

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 10TH DAY OF APRIL 2008 AT 9:00 A.M.
MEETING ROOM – DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Chairperson, Jeff Burbrink, with the following members present: Meg Wolgamood, Dennis Sharkey, Blake Doriot, and Mike Yoder. Staff members present were: Robert Watkins, Plan Director; Mark Kanney, Planning Manager; Robert Nemeth, Planner; Dan Piehl, Planner; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Wolgamood/Sharkey*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 13th day of March 2008 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*Doriot/Sharkey*) that the legal advertisements, having been published on the 29th day of March 2008 in the Goshen News and The Elkhart Truth, be approved as read. The motion was carried with a unanimous vote.

4. A motion was made and seconded (*Doriot/Sharkey*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. With a unanimous vote, the motion was carried.

* (*It is noted that Steve Warner arrived for the meeting at this time.*)

5. The application for a zone map change from General Planned Unit Development-B-3 to a Detailed Planned Unit Development-B-3 to be known as **PARKWAY @ 17 DPUD – PHASE II**, for Gateway Properties represented by Wightman Petrie, Inc., on property located on the Southeast corner of CR 17 and Verdant Dr. in Jefferson Township, was presented at this time.

Mr. Kanney submitted an amended zoning map [*attached to file as Staff Exhibit #1*] to the Board, and then presented the Staff Report/Staff Analysis, which is attached for review as *Case #20081398*.

Ken Jones of Wightman Petrie, Inc., 4703 Chester Drive, Elkhart, was present on behalf of this request. A preliminary site plan was displayed, which is in the file for review. He said they have reviewed the Staff Report and are comfortable with the conditions recommended by the staff. He then went on to explain that they have submitted and complied with the requirements of the Highway Department through a detailed traffic impact analysis for the main access point at Verdant and CR 17.

According to Mr. Jones, you will see a significant construction project this season that will be adding multiple lanes, extending tapers, and cuing space all the way down to the north edge of the state highway improvements. Building capacity in all four directions and upgrading the signal will also be done. The interior frontage road will be built-out to the south in the first phase making several out-lots available, and he said they will be planning to fully implement the discussion regarding development standards.

In this project, Mr. Jones said they will include a detailed architectural standard, which was not included in the original northern portion of the project. You will see buildings of like design and like materials, and they will do more creative things in the placement of buildings on this site.

They are also implementing more advanced techniques for the storage and treatment of storm water in this project, and Mr. Jones said they will probably begin the construction of a two-stage ditch on Pine Creek. They may not get it all done in this first phase, but he said it will probably be completed by the time they move into the residential area east of the creek.

When asked if the existing tower will remain on site, Mr. Jones said there is a significant lease on that land so for now they will plan around it. If they can find a different or better location, he said they might be willing to move it. His feeling is that they won't move at their cost, and they won't move unless they offer a better site so they need to determine what the cost of benefit is to having the tower moved. He then indicated that the home currently on site will be removed in the near future.

Mr. Jones continued saying there is high interest in the site already, but he's not sure what end users have been brought to the table.

A question was raised about the entrance and exit onto US 20 and Mr. Jones said that is a residential portion of Parkwel in the future. He said that access and approach plan is still being analyzed.

Mrs. Wolgamood clarified that all they are dealing with today is Verdant and Mr. Jones said they have completed a significant number of the intersection analysis that was required in their original Memorandum of Understanding with the county, state and the city. He said there were 21 intersections involved in that analysis so several have been completed and reviewed by the Highway Department already. The access to US 20, however, is a state review and they are taking more time with that because it will be more complicated.

The number of lanes on CR 17 at Verdant going north and south was questioned. Mr. Jones said probably five, possibly six, going north with a right-turn lane going into the site, and six lanes going south because they will have dual left-turn lanes going into the site. They are trying to pull all of the traffic for this business site through that one intersection so he said they have to build that geometry so they can have that capacity. Their goal is to maintain the capacity and level-of-service with the peripheral road of CR 17. He said the Highway Department has a strict standard for the level-of-service at the intersection, which he said they have met, and it requires lanes to do it.

Mr. Jones then pointed out the location of the improvement on the overall site plan he submitted to the Board *[attached to file as Petitioner Exhibit #1]*. When the state did their project and the county followed-up with CR 17, he said they didn't build a curve where they come together. It comes together at an angle on the north side of the bypass so he said they are fixing that so it feels better as you're driving north.

Mr. Jones then named the various intersections they analyzed as part of this project, including their internal intersections. They started with the hope to build a roundabout where their frontage road crosses Verdant, but he said there would be too much traffic flowing through that eventually so it would not work.

Sewer and water will be extended from the city of Elkhart, and Mr. Jones said the design of all of the improvements are nearly done. The Elkhart County Highway Department will have all of the plans for Verdant and CR 17 on Monday when they file their final plat, and he said the City of Elkhart is reviewing the utility improvements. He also reported that they are in the permitting stage with the DNR and Army Corps of Engineers on Pine Creek.

Mrs. Wolgamood asked if the entirety of what is shown on the aerial photo is now zoned GPUD-B-3 and Mr. Jones said that is correct. They brought part of that in as an E-3 zoning and he said they came back and revised it as a B-3. In the earlier rezoning, he said they didn't have a partner with that property owner to the east that went all the way up to the creek so when they came back in 2006 they rezoned the whole thing at once. Mrs. Wolgamood noted that is not shown on the Staff Map, and she had a conversation with Mr. Kanney about this yesterday, but he did not have enough opportunity since then to research the files to see if all of the property was included.

Mr. Doriot then commented that they have worked very well with his office on the drainage on Pine Creek.

There were no remonstrators present.

A motion was made and seconded (*Sharkey/Doriot*) that the public hearing be closed and the motion was carried with a unanimous vote.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Wolgamood*) that the Advisory Plan Commission recommend to the Board of County Commissioners that this request be approved as presented and in accordance with the Staff Analysis with the following conditions imposed:

1. That the Covenants and Restrictions need to be amended prior to recording to create a permanent and mandatory standing Architectural Committee.
2. That the committee shall be maintained and funded entirely by property owners to improve the sustainability of this development and to work with the County for impartial enforcement of the development standards recorded.
3. That all the portions of the Covenants and Restrictions pertaining to the development standards and the Architectural Committee shall only be amended by an amendment to this DPUD.

The motion was carried with a unanimous roll call vote.

6. The application for Primary approval of a one lot industrial subdivision to be known as **FOREST RIVER MANCHESTER DRIVE INDUSTRIAL SUBDIVISION**, for Forest River, Inc. represented by Wightman Petrie, Inc., on property located on the East side of CR 1, 600 ft. North of Old US 20 in Baugo Township, zoned M-1 PUD, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #20081227*. He then reported that a revised Primary plat has been submitted, and the conditions voluntarily agreed to by the petitioner have been reflected onto the plat and will be part of the recorded document. Therefore, he said the email to Ken Jones, Jr. can be stricken, but the technical comments from the other departments should remain conditions of Primary approval.

Present on behalf of this request was Kenneth Jones, Jr. of Wightman Petrie, Inc., 4703 Chester Drive, Elkhart, who said he is in agreement with the staff's recommendation. At the commissioners' meeting last month, he said they submitted several self-imposed restrictions, one of which referred to the City of Elkhart standards that they will have to adhere to in order to connect to their water and sewer. Those restrictions will be placed on the final plat (below surveyor's report) for approval by the Plat Committee and then he said they will be recorded.

There were no remonstrators present.

A motion was made and seconded (*Doriot/Yoder*) that the public hearing be closed and the motion was carried with a unanimous vote.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Yoder*) that the Advisory Plan Commission approve this request in accordance with the Staff Analysis and comments of the Technical Advisory Committee (as amended) with the following conditions imposed:

1. If one acre or more of land will be disturbed, then a SWPPP needs to be approved by the Soil & Water Conservation District before secondary plat approval.
2. Any access to CR 1 will require a commercial drive permit.
3. Provide a drainage plan at the time of the proposed construction (not required as part of industrial subdivision plat).
4. Must provide and utilize Elkhart sanitary sewer and water as stipulated on the proposed plan.

With a unanimous roll call vote, the motion was carried.

For clarification, Mr. Kolbus said the legal description submitted for Phase II matches the legal on the ordinance to the B-3 PUD so it appears it has all been resolved if the legal is correct.

7. See page 5, item #9 for the *Bristol Redevelopment Commission – TIF District*.

8. The application for Primary approval of a two lot minor subdivision to be known as *D'ARCY MINOR SUBDIVISION*, for David & Rebecca D'arcy represented by Advanced Land Surveying, on property located on the North side of CR 28, 840 ft. East of CR 13 in Concord Township, zoned A-1, was presented at this time.

It was noted that this item was transferred to the full board from the Plat Committee earlier in the morning.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #20081399*.

Ron Justice of Advanced Land Surveying, 17120 CR 46, New Paris, was present on behalf of this request. He explained that they are creating two parcels so the two existing homes can be sold separately and the owner can build a new home on the 3.04 acres. He said he concurs and accepts all of the Technical Committee recommendations.

When asked if the parcel with the metal building (west) is landlocked, Mr. Justice said that will become part of the 3.04 acres as the owner wants to keep the metal building. Mr. Doriot added that it is an existing tax parcel tied to an adjoiner with contiguous ownership.

There were no remonstrators present.

A motion was made and seconded (*Sharkey/Doriot*) that the public hearing be closed and the motion was carried with a unanimous vote.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Wolgamood*) that Primary approval of this two lot minor subdivision be granted by the Advisory Plan Commission in accordance with the Staff Analysis and comments of the Technical Advisory Committee with the following conditions imposed:

1. Combine the remainder of the parcels into one deed before secondary approval.
2. In the legal description, change the distance from 128 feet north from the point of beginning to 238 feet.
3. In the legal description, change the eastern Lot 20 in Stonegate 4th to Lot 27.
4. Graphically change from Lot 20 to Lot 27 on plat page 1 of 2.

5. Revise Note 4 making it plural because there is more than one lot created by the minor subdivision. These lots are supplied by private wells and private septic systems.
6. Add a plat note: Agricultural uses on lots less than 3 acres are non-conforming.
7. If an acre or more of land will be disturbed, then a SWPPP needs to be submitted to the SWCD.
8. Need drainage along the frontage.
9. Need to submit the sight distance from each driveway.
10. Need to substantiate septic records for proposed Lot 1.

The motion was carried with a unanimous roll call vote.

9. At this time, Mr. Kanney explained that the ***Bristol Redevelopment Commission*** has submitted the recently adopted Economic Development Plan for the South State Road 15 Economic Development Area consisting of 63 acres within the Town of Bristol. This plan proposes eight generalized projects including the construction of the State Road 15 bypass, which would benefit the public health, safety, and general welfare of the citizens, increase the economic wellbeing, and protect and increase property values in the Town of Bristol. The plan will promote opportunities for gainful employment, retain and expand existing business enterprise, attract and retain jobs, enhance the property tax base, and improve economic diversity for the Town of Bristol.

Mr. Kanney went on to say that the economic cost of these projects is ten-million dollars and the use of TIF funds is expected. The Board has been given the plan and supporting documents for examination and determination as to whether the Declaratory Resolution and plan conform to the Plan of Development for the Town of Bristol and the Elkhart County Comprehensive Plan. If the Plan Commission issues a written order approving the Declaratory Resolution and plan, he said the written order will be forwarded to the Bristol Town Council for approval.

The staff has reviewed the development plan and Mr. Kanney said they find it is consistent with the Comprehensive Plan for the Town of Bristol and Elkhart County, particularly Goal 1: Planned Growth, which states, "*Elkhart County will manage growth through orderly development focused in and near cities and towns and along selected major highways that connect them, minimizing conflicts between uses and maximizing accessibilities to services.*" Therefore, the staff recommends approval of the written order of the Elkhart County Plan Commission approving the Declaratory Resolution and Economic Development Plan for the South State Road 15 Economic Development Area.

Present was Glen Duncan, 228 W. High Street, Elkhart, attorney for the Town of Bristol and the Bristol Redevelopment Commission, and Bill Wuthrich, town manager and president of the Bristol Economic Redevelopment Commission. He clarified that the acreage is closer to 663 acres, which is all of the town of Bristol south of the Norfolk and Southern railway. The 63 acres mentioned by Mr. Kanney is a parcel that is part of the Earthway Railway Park located north of the railroad tracks, which was recently annexed into the town. In a discussion with the county recorder, he said they had to have a specific surveyor's legal description for just that parcel alone, which had to do with transferring it on the tax rolls.

Mr. Duncan continued saying the primary initial project they hope to fund with the revenues they hope this TIF district will generate is a project they are calling the State Road 15 Bypass. He said they have had several conversations with county leaders on this and he thinks they are in favor of the town beginning that project. Bristol moves slowly and likes to make sure they have the ability to pay for things as they go so he said this will hopefully give them an opportunity to raise

revenues to cover the cost of that project and some other things they want to do in the TIF area. According to Mr. Duncan, the new state regulations require them to expend TIF revenues only inside the TIF areas, which they are prepared to do.

He went on to say that he believes the Board's role is to determine that the proposal conforms to the plan of development for the Town of Bristol. Some might ask if Bristol has a plan of development and he said they think they do, and the projects they have outlined in their proposal conform to that plan.

Mr. Sharkey asked if there is any R-1 zoning in this area and Mr. Duncan said some, but not much. When asked if you are allowed to put R-1 in a TIF area, he said yes as there is no restriction on zoning. If they choose and it is approved, he said they can put the entire Town of Bristol in a TIF area. Mr. Sharkey then commented that the taxes from what is there now will not go into the TIF fund, it's strictly improvements or new facilities and Mr. Duncan said that is correct.

In further discussion, Mr. Duncan said there is a restriction on what revenues you can generate and on what you can use those revenues for. Some of things they hope to do such as sidewalks and street lighting, which are permitted capital improvements you can use TIF revenues to pay for, would benefit some of the residential areas in Bristol. He then clarified that most of the residential area is north of the railroad tracks with very little to the south. There are some residential buildings that are possibly being used for commercial purposes just south of the tracks on the west side of SR 15, but he said it is mostly commercial areas.

If this TIF district includes some residential areas, Mr. Yoder asked if TIF money can be used to build infrastructure through a residentially zoned area and Mr. Kolbus said he believes it can.

Until the state legislature changed it, Mr. Duncan said you could even go outside the TIF district if it was contiguous, but that's not what Bristol is planning with its TIF revenues. He said they have enough to do with trying to figure out how to pay for a bypass, getting across the railroad track, and a couple of expensive intersections.

Mr. Kolbus then clarified that you can't just put them in a residential subdivision, you have to show some continuity such as connecting to a business plaza and Mr. Duncan agreed.

If any new residential homes are built, Mr. Sharkey asked if their taxes go into the TIF. Mr. Duncan said it's his understanding that whatever increase in revenue there is in the TIF district goes in the TIF. He said there are no residential (R-1) subdivisions in the district, it is all M-1 and very little B-3. For further clarification, Mr. Wuthrich said there is a 24-unit apartment complex in the B-3 zoning and south of that is all M-1.

When asked if the subject property has already been rezoned, Mr. Duncan said everything south of the track has been rezoned, but some is being used as residential and the apartments will always be used as residential.

There were no remonstrators present.

A motion was made and seconded (*Doriot/Sharkey*) that the public hearing be closed at this time.

A motion was made and seconded (*Yoder/Doriot*) that the Advisory Plan Commission adopt Declaratory Resolution No.3-18-08 for the Town of Bristol. A roll call vote was taken and the motion carried unanimously.

10. There were no audience items.

11. Information regarding the OKI (Ohio, Kentucky & Indiana) Regional Planning Conference being held in Louisville, Kentucky, October 15 through 17, 2008, was distributed to the board members. Mr. Watkins said he has found this to be an excellent conference and he encouraged board members to attend.

12. The Planning and Code Enforcement budgets for 2009 were distributed to the Board by Mr. Watkins. He said the only significant changes are in office supplies and gasoline. One budget increased less than one percent and the other increased just over one percent, which he attributed to the cost of gasoline. He explained that he increased gasoline and oil in the Code budget \$6,000 from last year because \$14,000 was not adequate. He then reported that he transferred money out of other line items and other budgets at the end of the year to pay the fuel bill rather than request an additional appropriation.

When asked if the budgets include salary increases, Mr. Watkins said no.

Mr. Yoder then asked about the MS4 money and Mr. Watkins explained that separate MS4 budgets were set up.

After a brief discussion regarding the current mileage rate, Mr. Watkins indicated he would bring the budgets back to the Plan Commission in May for approval.

13. Potential meeting dates for discussion of the draft of the Subdivision Control Ordinance were then discussed and May 1, 2008, at 8:30 a.m. was designated. Board members were encouraged to read through the document prior to the meeting. Mr. Kolbus then clarified that this will be a special meeting of the Plan Commission members only. He said the meeting will be open to the public, but no public comments will be accepted other than those from the staff.

14. In other staff/board items, Mr. Watkins reported that the 2007 Annual Report may be completed for distribution at the workshop or May Plan Commission meeting.

15. Mr. Yoder also reported that a new Nano Center is going to be constructed at Notre Dame, which will be one of three in the country. He explained that the intent of that facility is to take nano technology from the laboratory to the manufacturer. He feels this will be a tremendous boon for Elkhart County and that there could be a significant increase in a different type of manufacturing.

Mr. Yoder also feels it will be necessary to go through the zoning ordinance and he suggested that they approach the commissioners about hiring a consultant to help them do that rather than trying to do it with the staff. Mr. Watkins explained that he has approached the consultant who is doing the Northeast Gateway to give him a quote on doing the entire zoning ordinance.

In further discussion, several of the board members indicated that they felt a local consultant should be hired. Mr. Watkins said the company they are working with is an international company out of Indianapolis, and Mr. Yoder added that he feels the company has some of the best planners who are very experienced and as familiar with this county as anyone.

From a redevelopment standpoint, Mr. Yoder said the Economic Development Commission is beginning to think about how they can be ready to go when these companies want to start locating here and what incentives they can offer. This seems like a good opportunity to him for the Redevelopment Commission to be thinking about how they convert old RV or manufacturing sites to new nano technology-type manufacturing sites.

Mr. Watkins encouraged board members to attend one of the open houses on the Northeast project or to a steering committee meeting. What's going on with the Redevelopment Commission, the Brownfields Grant, and the EDC is all coming together into one project to do what Mr. Yoder just mentioned.

In terms of existing structures, Mr. Watkins said these companies are talking about doing things with products that you cannot see. They are basically microscopic machines, and he said there are extremely clean room requirements that you can't do in an old environment.

If interested, Mr. Burbrink said he could arrange a trip for them to go down to Purdue to see this type of facility and what it is capable of doing.

16. Also distributed to board members was a resolution the Farm Bureau passed suggesting that Atrazine setbacks be reciprocal when residential is adjacent to farm land. Mr. Yoder said they're saying that even a retention area that is dry triggers these setbacks, which is 200 ft. of natural or impounded lakes or reservoirs. He pointed out that they're trying to force setbacks onto residential areas if they are next to an A-2, A-3, or A-4 in the Subdivision Ordinance. If they have a retention area in the back yards of a residential area, he said they're not using land very effectively if you have to have a significant setback. However, Mr. Sharkey said they've always put the retention areas in the back next to the fence line so he's not sure they've ever done that.

Mr. Burbrink said he doesn't think you want to write public policy based on a chemical that is probably going to be off the market in the next few years. He explained that the amount of Atrazine people are using is decreasing because the rates are getting lower to the point where it's almost ineffective against a lot of the weeds. He did say, however, that there will be other products available over the years that will probably have restrictions.

17. With regard to future industrial development, Mr. Doriot said the Drainage Board is going to promote two-stage ditches like Parkwel is currently doing. In a project south of Goshen, he said they are taking 65 acres out of the floodplain and putting it into usable industrial ground. He feels the Plan Commission should promote the two-stage ditch as that will take waters out of the flood area and they will have more usable ground. He also said the benefit to the developer is lower insurance premiums because of the reduced floodway.

When asked if they will use MS4 money for this, Mr. Doriot replied no. He indicated this is the only project they will expend Drainage Board funds on. Approximately 20 percent of the project will be funded by the Drainage Board and the rest will be funded by the city and the property owners.

18. The meeting was adjourned at 10:21 a.m.

Respectfully submitted.

Kathleen L. Wilson, Recording Secretary

Jeff Burbrink, Chairman