

MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday, May 2, 2023 @ 8:30 AM

The Regular Meeting of the DeKalb County Plat Committee was called to order at 8:32 a.m. in the DeKalb County Commissioner's Court by Elysia Rodgers.

ROLL CALL:

Members Present: Mike Watson, Sandy Harrison, Elysia Rodgers, Jason Carnahan, Jerry Yoder

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer and Secretary Andrea Noll

Staff Absent: None

Public in Attendance: Brian Dill, Lauren Kruse, Logan Yoder, Michael Woodward, Rodney & Maggie Freeman, Jackie Freeman, Joe Herendeen (Sauer Land Surveying), and Angie Wallace.

APPROVAL OF MINUTES: Jason Carnahan moved to approve the Minutes from April 4, 2023; seconded by Sandy Harrison. None opposed. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Petition #23-08 – Lauren Kruse, Andrew Wagner, Jeffrey & Rebecca McCoy requesting to vacate Kings Crossing Addition, Lots 1-3. The property is located at 4132 County Road 68, 4152 County Road 68 and 4192 County Road 68, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report.

Elysia Rodgers determined that there were no further questions or comments from the board or from the audience. Ms. Rodgers closed the public portion of the petition.

Chris Gaumer read 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.

- a. Application completed and filed on **March 22, 2023**
- b. Legal notice published in The Star on **April 21, 2023** and Affidavit given to staff.
- c. Certificate of mailing notices sent and receipts given to staff.
- d. Letter from the County Board of Health, dated **March 30, 2023**
- e. Letter from County Highway dated **March 23, 2023**
- f. Report from the DeKalb County Soil & Water Conservation District, dated **March 23, 2023**
- g. Letter from the Drainage Board, dated **March 31, 2023**
- h. Airport Board report, if applicable: **not applicable**

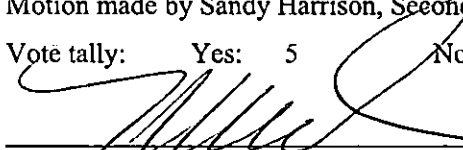
FINDINGS OF FACT:


1. Have conditions in the platted area been changed so as to defeat the original purpose of the plat?
Yes, the original plat will be changing significantly that causes the need to vacate this subdivision.
2. Is it in the public's interest to vacate all or part of the plat?
Yes, the vacation of the original plat will allow the changing of the property lines of the existing lots.
3. The value of the land in the plat not owned by the Petitioner will not be diminished by the vacation:
The entire platted subdivision is solely owned by the petitioners and applicants.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS PLAT VACATION PETITION #23-08 FOR KING'S CROSSING ADDITION, LOTS 1-3, DOCUMENT NO. 99-3981 IS APPROVED ON THIS 2ND DAY OF MAY, 2023.

Motion made by Sandy Harrison, Seconded by Mike Watson.

Vote tally: Yes: 5 No: 0


Mike Watson


Jason Carnahan


Elysia Rodgers


Sandy Harrison


Jerry Yoder

Petition #23-09 – Lauren Kruse, Andrew Wagner, Jeffrey & Rebecca McCoy requesting to a Minor Subdivision known as Krill's Krossing Addition. The proposed 3 lot subdivision will be a total of 19.304 acres. The subdivision will be used for single family residences. The property is located at 4132 County Road 68, 4152 County Road 68 and 4192 County Road 68, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report. He also advised that the proposed utility and drainage easements from the original (now vacated) plat were carried over to this new (Krills Krossing) plat. Mr. Gaumer explained that there's a 600-ft building line added to the new plat, partially because there's approximate locations of wetlands in the back part of the property. He further explained that there are already homes on Lots 1 & 2, and that Lot 3 is the proposed additional buildable lot.

Elysia Rodgers mentioned that she didn't see the drainage covenant on the new plat.

Mr. Gaumer made a note to make sure that gets added under the Further Developments

Ms. Rodgers determined that there were no further questions or comments from the board or from the audience. Ms. Rodgers closed the public portion of the petition.

Chris Gaumer read 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 **March 22, 2023**.
2. Legal notice published in The Star on **April 21, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 30, 2023**.
5. Letter from County Highway dated **March 23, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 23, 2023**.
7. Letter from the Drainage Board, dated **March 31, 2023**.
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Rowland Associates, Inc.**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for residential uses, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 68 with dedication of right of way where required. There are two existing driveways and one new driveway that has been approved by the DeKalb County Highway Dept.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.*
 - 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.*

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:

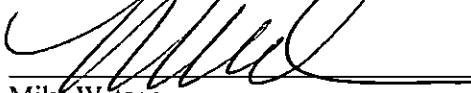
1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.

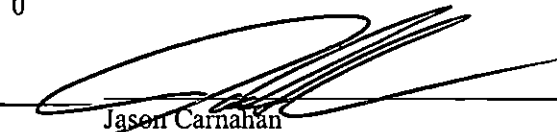
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation 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.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-09, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF MAY, 2023.

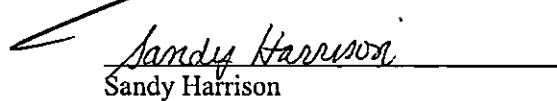
Motion made by Jerry Yoder, Seconded by Sandy Harrison.

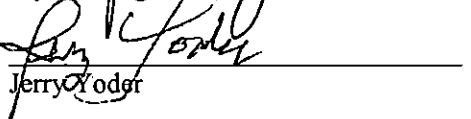
Vote tally: Yes: 5 No: 0


Mike Watson


Jason Carnahan


Elysia Rodgers


Sandy Harrison


Jerry Yoder

Petition #23-10 – Michael Woodward requesting a 1 Lot Minor Subdivision known as Woodward Estates. The proposed 1 lot subdivision will be a total of 6.453 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 34, approximately one-tenth of a mile east of the intersection of County Road 34 and County Road 7, Corunna, Indiana and is zoned A1, Conservation Agricultural.

Chris Gaumer read the Staff Report.

Elysia Rodgers determined that there were no further questions or comments from the board or from the audience. Ms. Rodgers closed the public portion of the petition.

Chris Gaumer read 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 **March 28, 2023**
2. Legal notice published in The Star on **April 21, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 30, 2023**
5. Letter from County Highway dated **March 24, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 29, 2023**
7. Letter from the Drainage Board, dated **April 20, 2023**

8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Anderson Surveying, Inc.**
10. The real estate to be developed is in Zoning District A1 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for residential uses, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 34 with dedication of right of way. The driveways have been staked and approved by the DeKalb County Highway Dept. The applicant or buyer(s) will need to receive a driveway permit from the Highway Dept.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health*
 - 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.*

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. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation 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.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-10, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF MAY, 2023.

Motion made by Mike Watson, Seconded by Sandy Harrison.

Vote tally: Yes: 5 No: 0


Mike Watson


Jason Carnahan


Elysia Rodgers


Sandy Harrison


Jerry Yoder

Petition #23-11 – Carrie Marie Raver requesting a Replat of The Amended Plat of Richland Farms, Lots 14 & 19. This replat will be combining Lots 14 and 19 into one lot. The property is located at 2005 County Road 28, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report.

Jerry Yoder inquired about the proposed outbuilding that the petitioner wants to put on her property.

Mr. Gaumer clarified that it would be a pool house and that it is planned to be closer to the property line, which would prevent the petitioner from meeting the required setbacks.

Elysia Rodgers determined that there were no further questions or comments from the board or from the audience. Ms. Rodgers closed the public portion of the petition.

Chris Gaumer read 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 **March 28, 2023**
2. Legal notice published in The Star on **April 21, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 30, 2023**
5. Letter from County Highway dated **March 30, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 29, 2023**
7. Letter from the Drainage Board, dated **April 13, 2023**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

FINDINGS OF FACT:

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

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

2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. Access exists off County Road 28. Adequate access off County Road 28 and County Road 19 with dedication of right of way where required.
 - c. The extension of water, sewer & other municipal services, if applicable or required. None Required. Existing Private Septic System is being utilized. Health Department does recommend that a soil evaluation be performed to ensure adequate area and soil conditions are available on the property for the installation of a replacement residential onsite sewage system if and when determined necessary.
 - 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.

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. Provide covenant for compliance with Airport Board requirements, if required.
5. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation 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.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-11, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF MAY, 2023.

Motion made by Sandy Harrison, Seconded by Jason Carnahan.

Vote tally: Yes: 5 No: 0

Mike Watson

Jason Carnahan

Elysia Rodgers

Sandy Harrison

Jerry Guder

Petition #23-12 – Lavon & Rosemary Bender requesting a 1 Lot Minor Subdivision known as Freeman Farms. The proposed 1 lot subdivision will be a total of 6.394 acres. The subdivision will be used for a single-family residence. The property is located on the north side of County Road 10, approximately one-half of a mile west of the intersection of County Road 10 and County Road 39, Waterloo, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report.

Elysia Rodgers inquired about an existing wire fence on the proposed lot being an obstruction of a future driveway.

Joe Herendeen, with Sauer Land Surveying, approached the podium to reply that the proposed driveway will be going around the fenced in arena.

Mr. Gaumer further addressed the proposed driveway location marked in blue. He stated that it is placed on the property line because it was the only place the Highway Department would approve a driveway location. Mr. Gaumer also explained that there is a 15-ft driveway easement going up the middle of the location to allow for access and that the petitioners were not planning on building on the proposed lot anytime soon. The petitioner's family owns the neighboring lot.

Elysia Rodgers determined that there were no further questions or comments from the board or from the audience. Ms. Rodgers closed the public portion of the petition.

Chris Gaumer read 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 **April 3, 2023**.
2. Legal notice published in The Star on **April 21, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **April 24, 2023**.
5. Letter from County Highway dated **April 12, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **April 5, 2023**.
7. Letter from the Drainage Board, dated **April 14, 2023**.
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **Sauer Land Surveying**.
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes; the minor subdivision will be used for residential uses, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). *-Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 10 with dedication of right of way. The driveways have been staked and approved by the DeKalb County Highway Dept. The applicant or buyer(s) will need to receive a driveway permit from the Highway Dept.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health*
 - 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.*

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. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation 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.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-12, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF MAY, 2023.

Motion made by Jason Carnahan, Seconded by Sandy Harrison.

Vote tally: Yes: 5 No: 0

Mike Watson

Jason Carnahan

Elysia Rodgers

Sandy Harrison

Jerry Yoder

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:13 a.m.

Elysia Rodgers

Andrea Noll - Secretary