

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF AUBURN PLAN COMMISSION
HELD ON MARCH 10, 2009**

The Plan Commission met for a regular meeting on March 10, 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 and recordings from the March 10, 2009 meeting are on file in the Department of Building, Planning and Development office for review by the public. Not all conversation is included in the minutes.

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: Greg Kenner; Mike Likens; Don Myers; Richard Ring; Ellen Stahly; and Mike Watson.

Members and Staff absent: Steve Bruns; Dick McKean; Jerry Muzzillo; Barry Tilghman; Al Wleklinski and the DeKalb County Representative.

(Note: the county plan commission has not appointed the 2009 representative to the city Plan Commission.)

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

Mr. Ring asked those attending this hearing for the ETJ Zoning to raise their hands. Mr. Ring then asked those attending the meeting for the Walkways and Trailways Plan Hearing to raise their hands. Due to the large number in attendance for the ETJ Zoning hearing, Mr. Ring announced that the order of New Business would be reversed so that the ETJ Zoning hearing would be first on the agenda and the Walkways and Trailways Plan hearing would follow.

Minutes

Mike Watson moved to approve the regular minutes from the February 10, 2009 minutes. Don Myers 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-ZONE 2009-00000001 - Comprehensive Plan Update - City of Auburn.

President Rick Ring opened the public hearing and asked Administrator Bill Spohn to present the staff report for this case.

Mr. Spohn informed the Commission that legal notice had been served in accordance with applicable statutes and ordinances in regards to this application.

Mr. Spohn presented the Staff Report and a Map of the proposed zoning districts for the Extra-Territorial Jurisdictional areas.

Summary:

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

The Auburn zoning classifications are needed to be added to the zoning map in order to align the proper zoning classifications of the city in accordance with 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.

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.

Mr. Ring asked if there were any comments or questions for Administrator Bill Spohn. There being no questions, Mr. Spohn gave up the floor.

Mr. Ring then opened up the floor for those in attendance to speak for or against the petition, giving the audience directions to keep the input concise and to the point and to not be repetitive in either what they stated or what someone else stated.

Several individuals came forward with input and statements for and against the proposed zoning for their individual properties creating in depth discussion as to the history of the city's Comprehensive Plan and Land Use Map and how the proposed zonings were chosen.

During the discussion Mr. Spohn explained that the purpose of the public hearing was to get the input from the affected property owners and their preferences and that some of the proposed zoning designations might be changed due to the information garnered through the public hearing.

The following individuals came before the plan commission with general comments regarding the proposed ETJ zonings:

Chris Shaffer - 5099 CR 19, Garrett, In 46738 – Mr. Shaffer stated that he prefers his property to be zoned Industrial and stated he felt that the industrial zoning designation would increase the value of his property.

Tamara Williams - 5107 CR 19, Garrett, In 46738 – Ms. Williams preferred that her property be zoned residential. She felt that the residential zoning designation would benefit her property value better. Ms. Williams also stated that she would like to have a written document stating

that should the industrially zoned property behind her property were purchased for an industrial use, her property would have to be purchased as well. Mr. Spohn informed her that legally that was not possible.

Matthew Boger on behalf of his Mother, Nancy Boger - 5149 CR 29, Auburn, In 46706 – Mr. Boger asked why his mother would have to pay a large fee to tap into the city's water and sewer. It was explained to Mr. Boger that the Bear Creek developer constructed the sewer and water utility lines to the Bear Creek subdivision and in exchange for deed of easements for the utility lines to be constructed through those properties, the developer connected them to the utilities. Mr. Boger was informed to contact the Department of Building, Planning and Development office to further discuss the fees and connection to the utilities.

Dave Myers - 5160 CR 427, Auburn, In 46706 - Mr. Myers had questions regarding whether the zoning changes would affect his property taxes; and if his property was being annexed into the city. Mr. Myers was informed that his property was not being annexed into the city at this time, but there may be a time in the future when that could be foreseeable. Mr. Myers was also informed that his property taxes are not affected by the zoning change. Mr. Myers also expressed a belief that all homes in that area should be zoned the same.

Jeff Suttle - 4527 CR 19, Auburn, In 46706 – Mr. Suttle stated that he would like for his property to be zoned industrial, the same as the surrounding area of his property.

Doris Blickenstaff - 5377 CR 23, Auburn, In 46706 – Mrs. Blickenstaff asked that in the case of her death and her son inherits her property, could the property continue as a residential use. Mr. Spohn responded in the affirmative. Mrs. Blickenstaff then asked what specifically the proposed zoning for her property was. Mr. Spohn determined that Mrs. Blickenstaff's property was not in the ETJ area but adjacent to the area.

Jennifer Shaffer - 5302 CR 427, Auburn, In 46706 – Mrs. Shaffer stated that she would like to see her property zoned residential. She stated that her house has been in existence longer than the city of Auburn.

Lee Parker 1799 N. Indiana Ave, Auburn, In 46706 – Mr. Parker stated he is having drainage issues with ground water and wanted to know what the city would do to help him solve the problem. Mr. Ring informed him that the public hearing for the ETJ Zoning proposal was not the appropriate forum for discussion of the problem and that Mr. Parker should contact the city engineer and county surveyor.

Tom Aschleman - 2429 CR 36A, Auburn, In 46706 and also owns 2040 N. Indiana Ave, Auburn, In 46706 – Mr. Aschleman had questions of whether the proposed zoning of R-1/Single Family Rural/Low-Density Residential District proposed for his property would allow

for an agricultural building to be built on the property. Mr. Spohn responded in the affirmative as the use is an allowable use within an R-1 zoning district.

Susan Reger - 901 N. Indiana Ave, Auburn, In 46706 – Mrs. Reger asked Mr. Spohn about grand-fathering of land use. Mr. Spohn and Attorney Weber explained what grand-fathering of land use entailed. Mrs. Reger asked what the R-1/Single Family Rural/Low-Density Residential District allows.

Administrator Spohn, President Rick Ring and Attorney Weber requested that staff read to the plan commission and audience what permitted uses are allowed in an R-1 zoning district.

Mrs. Likes read the city ordinance as to the permitted uses within an R-1/Single Family Rural/Low-Density Residential District.

Bernie Sukala - 4322 CR 35, Auburn, In 46706 – Mr. Sukala expressed his concern for the proposed commercial zoning and drainage for the southwest corner of county roads 35 and 40A. Mr. Sukala was assured that should any development in the area would be overseen by the county surveyor and the city engineer to insure that the drainage would be directed appropriately.

Mr. Ring announced that when the public comment portion of the hearing was over, a brief recess would be taken by the plan commission; and when the plan commission reconvenes from the recess, the commission would make a decision on the petition.

Pam Dickman - 4391 CR 35, Auburn, In 46706 – Mrs. Dickman asked as to the meaning of a PUD (Planned Unit Development). Mr. Spohn explained that the PUD indicated that there were specific conditions placed on a property or a development. Mrs. Dickman then asked if she could get a copy of the allowable uses within a general commercial district. Mrs. Dickman was told that a copy would be emailed to her.

Mrs. Likes read a portion of the city ordinance as to some of the permitted uses of land within a C-2/General Commercial District.

Mr. Ring explained the differences between a C-1/Neighborhood Commercial District and a C-2 /General Commercial District.

Burt Dickman - 2222 S Wayne St., Auburn, In 46706 – Mr. Dickman inquired why the area that will be along the future north extension of Grandstaff Drive wasn't looked at for commercial zoning. Mr. Dickman stated that he believed that Grandstaff Drive would become a major entrance into the city, a heavily traveled route to the DeKalb Central High School and Rieke Park. Mr. Dickman then asked why the commercial zoning along Grandstaff Drive was not continued to the north. Mr. Spohn and Mr. Ring explained that the area Mr. Dickman was

concerned about was not in the Extra Territorial Jurisdiction area. The yellow area on the map that Mr. Dickman referred to was being continued as residential use due to its current use and current surrounding use. Mr. Ring stated that should the area fall into the city's jurisdiction in the future, then the possibility of a commercial zoning designation might be considered.

Barbara Harty - 2048 CR 52, Garrett, In 46738 – Mrs. Harty inquired as to whether the ETJ areas being zoned by the city were all going to remain with the equivalent zoning that the county had used for the land. Mr. Ring responded that some would stay the equivalent zoning to the county designation and some would be changed to a different zoning designation from the county's zoning designation. Mr. Ring explained that the zoning being proposed by the city has always been in the city's plan as it looked out to the future annexation of these areas. Mrs. Harty stated that she didn't see the justification for the zoning changes. Mrs. Harty asked why the city could not wait until there is interest in the land for use as industrial to change those zoning designation. Mr. Ring stated that the proposed zoning is in line with a full-disclosure policy in the zoning of the city and its jurisdictional areas. Mrs. Harty then inquired when she would be allowed to tap into the city's water and sanitary sewer systems. Mrs. Harty was informed either when her property is annexed or if services are brought to her property line; and she must be willing to pay for the connection fees. Mr. Weber stated there are state statutes for sewer connection within a certain amount of footage from a property line. Mrs. Likes stated there are many factors to be taken into account before connecting to city utilities. This matter can be further discussed if she would like to come to the city office to discuss.

Erica Shaffer - 5099 CR 19, Garrett, In 46738 – Mrs. Shaffer inquired as to whether they could in the future request that their property be rezoned. Mr. Spohn responded in the affirmative that she and her husband could come in with a petition to the Plan Commission and request for their property to be rezoned.

Mr. Ring then closed the public hearing portion of the petition, asking Erik Weber to outline the process for the zoning to take place.

Erik Weber explained the process for the zoning of the ETJ areas to take effect – within ninety days of the Plan Commission issuing a recommendation, a letter of certification of action and a draft ordinance setting forth the zoning would be forwarded to the city council. Mr. Weber stated that if recommendation was given at the March 10, 2009 meeting the recommendation would not be heard by the city council before April and that May was a more realistic time frame.

Mr. Ring called for a five minute break at approximately 8:02 P.M. and reconvened at approximately 8:07 P.M. Mr. Ring called the meeting to back to order.

Mr. Ring then asked if there was any discussion from the Commission on the petition.

Mr. Myers responded that the petition should be tabled and he would like the presence of the Commission's two ETJ members.

Mr. Ring and Mrs. Stahly requested that the individuals in the audience who object to the zoning put their objections in writing for the Commission.

Mrs. Stahly stated that she believed the plan to be an overall good plan.

Mr. Spohn stated that the proposed zoning is in accordance with the county's new zoning ordinance and the city's comprehensive plan and future land use map.

Mr. Myers stated that it is the Commission's responsibility to guide the city in its planning for future growth and organization for future generations. The Commission needs to look at not just individual properties but the city as a whole as well the surrounding properties outside of the city's jurisdiction.

Mr. Ring asked for a motion on the petition.

Mike Watson moved to continue this petition to the April 14, 2009 Plan Commission meeting for Permit No.: PC-Zone 2009-00000001 – ETJ Zoning Map - City of Auburn.

Greg Kenner seconded the motion and it was carried unanimously by a vote of the commission.

2. Public Hearing - Permit No.: PC-COMP PLAN 2009-00000001 - Pedestrian Walkways and Recreational Trailways - City of Auburn.

President Rick Ring opened the public hearing and asked Administrator Bill Spohn to present the staff report for this case.

Mr. Spohn informed the Commission that legal notice had been served in accordance with applicable statutes and ordinances in regards to this application.

Mr. Spohn presented the Staff Report and a Map in the form of a PowerPoint presentation of the proposed locations for future Pedestrian Walkways and Recreational Trailways. (PowerPoint presentation is an attachment to the minutes.) Mr. Spohn explained the process that was followed to decide the proposed locations for walkways and Trailways. Mr. Spohn explained that this project would also be part of the Northeast Indiana Trails and Greenway, Regional Bicycle and Pedestrian Plan and the Upstate Indiana Trails Plan. Mr. Spohn explained that this project is being worked in conjunction with the Safe Routes to School Program. Mr. Spohn provided a review of the history for this project to the commissioners. Mr.

Spohn stated that he was asking the Plan Commission to send a recommendation of the plan as an amendment to the city's Comprehensive Master Plan and the Future Land Use Map to the city council. Mr. Spohn will ask the Park Board to approve the plan as an amendment to the Parks Master Plan. Mr. Spohn also stated that the plan would need to have accountability in that the commission, should the plan be adopted, should review the progress of the plan at the end of each year.

Mr. Ring stated that sidewalks are important for exercise and transportation purposes within the city. Mr. Ring stated that the state is now in support of pedestrian transportation under over passes where the State did not support this in the past. Mr. Ring also stated that more people are walking and biking as a mode of transportation due to the current economy.

Mr. Ring asked if there were any comments or questions for Administrator William Spohn. There being none, Mr. Ring asked if there was anyone present who wished to speak for or against the petition.

The following individuals came before the plan commission with comments regarding the proposed Pedestrian Walkways and Recreational Trailways Plan:

Burt Dickman - 2222 S Wayne St., Auburn, In 46706 – Mr. Dickman inquired why the area around the pond located to the northwest of the Interstate 69 exchange wasn't being looked at in conjunction with the trail way plan. Mr. Dickman stated he believed it would make a perfect location for an RV camp and that the camp could be tied into the proposed Pedestrian Walkway & Recreational Trailways Plan.

Mike Walter - 320 W 17th St., Auburn, In 46706 – Mr. Walter stated that he supports the premise behind the Pedestrian Walkway and Recreational Trailways Plan. Mr. Walter stated that there are many alternative transportation INDOT grants available for plans such as this one. Mr. Walter stated that the plan is needed for the proposed regional trail and he gave a detailed history of proposed trails in the county and the construction of sidewalks within the city. Mr. Walter expressed a desire to see the sidewalks worked on first, especially along Ensley Avenue and emphasized that there will have to be work with the community groups for the implementation of the plan.

Pam Dickman - 4391 CR 35, Auburn, In 46706 – Mrs. Dickman inquired which side of the road along County Road 35 would the trail/sidewalk be on. Mrs. Dickman asked about a widening of County Road 35.

Mr. Spohn stated that it could be trail or sidewalk. The basic difference would be the width, as a trail is wider than a sidewalk. Mr. Spohn stated that at this point it is unsure on which side of the road the trail/sidewalk would be constructed.

Mr. Ring replied that the city is not aware of any plans to widen County Road 35. The road is under county jurisdiction and that not all plans are kept on track; they are quite often pushed off and stretched out over a longer time frame.

Susan Reger - 901 N. Van Buren St, Auburn, In 46706 – Mrs. Reger stated that at first she and her family opposed the Rieke Park Trail due to its proximity to her home, but now they love the trail and are in favor of the Pedestrian Walkway and Recreational Trailways Plan.

Mr. Ring then asked if anyone else wished to speak for or against the petition. There being none, Mr. Ring then closed the public hearing portion of the petition.

Mr. Ring then asked if there was any discussion from the Commission on the petition. There being none, Mr. Ring asked for a motion.

Mr. Ring asked attorney, Erik Weber to read the Findings of Fact.

FINDINGS OF FACT:

1. Legal notice for this application 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 Evening Star newspaper on February 26, 2009.**
- **Property owner's notices are not required.**

2. The 2009 Pedestrian Walkways and Trailways Master Plan are consistent with the Comprehensive Plan of the City of Auburn.

- **Yes. The Pedestrian Walkways and Trailways Master Plan is compatible with the land uses and in conformance with and supportive to the City of Auburn 1987 Comprehensive Master Plan and the 2005 Future Land Use Map as amended; and the City of Auburn 2006-2010 Parks and Recreation Master Plan.**

3. 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 2009 Pedestrian Walkways and Trailways Master Plan is needed to address the City of Auburn's current pedestrian walkways, recreational trailways needs and concerns, and; to provide a pedestrian and bikeway connectivity and accessibility from the residential neighborhoods to recreational parks, schools, commercial areas as well as museums, and other points of interest; and to provide a safe access to those locations.**
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4. The 2009 Pedestrian Walkways and Trailways Master Plan is consistent with other uses and

areas, and provides for coordination with existing and proposed developments; and will not be injurious to the public's health, safety and morals.

- **Yes. The 2009 Pedestrian Walkways and Trailways Master Plan will not be injurious to the public's health, safety and morals. This plan will serve as a guide to direct the future growth and improvements of the City of Auburn pedestrian walkways and trailways.**
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ACTION OF THE COMMISSION.

MOTION TO: Approve and forward a favorable recommendation by the Auburn Plan Commission to the Auburn Common Council to amend its 1987 Comprehensive Master Plan's existing Master Land Use Plan (Map) by adding to it the 2009 Pedestrian Walkways and Trailways Master Plan was put forth based on the above findings by Greg Kenner and seconded by Don Myers. The motion was carried unanimously by the Commission.

Other Business

1. Address Report – None.

Reports, Communications, Correspondence

1. President, Rick Ring – None.
2. Subcommittee Report – None.
3. County Liaison to the City – No appointment to date. County Plan Commission to appoint a representative at the Commission's March 18, 2009 meeting.
4. City Liaison to the County – None.
5. Attorney, Erik Weber – None.
6. Department Administrator, Bill Spohn – None.

7. Zoning Administrator, Vivian Likes:

- Informed the Commission that staff met with Brad Johnson of Ground Rules regarding the Plan Commission Rules and Procedures. The Rules and Procedures are almost complete and hopefully can discuss at the next Plan Commission Meeting.

Upcoming Scheduled Meeting Dates

1. Plan Commission: April 14, 2009 at 6:00 p.m.
2. Board of Zoning Appeals: March 24, 2009 at 6:00 p.m.
3. Board of Public Works and Safety: March 12 and 26, 2009 at 9:00 a.m.
4. City Council: March 17 and April 7, 2009 at 6:00 p.m.

Adjournment

There being no further business to come before the commission, a motion to adjourn the March 10, 2009 Plan Commission meeting was made by Mike Watson and seconded by Greg Kenner. The motion carried unanimously. The meeting adjourned at 9:06 PM.

Secretary: Al Wleklinski

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