



"Home of the Classics"

William J. Spohn
Administrator

Department of Building, Planning and Development

Second Floor City Hall, 210 South Cedar Street
PO Box 506 Auburn, Indiana 46706 | 260.925.6449 phone | 260.925.8239 fax | bpd@ci.auburn.in.us | www.ci.auburn.in.us

Date: October 15, 2009
To: Common Council
From: William Spohn, Administrator

Re: Certification of Action of the City of Auburn Plan Commission
Plan Commission Case Number PC-Zone 2009-00000003
For the Zoning request of the Extra Territorial Jurisdiction (ETJ) Areas as delineated in the Inter-Local Agreement between the County of DeKalb Indiana and the City of Auburn Indiana.

Pursuant to IC 36-7-4-604 and after legal notice had been provided in accordance with IC 5-3-1, the City of Auburn Plan Commission held a public hearing on October 13, 2009 to reconsider the application of the City of Auburn for the zoning designation of these locations to improve the utilization of these properties.

Due to the extensive areas involved and the fact that there are areas without linear dimensions or without legal descriptions within the Extra Territorial Jurisdictional (ETJ) Areas the Plan Commission is referencing the attached map showing the recommended zoning of the Extra Territorial Jurisdictional (ETJ) Areas. These ETJ Zones, if approved, will be incorporated into the Plan Commission's official zoning map.

At the October 13, 2009 hearing the Plan Commission approved the rezoning request by a unanimous vote to forward a favorable recommendation to the Common Council of the City of Auburn on this request.

Pursuant to IC 36-7-4-605(a) (3), the Plan Commission certifies to the Common Council a favorable recommendation that the zoning district designations be changed to reflect the zoning as depicted in the attached map, labeled as "Exhibit A", and the recommended Planned Unit Development zone conditions of C-2P district for the property described as the Kruse Museum Area, Auction Park and adjacent properties of "Exhibit A" labeled as "Exhibit B", and that the Zoning Districts map of said City be amended to reflect the changes.

The zoning ordinance for the ETJ areas will be filed with the City of Auburn Clerk's Office by the City of Auburn legal council.

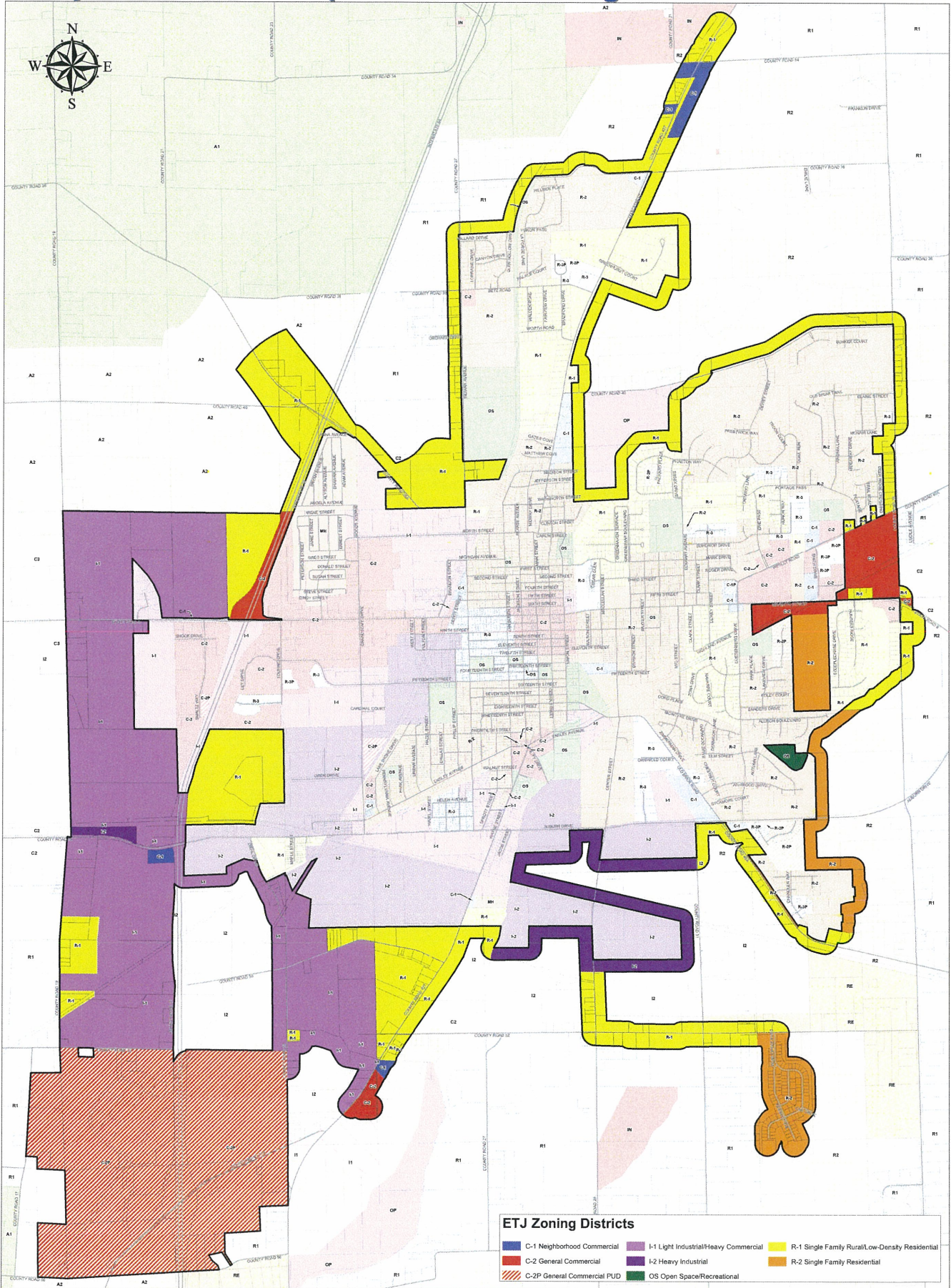
William J. Spohn
Administrator

cc: Clerk-Treasurer
City Attorney

Attachments:

1. "Exhibit A" (The map depicting the recommended zonings).
2. "Exhibit B" (Proposed PUD Conditions for Kruse Museum Area, Auction Park and adjacent properties).
3. Plan Commission Staff Report and Findings of Facts
4. Publisher's Affidavit of Legal Notification

EXHIBIT A City of Auburn Proposed ETJ Zoning Districts: Oct 2009



Map Notes:

This Zoning Map is an update to the original, adopted March 21, 1989. Zoning Amendments and Annexations occurring since 2000 are documented in the underlying database of this map. The boundaries of this map were constructed using best-information parcel locations. While the boundaries are accurate relative to the underlying parcels, the boundaries will be adjusted to fit more accurate parcel definitions as they become available via the CoCiGIS Cadastral Mapping Project 2001-2002.

Map Date: October 12, 2009

Limitations of Use/Liability:

This map product and the data therein is for informational purposes only. The County/City GIS Committee and its partnering agencies do not in anyway guarantee the accuracy of this data, and is not responsible for any ramifications of the use of this map product or data. For more information about this map product and/or its data, please contact CoCiGIS.

Proposed PUD Conditions for Kruse Museum Area, Auction Park, and adjacent properties

Purpose: This area will be designated as a Planned Unit Development, General Commercial District (PUD, C-2P District). The area is unique in that it is planned for museum development type uses and as a C-2, General Commercial District with the inclusion of other mixed uses not normally associated with a C-2, General Commercial District.

- A. The permitted uses within this district may include the following:
- 1) General retail sales including but not limited to the following:
 - a) Large general merchandising retail establishments, single and multi-tenant
 - b) Small retail shopping centers (50,000 sq. ft. or less)
 - 2) Automotive service or automotive related including but not limited to the following:
 - a) Auto sales
 - b) Car Auction sales
 - c) Auto laundry (car wash)
 - d) Auto repair and service shop
 - e) Auto parts sales
 - f) Motorcycle or bicycle shop
 - g) Outdoor Automobile Exhibition Area
 - h) Automobile road course/track with Condo garages
 - i) Travel Plaza/Service/Visitor Center
 - j) Convenience stores and fueling stations
 - 3) Recreational enterprises including but not limited to the following:
 - a) Camp grounds
 - b) Motor Club offices
 - c) Water Park
 - d) Gym - exercise club
 - e) Private recreation facility (indoor and outdoor)
 - f) Public recreation facility (indoor and outdoor)

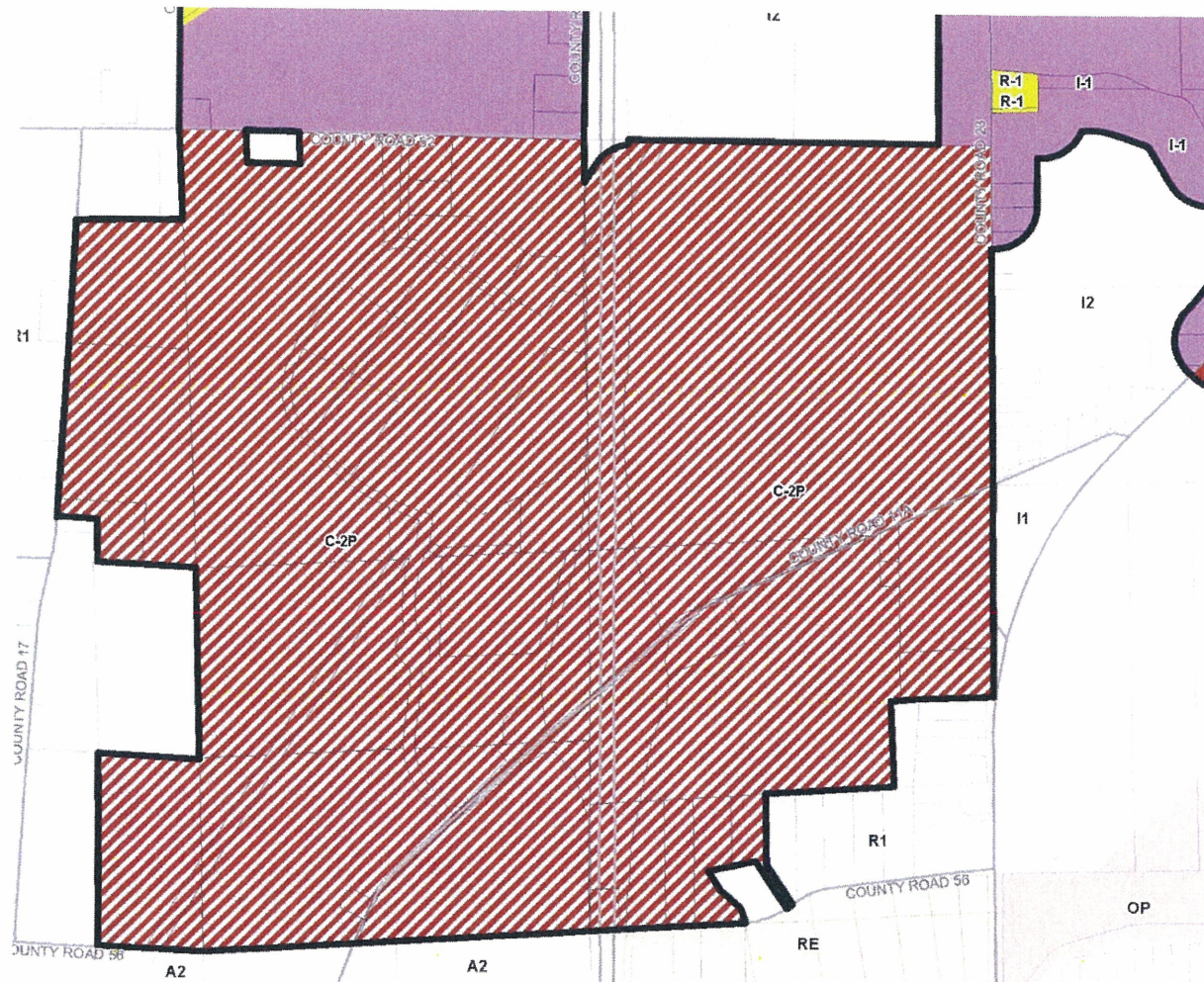
- g) Stadium (Enclosed or open)
- h) Outdoor amphitheater/outdoor speakers (Restrictions on times of usage)
- 4) Miscellaneous uses including but not limited to the following:
 - a) Museums
 - b) Monuments and related Museum support/accessory structures (50 feet height limitations)
 - c) Hotels, motels (Up to 4 stories, 100 feet maximum)
 - d) Convention center as part of a Hotel/Motel complex
 - e) Movie theaters (except drive-ins)
 - f) Professional offices, Research development facilities, Financial institutions, Educational facilities, Medical related facilities
 - g) Public restaurants
 - h) Helipad and aircraft grass landing strip (Restrictions on times of usage)
 - i) Radio/television transmitting towers
 - j) Artificial lake (Size restrictions)
- 5) Mixed Residential uses including but not limited to:
 - a) Townhouse style condominiums (up to two stories)
 - b) Single-family developments
 - c) Assisted living facilities, nursing homes and related medical facilities supportive to these facilities

B. Restrictive PUD conditions:

Certain PUD restrictions or requirements may be imposed by the City of Auburn Plan Commission for any planned developments with the permitted uses described above but not limited to the following;

- 1). Special/unique Conditions specific to the development proposed
- 2). Landscaping/Screening Conditions
- 3). Restrictive lighting and noise conditions
- 4). Other conditions or requirements as deemed necessary for the type of development proposed

EXHIBIT B



Applicant: City of Auburn

Project Location: Boundaries City of Auburn – Extra-Territorial Jurisdiction.

Request: To assign the City of Auburn’s zoning classifications to the Extra-Territorial Jurisdictional (ETJ) areas in accordance with the City of Auburn/DeKalb County Inter-Local Cooperation Agreement.

Zoning Districts: A map of the zoning classifications is attached.

Legal Notice: Legal notice has been served in accordance with applicable statutes and local ordinances. The Star (newspaper) dated: October 1, 2009.

Indiana Statute: 36-7-4-600 Series – Zoning Ordinance.

Summary:

The City of Auburn will assign City of Auburn zoning classifications to the City of Auburn/DeKalb County Extra-Territorial Jurisdiction (ETJ) areas.

The Auburn zoning classifications are needed to be added to the City of Auburn Zoning Map in order to align the proper zoning classifications of the city in accordance to the Inter-Local Cooperation Agreement between DeKalb County and the City of Auburn as it relates to Planning, Zoning, Subdivision Control, Permitting and Enforcement jurisdictions. This agreement was approved on September 18, 2007, by the DeKalb County Commissioners and City of Auburn Common Council.

The Agreement enables the City Plan Commission to better plan for Auburn’s future growth and development by allowing local control of areas just outside the city’s boundaries to be part of the same planning and enforcement ordinances as those inside its jurisdiction. It closely follows the recommendation for the 2005 Future Growth Plan that was approved by the Auburn Plan Commission and City Council as per the 1987 Comprehensive Master Plan.

See references below:

PART 2: ZONING

Section 2.1 The City shall have zoning jurisdiction over the unincorporated areas designated in Exhibit A, Extra-territorial Jurisdiction Map.

Section 2.2 The City shall maintain a valid comprehensive plan that acknowledges the boundaries of the ETJ and designates future land uses consistent with the County’s comprehensive plan.

Section 2.3 The City shall maintain a valid zoning ordinance that is complementary of the City’s comprehensive plan, especially the future land use plan.

The Extra-Territorial Jurisdiction (ETJ) areas were reviewed in conjunction with the adjacent city zoning and the Future Land Use Map; and the proposed zoning is in line with those zonings. The Extra-Territorial Jurisdiction (ETJ) areas are to ensure that these areas will eventually be a part of the city and are zoned according to the city's zoning plans. Due to the nature of the boundaries of these areas, it is best to describe these zones by a zoning map rather than by deed descriptions.

A. Plan Review/Routing comments:

All City Department: Approved.

B. Planning Staff Recommendation:

The areas proposed for the zoning are compatible with the surrounding land uses and in conformance with our 1987 Comprehensive Master Plan and the 2005 Future Land Use Map and the amended Zoning Code Chapter 150 – Ordinance 2008-01.

Staff recommends that the request be forwarded to the Common Council with a favorable recommendation from Plan Commission to Zone the properties as described on the map as shown.

C. FINDINGS OF FACT:

1. Legal notice for this application has been published in accordance with the applicable Indiana Code and City of Auburn local regulations.

- **Yes. The legal notice was published in The Star newspaper on October 1, 2009. In addition, previous identified property owners and interested parties were contacted as requested at earlier public meetings.**

2. The Extra-Territorial Jurisdiction (ETJ) zoning map is consistent with the Comprehensive Plan of the City of Auburn.

- **Yes. The areas proposed for the Extra-Territorial Jurisdiction (ETJ) zoning classifications are compatible with the surrounding land uses and in conformance with our 1987 Comprehensive Master Plan and the 2005 Future Land Use Map; and the amended Zoning Code Chapter 150 – Ordinance 2008-01.**

- **Also is compatible with the 2009 DeKalb County Zoning and Unified Development Ordinance as well as the Inter-Local Cooperation Agreement between DeKalb County and the City of Auburn execution dated September 18, 2007 as recorded at the DeKalb County Recorder's office October 10, 2007.**

3. The Extra-Territorial Jurisdiction (ETJ) zoning map is consistent with current conditions and the character of current structures and uses of the areas.

- **Yes. The surrounding areas consist of: single-family residential uses, residential subdivisions, commercial and industrial areas, agricultural areas, and cultural facilities.**

4. The City of Auburn has satisfied all standards and conditions prescribed for approval under the City of Auburn Zoning Code and Subdivision Control of Ordinances.

- **Yes. The Extra-Territorial Jurisdiction (ETJ) zoning map is needed in order to align the proper zoning classifications of the City of Auburn in accordance to the Inter-Local Cooperation Agreement between DeKalb County and the City of Auburn.**

5. The Extra-Territorial Jurisdiction (ETJ) zoning map proposal is consistent with other uses in the Extra-Territorial Jurisdiction (ETJ) areas, provides for coordination with existing and proposed developments and will not be injurious to the public's health, safety and morals. O

- **Yes. The Extra-Territorial Jurisdiction (ETJ) zoning classifications of the City of Auburn in accordance to the Inter-Local Cooperation Agreement between DeKalb County and the City of Auburn will not be injurious to the public's health, safety and morals. The intent is to provide a consistency of the land uses and zoning classifications of the Extra-Territorial Jurisdiction (ETJ) areas along with the surrounding areas.**

D. ACTION OF THE COMMISSION.

MOTION TO: Don Myers moved to approve and forward a favorable recommendation by the Auburn Plan Commission to the Auburn Common Council to assign zoning classifications as described on the Extra-Territorial Jurisdiction (ETJ) zoning map as shown.

Barry Tilghman seconded the motion and it was carried unanimously by a vote of the commission.

Vote:

Member	Yes	No	Abstain	Absent
Steve Bruns	<u>X</u>	___	___	___
Greg Kenner	___	___	___	<u>X</u>
Mike Likens	<u>X</u>	___	___	___
Dick McKean	<u>X</u>	___	___	___
Jerry Muzzillo	___	___	___	<u>X</u>
Don Myers	<u>X</u>	___	___	___
Rick Ring	<u>X</u>	___	___	___
Ellen Stahly	<u>X</u>	___	___	___
Barry Tilghman	<u>X</u>	___	___	___
Mike Watson	<u>X</u>	___	___	___
Al Wleklinski	<u>X</u>	___	___	___

October 13, 2009
Date

PUBLISHERS OF THE STAR

CITY OF AUBURN
DEPARTMENT OF BUILDING,
PLANNING AND DEVELOPMENT

PUBLISHER'S CLAIM

COMPUTATION OF CHARGES:

98 lines, 1 column(s) wide equals	
98 equivalent lines at 0.3660 cents per line,	35.87
Additional charges for notices containing rule or tabular work (50% of above amount) AND/OR extra proofs of publication (\$1.00 for each proof in excess of 2) equals 0.00	0.00
Data for computing cost:	
Width of single column - 12 ems	_____
Size of type - 7 points	
Size of quad upon which type is cast - 8 pt.	
Number of insertions - 1	35.87

OCT 02 2009	
LINE COUNT	
HEAD (number of lines)	1
BODY (number of lines)	96
TAIL (number of lines)	1
TOTAL	98

"Pursuant to the provisions and penalties of Chapter 155, Act 1953, (s)he further says that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid"

Date: 10/1/09

Kelly Wallen
Legal Clerk

Ad #: 00193694
BILL CITY OF AUBURN DEPT OF
BUILDING

PUBLISHER'S AFFIDAVIT

A map of the Extra-territorial Jurisdiction (ETJ) areas with the proposed zoning classifications will be available at the City of Auburn Department of Building, Planning and Development office located at Auburn City Hall, 2nd Fl., 210 S. Cedar St. Auburn, Indiana. Contact info: William Spohn at 260.925.6449 ext. 1201 or by facsimile at 260.920.3342 or by e-mail at bpd@ci.auburn.in.us.

The complete file on this project is available for review during weekdays between the hours of 8:00 a.m. and 4:00 p.m. local time in the office of the Department of Building, Planning and Development, Auburn City Hall, Second Floor, 210 S. Cedar Street, Auburn, Indiana. Under Indiana law, public hearings are open to all persons who wish to attend. Any person interested in this matter may appear at the public hearing and will be given the opportunity to speak, if they so wish. The Plan Commission may conclude the hearing with a decision or they may continue the hearing to another date.

Written comments concerning this petition may be filed with the Plan Commission before the public hearing by mail or personal delivery to: William Spohn, Administrator through the Department of Building, Planning and Development, 210 S. Cedar St., P.O. Box 508, Auburn, Indiana 46706-0508; or by facsimile at 260.920.3342; or by e-mail at bpd@ci.auburn.in.us. Written comments may also be delivered in person to the Plan Commission at the public hearing.

Contact William Spohn at 260.925.6449 ext. 1201 or Vivian Likas at ext. 1202. You may also contact us by facsimile at 260.920.3342 or by e-mail at bpd@ci.auburn.in.us, if there are any questions.

William J. Spohn
Administrator
City of Auburn Plan Commission
TS.00193694.10/1

Noble County) SS:
State of Indiana)

Personally appeared before me, a notary public in and for said county and state, the undersigned Kelly Wallen who being duly sworn said that (s)he is of competent age and is Legal Clerk of KPC Media Group Inc, publisher of a daily newspaper in Kendallville, county of Noble, State of Indiana, a weekly newspaper in Ligonier, county of Noble, State of Indiana, a daily newspaper in Auburn, county of DeKalb, State of Indiana, a daily newspaper in Angola, county of Steuben, State of Indiana, a weekly newspaper in Garrett, county of DeKalb, State of Indiana, Butler a weekly newspaper in Butler, county of DeKalb, State of Indiana, and which during that time have been newspapers of general circulation, having bona fide paid circulations, printed in the English language and entered, authorized and accepted by the post office department of the United States of America as mailable matter of the second-class as defined by the Act of Congress of the United States on March 3, 1879, and that the printed matter attached is a true copy, which was duly published in said newspaper 1 times, the dates of publication being as follows : 10/01/2009

Affiant Kelly Wallen

Notary Public Mary Jo Moneasmith

Subscribed and sworn before me on this 1st day of October, 2009

My commission expires May 21, 2010



**NOTICE OF PUBLIC HEARING
FOR CITY OF AUBURN
PLAN COMMISSION:**

The City of Auburn Plan Commission will hold a public hearing at 6:00 p.m. local time on Tuesday, October 13, 2009 in the Council Chambers, Auburn City Hall, 210 E. Ninth Street, Auburn, Indiana. The Plan Commission will consider various zoning classifications for the City of Auburn/DeKalb County Extra-Territorial Jurisdictional (ETJ) areas.

The zoning of these areas is being initiated by the Auburn Plan Commission to align the City's and DeKalb County's land use with the proper zoning classifications according to the Inter-Local Cooperation Agreement between DeKalb County and the City of Auburn Indiana, regarding Planning, Zoning, Subdivision Control, Permitting and Enforcement Jurisdiction dated and approved September 18, 2007 by the DeKalb County Commissioners and City of Auburn Common Council as referenced below.

PART 2: ZONING

Section 2.1- The City shall have zoning jurisdiction over the unincorporated areas designated in Exhibit A, Extra-territorial Jurisdiction Map.

Section 2.2. The City shall maintain a valid comprehensive plan that acknowledges the boundaries of the ETJ and designates future land uses consistent with the County's comprehensive plan.

Section 2.3 The City shall maintain a valid zoning ordinance that is complementary of the City's comprehensive plan, especially the future land use plan.