

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

Tuesday, October 3, 2023

9:00 AM

1. Roll call
2. Pledge of Allegiance
3. Prayer
4. Approval of Minutes: September 20, 2023
5. Consideration of Claims: September 2023

Westwood Car Washes	\$15.00
Lassus Fuel	\$429.07
Verizon	\$76.64
Postage	\$200.00
<u>Payroll (09/10/23 – 09/30/23)</u>	<u>\$20,646.99</u>
TOTAL:	\$21,367.70

6. Old Business: None
7. New Business:

Petition #23-27 – Salvador & Monica R. Soto-Oropeza, Suzanne M. Ireland, Darren G. & Lisa M. Carroll, Gregory Gentry, Shaun Miller, Teddy R. & Sherrie S. Lash, Tami M. & David McDonnell, Diana M. Kruse, and Robert F. & Lolita L. Palubicki, requesting a Zone Map Amendment from AP3 – Airport Business to R1 – Low Density Residential and A2 – Agricultural. The properties are located within the address block of 2701 County Road 60 and 2781 County Road 60, Auburn, Indiana.

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

Next Meeting: October 18, 2023

If you cannot attend, please contact Andrea Noll:

Anoll@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 permitted.**

MINUTES
DEKALB COUNTY PLAN COMMISSION
Wednesday September 20, 2023

Due to meeting conflicts in the Commissioner's Courtroom, the DeKalb County Plan Commission was called to order at 6:05 p.m. in the Prosecutor's conference room on the first floor of the Courthouse by Vice President, Frank Pulver. Then, at 6:45 p.m., the Plan Commission meeting was moved to the Commissioner's Courtroom, led by President, Jason Carnahan.

ROLL CALL:

Members Present: Jason Carnahan (arrived at 6:15 pm), Angie Holt, Mike Watson, Jerry Yoder, Frank Pulver, Bill VanWye, and Suzanne Davis

Members Absent: Elysia Rodgers, Glenn Crawford, and Sandy Harrison

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

Community Representatives Present: None

Public in Attendance: LeAnn Fultz

PRAYER:

Jerry Yoder led prayer.

APPROVAL OF MINUTES:

Angie Holt moved to approve the June 21, 2023 meeting minutes. Seconded by Suzanne Davis. None opposed. Motion carried.

CONSIDERATION OF CLAIMS:

Bill VanWye moved to approve the claims from June 2023, July 2023, and August 2023, totaling \$25,613.17. Seconded from Jerry Yoder. None Opposed. Motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

- Discussion of Fee Schedule changes
- Discussion of Zone Map Amendments
- Review List of Amendments to UDO

Frank Pulver introduced the New Business.

Jason Carnahan arrived at 6:15 p.m. and led the meeting with the Fee Schedule changes.

Angie Hold noted a couple of discrepancies between the blue comparisons document versus the draft of the proposed fee schedule.

Chris Gaumer explained how he came up with the Fee Schedule changes versus the blue excel sheets simply being comparisons between a few local counties. He added that he wasn't recommending a vote on any of the topics of discussion tonight.

Mr. Gaumer went on to explain how he came up with the values and costs that were presented in the Fee Schedule. He determined how many staff members it took to review an application or petition, the amount of time the staff members took to work on the item. He went on to compare the cost incurred by the County for a petition or application to the existing fee schedule. Mr. Gaumer concluded that he doesn't

want our fees to deter people from building in DeKalb County, but that it should be reflective for a “fee-for-service”.

Bill VanWye clarified if our contracted Attorney Fee Agreement includes reviewing cases for the Plan Commission and/or the Board of Zoning Appeals.

Mr. Gaumer affirmed Mr. VanWye’s question.

Mr. Gaumer suggested that we charge a “review fee” because petitioners may cancel before their hearing and want a refund.

Jason Carnahan suggested that both sides have to have a “cost of doing business.” And that it should be no less than 25% of the fee that doesn’t get refunded.

Suzanne Davis and Frank Pulver agreed with Mr. Carnahan.

Mr. Gaumer advised that if the Plat Committee only has one petition during a public hearing, then the county is already in the hole as far as everyone’s pay for their attendance.

He added that he didn’t really change the Improvement Location Permit fees, because we charge building permit fees on top of that. He clarified that the County Commissioners set the Building Permit fees. Mr. Gaumer stated that he did propose changing the minimum structure size because the Building Permit and Improvement Location Permit structure sizes are different. He believes the structure size should mirror in both the Improvement Location & Building Permit.

At 6:20 p.m., Mike Watson arrived at the meeting.

Frank Pulver clarified the \$500 to \$2,000 Commercial Solar Energy System. Yet, a residential is only \$30.

Mr. Gaumer explained a Commercial Solar Project versus a much smaller Residential Solar Project.

Mr. Pulver suggested that Commercial Solar Projects be based off of acreage.

Mr. VanWye inquired about how the fee was based.

Mike Watson commented on commercial versus residential solar projects.

Mr. Gaumer clarified that if the energy from the solar panels is being added back into the electrical grid, that’s when it would be commercial.

Jerry Yoder commented on the acreage of commercial solar.

Mr. Carnahan suggested a “max of” fee.

Mr. VanWye commented on how to set a “max” fee, if we aren’t sure yet of how much time will be put into the project by staff members.

Mr. Gaumer explained what would be involved after the Development Plan is submitted.

Angie Holt commented on the lack of comparison between other local counties for solar projects and other fees.

Mr. Yoder inquired if we were covered as far as paying the inspector with the permit fees.

Mr. Gaumer explained the two different fees involved, the Building Permit fee and Improvement Location Permit fee. The Improvement Location Permit checks the zoning, and the Building Permit fee is what covers the cost of the required inspections. Mr. Gaumer reminded the board that the Building Permits and fees are set by the County Commissioners, not the Plan Commission. Mr. Gaumer then explained to Mr. Yoder the reasoning behind that.

Mr. Gaumer explained permit fees for fences and why the building inspector goes out to inspect the location.

Mr. Pulver inquired what exactly gets inspected for a fence permit, also disagreeing with the substantially low fee. He added that in the city limits, you have to get a fence permit, but they don't charge a fee.

Mr. Yoder advised the board of Allen County's fence permit fee. Mr. Gaumer would look into increasing the fence permit fees.

Mr. VanWye commented on fence permits.

Mr. Gaumer stated that coordination of all the departments when sending a project through Technical Review process. It's what takes the most time and coordination from his office staff. He elaborated briefly on pond permits.

Mr. Carnahan and Mr. VanWye commented on Pond Permits and setbacks.

At 6:35 p.m., Andrew Kruse arrived at the meeting.

Mr. Gaumer mentioned that he didn't feel like they had to get through all of the bullet points under the New Business discussion, because they were having a productive discussion on Improvement Location Permits. Mr. Gaumer then advised that they could take their meeting upstairs to the Commissioner's Courtroom.

At 6:45 p.m., the meeting was moved to the Commissioner's Courtroom on the second floor of the Courthouse.

Mr. Gaumer led into the next topic on the Fee Schedule, which was fees for the Board of Zoning Appeals. He explained the members get paid for those meetings, including our attorney, Andrew Kruse. Mr. Gaumer thinks that the fees for the Board of Zoning Appeals meetings should be based on the type of application they're requesting. Then, he explained the different Variance requests that can be made and the fees associated with the application.

Mr. Pulver inquired about Special Meetings.

Mr. Gaumer moved the discussion forward with Plan Commission and Plat Committee fees by advising the payment to the members for each of those meetings. He then explained his reasoning for the proposed fee for Special Exception meeting requests.

Mr. Watson and Mr. VanWye each commented on what they thought the fee should be for Special Meetings.

Mr. Gaumer stated that a Zoning Ordinance Amendment is not an application the public can bring forward and if staff or the Commissioners do. There shouldn't be a charge for the plan Commission or County Commissioners to bring an amendment forward; theoretically be paying yourselves. So, he proposed revising the name of the fee to "Zone Map Amendment."

Mr. Gaumer then explained the next topic of the Fee Schedule, which was regarding the Commercial Solar Energy System Overlay District. He stated that this was something that was approved by the Commissioners back when the ordinance was adopted three years ago; it was \$50 per acre or \$5,000 max. So, they currently pay a fee of \$5,000 for the Plan Commission to hear the Overlay District and \$5,000 for the Plan Commission to hear their Development Plan.

Mr. Gaumer advised that he clarified the language throughout the Fee Schedule to make more sense. Then, he explained each of the subdivisions and their respective fees. He added that a lot of these fees haven't been updated since 2009, which is why he proposed that the Plan Commission increase them.

Mr. Gaumer revisited the Commercial Solar Energy System Development Plan (\$5,000 max.) and advised that if they bring these forward as separate projects, the Overlay District takes much less of the staff's time than the Development Plan. He stated that the Overlay District is basically like a rezone and that he would come up with a better idea of how much time and cost it is for an Overlay District project and a Development Plan and bring those numbers forward at the next meeting.

Mr. Gaumer addressed an Amendment to the Development Plan (If not approved by the Zoning Administrator). There's a caveat in our ordinance that allows the Zoning Administrator to approve minor changes to Development Plans. He referenced Steel Dynamics, for example, because they're always making small additions like a break room or a couple small offices. He added that it just doesn't make sense to require them to create a new Development Plan for each small change. However, that wouldn't be the case if they were to make a much larger change increasing their acreage, etc.

Mr. Gaumer advised that he proposed removing "All Other Meetings Before the Plan Commission with a 30-minute max" because there are no other types of meetings that would only take 30 minutes. He also proposed removing the fees for the Plat Committee, because he consolidated those to be included in the Plan Commission fees.

Again, Mr. Gaumer clarified that there isn't a need for a vote on these changes today. Instead, he would like the board members to review the information. If any member would like to see anything different, they should contact him. Otherwise, if they were comfortable with the discussions they've had, then he would bring something forward to vote on, at the next meeting. The Plan Commission was in agreement.

Mr. Gaumer quickly explained the five Zoning District Maps that he included in their packets and encouraged them to review each quadrant individually. He told them to make notes of their own to bring to the next meeting.

Mr. Gaumer concluded the discussion portion of the meeting by sharing his list of proposed amendment changes for them to discuss. This list includes things that change often or things that people often have issues with. For example, he referenced Accessory Dwelling Units.

Mr. VanWye commented on Accessory Dwelling Units.

Mr. Gaumer encouraged the board members to come up with their own list of amendments to discuss and bring to the next meeting.

Mrs. Holt commented on this being the "clean-up effort" they had previously discussed.

Mr. Gaumer agreed.

7:00 PM: Petition #23-22 – LeAnn Fultz requesting a Zone Map Amendment from A1 – Conservation Agricultural to A2 – Agricultural. The property is located at 0750 County Road 54, Garrett.

Chris Gaumer read the staff report.

Frank Pulver confirmed that the dotted yellow line is the piece of property that we're considering.

Andrew Kruse confirmed that "The Passage" has already been separately platted and currently is LeAnn Fultz's residence.

Mr. Gaumer explained spot zoning, disclosed a future land use map as a guide, and went through the differences and similarities between the A1 and A2 Zoning Districts.

Before the Findings were presented, Mr. Gaumer advised of 5 things the Plan Commission members are obligated to pay reasonable regard to when considering a Zone Map Amendment. He also wanted to point out in the Findings, as he reviewed past aerials, it doesn't look like this property has been farmed since at least the 1990's. Then, it was sold and approved as a buildable lot. He stated that he doesn't believe it's going to be hindering—or even meets—the intent of our A1 Zoning District of conserving agricultural land. Mr. Gaumer concluded that he recommends a favorable recommendation to the County Commissioners.

Mr. VanWye asked if the proposed land was a wooded area.

Mr. Gaumer replied that it was a slightly wooded area with probably a lot of scrub-brush, and that he can ask Ms. Fultz when speaks.

Mr. Kruse clarified the assumption that Ms. Fultz will eventually want to split The Passage into two lots.

Mr. Gaumer added that it is not allowed in the A1 Zoning District, but it is allowed in the A2 Zoning District.

Mr. Pulver clarified the lot size of The Passage to be 5.3 acres.

Mr. Gaumer confirmed this, adding that a minimum of 2 acres is required to build. He explained that the 5.3 acres excludes the right-of-way, which is already dedicated. One lot would be 2.3 acres and the second lot would be 2 acres.

Mr. VanWye asked about the neighboring lot, “Sea Cam Property,” and verified that it is not involved in this petition.

Mr. Pulver inquired about the Commissioners’ role in approving this petition.

Mr. Gaumer explained that the Plan Commission will give a recommendation to the Commissioners, then they will make the final decision. Ms. Fultz won’t be able to get started on any of the subdivision processes until next month if this petition were to get approved.

Mr. VanWye asked if the petitioner has had a perc test performed on the property yet (for a septic system).

Mr. Carnahan explained to Mr. VanWye that the Plan Commission was only voting on switching the Zoning District of The Passage from A1 to A2.

Mr. Carnahan invited the petitioner to come forward to address the questions from the Plan Commission.

LeAnn Fultz, approached the podium to address questions from the board.

Mr. Gaumer asked Ms. Fultz about soil testing.

Ms. Fultz stated that they had a soil test scheduled, but then they found out about the most recent Zoning Ordinance change. She cancelled the test until they could get the Zoning changed and approved and then move forward with the replat.

Mr. VanWye verified the property (“The Passage”) in which Ms. Fultz currently resides.

Determining that there were no other questions for the petitioner, or anyone in the audience who wanted to speak for or against the petition, Mr. Carnahan closed the public portion of the hearing.

Mr. Kruse reviewed the Findings of Fact:

JURISDICTIONAL FINDINGS:

1. The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.
 - a. Application completed and filed on **July 28, 2023**.
 - b. Legal notice published in The Star on **September 8, 2023** and Publishers Affidavit was given to staff.
 - c. Certificate of mailing notices were sent, and receipts were given to staff.
 - d. Report from the County Board of Health, dated **August 3, 2023**.
 - e. Report from the County Highway Department, dated **July 31, 2023**.
 - f. Report from the DeKalb County Soil & Water Conservation District, dated **July 31, 2023**.
 - g. Report from the County Surveyor, dated **August 1, 2023**.

UDO & STATUTORY MATTERS TO CONSIDER:

1. Is the change in zoning in harmony with the Comprehensive Plan?
The subject site has a Future Land Use (FLU) designation of Mixed Agricultural/Rural Residential. The proposed zoning district is compatible with this FLU designation.
2. Do the current conditions and the character of current structures and uses in each district adapt to the proposed zoning?
The existing development surrounding this property is residential and agricultural. This change in zoning will be consistent with the surrounding properties.
3. Is the change in zoning consistent with the most desirable use for which the land in each zoning district is adapted?
The proposed zoning district is desirable for this property and the area.
4. Will the change in zoning help with the conservation of property values throughout the jurisdiction?
The property values of the area should not be disturbed negatively considering the adjacent uses.
5. Does the change in zoning promote responsible development and growth?
In changing the zoning of the property to A2, Agricultural, the Plan Commission will be promoting the desired use of the land. This parcel does not appear to have been farmed after the 1990's and was sold and approved as a buildable site.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS ZONE MAP AMENDMENT, PETITION #23-22, FULTZ REZONE, IS HEREBY GRANTED APPROVAL ON THIS 20TH DAY OF SEPTEMBER 2023.

Motion made by Frank Pulver, Seconded by Mike Watson

Vote tally: Yes: 7 No: 0

Jason Carnahan

Frank Pulver

Mike Watson

Jerry Yoder

Bill VanWye

Suzanne Davis

Angie Holt

At 7:20 p.m., the Plan Commission members continued their previous discussion in New Business.

Mr. Gaumer presented a few options on how the board members would like to move forward on the Zoning District Maps. He offered to review the maps by township or by quadrants, or if the members wanted to create a committee to go through the maps, adding that there's no rush to do anything with them.

Mr. Pulver asked why they should review the Zone Maps.

Mr. Gaumer explained that a Zoning Ordinance was recently changed, the types of subdivisions were changed, A1 and A2 Zoning District Uses were changed, and the number of splits from a parent parcel were changed. He wants to make sure that the Zoning Districts are where they should be and if they make sense in the location they currently are, especially for agricultural and conservation agricultural districts.

Mr. Kruse commented on the vast number of lots in the county.

Mr. Pulver mentioned that this is something that is going to take some time.

Mr. Gaumer affirmed that is why he previously mentioned that they weren't in any hurry. He preferred to start by looking at areas of concern. He proposed examples of areas around the Airport that are currently zoned for AP3, the Industrial Corridor by Steel Dynamics in Butler, and San Giovanni Estates in Butler Township that's currently Agricultural but should be Rural Estate because no one is farming there. He added that before our Unified Development Ordinance was created, they went through the rezone process, but it didn't carry over, so this will basically be a "clean up" of those areas.

Mr. Gaumer offered that he's willing to go through township by township and highlight his areas of concern if the board members would rather do it that way.

Mrs. Holt stated that going by areas of concern is a good approach, that way we can expedite the things that are going to be problematic and address them sooner than later. Mrs. Davis agreed.

Mrs. Holt inquired about how this would work with the Future Land Use Map and if that's something they're supposed to keep in mind while looking into those areas of concern.

Mr. Gaumer stated that they do have the option to hold off on this until we do the new Comprehensive Plan in 2025 and let look into the Zone Maps along with the Comprehensive Plan, at the same time.

Mr. VanWye inquired about the relevance of 2025.

Mr. Gaumer explained that typically, a Comprehensive Plan should be reviewed every 10 to 20 years. Our county's plan was adopted in 2017. Then, he elaborated on what all it entails to update the Comprehensive Plan.

Mr. Watson briefly commented on Auburn's Comprehensive Plan and process.

Mr. Gaumer discussed the future of DeKalb County: seeing ourselves wanting to have an area for industrial businesses and more industry. He stated that something the county currently does not have are any areas for commercial development that a commercial garage would want to move into or a small retail development, excluding the strip on State Road 8.

Mr. VanWye mentioned County Road 11A turning industrial at one time.

Mr. Watson commented on its intention to be more commercial than industrial.

Mr. Gaumer included that into something to be looked at. He stated that our ETJ areas do not encompass much of the I-69 corridors because of Waterloo being right next to I-69, one of Auburn's exits are included in I-69, the other Auburn exit is in their ETJ, and the areas south of that.

Mr. Gaumer directed the conversation to Auburn's sewer and water infrastructure needing to go south, or Allen County's is going to come up into DeKalb County. He stated that DeKalb County is in need of more middle-class single-family homes, and in order to do that, they will need developers to build developments that meet those standards. On smaller sizes of lots, people are going to have to get sewer and water, and the only way to do that is to do studies to extend Auburn's sewer and water. He added that we need to make sure those areas are zoned to promote that kind of development.

Mr. Watson advised that the study has been done up to the county line, adding that bringing Allen County sewer and water into DeKalb County doesn't make any sense. Mr. Watson stated that we have a workforce housing need of \$150,000 - \$200,000 range and multifamily housing.

Mr. Gaumer mentioned that there are larger, 10-20 lot subdivisions on the southern part of the county that are zoned A2 but have no agricultural uses on them. He suggested that we just need to try to promote development where we would like to see it. One way to do that is with zoning.

Mr. Watson commented that we have a good base now to start working towards that.

Mr. Pulver mentioned a light blue area to the east of Auburn, designated as commercial. He also noted the current location of the industries in Auburn, and when they start to dwindle, they'll look to property owners for tax revenue. He mentioned how visually pleasing Garrett's new subdivision is.

Mr. Watson mentioned that there will be a 130-lot subdivision going out by County Road 19.

Mr. Pulver mentioned the large Hamilton ETJ.

Mr. Gaumer explained that he will put that on his list to look into, adding that we do not have ETJ agreements with Hamilton or Butler.

Mrs. Holt stated that she would still be a proponent of moving forward with identifying, with Mr. Gaumer's guidance, the areas of most concern, rather than waiting for 2025 and well beyond that to begin this process. She added that attracting people will, in turn, attract business; that our current citizens don't have adequate housing options available. She also clarified with Mr. Gaumer that the Future Plan/Future Land Use Map for DeKalb County is included in the Comprehensive Plan.

Mr. Gaumer advised that the Zoning Districts don't have to match the Future Land Use Maps, but they should. He added that if you're going to change your Future Land Use Map, we need to get into the text of the Comprehensive Plan, and we need to do that in 2025-2026 with the hope of having it adopted and enacted on January 1, 2027.

Mr. VanWye commented on the public hearings for the Comprehensive Plan change.

Mr. Carnahan suggested we go through the quadrants to see what makes sense.

Mr. Yoder commented on a new group of people coming in 2045 saying the same things we are now.

Mr. Watson advised that if the plan is done the right way, it grows into being self-sustaining no matter who comes in to fill the seats.

Mr. Carnahan mentioned if the plan is done right and then we put some teeth in, to follow that plan without instantly amending that plan.

Mr. Gaumer added that allowing the Zoning Ordinance to change like it did without amending the amount of districts you have, was not proper guidance from the person who had this position before me.

Mr. Watson commented that if you let a Comprehensive Plan run its course the full 20-25 years, you've done it wrong. It needs to be revisited periodically.

Mr. Gaumer agreed.

Mr. Gaumer concluded his discussion by stating that an Commercial Solar Energy Systems Overlay District application has been completed by Sculpin Solar and advised when his office will be sending out packets/binders for the public hearing.

Mrs. Holt inquired about the sequence of events for that solar project.

Mr. Gaumer replied that the Plan Commission will hear the overlay request first and then the development plan. But Sculpin Solar decided to only do the overlay at this time.

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

None.

COMMENTS/QUESTIONS FROM THE PUBLIC IN ATTENDANCE:

None.

ADJOURNMENT:

Jason Carnahan adjourned the meeting at 8:03 p.m.

President – Jason Carnahan

Secretary – Andrea Noll

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: 23-27
Date Application Filed: 9/13/2023
Fee Paid: 150
CK#13210

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: Darren Carroll & Lisa Jinnings-Carroll
Address: 2715 County Road 60
Auburn, IN 46706
Telephone Number: 260-226-1267 E-Mail: lisa.jinningscarroll@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Same
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: AP3

Proposed Zoning Classification of Property: R-1

Address or Legal description of property:
2715 County Road 60 and Lot 8 McDaniel Addition, Sec II
(2 properties)

Percentage of Property Owners Included: 100%

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

Rebuild if fire
Add Structures

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

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

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: 23-27
Date Application Filed: 9/13/2023
Fee Paid: 150
ck# 1320

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: Suzanne Ireland
Address: 2713 County Rd 60
Auburn, IN 46706
Telephone Number: 260-927-8659 E-Mail: —

OWNER INFORMATION (if different from applicant information)

Owner's Name: Same
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: AP3

Proposed Zoning Classification of Property: R1-

Address or Legal description of property:
2713 County Road 60 - McDaniel Add, Sec II, Lot 10
Auburn, IN 46706

Percentage of Property Owners Included: 100%

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

Rebuild or Add New Structures

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

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

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: 23-27
Date Application Filed: 9/13/2023
Fee Paid: 150
CA#1326

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: Shawn Miller
Address: _____

Telephone Number: _____ E-Mail: _____

OWNER INFORMATION (if different from applicant information)

Owner's Name: Shawn Miller
Address: 2249 CR 60 Auburn IN

Telephone Number: 46706 E-Mail: Shawnmiller127@icloud.com

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: AP3

Proposed Zoning Classification of Property: R1

Address or Legal description of property:
2749 CR 60 - McDaniel Add Sec II - Lot 6

Percentage of Property Owners Included: _____

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

Rebuild or replace

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

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

DeKalb County Department of Development Services
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FOR OFFICE USE ONLY:

File Number: 23-27
Date Application Filed: 9/23/2023
Fee Paid: 150
ck#1326

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: Teddy & Sherrie Lash
Address: _____

Telephone Number: _____ E-Mail: _____

OWNER INFORMATION (if different from applicant information)

Owner's Name: Teddy & Sherrie Lash
Address: 2761 CR 60
Auburn IN

Telephone Number: 260 615-1095 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: AP3

Proposed Zoning Classification of Property: R1

Address or Legal description of property:
2761 CR 60 - McDaniel Add - Lot 4

Percentage of Property Owners Included: _____

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

rebuild, addition.

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

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

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

FOR OFFICE USE ONLY:
File Number: 23-27
Date Application Filed: 9/13/2023
Fee Paid: 150
CK# 1326

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: Tami & David McDonnell
Address: _____

Telephone Number: _____ E-Mail: _____

OWNER INFORMATION (if different from applicant information)

Owner's Name: Tami & David McDonnell
Address: 2771 CR 60 Auburn In.

Telephone Number: 260-333-7099 E-Mail: TamiMcDonnell@

REPRESENTATIVE INFORMATION (if different from applicant information) Hotmail.com

Representative: _____
Address: _____

Telephone Number: _____ E-Mail: _____

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

Existing Zoning Classification of Property: AP3

Proposed Zoning Classification of Property: R1

Address or Legal description of property:
2771 CR 60 - McDaniel Add Lot 3

Percentage of Property Owners Included: _____

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

TO Building 3 Season's Room

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

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

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: 23-27
Date Application Filed: 9/13/2023
Fee Paid: 150
CH#1326

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: Diana Kruse
Address: See below
Telephone Number: _____ E-Mail: _____

OWNER INFORMATION (if different from applicant information)

Owner's Name: DIANA KRUSE
Address: 2775 COUNTY ROAD 60
AUBURN IN 46706
Telephone Number: 260 402 8268 E-Mail: DIANA.KRUSE25@gmail.com

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: AP 3

Proposed Zoning Classification of Property: R1

Address or Legal description of property:

2775 CR 60 - McDaniel Add-Lot 2

Percentage of Property Owners Included: _____

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

DONT WANT TO MOVE - WANT TO ADD EXTENSION OR
ADDITION IN THE FUTURE

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

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

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: 23-27
Date Application Filed: 9/13/2023
Fee Paid: 150
CH1320

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: Robert Palubicki
Address: _____

Telephone Number: _____ E-Mail: _____

OWNER INFORMATION (if different from applicant information)

Owner's Name: ROBERT PALUBICKI
Address: 2781 COUNTY ROAD 60

AUBURN IN 46706
Telephone Number: 260 925 1985 E-Mail: BOB PAL 1969 @ G-MAIL.COM

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: AP3

Proposed Zoning Classification of Property: R1

Address or Legal description of property:
2781 CR 60 - McDaniel Add - Lot 1

Percentage of Property Owners Included: _____

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

DON'T WANT TO MOVE. WANT TO BE ABLE TO
EXPAND.

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

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

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: 23-27
Date Application Filed: 9/13/2023
Fee Paid: 150
CK# 1326

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: Gregory E. Gentry
Address: 4240 Ironwood Cir. #AA601
Bradenton, FL 34209
Telephone Number: 260-348-6632 E-Mail: gregorygentry22@gmail.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: AP3

Proposed Zoning Classification of Property: R-1

Address or Legal description of property:

Lot 7 McDaniel Addition CR 60 Auburn, IN
Sec II

Percentage of Property Owners Included: _____

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

Return property to previous zoning which allows the construction of single family homes.

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)

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: 23-27
Date Application Filed: 9/13/2023
Fee Paid: 150.00
ck# 1326

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: SALVADOR SOTO-OROPEZA
Address: 2701 CR 60
Auburn IN 46706
Telephone Number: 260 438-6864 E-Mail: chsoto10@gmail.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: AP3

Proposed Zoning Classification of Property: A2(2701) R1(Lot 5)

Address or Legal description of property:
2701 CR 60 and Lot 5 - McDaniel Add. Sec. II (2 properties)

Percentage of Property Owners Included: 100%

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

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

Applicant's Signature: Salvador Soto
(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:	Salvador & Monica R. Soto-Oropeza, Suzanne M. Ireland, Darren G. & Lisa M. Carroll, Gregory Gentry, Shaun Miller, Teddy R. & Sherrie S. Lash, Tami M. & David McDonnell, Diana M. Kruse, and Robert F. & Lolita L. Palubicki
SUBJECT SITES:	located within the address block of at 2701 County Road 60 and 2781 County Road 60, Auburn
REQUEST:	Zone Map Amendment
EXISTING ZONING:	AP3, Airport Business & A2, Agricultural
PROPOSED ZONING:	R1, Low Density Residential & A2, Agricultural
SURROUNDING LAND	North: Wooded Lots/ Farm Ground (A2)
USES AND ZONING:	South: DeKalb County Airport (AP2) East: Farm Ground (AP3/A2) West: Single-Family Residential (AP3/A2)

ANALYSIS:

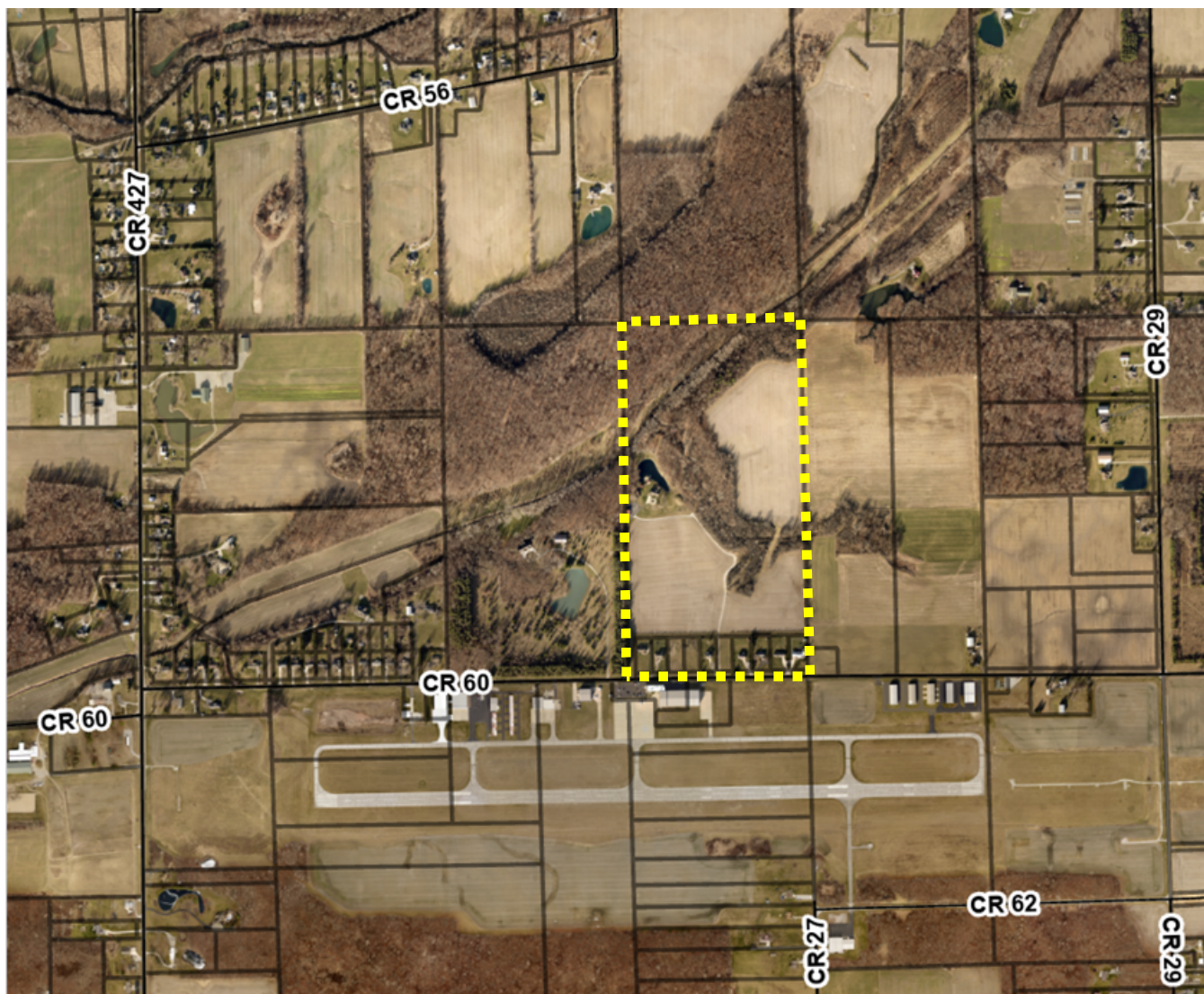
The information provided in this staff report has been included for the purpose of reviewing the proposed zone map amendment (rezoning). Since the rezoning process does not require a site plan, there may be additional requirements placed on the property through the Technical Review process to address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

The request is to rezone approximately 82 acres from Airport Business (AP3) and Agricultural (A2) to Low Density Residential (R1) and Agricultural (A2). The area to be rezoned is located within the address block of 2701 County Road 60 and 2781 County Road 60, Auburn. See Location Map. The petitioners are requesting this rezone to be able to be rebuilt should there be a fire or other natural disaster, add additional structures (barns, garages, sheds, pools, etc.) at the R1 and A2 Zoning Districts, and build a new single-family home on one of the vacant lots.

Prior to the rewrite of the DeKalb County Master Plan, which is now the Unified Development Ordinance which became effective January 1, 2009, the zoning for this area was C-RS, County Residential. The home at 2701 County Road 60 was permitted and received a Certificate of Occupancy on July 25, 1997. The subdivision for Lots 1-4 of McDaniel Addition was approved and recorded on April 28, 1991 and Lots 5-10 of McDaniel Addition Section II was approved and recorded on April 6, 1998. The Airport Board of Commissioners approved both these subdivisions for residential purposes in letters dated April 19, 1991 and March 1, 1996, respectfully. The homes built on these lots received permits between the years 1991 and 2008.

The very first restriction, covenant, and limitation for McDaniel Addition, recorded on April 29, 1991, and McDaniel Addition Section II, recorded on April 6, 1998, state that "The lots in this addition are for single-family residential purposes only. No lot, building or structure or any part thereof shall be used for multiple-family dwelling, business purposes or industrial uses."

LOCATION MAPS:



Yellow Outline: Subject Site



Yellow Outline: Subject Site

EXISTING ZONING MAP:



Green: A2, Agricultural

Pink: AP3, Airport Business

Blue: AP2, Airport Municipal

Yellow Outline: Subject Site (AP3, Airport Business & A2, Agricultural – existing)

FUTURE LAND USE MAP:



Peach: Aviation Compatible Use Area
Blue: DeKalb County Airport
Yellow Outline: Subject Site

PROPOSED ZONING MAP:



Green: A2, Agricultural

Pink: AP3, Airport Business

Blue: AP2, Airport Municipal

Yellow Outline: Subject Site (R1, Low Density Residential & A2, Agricultural – proposed)

Differences between AP3 (Existing) and R1 (Proposed) & A2 (Proposed) Zoning Districts:

AP3: Airport Business: This district is established for business and/or industrial uses related to aviation and compatible with location in areas near an airport. (page 1-5 of UDO)

R1: Low Density Residential: This district is established for single family detached homes with medium to large sized lots. (page 1-5 of UDO)

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 AP3 zoning district include the following (page 2-48 of the UDO).

Agricultural Permitted Uses

- Agricultural Crop Production

Commercial Permitted Uses

- Automobile Rental
- Bank Machine/ATM
- Coffee Shop
- Delicatessen
- Hotel/Motel
- Ice Cream Shop
- Restaurant
- Travel Agency

Industrial Permitted Use

- Assembly
- Distribution Facility
- Flex-Space
- Manufacturing, Light
- Research Center
- Sign Painting/Fabrication
- Storage Tanks (Non-Hazardous)
- Tool and Dye Shop
- Warehouse

Institutional Permitted Uses

- Parking Lot, Public
- Police, Fire, or Rescue Station

Permitted uses within the R1 zoning district include the following (page 2-14 of the UDO).

Accessory Permitted Uses

- Home Based Business

Agricultural Permitted Uses

- Agricultural Crop Production

Industrial Permitted Use

- Telecommunication Facility

Institutional Permitted Use

- Public Park
- Public Pool

Residential Permitted Uses

- Child Care, Home
- Dwelling, Manufactured Home
- Dwelling, Single-Family
- Fair Housing (Small)
- Storage Buildings, Private, Non-Accessory

Permitted uses within the A2 zoning district include the following (page 2-6 of the UDO).

Accessory Permitted Uses

- Home Based Business

Agricultural Permitted Uses

- Agricultural Crop Production
- Confined Feeding Operation – up to 2 times Indiana Department of Environmental Management CAFO numbers
- Orchard
- Raising of Farm Animals
- Storage building, agricultural
- Storage of Agricultural Product
- Tree Farm

Industrial Permitted Use

- Telecommunication Facility

Institutional Permitted Use

- Police, Fire or Rescue Station

Residential Permitted Uses

- Child Care, Home
- Dwelling, Manufactured Home
- Dwelling, Single-Family
- Fair Housing (Small)
- Farmstead
- Storage Buildings, Private, Non-Accessory

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:

1. The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.
 - a. Application completed and filed on **September 13, 2023**.
 - b. Legal notice published in The Star on **September 19, 2023** and Publishers Affidavit given to staff.
 - c. Certificate of mailing notices sent and receipts given to staff.
 - d. Report from the County Board of Health, dated [REDACTED]
 - e. Report from the County Highway Department, dated **September 18, 2023**.
 - f. Report from the DeKalb County Soil & Water Conservation District, dated **September 15, 2023**.
 - g. Report from the County Surveyor, dated **September 15, 2023**.
 - h. Letter or report from the DeKalb County Airport Authority, dated [REDACTED]

UDO & STATUTORY MATTERS TO CONSIDER:

1. Is the change in zoning in harmony with the Comprehensive Plan?
The subject site has a Future Land Use (FLU) designation of Aviation Compatible Use Area. The proposed zoning district is compatible with this FLU designation.
2. Do the current conditions and the character of current structures and uses in each district adapt to the proposed zoning?
The existing development surrounding this property is residential and agricultural to the North, West & East. The DeKalb County Airport is to the South. This change in zoning will be consistent with the surrounding properties and land uses.
3. Is the change in zoning consistent with the most desirable use for which the land in each zoning district is adapted?
The proposed zoning district is desirable for this property and the area.
4. Will the change in zoning help with the conservation of property values throughout the jurisdiction?
The property values of the area should not be disturbed negatively considering the adjacent uses.
5. Does the change in zoning promote responsible development and growth?
In changing the zoning of the property to R1, Low Density Residential and A2, Agricultural, the Plan Commission will be promoting the desired use of the land. The subdivision for Lots 1-4 of McDaniel Addition was recorded on April 28, 1991 and Lots 5-10 of McDaniel Addition Section II was recorded on April 6, 1998 with covenants and restrictions that require these lots remain used for single-family homes. The Airport Board of Commissioners approved both these subdivisions for residential purposes.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending a favorable recommendation to the County Commissioners for the requested Zone Map Amendment.