block A, Block B excluding the wetlands and Block B including only one-half of wetland area.

Article 7, Section 7.31: Pedestrian Network Standards

- Waiver requested by applicant due to lack of connectivity to San Giovanni Estates and/or neighboring parcel

Article 7, Section 7.34: Residential Perimeter Landscaping Standards

- Perimeter Landscaping proposed is 50 feet in width which exceeds the requirements

Article 7, Section 7.36: Prerequisite Standards

- Proposed development meets or exceeds standards

Article 7, Section 7.37: Retention Pond Standards

- Not applicable: No retention ponds are proposed

Article 7, Section 7.38: Storm Water Standards

- Plat approved by the DeKalb County Drainage Board on September 5, 2024

Article 7, Section 7.39: Street and Right-of-Way Standards

- Not applicable: Roads will be private and not dedicated to the County.

Article 7, Section 7.41: Street Lighting Standards

- Applicant requests waiver.

Article 7, Section 7.45: Street Name Standards

- Proposed development complies.

Article 7, Section 7.46: Street Sign Standards

- Proposed development complies.

Article 7, Section 7.49: Utility Standards

- Not applicable: Proposed development will be on well and private septic.

Article 7, Section 7.50: Warning Siren Standards

- Not Applicable: Proposed development does not meet the threshold for standard.

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 14, 2024**
2. Legal notice published in The Star on **September 6, 2024** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 10, 2024**
5. Letter from County Highway dated _____
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 28, 2024**
7. Letter from the Drainage Board, dated **September 5, 2024**
8. Airport Board report is not applicable.
9. Plat prepared by **Sauer Land Surveying**
10. The real estate to be developed is in Zoning District RE, which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by staff are based off the knowledge and understanding of the proposed project.

1. Does the proposed Conventional Subdivision adequately conform to the Comprehensive Plan?
Yes, the Conventional Subdivision – Primary & Secondary Plat will be used for residential use, which is compatible to the existing and adjacent land uses.
2. Does the Conventional Subdivision conform to the following UDO standards:

- a. Minimum width, depth & area of lot(s) – *Meets or exceeds standards or waivers requested and approved by the Plan Commission.*
- b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. – *Meets or exceeds standards with access to the development from County Road 17 & private internal streets.*
- c. The extension of water, sewer & other municipal services, if applicable or required. *None required. Private wells & septic systems will be utilized.*
- 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. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

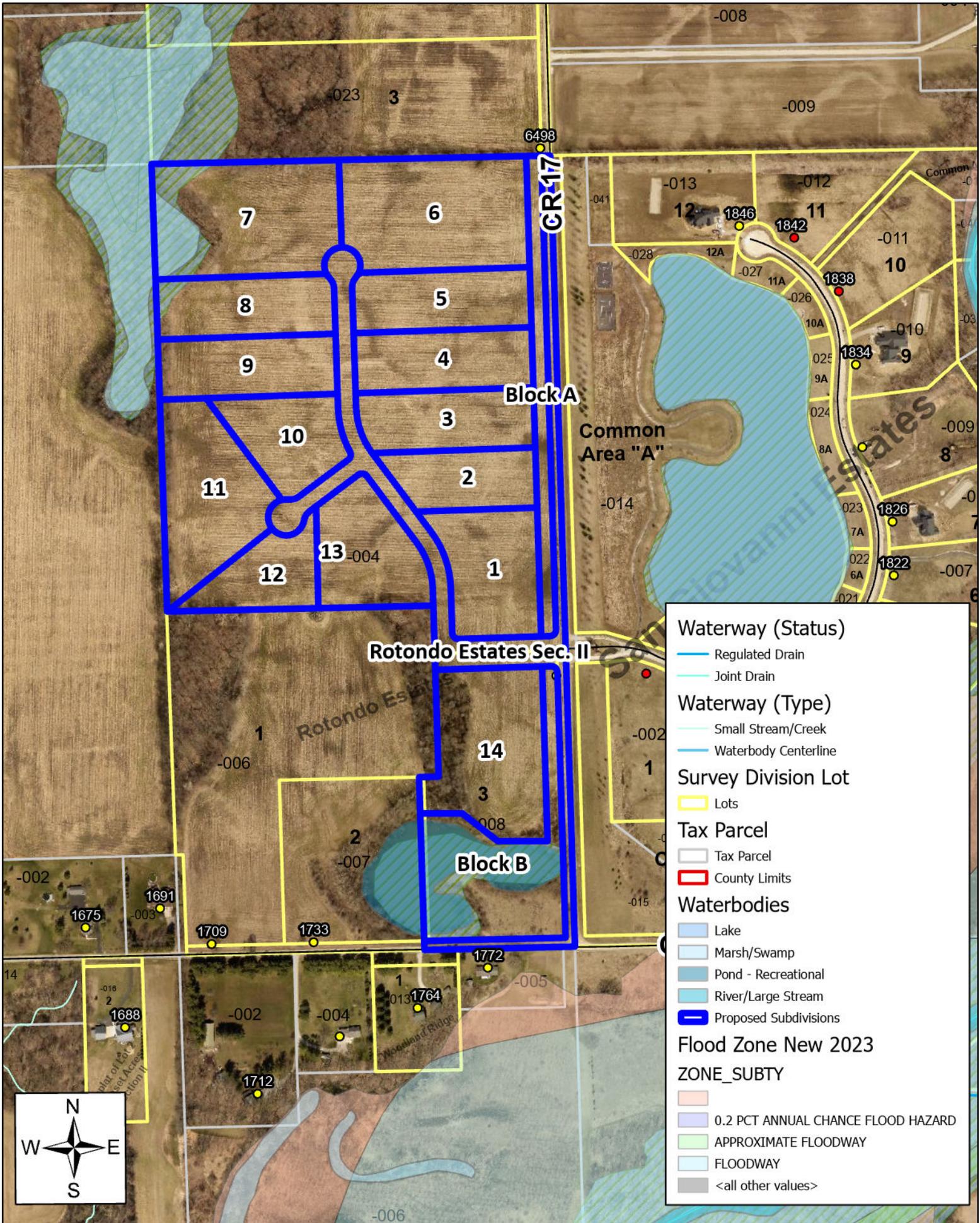
Staff is recommending approval to allow the Conventional Subdivision and recommends the following conditions:

Standard Conditions to be recorded on or with the plat:

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

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 the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions given by 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 District, or other agency as 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.
5. Prior to the Plat being signed and recorded, the Zone Map Amendment, PC# 24-34, must be approved by the DeKalb County Commissioners and the Ordinance be recorded in the office of the DeKalb County Recorder.
6. Driveway Permit required for Padre Pio Drive. Applicant is working with the Highway Dept. to comply. Plat shall not be recorded until the driveway permit has been issued.



Waterway (Status)

- Regulated Drain
- Joint Drain

Waterway (Type)

- Small Stream/Creek
- Waterbody Centerline

Survey Division Lot

- Lots

Tax Parcel

- Tax Parcel
- County Limits

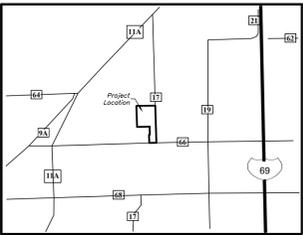
Waterbodies

- Lake
- Marsh/Swamp
- Pond - Recreational
- River/Large Stream
- Proposed Subdivisions

Flood Zone New 2023

ZONE_SUBTY

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- APPROXIMATE FLOODWAY
- FLOODWAY
- <all other values>



Location Map

PLAT LEGEND

- Plot Boundary Line
- Dedicated Road Right-of-Way Line
- Building Set-back Line
- Lot line

Zone RE: Rural Estate

Setbacks:
 Front: 50'
 Side: 35' for primary structure, 10' for accessory structure.
 Rear: 35' for primary structure, 10' for accessory structure.

NOTES:

1. All buried utilities shall allow for the proposed swale grades all shown on the approved engineering plans.
2. U, & S, D, E, indicates utility and surface drainage easement.
3. All right-of-way intersection radii are 20 feet.
4. Boxed elevation indicates minimum flood protection grade.
5. All common areas to be blanket utility and surface drainage easements.
6. Maintenance of the drainage facilities hereon are to be the responsibility of the developer until all lots are sold, then to be the responsibility of the Homeowners Association.

Notes:

1. All internal roads are private and shall not be subject to DeKalb County construction, maintenance or any snow removal, etc.
2. Blocks A and B will be dedicated to the Rotondo Estates, Section II, homeowners association. Block A is intended to a landscaped mound. Block B is intended to encompass the wetland for drainage purposes.
3. All roadside drainage from Lots 1-14 will be directed into swales along the proposed roadways that drain South into the wetland in Block B.
4. Drainage from Lots 1 and 2 of Rotondo Estates flows through the wetland on Block B, as stated on the plat of said Rotondo Estates.

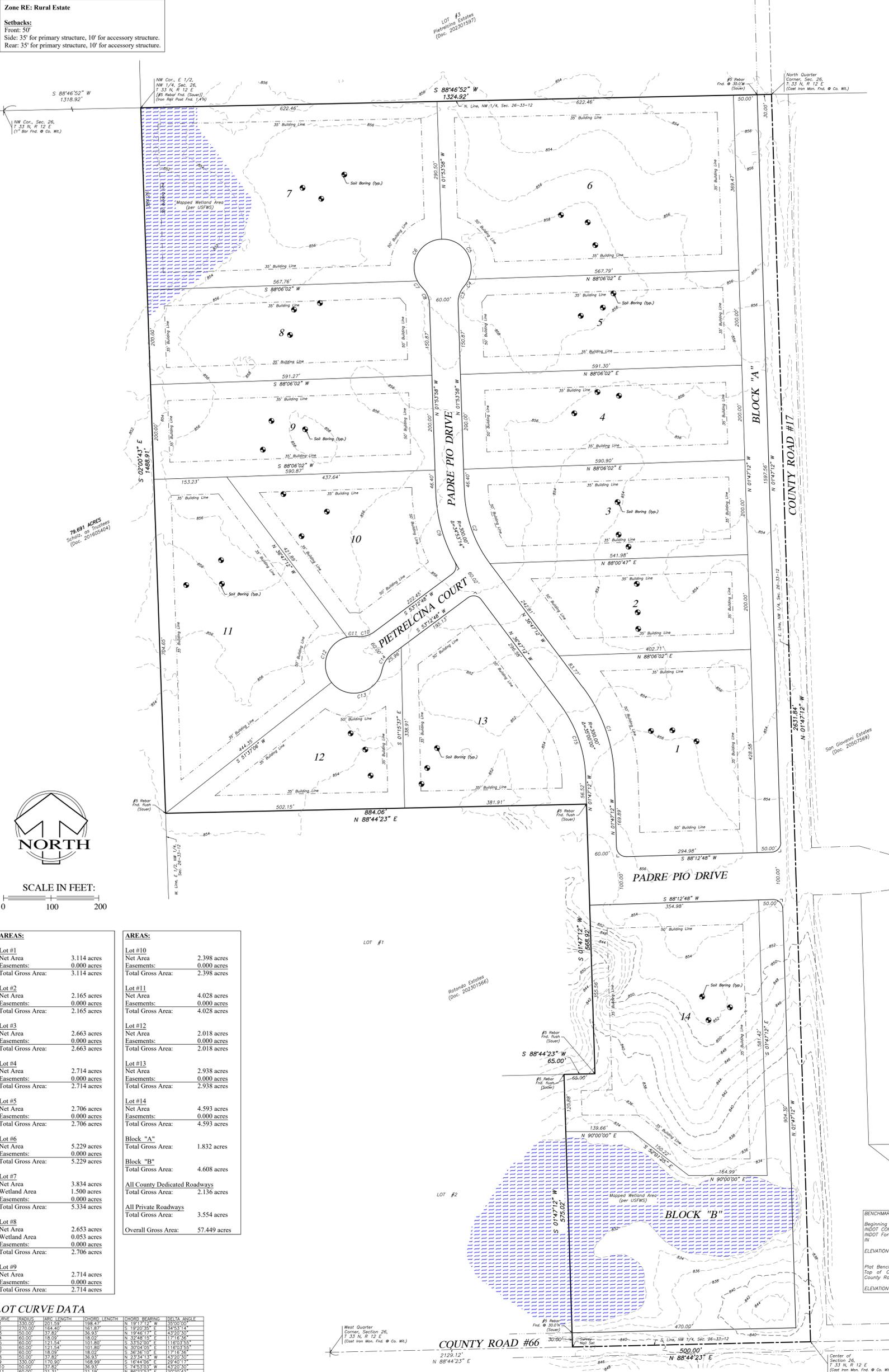
Primary & Secondary Plat of:

ROTONDO ESTATES, SECTION II

A subdivision of part of the East Half of the Northwest Quarter of Section 26, Township 33 North, Range 12 East, DeKalb County, Indiana.

Owner & Developer:
 Westrick, LLC
 105 Twin Eagles Boulevard West
 Huntertown, IN 46748
 Tel: (260) 433-5835

Surveyor - Planner:
 Sauer Land Surveying, Inc.
 7203 Engle Road
 Fort Wayne, IN 46804
 Tel: 260/469-3300



Lot #	Net Area	Easements	Total Gross Area
Lot #1	3.114 acres	0.000 acres	3.114 acres
Lot #2	2.165 acres	0.000 acres	2.165 acres
Lot #3	2.663 acres	0.000 acres	2.663 acres
Lot #4	2.714 acres	0.000 acres	2.714 acres
Lot #5	2.706 acres	0.000 acres	2.706 acres
Lot #6	5.229 acres	0.000 acres	5.229 acres
Lot #7	3.834 acres	1.500 acres	5.334 acres
Lot #8	2.653 acres	0.053 acres	2.706 acres
Lot #9	2.714 acres	0.000 acres	2.714 acres

Lot #	Net Area	Easements	Total Gross Area
Lot #10	2.398 acres	0.000 acres	2.398 acres
Lot #11	4.028 acres	0.000 acres	4.028 acres
Lot #12	2.018 acres	0.000 acres	2.018 acres
Lot #13	2.938 acres	0.000 acres	2.938 acres
Lot #14	4.593 acres	0.000 acres	4.593 acres
Block "A"	1.832 acres		1.832 acres
Block "B"	4.608 acres		4.608 acres
All County Dedicated Roadways	2.136 acres		2.136 acres
All Private Roadways	3.554 acres		3.554 acres
Overall Gross Area:	57.449 acres		57.449 acres

LOT CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1330.00	101.59	198.43	N 191°12' W	33°00'00"
C2	270.00	184.40	163.87	S 192°00' E	34°33'14"
C3	50.00	17.85	16.99	N 194°45' W	43°20'58"
C4	60.00	18.09	18.02	N 32°48'15" E	17°14'56"
C5	60.00	121.54	101.80	N 30°04'55" E	43°20'58"
C6	60.00	121.54	101.80	S 30°04'55" E	118°03'55"
C7	60.00	18.09	18.02	S 35°36'10" W	11°18'30"
C8	330.00	170.90	168.99	S 164°48' W	29°40'17"
C9	60.00	17.85	16.99	N 74°20'03" W	43°20'58"
C10	60.00	21.33	21.19	N 86°22'57" E	20°20'42"
C11	60.00	170.90	168.99	N 18°44'51" W	11°14'35'00"
C12	60.00	137.98	130.57	S 70°44'23" W	131°42'49"
C13	60.00	17.85	16.99	S 13°12'33" E	43°20'58"
C14	60.00	17.85	16.99	S 19°17'12" E	33°00'00"

BENCHMARKS:
 Beginning Benchmark:
 INDOT CORS Base Station RCTM0009, located at
 INDOT Fort Wayne, 5333 Hasfield Road, Fort Wayne,
 IN
 ELEVATION = 863.76 [NAVD '88]
 Plot Benchmark
 Top of Cast Iron Monument at the intersection of
 County Road 17 and County Road 66
 ELEVATION = 838.22 [NAVD '88]

SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: County Road 17 & County Road 66, Auburn, IN 46706

This survey is intended to create a new tax parcel lying entirely within the record boundaries of a tract of real estate described in a Quit-Claim Deed from Michael Westrick to Westrick, LLC, dated October 25, 2001, and recorded in Deed Record 233, page 255, in the Office of the Recorder of DeKalb County, Indiana.

In Accordance with Title 865, Article 1.1, Chapter 12, Sec. 1 et. seq. of the Indiana Administrative Code, the following observations and opinions are submitted regarding various uncertainties in (a) reference monuments, (b) lines of occupation, (c) record descriptions, and (d) those uncertainties due to random errors in measurement ("relative positional accuracy"). There may be unwritten rights associated with these uncertainties.

- REFERENCES: A copy of the following documents were reviewed in completion of this survey:
-The deeds of the subject tract and the adjoining tracts, as shown on the plat of survey.
-DeKalb County Surveyor's Section Corner Records.
-A survey of the base tract by Michael C. Kline Associates, Inc., Survey Record 4, page 199.
-The plat of San Giovanni Estates, Document Number 20507569.
-The plat of Rotondo Estates, Document Number 202301566.
-The plat of Pietrelcina Estates, Document Number 202301597.

(A) AVAILABILITY OF REFERENCE MONUMENTS:
The existing monuments of the Public Land Survey corners were held as controlling corners and were used as the basis for this survey. The found monuments are considered by the undersigned surveyor to be "local corners" which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the survey certificate in conformity with said survey monuments. Uncertainties based on existing monuments are not readily determinable due to the use of said local corners. The following monument was accepted as the location of the Public Land Survey corners:

- The Center of Section 26.....County witnessed survey nail found.
-The North Quarter corner of Section 26.....County witnessed cast iron monument found.
-The Northwest corner of Section 26.....County witnessed 1 inch diameter bar found.
-The West Quarter corner of Section 26.....County witnessed cast iron monument found.
-The SW Cor., E 1/2, NW 1/4 of Section 26.....#5 rebar found.
-The NW Cor., E 1/2, NW 1/4 of Section 26.....#5 rebar found with Sauer cap.

The North, South and East lines of the Northwest Quarter and the West line of the East Half of the Northwest Quarter were established by using the above-referenced monuments. The existing controlling monuments conform to the record geometry and uncertainties due to variances between measured distances and record distances were found to be less than the Relative Positional Accuracy and are considered to be negligible.

(B) OCCUPATION AND/OR POSSESSION LINES:

Occupation and/or possession lines near the perimeter of subject tract are shown on the plat of survey with the variances from the boundary lines as established in this survey. Encroachments and/or discrepancies may be buried or otherwise obscured by natural or man-made obstructions. There are no observable uncertainties in occupation and/or possession lines.

(C) AMBIGUITY OF RECORD DESCRIPTIONS:

Upon review of the most current deeds of record, the base tract description does not contain any ambiguity with any of the adjoiners' descriptions. Therefore, there are no uncertainties based upon record descriptions.

(D) RELATIVE POSITIONAL ACCURACY:

The relative positional accuracy representing the uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Suburban Survey (0.13 feet plus 100 ppm) as defined by IAC 865.

(E) ESTABLISHMENT OF LINES AND CORNERS:

- 1. The East line of subject tract was established on and along the East line of the Northwest Quarter.
2. The North line of subject tract was established on and along the North line of the Northwest Quarter.
3. The most Westerly line of subject tract was established on and along the West line of the East Half of the Northwest Quarter.
4. The most Southerly line of subject tract was established on and along the South line of the Northwest Quarter.
5. The remaining lines of subject tract were established on and along their respective lines of Rotondo Estates, using plat geometry and found original monuments.

(F) NOTES:

- 1. This survey is an opinion of a licensed land surveyor of the State of Indiana as to the actual location of the lines and corners outlined in the deed description. This opinion is based on logic, relevant field and research evidence, and established surveying principles. However, this opinion is subject to the interpretation of its deed description, and the boundaries of adjacent tracts may not be consistent with the boundaries of the subject tract. As a consequence, another surveyor may arrive at a different conclusion and different location of the boundaries.
2. A survey cannot resolve uncertainties in the position of the original boundaries that exist. Only courts may establish property lines. The boundaries were established from the most current recorded descriptions. An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.
3. The flood statement hereon is for informational purposes only. Accurate determination of the flood hazard status of the property can only be made by an elevation study which is beyond the scope of this survey.
4. No attempt has been made to review or come to an opinion on the title or marketability of the title. Any appearance of an opinion on the title is unintentional.
5. Unplatted easements, setback lines, restrictive covenants, or land use regulations affecting the subject tract are shown only when documentation of such matters has been furnished by the client.
6. All documents of record and information from other public sources referred to in this survey are hereby incorporated as part of this survey as if fully set out.
7. No attempt has been made to determine the zoning status of the property. It is the responsibility of the parties involved in the real estate transaction to determine compliance with zoning regulations.
8. Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
9. Subsurface and environmental conditions were not examined or considered as a part of this survey.
10. Any acreage shown is based on the boundaries established from the deed description and no certification is made that the land area shown on the survey is the exact acreage owned by the client.
11. Expression of distances to hundredths of a foot and angles to seconds of arc are solely to minimize errors introduced by rounding. Neither distances nor angles can be measured to the degree of precision implied by the stated units. No dimension on the survey can be interpreted to be of greater precision than the relative positional accuracy stated in Part (D) of the Surveyor's Report.
12. Since the last date of fieldwork of this survey, conditions beyond the knowledge or control of Sauer Land Surveying, Inc. may have altered the validity and circumstances of matters shown or noted hereon.
13. Declaration is made to original purchaser of the survey and is not transferable to additional institutions or subsequent owners. This survey is valid only with the surveyor's original or electronic signature and seal, full payment of invoice, and complete with all pages of survey.
14. No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.

Note: An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.

This property appears to lie within Zone X as the description plots by scale on Flood Insurance Rate Map Number 18033C 0240E, effective September 29, 2006.

CERTIFICATE OF SURVEYOR

I, Joseph R. Herendeen, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; that based on my knowledge, experience and belief this plat and accompanying legal description accurately depicts a subdivision of real estate described in Deed Record 233, page 255, in the Office of the Recorder of DeKalb County, Indiana; that following the completion of construction and grading, all corners will be marked with 24 inch long #5 rebars bearing plastic caps imprinted "SLSI Firm 0048"; and that there has been no change from the matters of survey revealed by the survey referenced hereon or any prior subdivision plats contained therein, on any lines that are common with this new subdivision.

I, Joseph R. Herendeen, certify the above statements to be correct to the best of my information, knowledge, and belief. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Signature of Joseph R. Herendeen, Date: 09/09/2024
Joseph R. Herendeen, Indiana Professional Surveyor



Primary & Secondary Plat of:

ROTONDO ESTATES, SECTION II

A subdivision of part of the East Half of the Northwest Quarter of Section 26, Township 33 North, Range 12 East, DeKalb County, Indiana.

Owner & Developer: Westrick, LLC
105 Twin Eagles Boulevard West
Huntertown, IN 46748
Tel: (260) 433-5835

Surveyor - Planner: Sauer Land Surveying, Inc.
7203 Engle Road
Fort Wayne, IN 46804
Tel: 260/469-3300

Part of the East Half of the Northwest Quarter of Section 26, Township 33 North, Range 12 East, DeKalb County, Indiana, being more particularly described as follows, to-wit:

Beginning at the Center of said Section 26, being marked by a cast iron monument; thence North 01 degrees 47 minutes 12 seconds West (GPS grid bearing and basis of all bearings in this description), on and along the East line of said Northwest Quarter, being within the right-of-way of County Road 17, a distance of 2631.84 feet to a cast iron monument at the North Quarter Corner of said Section 26; thence South 88 degrees 46 minutes 52 seconds West, on and along the North line of said Northwest Quarter, a distance of 1324.92 feet to a #5 rebar at the Northwest corner of the East Half of said Northwest Quarter; thence South 02 degrees 00 minutes 43 seconds East, on and along the West line of the East Half of said Northwest Quarter, a distance of 1488.91 feet to a #5 rebar at the Northwest corner of Lot Number 1 in Rotondo Estates, as recorded in Document Number 202301566 in the Office of the Recorder of DeKalb County, Indiana; thence North 88 degrees 44 minutes 23 seconds East, on and along a North line of said Lot Number 1, a distance of 884.06 feet to a #5 rebar at the Northeast corner thereof; thence South 01 degrees 47 minutes 12 seconds East, on and along an East line of said Lot Number 1, a distance of 568.92 feet to a #5 rebar at an East corner thereof; thence South 88 degrees 44 minutes 23 seconds West, on and along a South line of said Lot Number 1, a distance of 65.00 feet to a #5 rebar at an East corner thereof, also being the Northeast corner of Lot Number 2 in said Rotondo Estates; thence South 01 degrees 47 minutes 12 seconds East, on and along the East line of said Lot Number 2, a distance of 575.02 feet to a survey nail on the South line of said Northwest Quarter; thence North 88 degrees 44 minutes 23 seconds East, on and along said South line, being within the right-of-way of County Road 66, a distance of 500.00 feet to the point of beginning, containing 57.449 acres of land, subject to legal right-of-way for County Road 17 and County Road 66, and subject to all easements of record.

DEED OF DEDICATION

We, the undersigned, Michael D. Westrick, member of Westrick, LLC, and owner of said real estate shown and described herein, do hereby layoff, plat and subdivide, said real estate in accordance with the within plat. This subdivision shall be known and designated as the "ROTONDO ESTATES, SECTION II", an addition to DeKalb County, Indiana. All streets shown and not heretofore dedicated are hereby dedicated to the public. Front, side, and rear yard building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets, there shall be erected or maintained no building or structure. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision, shall take their titles subject to all easements of record.

Witness our Hand and Seal this ___ day of ___, 2024.

Michael D. Westrick, Member

State of Indiana)
) §
County of)

Before me the undersigned Notary Public, in and for the County and State, personally appeared MICHAEL D. WESTRICK, acknowledging the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and notarial seal this ___ day of ___, 2024.

Notary Public

Printed Name
Resident of ___ County

My commission expires: ___

PLAN COMMISSION CERTIFICATE

Under authority provided by Chapter 174- Acts of 1947, enacted by the General Assembly of the State of Indiana and all acts amendatory thereto, and in ordinance adopted by the Board of County Commissioners of DeKalb County, Indiana, this plat was given approval by the County of DeKalb as follows:

Approved by the County Plan Commission at a meeting held on the ___ day of ___, 2024.

Chairman

Zoning Administrator

RESTRICTIVE COVENANTS:

The owner(s) of the lot within this subdivision agrees to recognize the existing agricultural land usage surrounding this subdivision and further agrees to not object to the surrounding agricultural land use or changes therein as permitted by law, i.e., I.C. 34-1-52-4.

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.

There shall be compliance with the laws and regulations of any Federal, State, or local agency.

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. No manufactured or mobile homes are permitted on these lots.

No commercial livestock farming of any kind is permitted on these lots.

AVIATION COVENANT:

Airport Zone: This development lies within the AC7 zone of the DeKalb County Airport and is subject to certain limitations and restrictions as set out and specified in the "DeKalb County Airport Zoning Ordinance". The maximum allowable height for any building, structure or tree in this development is limited to 200 feet above ground level at the site unless a variance is first obtained from the DeKalb County Board of Aviation.