

**MINUTES OF THE REGULAR MEETING  
OF THE CITY OF AUBURN PLAN COMMISSION  
HELD ON MAY 12, 2009**

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The Plan Commission met for a regular meeting on May 12, 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 May 12, 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: City Attorney, Erik Weber.

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

**Minutes**

Mr. Ring asked for any comments or changes to the April 14, 2009 minutes. Ellen Stahly proposed the following four minor changes to the April 14, 2009 minutes:

1. Page four, paragraph one, second sentence – insert the word “for” between “used” and “commercial”.
2. Page five, paragraph one, first sentence – delete the word “industrial” between “not be” and “an industrial”.
3. Page six, paragraph ten, first sentence – insert the word “said” between “Mr. Ring” and “that he could”.
4. Page eight, paragraph eleven, first sentence – insert the word “meeting” between “May 12, 2009” and “that no more”.

*Mr. Ring then asked for a vote for the approval of the regular minutes from the April 14, 2009 minutes with the above changes suggested by Mrs. Stahly. The motion was carried unanimously by a vote of the commission with Mike Likens and Al Wleklinski abstaining due to their absence from the April 14, 2009 meeting.*

## **Old Business**

None.

## **New Business**

### **1. Public Hearing - Permit No.: PC-ZONE 2009-00000001 – ETJ Zoning Map - City of Auburn. (continued from April 14, 2009, meeting)**

- Zoning Map addition for the Extra-Territorial Jurisdiction (ETJ) areas.

President Rick Ring opened the public meeting by informing the public that comments and testimony had been taken at the March 10, and April 14, 2009 meetings and that the public hearing portion had been closed at the April 14, 2009 meeting with no further public comments/testimony to be taken at the current meeting.

Mr. Ring then announced that with that being said two letters had been received by the Plan Commission and asked Mrs. Likes to read them into record. (Letters are attached to the end of these minutes as Attachment A)

Mr. Ring then informed those in attendance of changes that were made to the zoning proposal and reasoning behind those changes.

Mr. Ring then asked Mr. Spohn if the map being presented was in accordance with the described changes mentioned above.

Mr. Spohn affirmed that the above changes were reflected in the map being presented and explained further changes to the Liddell's property and a section of properties located along County Road 427 that he was requesting in response to the two letters read into the record by Mrs. Likes.

*Al Wleklinski moved to change the proposed zoning for the five lots on the east side of County Road 427 south of County Road 52 and north of the ditch to a residential zoning designation.*

*Mike Watson seconded the motion and it was carried unanimously by a vote of the commission.*

*Mike Watson moved to change the proposed zoning for the Liddell property on County Road 23 to a residential zoning designation.*

*Al Wleklinski seconded the motion and it was carried unanimously by a vote of the commission.*

An in depth discussion of the entire zoning proposal was ensued by the Plan Commission with information provided by the staff.

*Mike Watson moved to forward a favorable recommendation to the city Common Council for the Zoning proposals in the Extra-Territorial Jurisdiction (ETJ areas) including the changes along County Road 427 and County Road 23.*

*Ellen Stahly seconded the motion and it was carried unanimously by a vote of the commission.*

The staff reminded the commission about the Findings of Fact.

Mr. Ring asked Mr. Bosworth 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.**

**Yes. The adjoining land owner's notices were sent to the property owners via first class mail on February 23, 2009 and February 24, 2009.**

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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; and the Inter-Local Cooperation Agreement between DeKalb County and the City of Auburn execution dated September 18, 2007 and recorded at the DeKalb County Recorder's office October 10, 2007.**

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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.**

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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.**

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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.

**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.**

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## **Second Vote**

### **ACTION OF THE COMMISSION.**

**MOTION 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) areas zoning map as shown.**

**X Favorable Recommendation to Common Council**

### **Vote:**

Member(s)	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>	_____	_____	_____

Mayor Norman Yoder then took the floor and asked everyone to consider the plight of the city and county of the dwindling job supply and the potential loss of citizenry due to the job situation; Mayor Yoder asked everyone to come up with a solution about not wanting an industrial zoning designation near their properties. Mayor Yoder explained that the City and the County has to have industrial zoning designations to pull in new industries for new jobs.

Mayor Yoder also thanked the Plan Commission members for doing a wonderful job under such stressful conditions.

Mrs. Likes then asked the Commissioners for permission to move up the DEF Holdings request that was on the agenda under Other Business. The Commissioners granted Mrs. Likes' request.

Mrs. Likes then presented the Commissioners with DEF Holdings, LLC's request to waive the development plan approval public hearing process and have the staff review and approve the development plan for two personal storage buildings to be located in the 1700/1800 block of South Indiana Avenue. Mrs. Likes gave the Commissioners some background on the project and explained the project had been presented at a public hearing before the Board of Zoning Appeals on April 28, 2009 and was granted a Use Variance. The project was also granted Standards Variances for Lot #5 for the proposed building for that lot to be built five feet from the north property line instead of ten feet from the property line in order to give a greater buffer distance between the proposed building and the residence on the lot to the south of Lot #5. Mrs. Likes then read into record a letter requesting the waiver into the meeting records. (Letter is attached to the end of these minutes as Attachment B.)

Mr. Ring then asked Scott Hess, representative for the request, the reasoning behind the request for the waiver.

Mr. Hess stated that the group would like to get the buildings done as soon as possible and felt the public hearing process would slow the project down. Mr. Hess also stated the public hearing process would be a redundancy as the project had been through one public hearing and was granted variances by the Board of Zoning Appeals and that the neighbors were fine with the project.

Mr. Ring then opened a discussion on the waiver with the Commission and staff. In the discussion it was concluded that:

1. The buildings were for personal use only, not commercial.
2. Adjoining owners had been notified prior to the Board of Zoning Appeals hearing and that the neighbor to the south of the project had his concerns discussed at the Board of Zoning Appeals hearing.
3. Mr. Hess had met with some of the city department to discuss utility criteria for the project.
4. If the waiver were granted the project would still need to meet all zoning criteria per the city ordinances.

Councilman Walter asked the commission if the ordinance allows the Plan Commission to issue such a waiver.

Planning Staff informed Plan Commission that our Zoning Code does not make any reference to not allow anyone to present a request to the plan commission or regardless of the matter.

Mr. Ring then asked for a motion on the request.

*Mike Likens moved to deny the request for a waiver from the public hearing process for a development plan since the ordinance states a development plan is required within a residential district.*

*Al Wleklinski seconded the motion and the motion carried unanimously by a vote of the Commission.*

## **2. Public Meeting – Permit No.: PC-Other 2009-00000001 – PRJ – PC Rules and Procedures.**

- City of Auburn Planning - Introduction of Rules and Procedures – Draft version for review.

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

Mr. Spohn stated that the Draft of the Plan Commission Rules and Procedures had been placed in the members' folders for them to take home and review at the April meeting.

A discussion then ensued as to changes that still were needed within the document. It was pointed out that the Rules and Procedures must meet the city's ordinances. It was also noted that there is a recommendation to change the Plan Commission fees. It was discussed that any Commissioner that had suggested wordage changes should stop by the staff office and leave those changes with the staff to pass on to the consultants working on the project.

### **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 – None.
4. City Liaison to the County – Don Myers – None.
5. Attorney, Erik Weber – None.
6. Department Administrator, Bill Spohn – None.
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.

### **Upcoming Scheduled Meeting Dates**

1. Plan Commission: June 9, 2009 at 6:00 p.m.
2. Board of Zoning Appeals: May 26, 2009 at 6:00 p.m.
3. Board of Public Works and Safety: May 14, & 28, 2009 at 9:00 a.m.
4. City Council: May 5, & 19, 2009 at 6:00 p.m.

### **Adjournment**

There being no further business to come before the commission, a motion to adjourn the May 12, 2009 Plan Commission meeting was made by Al Wleklinski and seconded by Barry Tilghman. The motion carried unanimously. The meeting adjourned at 7:30 PM.

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Secretary: Al Wleklinski

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