

MINUTES
DEKALB COUNTY PLAN COMMISSION
Tuesday October 3, 2023

The Regular Meeting of the DeKalb County Plan Commission was called to order at 9:07 a.m. in the DeKalb County Commissioner's Courtroom by Plan Commission President, Jason Carnahan.

ROLL CALL:

Members Present: Jason Carnahan, Angie Holt, Mike Watson, Jerry Yoder, Frank Pulver, Bill VanWye, Sandy Harrison, Elysia Rodgers, and Suzanne Davis

Members Absent: Glenn Crawford and Don Myers

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

Community Representatives Present: None

Public in Attendance: Lynda Carper, David McDonnell, Trena Roudebush, Lisa & Darren Carroll, and Teddy Lash.

Jason Carnahan led The Pledge of Allegiance.

PRAYER:

Jerry Yoder led prayer.

APPROVAL OF MINUTES:

Mike Watson moved to approve the September 20, 2023, meeting minutes. Seconded by Frank Pulver. None opposed. Motion carried. Sandy Harrison abstained from voting on the minutes because she was absent at the previous meeting.

CONSIDERATION OF CLAIMS:

Suzanne Davis moved to approve the claims from September 2023, totaling \$21,367.70. Seconded from Mike Watson. None Opposed. Motion carried.

OLD BUSINESS:

None

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.

Chris Gaumer read the staff report. He added that at the time the staff report was sent out, he had not received a letter from Russ Couchman, DeKalb County Airport Authority Director, but has since received a non-objection letter for the proposed rezone, which he read to the Plan Commission. The letter was dated September 27, 2023, and was addressed to Russ Couchman from Brad Stump, who is a DeKalb County Airport Board Member and reviews these types of requests for the airport. The letter gave a “no recommendation” to the Plan Commission.

Mr. Gaumer advised the Plan Commission that this is an area of concern to look at when the Plan Commission begins to review the zone map changes in the near future.

Angie Holt asked Mr. Gaumer to explain his thought process behind recommending the zone change of R1 versus R2 or R3.

Mr. Gaumer explained that when looking at zoning classifications, it's common that the lower density residential made more sense for those properties being directly adjacent to an A2 Agricultural District. Also, he didn't think that these properties seemed to fit into the Rural Estate (RE) District.

By looking at the specifics of each of the individual districts, Angie Holt stated that she preferred considering other districts instead. She added that what we do here is likely what we'll repeat, so she just wanted to make sure we got it right.

Mr. Gaumer referred her to the District Intentions on page 1-5 in the Unified Development Ordinance. He stated that, in his opinion, Village Residential (R3) is more of a Spencerville or surrounding St. Joe type of development and Medium Density Residential (R2) would be more of areas adjacent to R1 or R3 Zoning District in a gradual difference. Mr. Gaumer concluded that R1 just seemed to him to be the most logical choice for this area, being adjacent to Agricultural. Mr. Gaumer agreed with Mrs. Holt in her question, and he also questioned if DeKalb County needs all of the Zoning Districts. Mr. Gaumer explained that Rural Estate (RE) and Low Density Residential (R1) are more similar than R2 or R3. He advised that this was his logic behind recommending R1. Mr. Gaumer inquired to the Plan Commission members if they wanted to amend the proposal.

Bill VanWye inquired about the size of the lots. Ms. Holt reported that most of them were less than an acre when she looked at the Beacon website.

Suzanne Davis inquired about the sewage hookup on these lots.

Mr. Gaumer advised that there is sewer across the street and the line has been run to the airport, but these lots are not connected.

Lisa Jinnings-Carroll advised that not all of the lots are connected, but some are connected to the line on the south side of County Road 60. She stated that Greg Gentry, one of the property owners, paid to have that line bored under the road so that they could be connected to that line.

Jason Carnahan, Mike Watson, Bill VanWye, and Frank Pulver all commented on the location of the sewer line versus having a septic system.

Teddy Lash came to the podium and stated that his property still has a septic system, above ground, but if something was to happen to that, he would have to pay to get hooked up to the sewer line.

Mr. Carnahan asked what the lot acreage requirement is for R1, and Andrew Kruse commented on the acreage requirement for R3.

Mr. Gaumer advised that the lot requirement for R1 is 15,000 square feet if you're on municipal sanitary sewer.

Bill VanWye inquired if the State recently changed the buildable lot size and if it oversees the county requirements.

Mr. Gaumer clarified that was for the allowance of a septic and that our ordinance is still in effect.

Mrs. Jinnings-Carroll stated that her property and her neighbor's property are the only ones connected to the sewer line, that she's aware of.

Mr. Kruse inquired about her lot size.

Lynda Carper, a realtor, stated that these lots are less than one acre, and that lots 8 and 9 both have the accessibility to connect to the sewer as well as lots 6 and 7 who are currently connected.

Referencing our Rural Estate (RE) District, Mr. Gaumer stated that the minimum lot size connected to city sewer is one acre. In R1 it's 0.34 acres and in R2 it's 0.27 acres, concluding that RE wouldn't make sense and that R1 makes the most sense, as far as the acreage of the lots. He stated that the Plan

Commission could go ahead and discuss amending the proposal of the zone district to something other than R1, advising that the setbacks are different for R1 and R2.

Mr. VanWye commented on which zone district would be easier for the property owners to make improvements.

Mr. Gaumer advised what the setbacks are for R1 and R2, adding that whichever district is chosen, the Plan Commission will need to look into these districts and tighten them up. He stated that R2 would be more beneficial to the property owners, as far as setbacks are concerned. He concluded that his option would be to combine R1 and R2 in the future (as a text amendment).

Mr. VanWye asked Angie Holt why she wanted to change the proposed zone to R2.

Angie Holt explained that she was just trying to find the best fit for what we already have, and that Mr. Gaumer's perspective is more forward-looking into future adjacent developments.

Mr. Gaumer advised that when you look at zoning, you want to ideally lessen the density as you move from higher density.

Ms. Holt stated that the front yard setback for these properties is consistent with R1, but the size of these lots and their side yard setbacks seem to be more consistent with R2. She added that Mr. Gaumer brings a more forward-looking perspective, which is something that we need to work on anyway.

Mr. Pulver commented on the properties on the sides of these lots, which are currently zoned AP3.

Mr. Gaumer advised that this whole road needs to be looked at, as far as changing the zoning district, adding that one of these lots is for sale and can't be sold as a residential lot to build a house because it's not zoned correctly. Instead of changing the zoning of that one property, he asked Lisa Jinnings-Carroll to involve her neighbors in this proposal because it makes more sense to zone 11 lots versus only one 0.72-acre parcel. Mr. Gaumer advised that an amendment to the proposal from R1 to R2 isn't going to harm the properties and the Plan Commission can work on tightening up these residential zoning districts to clean up the UDO. If the Plan Commission decides to combine R1 and R2, these areas would automatically be updated with that district.

Suzanne Davis inquired to the property owners in the audience if they had any thoughts about amending their proposal from R1 to R2, now that they have heard about the differences in setbacks. They agreed to move forward with R2.

Mr. Gaumer stated that any amendments to the Zoning District won't happen until at least the first quarter of 2024.

Frank Pulver, Jason Carnahan, and Bill VanWye all commented on the biggest difference of side yard setbacks between R1 and R2.

Ms. Davis inquired about the possibility of combining R1 and R2 and what the setbacks would revert to.

Mr. Gaumer advised that the Plan Commission would have to determine what those setbacks are which would involve rewriting one of the zoning districts when they are combined.

Jason Carnahan commented on changing the zoning under the Airport Overlay District.

Andrew Kruse suggested that, by adjusting the wording in the findings to reflect the property owners' decision to change to R2 instead of R1, we get the permission of all of the property owners of these lots who did not attend this hearing.

Mr. Gaumer inquired to the property owners in the audience if the absent property owners would mind if it were changed to R2 instead of R1. Mrs. Carroll did not believe so.

Mr. Pulver commented on the lots not being sellable under the current zoning.

Ms. Holt inquired about the previous zoning, which was RS, County Residential, and no longer exists.

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.

Mike Watson commented on amending the petition to reflect changing the zone district to R2.

Suzanne Davis suggested that all of the property owners sign a letter, formally agreeing to the R2 Zoning District, rather than amending each of the applications.

Mr. Gaumer confirmed that the Plan Commission can make that as a Condition of Approval. He offered to compose a letter to send to the property owners to sign.

Andrew Kruse agreed, then reviewed 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 **September 13, 2023**.
2. Legal notice published in The Star on **September 19, 2023** and Publishers Affidavit was given to staff.
3. Certificate of mailing notices were sent, and receipts were given to staff.
4. Report from the County Board of Health, dated **October 6, 2023**. Mr. Gaumer stated that the Health Department has been very busy, which was why they didn't send their non-objection letter sooner.
5. Report from the County Highway Department, dated **September 18, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 15, 2023**.
7. Report from the County Surveyor, dated **September 15, 2023**.
8. Letter or report from the DeKalb County Airport Authority, dated **September 27, 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 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, and 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 R2, Medium 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:

The recommendation from staff is to give a favorable recommendation to the County Commissioners for the requested Zone Map Amendment and apply the following conditions:

1. Letters/reports of non-objection for the Zone Map Amendment be received from the DeKalb County Board of Health before the DeKalb County Commissioners take final action. If letters/reports of objection are received, the petition shall be reviewed by the Plan Commission with the additional information submitted. A new public hearing is not required but the information shall be reviewed in a public meeting. A reversal of the Plan Commission's recommendation may be possible if the Plan Commission desires.
2. A letter signed by all property owners in the McDaniel Subdivision, that they agree to the change of R1, Low Density Residential to R2, Medium Density Residential.

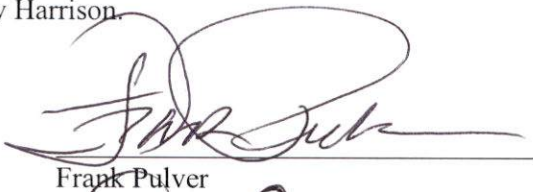
IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS ZONE MAP AMENDMENT, PETITION #23-27, COUNTY ROAD 60 PROPERTIES REZONE, HEREBY GIVES A FAVORABLE RECOMMENDATION TO THE COUNTY COMMISSIONERS 3RD DAY OF OCTOBER 2023.

Motion made by Frank Pulver, Seconded by Sandy Harrison.

Vote tally: Yes: 8 No: 0



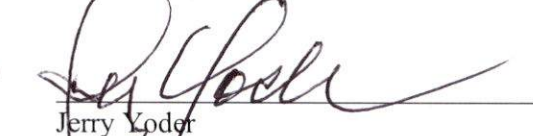
Jason Carnahan



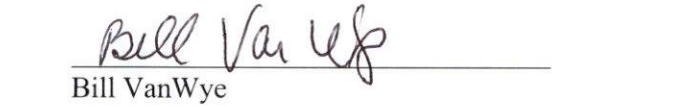
Frank Pulver



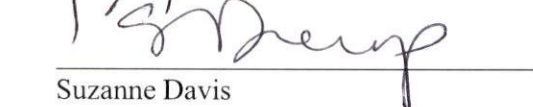
Mike Watson



Jerry Yoder



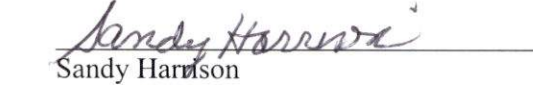
Bill VanWye



Suzanne Davis



Angie Holt



Sandy Harrison

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

Sandy Harrison reported that Butler is making zoning changes, and Hamilton and Waterloo have both cancelled their meetings.

Frank Pulver stated that there was nothing from Garrett to report.

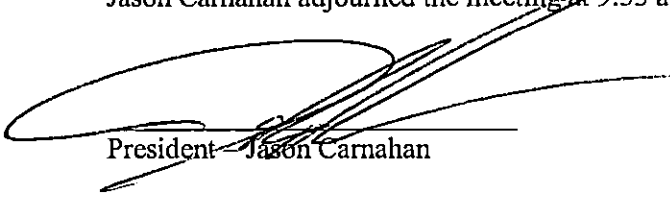
Mike Watson reported that Auburn had 50 text amendments.

COMMENTS/QUESTIONS FROM THE PUBLIC IN ATTENDANCE:

None.

ADJOURNMENT:

Jason Carnahan adjourned the meeting at 9:53 a.m.



President – Jason Carnahan



Secretary – Andrea Noll