

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 10th DAY OF JANUARY 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 Vice-Chairperson, Mike Yoder, with the following members present: Steve Warner, Tom Lantz, Roger Miller, Meg Wolgamood, Tom Holt, and Dennis Sharkey. Staff members present were: Robert Watkins, Plan Director; Mark Kanney, Planning Manager; Duane Burrow, Senior Planner; Robert Nemeth, Planner; Dan Piehl, Planner; and James W. Kolbus, Attorney for the Board.
2. A motion was made and seconded (*Miller/Holt*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 13th day of December 2007 be approved as submitted and the motion was carried unanimously.
3. A motion was made and seconded (*Holt/Wolgamood*) that the legal advertisements, having been published on the 28th day of December 2007 in the Goshen News and on the 31st day of December 2007 in The Elkhart Truth, be approved as read. The motion was carried with a unanimous vote.
4. A motion was made and seconded (*Miller/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.
5. ***Election of Officers for the Year 2008:*** Mr. Warner asked what the Joint Elkhart City/Elkhart County Plan Commission Committee entails. Mrs. Wolgamood said it doesn't involve much other than attending meetings once a month, but she said the meetings are not mandatory. Mr. Yoder then asked why they have representation in Nappanee and Elkhart, but not Goshen. Mrs. Wolgamood said she didn't know and Mr. Yoder felt the primary function is to promote communication and awareness of what everyone is doing. Mr. Sharkey offered to sit on a joint committee with the Goshen Plan Commission and the Appointment to the Joint Goshen City/Elkhart County Plan Commission Committee was added to the 2008 Slate of Officers and Appointments. Mr. Sharkey moved to accept the 2008 Slate of Officers and Appointments as presented. Mr. Lantz seconded the motion, which was then carried unanimously.
6. The application for the vacation of a county right-of-way, for ***Tad & Corina Gongwer*** represented by B. Doriot & Associates, on property located on the South end of Washington Street, 175 ft. South of Sunset Court, common address of 503 Washington Street in Olive Township, zoned R-1, was presented at this time. Mr. Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #20073974*. Blake Doriot of B. Doriot & Associates, P.O. Box 465, New Paris, was present representing Tad and Corina Gongwer, the contract holders of these three tracts of land shown on the drawing.

Part of their purchase from the Reynolds is that Mr. Gongwer needs to have this roadway easement removed. He then clarified that the easement serves only properties that he will own, which is Tract 3 and Tract 1, and the easement is only on Tract 2.

According to Mr. Doriot, this is really not a platted right-of-way, but in conversation with Loren Sloat, the town attorney, they felt the cleanest way would be for the town to have the right for this roadway removed in a public meeting and handle it basically the same way as a platted right-of-way.

Mr. Sharkey questioned the total acreage and Mr. Doriot estimated six or seven acres. He then explained that the building to the rear houses a gymnasium.

There were no remonstrators present.

A motion was made and seconded (*Sharkey/Wolgamood*) 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 (*Sharkey/Holt*) that the Advisory Plan Commission recommend to the Wakarusa Town Council that this request be approved in accordance with the Staff Analysis. The motion was carried with a unanimous roll call vote.

7. The application for a zone map change from A-1 to a General Planned Unit Development-R-1, R-2, R-4 professional offices, B-1, B-2, and B-3 to be known as **WAKARUSA BUSINESS CENTER GPUD**, for Kemar Properties represented by B. Doriot & Associates, on property located on the West side of SR 19, 1,330 ft. North of Waterford St. (CR 40) in Olive Township, was presented at this time.

Mr. Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #20073973*.

Present representing Kemar Properties on behalf of this request was Blake Doriot of B. Doriot & Associates, P.O. Box 465, New Paris. He noted that Doug Graham of Graham Engineering and Art Kemp, one of the owners, are also present.

Mr. Doriot displayed a site plan and explained that they are requesting a General Planned Unit Development (GPUD) that mirrors the proposed Wakarusa Comprehensive Plan, which shows a strip of "B" in the front and "R" behind. In a conference with the staff, he said they felt they needed some type of buffer from the commercial business in the front so that's why they put in a 330 ft. wide area of R-4 professional offices only. The back would then be zoned R-1 and R-2, which is approximately 570 ft. wide. Mr. Doriot said a sketch was circulated that showed apartments in the back, but that is not what they are doing. The back portion shows the exact layout of the storm water buffer and management area as the proposed Comprehensive Plan is putting forth, and he said each will come back as a Detailed Planned Unit Development (DPUD) before the Plan Commission, the public and then the town for review.

With regards to water and sewer, Mr. Doriot said there has been an agreement between the town and Kemar Properties that water and sewer will be extended into this property. He then pointed out the locations where those utilities will be connected.

An aerial photo was then submitted to the Board [*attached to file as Petitioner Exhibit #1*] and Mr. Doriot pointed out the B-1, B-2 and B-3 areas. He also pointed out the locations of the Weldy Insurance property, which he clarified is not part of this petition, and Steve and Annette Brown's property. The professional offices are within approximately 75 ft. of the Brown's west property line, and he said the balance of the adjoiners' property will be R-1 and R-2.

Mrs. Wolgamood asked if they will delineate the "B-1, B-2 and B-3" zones in the DPUD. If not, she asked why they just don't ask for a B-3, which covers them all. Mr. Doriot said they asked for B-1, B-2 and B-3 for the public because not everyone understands the pyramid zoning. When they bring each DPUD in, he said they will ask for the proper zoning use.

Mrs. Wolgamood then pointed out the notation that the road layout may change, which she said is understandable. Mr. Doriot said it may go north/south, but they may also decide to curve it depending on the uses they have.

Mr. Doriot was then asked about the possibility of the Weldy Insurance property (located at the northeast corner of the project) participating in this project in the future. After conferring with his client, Mr. Doriot said he thinks they could work that out.

Mr. Sharkey asked if they can limit the B-3 uses when they come back with the DPUD and Mr. Kolbus said you generally do that up front. If there is any B-3 uses that are offensive, Mr. Doriot assured the Board that both the Plan Commission and the Town of Wakarusa would know and those uses won't go through. Mr. Sharkey then pointed out that all this board is doing is recommending to the Town of Wakarusa.

John Foster, 814 E. Waterford St., Wakarusa, was present saying he's not opposed to this plan, but they've worked on the comprehensive plan for the last year and he wants to make sure they approve that first. He also wants to make sure that this project would be subject to the overlay standards that are coming from Wakarusa. Mr. Foster then pointed out the location of his property on the aerial photo, which is adjacent on the south side of the subject property.

Also present was Annette Brown, 908 E. Waterford St., Wakarusa. She said her family is probably the most affected by this proposed development and Mr. Doriot pointed out the location of her property on the aerial photo.

If the B-3 goes back approximately 435 ft. and the R-4 goes back another 330 ft., Mrs. Brown said that would leave about 75 ft. to adjoin the R-1 and R-2. They have all spent numerous hours in meetings with the neighbors, the town council and public input meetings, and she's gone door-to-door to get a feeling of what the town wanted. She also said there has been a lot of discussion on the town's master land use plan, which is scheduled to go before the County Commissioners on January 21st. She doesn't feel this mirrors the master land use plan because it shows the 435 ft. of commercial property (B-1, B-2 and B-3) up front with medium density residential (R-1/R-2) behind it. She said there is no R-4 zoning shown. Mrs. Brown has no objection to the commercial area up front because she feels that should be located along SR 19, but the entire town, in their master land use plan, has stated that R-1 and R-2 is what they want behind that commercial area.

Next to address the Board was Randy Abel who resides at 712 E. Waterford St., Wakarusa. He too said the R-4 for the Town of Wakarusa is not what they agreed to. He remembers the town voting and he said they voted that there would be residential behind the B-1 and B-2. He also remembers hearing the town council president say that he thought residential is the way it should be and nothing came up about business offices. Mr. Abel said you can't go from business to office buildings and then a small amount of land for residential. They agreed that businesses along SR 19 were fine, but he said everyone felt they were going to have a nice subdivision like East Gate in the back. He disagrees with the R-4 zoning and he doesn't think the Town of Wakarusa anticipated R-4 office buildings either.

Dave Mangel, 806 E. Waterford St., Wakarusa, said he served on the long-term land usage committee for a year and he explained that they spent a lot of time listening to the public. They had

two public meetings where they proposed different options for that land and all of the land around Wakarusa, within city limits and with expansion outside the city limits, for future development. In all of those discussions, he said it came to a conclusion and a recommendation from their committee to the town council that there would be 435 ft. of commercial/business along the frontage of SR 19 with single-family residential behind that. He then recalled that the town council voted 3 to 2 in favor of that proposal so he feels there's no reason to send this to the town council because they've already voted on what the project is going to look like. He too said the R-4 was never discussed. It's his understanding that business can be put in the B-1 and B-2 areas, and according to Mr. Maugel, they were talking about offices, a bank and possibly a drug store in those areas. He's not sure where the R-4 came in, and he's concerned if it is approved, it pushes away the option to have residential.

Tricia Foster, 814 E. Waterford St., Wakarusa, said she is in opposition because of the R-4 zoning for the same reasons already stated. She understands a buffer was suggested to buffer the businesses from residential, but she thinks there are other choices that could be considered that would make a better use of the land for the community and be more satisfactory to the neighbors. She prefers that it goes from the B-1, B-2 and B-3 to the R-1 and R-2.

Keith George, 908 E. Waterford St., Wakarusa, said he is very much against the R-4 zoning.

Bill McVey, 201 S. Elkhart Street, Wakarusa, said his property is not adjacent to the subject property, but he has concerns as a citizen of the town. He said he's heard over and over again that there is a need for additional housing, and he feels there is adequate room for professional office buildings along SR 19. If the R-4 is approved and designated for professional offices, he is concerned there will be very limit additional housing. He feels that defeats the purpose that was considered by the comprehensive plan committee so he is opposed to this project for those reasons.

In rebuttal, Mr. Doriot said the developers have no interest in harming this area. In talking with the staff, he said they discussed the need to do something to buffer business from residential. The best way they found was to do extremely limited R-4 professional offices; that way, they can market residential behind the professional office area. Mr. Doriot said he brought residential housing to Wakarusa with West Gate and Remington Court, the last two major residential subdivisions. He has talked with Mr. Parker, who developed West Gate, and he was very questionable that this was something he would even consider based on the level of houses he did west of town.

Mr. Doriot said they'd like to get an access out to Waterford Street on a more residential street, which would change the complexion of the development, but they can't get that access. Therefore, they have to make the rear of this property as palatable to people to move in for residential. That's why they requested the R-4 zoning and why they restricted it to professional offices only. He said they will wait for the comprehensive plan before they ask the town to vote on this, and he assured the Board that they will go by the standards the town imposes on this area.

In conclusion, Mr. Doriot said they don't want to be a bad neighbor, and he thinks that what they are proposing will shield the Abel's property from Utilimaster and the noise from SR 19. He reiterated that they would bring each professional office use back to the Plan Commission for site plan review. He then pointed out that a professional office is normally an 8:00 to 5:00 use and then it quiets down, and they are not noisy to begin with. They want Wakarusa to grow, and in order to accomplish that, he said you need to stop people out on SR 19 or they will go to Elkhart or Nappanee.

When Mr. Warner asked how they propose to access the residential area, Mr. Doriot said unless they can secure an access on Waterford Street, the residential has to come off of SR 19 through their development.

Mr. Sharkey asked if the R-2 and R-4 dividing line has to go north and south. He suggested they put the dividing line farther to the north (going east and west) at the south edge of the wetland area (by the proposed access) with the R-4 being located to the north where there are no neighbors. However, Mr. Yoder pointed out that the residential would then be adjoining the B-1 and B-2 zones. Mr. Doriot said they are trying to blend a development to work with the neighbors. He then clarified that their intention for an office building would be similar to what is on CR 17 by the bypass (Crossroads).

With this proposal, Mr. Yoder said residents will be coming in a driveway with a business district, and then be moving through a professional office business district that will look residential if they do it right. He feels that is a nice transition, and he said he's not convinced that the R-4 uses, if restricted, would be bad.

The comprehensive plan map from December was then reviewed and Mr. Yoder said the entire area is suggested for B-3 with no "R" uses. Mr. Doriot clarified that there is a new map that shows the "R" uses behind. When asked if that includes R-4 uses or just residential, the staff indicated medium to high residential.

Mr. Doriot said the Board can forward this request with a negative recommendation, but they would like to go forward and talk to the town as he feels they can come up with a plan that would be agreeable to everyone.

On an R-4 use, Mr. Yoder asked if they normally put in a buffer for the R-1 use, which would shrink the amount of land available for housing. Mr. Doriot said they plan no buffer between the professional offices and residential area because you would not mind the type of offices they are planning in your back yard.

When Mr. Miller asked if there is any connection between this development and the Abel development that is coming up, Mr. Doriot replied no.

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

When the staff was questioned about their recommendation, Mr. Burrow explained that the comprehensive plan and proposed maps do not show dimensions so the staff is only estimating what the depth of the commercial area may or may not be. He also said the concept of medium and high density residential does include professional offices in the current ordinance. They have elected to remove the apartment complex uses out of the R-4 so that's why the staff indicated that it was in compliance with what they have in front of them at this time.

After further discussion, Mr. Burrow reported that there is a request for review of developmental standards for the Town of Wakarusa at the end of the agenda.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Holt/Miller*) that the Advisory Plan Commission recommend to the Wakarusa Town Council that this request be approved in accordance with the Staff Analysis. The motion did not carry with the following results of a roll call vote: Warner – yes; Lantz – no; Miller – yes; Wolgamood – no; Holt – yes; Sharkey – no; Yoder – yes.

After their options were reviewed, Mr. Yoder suggested they pass this request on to the Town Council of Wakarusa with no recommendation.

Mrs. Wolgamood moved to forward this request to the Wakarusa Town Council with no recommendation with the town advised of the Plan Commission's vote of four in favor and three against approval of this request. Mr. Lantz seconded the motion, which then carried with Mrs. Wolgamood voting in opposition.

8. The application for a zone map change from A-1 to a Detailed Planned Unit Development-R-1 to be known as **ABEL ESTATES DPUD**, for Tom Roeder & Robert Abel represented by Wightman Petrie, Inc., on property located on the North side of CR 40 (Waterford St.), 2,660 ft. West of SR 19 in Olive Township, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #20073965*. Mr. Nemeth said there is a narrative with this DPUD outlining development information for future owners in addition to an access and utility easement agreement.

Peter Schnarrs of Wightman Petrie, Inc., 4703 Chester Drive, Elkhart. was present on behalf of this request representing the owners of this property. He said they are in complete agreement with the recommendations of the staff. He then explained that they have had numerous meetings with the staff to discuss issues of access, lot size and shape, extension of sewer and water to the property, and provisions for maintenance.

When asked who will own the easement, Mr. Schnarrs said the easement lies on Lot 5, but the easement agreement provides for maintenance and replacement of the road, if necessary, by the five lot owners who are jointly responsible. Mr. Sharkey asked if it will be recorded that way and Mr. Schnarrs said yes.

There were no remonstrators present.

A motion was made and seconded (*Yoder/Sharkey*) 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 (*Yoder/Wolgamood*) that the Advisory Plan Commission recommend to the Wakarusa Town Council that this request be approved in accordance with the Staff Analysis. The motion was carried with a unanimous roll call vote.

9. The application for Secondary approval of a Detailed Planned Unit Development known as **ABEL ESTATES DPUD**, for Tom Roeder & Robert Abel represented by Wightman Petrie, Inc., on property located on the North side of CR 40 (Waterford St.), 2,660 ft. West of SR 19 in Olive Township, zoned A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #20073966*. He then reported that the technical corrections have been made.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Wolgamood/Sharkey*) that the Advisory Plan Commission recommend to the Wakarusa Town Council that this request for Secondary approval be granted in accordance with the Staff Analysis and with technical conformity. The motion was carried with a unanimous roll call vote.

10. The application for a zone map change from R-1 to B-1 for **Rock Harvest Ministries/Lillie Ragland (seller) and Robert Grahovac & Patty Majewski (buyers)** on property located on the South side of CR 12 at the South end of CR 101, 1,200 ft. East of CR 1, common address of 29748 CR 12 in Cleveland Township, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #20073949*. He then reported that there were no letters received in opposition to this request.

Present on behalf of this request was Robert Grahovac, 30178 CR 12, Elkhart., which he explained is the business address for the pizza restaurant he owns approximately ¼ mile away. He said they are proposing to have this property rezoned so they can build a new 60 x 70 ft. restaurant that would seat approximately 60 people. He has been at his current location for a little over 12 years and he said he has had no problems that he is aware of. They do not keep late hours so they would not affect any of the residents in the area, and he said they are well aware they will have to comply with all Health Department requirements. Mr. Grahovac pointed out that there are businesses all around them so he feels there would be no impact to neighboring property owners.

Also present was Lillie Ragland, pastor of Rock Harvest Ministries. She explained that their church burned down and the property is not large enough for another church. The petitioner needs a larger and better building so the church felt they should purchase this property to be able to relocate their restaurant.

There were no remonstrators present.

A motion was made and seconded (*Yoder/Wolgamood*) 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 (*Yoder/Wolgamood*) that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change be approved in accordance with the Staff Analysis. With a unanimous roll call vote, the motion was carried.

* (*It is noted that Blake Doriot arrived for the meeting at this time.*)

11. The application for a zone map change from A-1 to A-4 for *Clair & Naomi Hostetler* on property located on the Northwest corner of CR 21 and CR 142, common address of 67339 CR 21 in Jackson Township, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #20073879*.

Clair Hostetler, 67339 CR 21, Goshen, was present on behalf of this request. He is the fourth generation farmer of his family farm and the second generation farmer on this piece of property. As he nears retirement, he said he is looking for ways to facilitate the transition when he retires, and make it more acceptable for this to remain in farm land for the next generation. At this time, he has no plans for the future other than to continue farming for a while.

With regard to the confined feeding lagoons, Mr. Doriot commented that proper setbacks need to be maintained and IDEM permits obtained. Mr. Hostetler said that would go through the state permitting process and Mr. Doriot said that is correct. Mr. Doriot advised Mr. Hostetler that the Surveyor's office and the Drainage Board would like notification when that happens.

Mr. Yoder asked if he obtained signatures from all of the adjoining neighbors. Mr. Hostetler said he personally met with all of the adjoining neighbors and they were supportive.

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/Lantz*) that the Advisory Plan Commission recommend to the

Board of County Commissioners that this request be approved in accordance with the Staff Analysis. The motion was carried with a unanimous roll call vote.

12. The application for a zone map change from A-1 to a General Planned Unit Development-R & B to be known as **PARKWEL NEIGHBORHOOD GPUD**, for Gateway Properties, LLC represented by Wightman Petrie, Inc., on property located on the South side of CR 14, West side of CR 19 and North side of US 20, East of Pine Creek in Jefferson Township, was presented at this time.

Mr. Holt reported that Gateway Properties is a past and potential future client of his and he asked if he should excuse himself from the Board. Mr. Kolbus asked if there is an existing work relationship on projects other than this and Mr. Holt said not currently, but he indicated there is a potential for projects in the future. Mr. Kolbus felt he should not participate in this public hearing so Mr. Holt stepped down from Board at this time due to a potential conflict of interest.

Mr. Doriot said he has nothing currently under contract nor on the horizon, but he has had a past project with Gateway Properties. Mr. Kolbus advised that he could participate in this public hearing.

Mr. Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #20072602*. Item 1.a. of the Staff Analysis was amended to read: *“The designs and timelines for the improvements to CR 14 and CR 19, adjacent to the proposed development, and to US 20”*. He said the staff supports this request because it does comply with the Comprehensive Plan based on the fact that it is within the urban growth area, but they feel a significant number of conditions need to be imposed.

Mr. Yoder said this is first time they've asked the Board to consider the economic feasibility. Mr. Burrow explained that due to the magnitude of this kind of project and the potential for major impacts in the neighborhood, they have a concern as to how this would be feasible competing with other developments in Elkhart County and whether they could actually implement this with all of the expense.

When Mr. Yoder said he's not sure how to evaluate that, Mr. Burrow said there are no standards for that. He said the staff does not have the ability to ensure that this development could ever be completed, and they want to make sure the county does not end up with fixing the problems that will be created by a development of this magnitude that fails in this environmentally sensitive area.

For clarification, Mr. Doriot asked if they're saying the drainage will be completed on the entire site or all affected areas during each phase. If done in phases, Mr. Burrow said they run into the problem associated with not building out a drainage watershed. Mr. Doriot said he feels it should be in the affected drainage area for the phase and Mr. Burrow said he has no objection if they do it as per watershed.

Ken Jones of Wightman Petrie, Inc., 4703 Chester Drive, Elkhart, was present representing the developer on behalf of this request. He began his power point presentation by describing the location of the area in question. (It is noted that a copy of his power point presentation [attached to file as *Petitioner Exhibit #1*] was submitted for the file.) This property is immediately adjacent to a large area of property that was rezoned to B-3 last year, and he said it's completely within the area of urban services of the City of Elkhart. The existing zoning is almost entirely agricultural all around the north, east and south sides, with their B-3 PUD abutting against the west with the boundary line being Pine Creek.

According to Mr. Jones, they have several challenges with the soils on this site to overcome with about 160 acres of soil material they are very concerned about. They have some protected resources within the property which have been delineated. They have been working in the field with the US Army Corps of Engineers to complete the wetlands delineation, and he reported that that delineation has been submitted and they are working on comments back to them. He pointed out two areas on the wetlands map; one that will remain, but possibly be enhanced, and another that they may have to impact, which they will have a mitigation strategy for.

One of the more significant challenges they have to deal with is Pine Creek, which has a mapped floodway and mapped floodplain. He referred to the floodplains map and said they are in the process of doing a very detailed hydrologic study of Pine Creek in the area of their project, downstream and upstream. They will be making some recommendations on what they might do to mitigate the impact of their project to the floodplain and floodway, but also the floodplain and floodway to their project.

The 1996 Four-Township Comprehensive Plan was then displayed. Mr. Jones said the area did not recommend a change in zoning or land use in that particular area, it foresaw that an agricultural zone would continue. That plan was then replaced in 2005 by the Elkhart County's Land Use Comprehensive Plan, which he said has some specific goals in mind for the peripheral areas of all municipalities throughout the county.

In trying to overcome these challenges, Mr. Jones said they looked at multiple concepts over the last year. They looked at the traditional suburban subdivision development that has already occurred significantly in Jefferson Township, as well as more business and multi-family developments. They settled on the concept of a traditional neighborhood development, and he explained that the reason it works for them is because it includes several things that they feel lock-steps with the Comprehensive Plan. They wanted to have a mix of land uses and they are concentrating on a compact building design concept. Mr. Jones also said they want to develop a range of housing opportunities completely covered within this residential community.

Mr. Jones went on to say that they want to preserve the open space, and with the limitations they have to deal with, that fits the plan. They are recommending to the developer that some of that soil area has to be left the way it is or developed with a different concept so it will become passive use or open space, and it will be integral to their residential community. They have some adjoining farm lands and critical environmental areas they have to be careful of. They are seeking to strengthen the existing development adjoining them and developing a significant synergy between this development and the B-3 PUD to the west. He said they needed to make sure they incorporate in a typical neighborhood design with multiple transportation choices, including walking paths, vehicles and public transit.

In the livable community they are striving for, Mr. Jones said the mixed use development, the compact development, interconnected and traffic calm streets, pedestrian scale design, and a mix of housing types is critical. The reason for doing this is because they think there is some stress in the residential market right now so anything that goes forward in the next ten years will have to bring something different to the table.

Over the last ten or 15 years, Mr. Jones said the development in the Jefferson and Concord Township areas has been similar. A lot of development occurred over that period of time and he said it has stressed the environment in some ways, particularly the transportation network and public services. They didn't spend a lot of time thinking about that when development was occurring because we were happy to have the development, but going forward, he thinks they will

have to look at things differently. He then indicated that there are some nearby projects that have been successful, which are very similar to what they are now proposing.

The primary elements of traditional neighborhood developments were then reviewed. This includes a discernible center of the neighborhood, short walk to amenities, mixed size and value of homes and home sites, and retail services to the edge of the neighborhood. Mr. Jones said they have a reserve site within the project and they hope the school system will take advantage of that. They plan to develop parks and playgrounds with interconnecting streets that offer everything to a pedestrian. The streets will be narrower, there will be more greenery, and the design concept will be environmentally sensitive. The architecture will be closer to the 30's and 40's style building where you have two-stories on a compact lot. He also said they will recommend developing rear-loaded homes using alley access so they may have several streets that don't have driveways out to the street. He then pointed out that that is very similar to what the City of Elkhart already has across the city. In addition, they are seeking to have some areas that will have compact pump sites.

Once they developed that concept, Mr. Jones said they went back to the Comprehensive Plan to make sure that most of their concepts were in compliance. In reviewing "Goal 1 – Planned Growth", he explained that this development is located within the urban growth area of the City of Elkhart and it will require public utilities. It will be based on a comprehensive planning document that will be approved by both the Plan Commission and County Commissioners, and he said it will provide the wide variety of home sites, the school system is being consulted, parks and public facilities, and the development of public services with the City of Elkhart. He further explained that the plan for this project is to seek annexation and he indicated that that discussion is underway.

"Goal 2 – A Sense of Community and Rural Character" was then reviewed. According to Mr. Jones, the open space on this project will change somewhat. It won't be tilled farmland, but in several areas it will have the appearance of being open agricultural prairie or park land, which will be an integral part of their design scheme. The comprehensive plan recommended that development be drawn back into the cities where municipal utilities and all services were available. Mr. Jones said he thinks they were trying to preserve agricultural land all over the county so if they concentrate development in the area of influence, then other housing opportunities will hopefully move towards the cities.

In addressing "Goal 3 – A Coordinated Approach to Planned Growth", Mr. Jones said they are dealing with almost every county agency, the school system, the Sheriff's Department and Fire Department (county level), and Elkhart City's public works staff. He also reported that they met with the new mayor of Elkhart and they do have his support of this project. In addition to those local agencies, he said there is also a list of state and federal agencies they will have to deal with to see this project through.

Mr. Jones continued saying the design concepts they're going to use for the management, storage, and release of the storm water will completely comply with the new storm water standards in Elkhart County and across the country. They will probably take some steps beyond what is required because a lot of the features will be built into the project as amenities; however, he said it will take some creativity on part of their design and part of the approving agency. They will be looking to Elkhart City for their creativity with the way they transport, store and treat storm water. In some areas, he said you might see a constructed wetland, treatment cells, bio-filters, or you may see them transport storm water over a lot as opposed to transporting through pipes, which is integral to their design. They understand this project cannot be done without sewer and water, and if the project is approved as it has been shown, he said they are obligated to do that.

Mr. Jones said an efficient transportation network is critical. This project consists of 395 acres of residential, and another approximately 120 acres of B-3 they are not addressing today so there is going to be an impact of traffic in this area of the county. He reported that they do have a very detailed traffic impact study (TIS) underway and that will be approved by the Elkhart County Highway Department, Elkhart City Highway Department, and the Indiana Department of Transportation.

In describing the process, Mr. Jones said they are seeking land use from the Plan Commission today. They have shown a lot more detail than required, but they felt it was needed to put the Board at a level of comfort where they thought the land use was appropriate. They have worked on the environmental issues, and there is a complete utility study in the packet that has been reviewed and approved by the City of Elkhart. He said they know where the utilities are going and they know what they have to do in the next ten to 20 years to make sure there is capacity available. They are also working on the TIS and he indicated that will be approved as they move through DPUD process.

The Preliminary Land Use Plan was then displayed, which shows a mix of residential densities. Mr. Jones said they have also mixed in some business class uses that they feel are appropriate for this development and its relationship to the city and Jefferson Township.

The Proposed Roadway System was also displayed. Mr. Jones explained that they will have two arterial roads connecting from CR 17 and from CR 15 to US 20. The secondary roads will provide access to the residential neighborhoods individually to the arterial roads. They have several alleyways that will be developed, and their primary intersections will follow using traffic roundabouts, which help to calm traffic, and control congestion as well as traffic moving through the site. Mr. Jones said they prefer to discourage truck traffic through the site.

As part of their TIS, Mr. Jones said three major intersections will be approved. He then pointed out three potential secondary access points to CR 19 that they're not sure they going to make. Those access points include two existing right-of-ways along CR 19, and a potential for an access point to CR 19 (at the north side of the project). Mr. Jones said those might be ruled-out by the completion of the traffic study so at this point in time they are considering them optional.

The interior streets were then described as a narrow street with the lack of driveways. The lots will be accessed by the alley with a garage in the back yard, and in some cases, Mr. Jones said they will have homes that are served by alleys that front on a park. He pointed out that the city knows how to plow and maintain alleys, and it makes sense that if they're going to build something like the city, that it be in the city.

Mr. Jones said the single-family custom homes are primarily located around the perimeter of the project. They are trying to provide a transition zone and they agree with the staff that the lots (on the east side of the development) should mimic the lots (adjacent on the east side of CR 19); however, he said they would like to have more discussion on the other areas. The mid-sized lots will be a minimum of 90 ft. in width, which is 30 ft. less than a standard lot in Jefferson Township, but he said there may be several that will be 150 ft. wide. He indicated there would be about 108 lots on 39 acres.

Mr. Yoder questioned the price range of the homes and Mr. Jones said you could see homes in the \$300,000 range or higher. The range for the mid-sized lots would be \$250,000, and the starter or retirement sized homes on the narrowest lots will probably sell in the \$120,000 to \$150,000 range.

In describing the proposed land uses, Mr. Jones said they have a small area of a few acres set aside allowing for 29 units (duplex or triplex) to mix residential opportunities, and ten acres for multi-family town homes (attached single-family homes). They may find there is more of a market for multi-family town homes than what they have set aside, and in that case, he said those changes would have to come back to the Plan Commission for a revision to the PUD. The 21-acre apartment area would be the farthest west and would probably be in one of the first phases of the project. The mixed use area would be along US 20 and Mr. Jones said it would be developed late in the project. This area will offer some opportunities for a softer business-class use in the B-1 or B-2 range. They may have someone who wants to do a more intense use there, but again he said they would have to come back to the Plan Commission.

A successful component to the projects they looked at is the town center, but Mr. Jones said it would be late in the project when they feel comfortable that the demographic support is there for it. They are setting aside ten acres with a broader range of business class uses in this area. Potentially, he said they may want a B-3 use such as a full service restaurant or retail shops. As they go through the DPUD, he said they will be focusing on a list of allowable uses for those particular areas; however, they don't want to lock that in now because they want time to think about it. He then indicated that this will be a market driven phasing plan for those two areas.

According to Mr. Jones, the future school site they have reserved consisting of about 12 acres has been reviewed with Middlebury Community Schools and they are interested in having an area set aside for them to develop some educational facilities on their site. They have no timeline for holding that land, but again he said that would be in a later phase of the project. If the school changes their mind, he indicated they would have to come back to change that land use.

The sports field areas would be associated primarily with the school development. Mr. Jones explained that they would be working in partnership with the school system for the maintenance and operation of those facilities, but they would be open to the public.

They also hope to see a public use community center, which Mr. Jones said would also be a market driven trigger point. They feel there is a strong need for this type of facility in their development because they are trying to build a community that has all of the services you might need. He then indicated that the same design concept is well used and successful in multiple other communities.

The most significant part of their plan Mr. Jones said is the open space/recreation areas. He referred back to the soils limitation map pointing out that you can see how a lot of this area is overlaid over the limited area. These are areas that have excessively deep organic soils and they have advised the developer that he won't be successful in overcoming it. He then indicated they would have to set aside between 140 and 160 acres for an alternative use, which are listed on the open space/recreation map. These areas of the site won't be developed for home sites, but he said they will be developed to make the project complete, not only from a recreational viewpoint, but there will be utilities.

To do this project, Mr. Jones said they have to put the residential use with the natural environment and then make sure they fit. One of the concerns they will have up front is the Pine Creek improvements. Pine Creek does have a floodway and floodplain associated with it so they have completed a hydrologic study. They have also been talking with the Elkhart County Drainage Board, the US Army Corps of Engineers and IDNR about the alteration of Pine Creek that will include a two-stage concept.

Representations of a two-stage ditch were then reviewed and Mr. Jones explained that in order to draw in the floodway and floodplain at Pine Creek, they're going to have about a 140 ft. wide excavation there. It will all be stored to the standards for storm water control, and he said they will incorporate some concepts where they're going to re-oxygenate the water as it flows through the site to make sure it's fresh, which will improve the habitat for plant and aquatic life. Mr. Jones reported that they have been meeting with the Army Corps of Engineers, IDEM's surface water quality specialists, IDNR surface water group who manages the floodplains in the State of Indiana, and the Fish and Wildlife division of IDNR. He indicated that all of that work is underway, which he then went on to describe.

A major part of their design is the alternative best management practices. Mr. Jones explained that they have seen the storm water wetland incorporated successfully in other developments, but it hasn't been done actively in Elkhart County other than by Elkhart County on roadway improvement projects. They take time to develop, but once they do, he said they become an integral part of the completed project.

In the areas where they will develop water features, Mr. Jones said they have the ability to move the topsoil back to get at the good material, which is what's going to be used to build the building pads. They are trying to balance the site as well as isolate home sites from the water table. They also want enough area in that isolation area to build adequate foundations. In areas with higher elevations, he said you will have the ability to develop home sites with basements, but not in other areas. Incorporating the barrow areas as retention and water features is critical to the plan.

After land use approval, Mr. Jones said a TIS will need to be completed before they go on to final design. Currently, they are analyzing 19 intersections for this project, which he went on to name. He then clarified that this includes all of the adjoining intersections plus the major intersections within their development. The TIS will have to be approved by Elkhart County, Elkhart City and INDOT, and he said the traffic study will be set up to follow their phasing plan. He indicated they will probably see a significant access improvement at CR 17 and Verdant, and Phase I through III will require the need to do work at CR 17 at both CR 14 and CR 19, and Phase IV is where they will make their approach to US 20.

Mr. Jones said they have already committed to the city in assisting them with their annexation plan, which will be closely tied to their phasing projection. The Plan Commission will then see detailed development plans coming to them for probably the next 15 years.

With regards to the Staff Report, Mr. Jones said they feel good with items 1.a through c, and most of d. He reminded the Board that GPUD's are renewable, and he said they have already started the process of approval so they feel they can meet two-year timeframe.

The maintenance agreement and the development of park land and open space (item 1.e) will be closely coordinated with the City of Elkhart according to Mr. Jones. They feel they're going to have to be significantly involved in the maintenance of several parts of the public improvements because they will be expecting a higher standard than some of the local agencies could provide. He said they would be working hard as to how their homeowners organization dovetails with the city's park and recreation staff to address these areas. They want to be able to demonstrate to the property owners that they have well cared for park land and bicycle trails available, and he indicated there would be more detail related to that in the future.

Under item 2, Mr. Jones indicated there would be no way to do this project unless you find a good way to phase it. As they move eastward, they will have to deal with stormwater improvements. Before they develop phase one, he said the drainage system will need to be built to

accommodate that.

Phase one will probably see the multi-family adjoining Pine Creek and phase two will be the cottage home sites with some improvements on the school and athletic fields. Phase three will incorporate some of the mid-range and high-range home sites. Mr. Jones indicated that the project will be built out in phase four.

One of the reasons why phase four needs to be put off is because Indiana Department of Highways is planning a significant improvement to US 20 in the next 15 years. Mr. Jones would like to see their project completed in coordination with the US 20 project. Mr. Jones said you can see how the progression of the phasing plan goes from a downstream end to the upstream end, but that is the only way they can make it work. They hope the adjoining property owners who aren't involved in this petition would consider that their project could be phase five, which could involve the land owned in this location to be connected to adjoining streets. Although the developer would like this to be a five-year plan, Mr. Jones said that isn't possible and it will be a 10 to 15-year plan.

The phasing plan is critical to this discussion under item 2. If they adopt the staff's recommendation, he would like them to add some language to the motion referring to the phasing of the project. The two-stage ditch cannot be phased, and he indicated that will probably be included in phase one.

Mr. Jones said they agree with item #3 because that discussion has already started. They have talked to the City of Elkhart about the annexation of police and fire protection, which they are comfortable with.

Mr. Jones said they have no issues with item #4, and he referred to the second half of the sentence that talks about the .5 acre lots. However, when they talk about changing their design concept to include one and a half acre and one acre lots joining the acreage size parcels, he said it doesn't fit their development. They feel their development scheme is locked in as to how those adjoining areas should develop. If the Board is concerned about buffering, he asked why they wouldn't consider that most of these homes are already going to be significantly horizontally located away from the property line. He then pointed out that the homes on US 20 are a little farther back from the road, but at least 200 ft.

If the development moves forward, Mr. Jones asked what the likelihood is of the other properties developing. In most cases, they have to set aside the ability to provide access to their road system and sewer/water system. He asked if they would be making a good decision or a bad decision by adding one and a half or one acre lots.

Mr. Jones said he isn't quite sure what the definition of passive security is, but he will work with Mr. Burrow to see what they can do. He thinks it will be more of the responsibility of their landscape architect and the planning department where parklands and public use places have certain safety aspects built into them. Mr. Jones indicated they agree with that.

Item #6 talks about discussing the economic feasibility of the project with the Plan Commission. It doesn't say there is a requirement for it, but Mr. Jones thinks the developer and everyone involved understands the costs associated with this project. They are prepared to move forward with the project, but if they run into an unexpected condition that makes a portion of the project undoable, then they will have to come back to the Board before that land use is able to be changed. He understands what the staff's concern is, but he said it's not typically something they discuss at the Plan Commission meeting.

Mr. Jones asked that the Board to send them to the Commissioners with a recommendation for approval. He also noted that Dan Brekke, the developer, is present to answer any questions the

Board may have along with some other staff members who are involved in the technical aspects of the project.

If the drainage all works, Mr. Lantz asked if Pine Creek can handle this. If they decide to do something other than their current plan, Mr. Jones explained they would change the intensity and the speed of which the water would leave the site. They are hoping to have a net impact to the waterway and the county standards basically require that. They are allowed to release 20 percent of their pre-developed on-site run-off, but Mr. Jones estimated that they will probably be below that. There is no retention on the site other than what happens naturally in the ground. The drainage ditches go directly off-site and the water goes out.

Mr. Miller asked how far they are going to develop Pine Creek through the subdivision. Mr. Jones said they will be constrained by ownership issues because it's not a public works project. If it were the Elkhart County Drainage Board doing a two-stage ditch project, they could occupy and use the 75 ft. setback from the top drain in either way. They hope to work in a partnership with the adjoining property owners both north and south, but the limits of their project will be CR 14 and US 20 to the maximum. The idea of the two-stage ditch is to improve things upstream and downstream of their site and he said their study actually had to be extended well beyond the site to accomplish that.

Mr. Miller asked what improvements they would be doing at intersections. Mr. Jones said the current standards developed by the Elkhart County Highway Department is that they can no longer hope to develop a 150 acre subdivision without having some analysis of what the impact on the county roads is going to be.

If they have a worst case scenario and they can't work in partnership with the properties to the north and south regarding drainage in Pine Creek, Mrs. Wolgamood asked what they will do. Mr. Jones said it's not an issue at all because their design will be based on their ability to do two-stage on their property. If they ended up extending that in either direction, he said it will only benefit them.

Mrs. Wolgamood asked if it's critical to the two or three properties that will be incorporated into this and Mr. Jones said no. Most two-stage ditch construction projects usually aren't for the total length of the ditch. They are designed to mitigate an impact, off-site an impact, or approve a condition and he feels very confident that this can be done here.

Mr. Yoder asked Mr. Doriot to explain the two-stage ditch and how it impacts this situation. Mr. Doriot explained that they are in the process of designing a two-stage ditch south of Goshen as two years ago they had \$20 million of damage done to Supreme, Lippert, and Forest River. The two-stage ditch doesn't disturb the bottom of the stream, which the Army Corps of Engineers likes because they don't hurt the ecosystem in the stream. If you come up to the normal water, which is the area in a ditch that you don't see grass, that will be widened out. The flood calculations are made so a volume for the width of the two-stage ditch is designed and he said the 100-year flood will stay in those banks. He said they look at it as a water treatment because the water going through there is not going as fast once it tops the ledges in the two-stage ditch. According to Mr. Doriot, there are several environmental agencies that really like this as far as an environmental impact and flooding issues.

Mr. Yoder then asked if there is also control on the outflow of all that water and Mr. Doriot said the normal control on the outflow will be on the bridge on CR 14. In every analysis he has seen, the benefit extends both ways as far as reducing the flood level.

Present in support of this request was John Klawiter, 1210 Strong Avenue, Elkhart. Mr. Klawiter said he knows there has been some opposition to this request, but he's not understanding why. The trend he sees dealing with land development, says that multi-use and multi-income developments are exactly what is needed in order to not only promote growth, but to contain it into the areas they want. Mr. Klawiter believes this project will promote the growth of residential with mixed income, mixed use, and also bring in retail businesses, while containing it within pre-defined borders. From what he has heard, it sounds exactly like what the experts say needs to be done.

Mrs. Wolgamood asked if he is a property owner in the immediate area. Mr. Klawiter said no, but when the project is finished, he hopes to be a property owner.

Amanda Schwartz, 56815 CR 19, Elkhart, was present in opposition of this request. She said she understands change and growth, but her main concern is the road that will be going beside her. She lives next to the easement, which she pointed out on the map. She said she didn't move to CR 19 less than a year ago to have a road put in beside her. She would like to have an open yard where she can raise her kids. Her main concern is the traffic that will be beside her and all of the traffic in front of her house. Her other concerns is how the drainage and water will impact her house, yard and basement. If they sell property off to other developers to build their own subdivisions, she asked if they will be set to standards. She doesn't want people building and then leaving, or people being able to have their yards ten feet tall and parking cars wherever they want.

Ms. Schwartz was then asked to point out her property on the aerial photo. When asked if her realtor showed the property to her, Ms. Schwartz said they did, but she was told there was only a chance they were going use it and she took that chance.

Attorney Chuck Grodnik, 228 W. High Street, Elkhart, was present representing Dave and Denise Sanders who are in opposition to this request. The location of his clients' 29-acre parcel was pointed out on the aerial photo that was displayed, which he said is meticulously maintained.

Mr. Grodnik said his clients feel this is a wonderful plan, but it is in the wrong place. He feels the conditions received by the staff are appropriate, and he wonders whether or not there should be a buffer around his clients' property. Mr. and Mrs. Sanders have a magnificent home with a pedal car museum in an outbuilding, and he said it is presumptuous of the petitioner to surround this property with 90-foot lots. Mr. Grodnik has been authorized to tell the board that his clients' would accept the $\frac{3}{4}$ acre lots around their house as that would be an appropriate buffer if this project should be approved.

From an airplane, he said this property is a great place for this project because it is near commercial property, it does not leapfrog, and it's in the growth area. However, Mr. Grodnik said the environmental and soil conditions really weigh against this proposal and it is an inappropriate place to put this project. They also wonder where the cost comes in. He recalled that Mr. Jones had talked about houses being built without basements, and he doesn't know how many houses in the last couple of years have sold without basements. One thing they need to worry about is whether or not this project will be successful.

According to the statute in the land use plan, Mr. Grodnik said you have to take into account the current conditions and the character of current structures and uses in each district (#2), and #4 is the conservation of property values throughout the jurisdiction. He said the staff believes that without that buffer, this will negatively impact the value of the Sanders' land.

Mr. Grodnik indicated this is not going to be under unitary control as some of these parcels are going to be chunked out to individual developers. One of the staff's biggest objections is who is going to control these areas, which he said is a very important aspect.

According to Mr. Grodnik, one part of this project is so profound and incorrect that the recommendation to the county commissioners should be for denial. The soil plan has areas that are coded to show what type of soil is in the area and there is a page listing all of the soils. The petitioners make the general statement stating, "Surface level soil conditions vary across the site and are considered to be suitable for the planned project. The availability for sanitary sewer would remove most limitations related to soil conditions. The following table rates each classification found in the site."

The Matrix of Soil Characteristics was then displayed and Mr. Grodnik indicated only three of the soil types are mentioned. There are nine different soil types, which are marked as severe, and he said the severe soils are so unfavorable that excessive costs may be required to overcome problems. Those soils encompass all of the areas marked with the codes indicated on the matrix and those areas were then highlighted on the aerial photo of the project site.

The housing plan was then displayed and the severe soils were then overlaid on the plan. He indicated that the homes in the northeast corner of the project site may be able to have basements, but he doesn't believe the surface level soil conditions are suitable for the project.

Mr. Grodnik feels the petitioner should save his plans and put it in a more appropriate location. The function of the Plan Commission is to look into the future for the wellbeing of Elkhart and he said this is an important obligation. This is a GPUD and the details will come in a DPUD, but he said a decision needs to be made today as to whether this land is suitable for this project and the Sanders and others present believe this is not the right place.

He went on to say that the requirements and conditions imposed by the staff are so massive that they all know they are not going to be completed satisfactorily. History is replete with people who have tried to fill in residential areas and he said complaints are common from homeowners regarding water in the basement, cracked foundations, and in this case cracked slabs. Mr. Grodnik asked who of the homeowners are going to call when those problems occur in 10 to 15 year. There is a comprehensive plan, but he said Mother Nature has made her plan for this real estate, which should be followed. He said the remonstrators in the audience also have valid concerns and sometimes, he said you have to take a look at a proposal and realize that it just does not make sense and he feels this is one of those times. On behalf of the Sanders, Mr. Grodnik asked that the Board say no to this plan. If they say yes, he requested that they protect the Sanders' property pursuant to Indiana statute and require those one and half acre lots contiguous to their property.

Mike Griffith, 56605 CR 19, Bristol, was also present in opposition to this request. He too feels this is the right project, but it is in the wrong place. He explained that he recently heard in the news that the CR 20/CR 17 area is the second worst in the county. As you get more people in that area, he estimated there will be 3,000 to 4,000 cars going into the area when the project is finished. He hears there will be improvements, but he said he's not hearing many details, which makes him uncomfortable.

A comment was made earlier regarding how you measure economic feasibility and Mr. Griffith said he looks around using his eyes. He looks at the businesses on CR 17, and in his opinion, there is an anemic development there (B-3). Mr. Jones made a comment about the synergy without business, and now they have businesses where nobody is going to and they need people to go to those businesses. He feels they are putting the cart before the horse.

Mr. Griffith also has a concern about the size of the lots. Mr. Jones had previously made a statement that he is very concerned about that, but Mr. Griffith questions that because the original plan had 70 ft. lots and now they've grown to lots the same size. If he is that concerned, he

questioned why that was an afterthought. He is concerned about the control that is lost as he's seen some developments that happen over time and time wears people down. People change and he said some move on to bigger and better things and the continuity of the project can dissolve in a heartbeat. It is Mr. Griffith's and his wife's wish that this request be denied at this time.

Bob Godfrey, 56484 CR 19, Bristol, lives immediately to the east of the Sanders. Mr. Godfrey said he bought his lot in 1985 and built his entire house himself over a two year period so he has quite a bit of sweat involved in what he has done. He said people buy their property with the idea that it will be appreciated and he has a real concern about this because it appears to be a very dense project. He's very concerned about \$300,000 houses along the "buffer zone" and \$125,000 houses on the interior of the project.

Mr. Godfrey didn't realize until today that the phase of this project is starting at the low end and working up. The last time Mr. Jones spoke to the group about a month ago, he mentioned that this project will be market driven depending on how the project moves along. If they start at the low end of the project and keep moving it up to the point where they have the 55 ft. lots in the center, when they get to the end of the project, Mr. Godfrey said the whole marketing strategy may change. Where they thought they would have fairly decent houses could fall into what is selling so that is not a guarantee.

Mr. Godfrey is also concerned there will be several different contractors involved in different areas of the project and he questioned if they are all going to work together. He said they have done a marvelous job putting this plan together, but he wonders who will control it and make sure it stays on track. His main concern is that he doesn't want to lose any value in his property, and he doesn't feel there isn't adequate control to make sure this project goes in the direction they want it to.

Also present in opposition to this request was Denny Overholser, 56691 CR 19, Bristol. Mr. Overholser reported that he and Mike Griffith wrote a letter and they took it to the neighbors who could not be here today. He then read and submitted the letter to the Board *[attached to the file as Remonstrator Exhibit #1]*. He then reported that he has 29 signatures from neighbors on CR 19 and that no one refused to sign this petition.

Mr. Overholser said he and his wife have lived on CR 19 for nearly 19 years. When they purchased their property, the primary reason was the location and serenity of their backyard. They live in front of a wooded area, and both he and his wife enjoy nature, birds, and the wildlife. With regards to the shopping centers going in, he doesn't see the benefit of adding any other commercial buildings. In five to ten minutes, he can be at Bacon Hill and in ten to fifteen minutes, he can be in Dunlap.

Sandy Hood, 56803 CR 19, Bristol, has lived at her property for five years. Ms. Hood was present in opposition to this request. She explained she moved to her property for peacefulness and the wildlife area. All of the wildlife will be gone if this project is approved. Her biggest objection to this request is the \$120,000 homes in the area that could have beautiful homes with nice acreage, trees, and wildlife. If this request is approved, she said the area will no longer be country.

Janet Nichol, 56839 CR 19, Bristol, was also present in opposition to this request. Ms. Nichol explained that she lives near the easement that is close to CR 20 and she was told the easement wouldn't be utilized. She has only been there for two and a half years, but she is not in favor of this project.

Another person in opposition to this request was Becky Dean, 56695 CR 19, Bristol. Mrs. Dean explained that she and her husband moved to this location two years ago in hopes of getting

out of the city. When they bought their property, she said they were never told about this project. They are very disappointed and they were really looking forward to a nice and quiet area in the country.

Kevin Bullard, 56421 CR 17, Bristol, said he is remaining neutral. He explained that he owns 40 acres of farmland, which he pointed out on the aerial photo, and that land is listed as potential development. He lives on CR 17 and owns a business and a market at the corner of CR 14 and CR 17. Not only is this affecting his house and business, but also his farmland. There are several industrial parks in the area and if you go north, he said they are already trying to sell property zoned M-1. As a farmer, he hates to see ground destroyed and he has reservations with the drainage, as do the developers. They have a lot of work and expense to make this project work, and he would rather see houses put in this area rather than M-1 zoning.

Joe Calabrese, 20906 US 20, Bristol, has 40 acres in this area and he said the state has one of the biggest problems of all on US 20. They have six lanes leading down to two lanes right in front of his house. When he spoke to someone from the Indiana Bureau of Motor Vehicles, he was told that the state ran out of money so they couldn't finish the bypass. If they can't finish the bypass and they are going to put more traffic in the area, then it will be highly congested. He indicated there have been several accidents in this area. Mr. Calabrese believes there are more problems in this area than just drainage and he asked the Board deny this project.

In response, Mr. Jones said he appreciates the neighbors' comments and they will do everything they can to accommodate them. One of the comments that seems to be a matter of concern is the size of the parcels. The ownership concept of the project is to sell development size parcels. During the DPUD stage, he said a good set of restrictive covenants will be needed and they have spoken to the Plan Commission several times as to how those are to be enforced and adopted. It has always been his opinion that they could be adopted as part of the conditions of the project. He pointed out that there would ultimately be two enforcement bodies; the property owners and the county. He then indicated he would be in favor of that if that is something the Plan Commission would consider. That will be one of the critical components to make sure this project goes forward as planned. As properties are sold, Mr. Jones said every single one of those developer partners will have to understand that they have a certain standard and development concept which they will have to meet. He said he has suggested that the Architectural Control Committee involve more than just the developer.

Mr. Jones reiterated that they are not in favor of a one or one and a half acre lot size to create a buffer adjoining those properties. He indicated they would accept something less than that if there is some middle ground there.

Mr. Jones said they are not surprised by the staff's recommendations and they feel they are reasonable. They are willing to accept them with the exception of making sure the language regarding phases is included. He said he didn't hear the staff say that there would be any negative impact on property values and he believes the opposite because in some cases, the property values could be positively impacted.

Mr. Jones said there isn't any doubt in their mind of what they are faced with when it comes to overcoming development constraints and limitations on this site. They have been having very detailed conversations with their developers since they began looking at the preliminary design for this project. It won't be a standard Jefferson Township project because there will have to be more detail due to the conditions on this site. They agree that the soil conditions are less than optimal and in some areas, they are not do-able so they will be avoiding those areas. In the areas where they

will be developing home sites, he said they can overcome that through engineering and costs. They will have to spend money on building pads and Mr. Jones feels they have the beginnings of a very good plan for that. They still have more to do, and as they develop engineering plans to build roads and building pads, he said they will be preceded by additional geo-technical investigations that will talk about the details of handling material, of placing material and compacting it in place. He reassured the Board and remonstrators that they understand the conditions of the property and are fully aware of the limitations.

Mr. Jones continued saying it does lend itself to the development because of the location. The property will eventually develop and he pointed out that they probably could have taken that path and looked at manufacturing on this site. To do this project with an M-1 land use would probably be easier, but he said that is not the concept and direction the developer chose so they are sticking to their plan.

If their new roadway approaches attach to US 20 with a new signalized intersection and appropriate geometry to make that turning movement, Mr. Jones feels people off of their site will actually use their internal roads are arterial streets to access US 20 in a safer manner. They are very cognizant of the impact of those property owners and he said they will take that fully into consideration if the project goes forward. Their goal is to be a positive impact to the adjacent property owners, and he feels they have done all of the due diligence they are required to do and more to bring the GPUD phase of this project. He advised the Board to expect a lot more detail on this project, and to expect it to last 10 or 15 years more.

When Mr. Lantz questioned the percentage of homes that can put in basements, Mr. Jones estimated 30 to 40 percent. Their goal is to remove the unacceptable layer that is on top of the ground, which is between 18 and 36 inches deep in the areas they have decided can be developed. In the areas they are staying out of, he said their soil scientist told them the muck was 10 ft. deep and they can't do anything with that so there is a significant amount of earth work needed to build it out. He said basements for some of the area won't be feasible unless they can develop the building pads with enough elevation to allow that to occur because they also a high water table.

Mr. Warner asked if they are requiring to do any wetlands mitigation in another location with what they are destroying in this location and Mr. Jones said no. They think they have plenty of space in their open area to fully mitigate any impact they may have. He explained that they have 140 acres of area that they won't be developing, and they could successfully develop a new wetland in any one of those area. He said they will probably only impact four or five acres at the most so they have plenty of room. There is only one area of the site that would impact the wetlands, which he then pointed out on the south side of the project.

Mr. Doriot asked if their soil scientists feel the conditions can be overcome and if they can build building pads that are suitable for foundations and Mr. Jones said that is correct. Mr. Doriot said he's seen similar soils to this on the east side of Simonton Lake where people have built on. Mr. Jones agreed saying the north and east side of Simonton Lake used a development strategy just like this.

When asked if these will all be private roads, Mr. Jones said they will probably be public city streets built to city standards. He said they will have to meet the full review of the city standards and their staff before they build. If they have environmental issues they need to overcome, they will have to show them how those issues will be overcome. He then pointed out an area on the aerial photo where they have an issue to overcome due to a band of muck soil they have to go through.

Mrs. Wolgamood asked for an average lot size for the single-family residences along CR 19 and surrounding the large out parcel. Mr. Jones said they will probably be between 12,000 and 15,000 sq. ft. If the Board feels there should be something else, he would like the Board to tell them.

When asked about the three access roads to CR 19, Mr. Jones said they are considering them as optional. If they get to the completion of their traffic impact study and Elkhart County, Elkhart City and their traffic engineer says they are absolutely necessary, then that would be a different story. They are not dependent upon those connection points to provide access to their site because they are development two arterial roads for that. Mr. Jones isn't sure what the traffic impact study will ultimately recommend, but he said those recommendations could be part of INDOT's 15-year plan for US 20. They don't want to say that the access will never occur because someday, people might find benefit to their new signal and approach to US 20.

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

During discussion, the audience was advised that it is not unusual for large developments like this to be done in phases, and there are adequate procedures in place so that development control follows along with ownership of the ground. This happens through the detailed planned unit development process, and the history of those controls is that they get more stringent with time. It was also pointed out that the new state mandated MS4 plan for storm water is very stringent.

While discussing drainage, it was acknowledged that the soils are questionable, but the consensus of the Board is that the technical people have addressed that issue and can mitigate the impact. If city utilities are denied, it was clarified that they could not proceed with the development unless they come up with their own sewer plant.

Two concerns that were expressed were with the lot sizes and access; however, it was pointed out that this development does comply with ordinance requirements for both the city and county, and the three ingress/egress points are at connecting areas, including Verdant which is already lighted. There was also concern expressed about the full commitment of the staff to the recommendation and the environmental impact on the property.

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

1. With the DPUD submission, the following shall be completed and appropriately addressed in the DPUD application (graphically and in the narrative):
 - a. The designs and timelines for the improvements of CR 14 and CR 19, adjacent to the proposed development, and to US 20.
 - b. The designs and timelines for the improvements to the intersection of CR 19 and US 20.
 - c. The justifications with designs and timelines for the proposed collector street, to US 20 within this development.
 - d. The design of the Two Stage Ditch and the drainage features with retention and detention as noted in Figure A-7 "Grading and Drainage Master Plan Commission – Phase 1".
 - e. The "Open Space / Conservation Area / Recreation" areas, as demonstrated on Figure A-6 "Preliminary Land Use Plan", shall be filed with detailed

designs of improvements (walkways, accessibility structures, roadway crossings, etc.), a maintenance agreement or agreements, ownership schemes, and how passive and active security with safety will be addressed.

- f. The application submission should include a specific phasing plan.
2. Prior to the issuance of any building permits, the Two Stage Ditch must be constructed.
3. The following areas will be allowed in phases with no building permits until installation has been completed:
 - The Open Space and Conservation Area
 - The building pads fill
 - The drainage improvements to include roadway drainage and ponds
 - All disturbed area to be permanently stabilized using the permanent stabilization procedures described in the Storm Water Pollution Protection Plan Commission
 - All impacted drainage areas be completed with each section by watershed.
4. That the DPUD application include the location of the emergency agencies noted in the correspondence and be shown with approvals from that agency's over-sight board.
5. That the DPUD Site Plan / Support Drawing show the proposed development adjacent to the residential properties along CR 19 and US 20 with open space buffers and lot sizes more in keeping with existing densities (i.e. adjacent to the existing acreage – a minimum of $\frac{3}{4}$ of an acre in the area from the south access road going north around the Sanders property to the possible north access road on to CR 19).
6. Please address the correspondence letter:
 - a. All letters seem to imply annexation; why should Elkhart County rezone property prior to annexation?
 - b. Please address the facts that some of the letter's authors no longer work for the City of Elkhart or do not have the authority to obligate the City of Elkhart to services.
7. Restrictive Covenants to be included with the DPUD application submission that provide for public and private enforcement.

The motion was carried with the following roll call vote: Warner – no; Lantz – no; Miller – yes; Wolgamood – yes; Doriot – yes; Sharkey – yes; Yoder – yes.

* *(It is noted that Mr. Sharkey left the meeting at this time.)*

13. There were no audience items.

14. At this time, Mr. Burrow said there is a request for modification of the ordinances to move forward on the comprehensive plan for the Town of Wakarusa. He suggested they form a committee to study the Wakarusa overlay district's development standards consisting of basically the planning staff, Mr. Kolbus, Ken Jones, Tom Roeder, Loren Sloat (legal representative for the town of Wakarusa), and Eric Brown who was the chairman of the committee that drew up the proposed standards. He would like for Mr. Yoder, Mr. Watkins and two other Plan Commission members to assist the staff in reviewing these items due to its complexity.

Mr. Kolbus explained that there has been at least one company in the area who has grave concerns regarding these standards and he asked if they want a representative appointed to the committee from that company. The company was clarified to be Utilimaster, and when Mrs. Wolgamood asked if they were not part of Wakarusa's comprehensive plan, Mr. Doriot said they are the ones who held up the development standards.

Mr. Doriot said he may have a conflict, but he wants to be involved in the committee with regards to drainage. Mr. Burrow agreed they need to have someone involved with the drainage and Mr. Doriot recommended Hans Musser be appointed to the committee for the drainage and chemical review. Mr. Burrow then clarified that the decision making members would be the Plan Commission.

Mr. Burrow said he envisions that they will have some issues because this is a substantial change to our ordinance. He said it is moving away from the concept of Wakarusa adopting the text of our zoning and subdivision ordinances and into the direction of developing their own independent zoning ordinance that the county is being required to administer. He said that is not inappropriate for an advisory plan commission, but it makes it more complicated.

Mr. Holt volunteered to serve on the committee as a member of the plan commission, but the Board decided not to include a representative from Utilimaster.

Mr. Doriot moved that the Advisory Plan Commission feels it is appropriate that a committee be formed to study the Wakarusa Overlay District Development Standards with the committee to file a report back with the Plan Commission. Mr. Miller seconded the motion, and with a unanimous vote, the motion was carried.

15. The meeting was adjourned at 1:03 p.m.

Respectfully submitted.

Kathleen L. Wilson, Recording Secretary

Jeff Burbrink, Chairman