

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF AUBURN PLAN COMMISSION
HELD ON JUNE 9, 2009**

The Plan Commission met for a regular meeting on June 9, 2009 at the hour of 6:00 p.m. The meeting was held at Auburn City Hall in the Council Chambers located at 210 E. Ninth Street, Auburn, Indiana.

All records from the June 9, 2009 meeting are on file in the Department of Building, Planning and Development office for review by the public.

Call to Order / Roll Call

The meeting was called to order at 6:00 p.m. by President Rick Ring.

President Rick Ring asked Zoning Administrator Vivian Likes to conduct the roll call.

Present: Steve Bruns; Greg Kenner; Dick McKean; Mike Likens; Jerry Muzzillo; Don Myers; Richard Ring; Ellen Stahly; Barry Tilghman; Mike Watson; Al Wleklinski and DeKalb County Representative, Tim Griffin.

Members and Staff absent: None.

Staff Present: Administrator, Bill Spohn; Zoning Administrator, Vivian Likes; Administrative Assistant, Michelle Lassiter; and City Attorney, Erik Weber.

Minutes

Al Wleklinski moved to approve the regular minutes from the May 12, 2009 meeting. Mike Watson seconded the motion. The motion was carried unanimously by a vote of the commission.

Old Business

None.

New Business

1. **Public Hearing - Permit No.: PC-DEV PLAN 2009-00000002 – DEF Holdings** – 1700 & 1800 Block of S. Indiana Ave. (2 vacant lots)
- Development Plan for two personal storage buildings.

President Rick Ring opened the public meeting and asked the staff to present the staff report for this case.

Zoning Administrator Vivian Likes informed the Commission that the property is located in an R-3/multi-family residential district; and that legal notice was not applicable in accordance with state statutes for this application.

Summary and Comments:

DEF Holdings, LLC propose to construct two (2) 30 ft. x 72 ft. pole barn type - personal storage buildings, with steel siding and steel roof. The buildings will be constructed and sized to house a motor home or travel trailer and used to store personal recreational items. There will be sewer and water connected to the building on Lot 4 using the existing taps which were used by the previous home. A storm drainage system will be constructed between the buildings and on the south side of Lot 5. Access for both buildings will be from a paved area off of Indiana Avenue. A sidewalk is proposed in front of the buildings along Indiana Avenue.

The contractor informed planning staff that they have discussed drainage details with the property owner to the south of Lot 5. The contractor and owner were informed that if they propose to connect the second building to the utilities, this will require separate connection and tap fees. The storm sewer will also remain private.

Planning Staff informed the Contractor that the drainage details needed to be added to the development plan so the City's Engineering Department can review this aspect of the plan.

History:

April 28, 2009, the Board of Zoning Appeals approved the lots located in an R-3/multi-family residential district; 1) Use variance for the storage buildings to be used as the principle structures on both lots; and, 2) Development standard variances from the setback requirements and lot regulations for both lots.

1) Permit No.: 2009-00000001 – BZA Use Variance (principle uses) – Approved w/conditions:

1. Meet and comply with the plan review/routing comments as described on the submitted staff report. See attachments.
2. Any use, structural changes or expansion of either of the buildings, the Department of Building, Planning and Development Planning Staff and the Board of Zoning Appeals will require further review of the use and buildings.

2) Permit No.: 2009-00000001 – BZA Standards Variances - Approved.

1. Lot Width: 50 ft. width
2. Minimum Lot Area: 6,600 sq. ft.
3. Lot Coverage: 33%
4. Side yard setbacks:
 - Lot Four (4) was not granted any variance from the side yard setbacks; the structure shall be constructed ten (10) ft. from either side yard property line.

- Lot Five (5) was granted:
 - A five (5) ft. variance from the north side yard setbacks from the north property line.
 - The building shall be constructed at a side yard setback of 15 ft. from the south property line.

Conditions:

1. Meet and comply with the plan review/routing comments as described on the submitted staff report. See attachments.
 2. Any use, structural changes or expansion of either of the buildings, the Department of Building, Planning and Development Planning Staff and the Board of Zoning Appeals will require further review of the use and buildings.
 3. Construction to be completed: April 28, 2010.
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The plan review/routing committee comments from May 29, and June 3, 2009:

Planning Department/Staff: Approved.

1. Any additional lighting on site or the buildings will require planning staff to review prior to installation.
2. Add drainage details to the development per the development plan requirements as per Engineering Department comments.
3. The contractor and owner were informed that if they propose to connect the second building to the utilities, this will require separate connection and tap fees.

Building Department/Staff: Approved.

Water Department: Approved.

1. Water Superintendent spoke with the Contractor (Scott Hess) regarding the water service to the proposed buildings. The contractor will use the existing tap for Lot 4 building, therefore will only need one (1) meter.

Electric Department: Approved.

1. Electric Superintendent reviewed the project with the Contractor (Scott Hess) and located the service locations and reviewed requirements for this project.

Fire and Street Departments: Approved.

Police and WPC Departments: No comments.

Planning Staff Recommends: Approval

Subject to any conditions placed by the Plan Commission.

1. Any additional lighting on site or the buildings will require planning staff to review prior to installation.
2. Add drainage details to the development per the development plan requirements as per Engineering Department comments.
3. The contractor and owner were informed that if they propose to connect the second building to the utilities, this will require separate connection and tap fees.

Mrs. Likes then informed the commissioners that the City Engineer Steve Bruns had spoken with the contractor Scott Hess today and that the two had reached an agreement in regards to the storm runoff for the property and that the storm sewer line would be extended to the rear of the property and a catch basin installed to protect the properties to the west.

Mr. Ring asked if there were any questions for Mrs. Likes. There being none, Mrs. Likes gave up the floor.

Mr. Ring then asked if there were anyone present to speak on behalf of the petition.

Mr. Scott Hess, the contractor for the project took the floor. Mr. Hess stated that Mrs. Likes did a very good job presenting the project and then explained that there would only be water and sewer installed for lot #4 (the northern lot). Mr. Hess also explained that the city engineer and he had agreed to put catch basins at the northern corner of lot #4 and the southern corner of lot #5. Mr. Hess also stated that he had cleaned out all of the rubbish along the undeveloped alleyway along the rear of the property.

Mr. Ring then asked if there were any questions.

Mr. Myers asked City Engineer Steve Bruns if the project met his approval.

Mr. Bruns responded that the project would be satisfactory, as long as the extension of the storm sewer line and the additional catch basins were made conditions of the approval of the development plan.

Mr. Ring asked if any other commissioners had any questions. There being none, Mr. Hess gave up the floor and Mr. Ring closed the hearing.

A brief discussion among the commission ensued, followed by Mr. Ring asking Mr. Weber to read the Findings of Fact.

FINDINGS OF FACT:

1. Legal notice for this petition has been published and provided to adjoining landowners in accordance with the Indiana Code and local regulations.

- **Yes. The legal notice was published in The Star newspaper on May 28, 2009.**
 - **Yes. The adjoining land owner's notices were sent to the property owners via certified mail returned receipt on May 21, 2009.**
2. The proposal made by the petitioner is consistent with the Comprehensive Plan of the City of Auburn.
- **Yes. The proposal is in compliance with the 1987 Comprehensive Master Plan; the amended 2005 comprehensive plan with the Future Land Use Map; and the amended Zoning Code Chapter 150 – Ordinance 2008-01.**
3. The petitioner has satisfied all standards and conditions prescribed for approval under the City of Auburn Zoning Code and Subdivision Control Ordinances.
- **Yes. April 28, 2009, The Board of Zoning Appeals approved use variances and development standard variances for 2 storage buildings (principle uses), setbacks, lot width, lot area and lot coverage.**
 - **This project satisfies the standards prescribed for under the City Auburn Zoning Code and Subdivision Control Ordinances.**
4. The plan commission declares that this petition if approved will be subject to either: A or B.
- A. All ordinances of the City of Auburn;**
5. The proposal is consistent with other uses in the area, provides for coordination with existing and proposed developments and will not be injurious to the public's health, safety and morals.
- **Yes. The property is located in an area that is similar to surrounding uses and will not be injurious to the public's health, safety and morals.**
 - **This property will be utilized for personal storage and not to be used for commercial use.**
6. The proposed development is not in a floodplain or a special flood hazard area; and provides for adequate drainage.
- **Yes. The site is not located in a floodplain or special flood hazard area as certified on the development plan by the project engineer.**
 - **Yes. The site will be designed for adequate drainage as certified on the development plan by the project engineer and discussed with the construction contractor for this project.**
7. The proposed development has access to all city utilities and thoroughfares.

Yes. The project has access to all city utilities and the construction manager has discussed the connection to the city utilities with the individual utility departments for Lot 4.

Additional utility tap and connection fees and connection specifications are required for future city utility connections for Lot 5 building. The City Utility Departments will need to review prior to connection.

8. The petitioner has made adjustments to the development plan to satisfy all the routing comments and concerns.

- **Yes. The owner, contractor and project engineer are aware of the routing comments.**

June 9, 2009, the city engineer discussed with the contractor to extend the storm sewer and an additional catch basin along the (rear) western portions of both lots #4 and #5 to take care of the drainage for both of the properties.

9. Due to the rapid development of the City of Auburn, the plan commission is required to monitor the extent and pace of development. The plan commission imposes the following time limitation upon the development plan approval **(Renewable up to three years in compliance with Senate Enrolled Act No. 35):**

Conditions:

1. Any use, structural changes or expansion of either of the buildings, the Department of Building, Planning and Development Planning Staff and the Board of Zoning Appeals will require further review of the use and buildings.
2. Any additional lighting on site/buildings will require planning staff to review and approve prior to installation.
3. June 9, 2009, the city engineer discussed with the contractor, to extend the storm sewer and an additional catch basin along the (rear) western portions of both lots #4 and #5 to take care of the drainage for both of the properties.
4. Additional utility tap and connection fees and connection specifications are required for future city utility connections for Lot 5 building. The City Utility Departments will need to review prior to connection.
5. Project construction to be completed: April 28, 2010 as per the Board of Zoning Appeals time limit.

ACTION OF THE COMMISSION.

MOTION TO: Approve Permit No.: PC-DEV PLAN 2009-00000002 for two personal storage buildings in the 1700 & 1800 block of South Indiana Avenue for DEF Holdings, LLC was put forth

by Mike Watson. Al Wleklinski seconded the motion and it was carried unanimously by a vote of the Commission.

1. **Public Meeting – Permit No.: PC-Other 2009-00000001 – PRJ – PC Rules and Procedures.**
- City of Auburn Planning - Introduction of Rules and Procedures – Version “Draft B” for review.

President Rick Ring opened the public meeting and asked Administrator Bill Spohn to update the Plan Commission on this project.

Mr. Spohn explained the process of the changes that were shown on the copies in members’ folders and how to read the document in conjunction with the changes.

Mr. Ring proposed that due to the length of the document that a time limit of roughly one hour to be set for the review session. All of the commissioners agreed with the time limit.

A discussion then ensued as to changes that were suggested by the staff and the commissioner and questions that needed to be forwarded to the consultant. It was pointed out that the Rules and Procedures must meet the city’s ordinances and the state statutes. It was also noted that there is a recommendation to change the Plan Commission fees. The discussion concluded with the document being review up through and including Section 14.

Other Business

1. Address Report – None.

Reports, Communications, Correspondence

1. President, Rick Ring – None.
2. Subcommittee Report – None.
3. County Liaison to the City – Tim Griffin: Mr. Griffin informed the commissioners that the County Plan Commission set new fees recently and sent the fees to the County Commissioners for clarification purposes.
4. City Liaison to the County – Don Myers: Mr. Myers stated that the next County Plan Commission meeting was scheduled for June 17, 2009. Mr. Myers stated that since there were no items on the agenda that involved the City of Auburn, he more than likely would not be in attendance.
5. Attorney, Erik Weber – None.
6. Department Administrator, Bill Spohn: Mr. Spohn informed the commissioners that the letter of certification for the recommended zoning of the ETJ was submitted today to the clerk/treasurer and will more than likely be on the agenda for the July 7, 2009 City Council meeting.

7. Zoning Administrator, Vivian Likes: DEF Holdings would either be in for the June Meeting with their Development Plan or request a special hearing for the project to move forward more quickly.

Member Mike Watson then asked to speak. Mr. Watson spoke regarding the decision made on the zoning of the ETJ at the May 12, 2009 meeting. Mr. Watson felt that the decision may not have been the best decision for the entire community and that the decision was more emotionally based due to the audience at the meeting than factually based. Mr. Watson stated that he had come to this conclusion after hearing the Mayor speak on the issue and after speaking with the Economic Development Partnership.

Mr. Ring then stated that the issue may be sent back to the Plan Commission by the City Council. Mr. Ring stated that should it be returned to the Plan Commission for further review, he would recommend that the owners of the larger sections of land should attend the Plan Commission meeting and present their wishes in person on the zoning of their land.

Upcoming Scheduled Meeting Dates

1. Plan Commission: July 14, 2009 at 6:00 p.m.
2. Board of Zoning Appeals: June 23, 2009 at 6:00 p.m.
3. Board of Public Works and Safety: June 11 & 25, 2009 at 9:00 a.m.
4. City Council: June 16 & July 7, 2009 at 6:00 p.m.

Adjournment

There being no further business to come before the commission, a motion to adjourn the June 9, 2009 Plan Commission meeting was made by Barry Tilghman and seconded by Al Wleklinski. The motion carried unanimously. The meeting adjourned at 7:50 PM.

Secretary: Al Wleklinski

Michelle Lassiter, Department of Building, Planning and Development prepared the minutes.