

MINUTES
ELKHART COUNTY PLAT COMMITTEE MEETING
HELD ON THE 10TH DAY OF JULY 2008 AT 8:30 A.M.
MEETING ROOM – DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plat Committee was called to order by the Chairperson, Meg Wolgamood, with the following members present: Tom Holt and Jeff Burbrink. 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 (*Holt/Burbrink*) that the minutes of the regular meeting for the Elkhart County Plat Committee held on the 12th day of June 2008 be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Burbrink/Holt*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearing and the motion was carried unanimously.

4. The application for Primary approval of a two lot minor subdivision to be known as **LEVY MINOR SUBDIVISION**, for Robert G. & Sharon Van De Water (owners) and B & B Builders (developer) represented by Advanced Land Surveying, on property located on the East side of CR 21, 600 ft. South of CR 44 in Jackson Township, zoned A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #20082156*.

Ron Justice of Advanced Land Surveying, 17120 CR 46, New Paris, was present representing the Van De Waters on behalf of this request. His only comment was that they accept the tech recommendations and he asked for Primary approval.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Holt/Burbrink*) that the Plat Committee grant Primary approval of this two lot minor subdivision in accordance with the Staff Analysis and comments of the Technical Advisory Committee with the following condition imposed:

1. A storm water pollution prevention plan to be approved by the Soil & Water Conservation District prior to the issuance of a building permit.

The motion was carried with a unanimous vote.

5. The application for Primary approval of a two lot minor subdivision to be known as **SECLUDED LANE**, for Michael & Nancy Bonewitz represented by Progressive Engineering, on property located on the North side of CR 18, 900 ft. West of CR 1 in Baugo Township, zoned A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #20082151*.

Present on behalf of this request was Brad Cramer of Progressive Engineering, 58640 SR 15, Goshen. He said they are finally acceptable with regards to the Health Department issues with the lot, but they are not able to put in a cul-de-sac due to the location of the existing septic field that

lies south of the existing house. According to Mr. Cramer, the physical road does go all the way to the west line of the westerly adjoiner, but any land that's available for a cul-de-sac would be on the easterly lot of the two lot subdivision, which would not be able to service that westerly adjoiner.

Mrs. Wolgamood asked if that portion of CR 18 is currently maintained by the county and Mr. Cramer said yes. He clarified that the southerly adjoiner's circular driveway is dirt, and the westerly adjoiner has a driveway that comes off of that loop. He said the improved road does not extend beyond the division of the dirt driveway.

When asked if Lot 2 is not served by a maintained county road now, Mr. Cramer said the end of the road is where the driveway is located for Lot 2, and the lot west of Lot 2 just has a driveway coming off of the unimproved road.

The staff was then asked if that is an issue and Mr. Kanney said yes. If this is approved with the tech comments, he said the issue with the cul-de-sac needs to be worked out with the Highway Department and Mr. Cramer agreed.

Mrs. Wolgamood recalled a provision in the zoning ordinance that says a building permit cannot be issued on property that is served by a non-maintained county road. Mr. Kanney said that is the issue, but they can possibly overcome that in working with the Highway Department.

Mrs. Wolgamood then suggested they table the request to allow the petitioner to work with the Highway Department, and if they cannot come up with a solution, she said they may need to withdraw the request. Mr. Cramer was agreeable to tabling the request. If the cul-de-sac is mandatory, he said they would not be able to accomplish this minor subdivision. He then explained that the existing 30 ft. right-of-way easement is encumbered totally upon the north tier of lots, and the lots to the south have no right-of-way that affects them.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Burbrink/Holt*) that this request for Primary approval of a two lot minor subdivision be tabled by the Plat Committee until such time they are ready to bring something back regarding the cul-de-sac issue from the Highway Department. With a unanimous vote, the motion was carried.

6. The application for Secondary approval of a four lot major subdivision known as **REPLAT OF LOTS 62-67 SUNLIT ACRES – PHASE III**, for George & Enid Schmitt, Michael & Lori McCourt, Vasily & Halina Nizhnik, and Linda Tepe (owners) represented by Wightman Petrie, Inc., on property located on the East side of Sunlit Blvd., East of Sun Valley Blvd., South off of CR 20 in Jefferson Township, zoned A-1, was presented at this time.

Mr. Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #20082162*. He explained that this was originally six lots, but they are now replatting it by creating one lot out of three and shifting the lot lines on two of the lots. The issue during primary was the suitability of the three lot vacant ground for septics, but he said that has been worked out. Therefore, this now meets all requirements so the staff recommends approval of this Secondary.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Holt/Burbrink*) that the Plat Committee grant Secondary approval as they find that this replat meets the requirements of the Subdivision Control Ordinance and conditions of Primary approval. The motion was carried unanimously.

7. The application for Secondary approval of a **REPLAT OF LOTS 1-8 OF EARTHWAY RAIL PARK DPUD – PHASE III**, for Seahawk Corporation represented by Wightman Petrie, on

property located on the West Terminus of Earthway Drive at intersection with Rail Park Drive in Washington Township, zoned M-2, was presented at this time.

Mr. Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #20082165*. The staff now recommends approval as he said this meets all aspects of the zoning and subdivision ordinances.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Burbrink/Holt*) that Secondary approval be granted as the Plat Committee finds that this Detailed Planned Unit Development meets the requirements of the Subdivision Control Ordinance and conditions of Primary approval. The motion was carried with a unanimous vote.

8. The application for Secondary approval of a Detailed Planned Unit Development known as **MAPLE RIDGE DPUD**, for Parkway Development Group represented by Brads-Ko Engineering & Surveying, on property located on the West side of SR 13, 845 ft. North of CR 10 in York Township, zoned A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #20082153*.

When asked what the private street was named, Mr. Nemeth said Maple Ridge Drive.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Holt/Burbrink*) that Secondary approval be granted as this meets the requirements of the Subdivision Control Ordinance and the conditions set by the County Commissioners. With a unanimous vote, the motion was carried.

9. The application for Secondary approval of a Detailed Planned Unit Development known as **HERITAGE POINTE DPUD/GPUD-M-2**, for Five MC, LLC represented by Brads-Ko Engineering & Surveying, on property located on the Southwest side of US 20 at CR 16 (Wayne Street) in Middlebury Township, zoned B-2, M-1 and M-2, was presented at this time.

Mr. Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #20082154*. He explained that the noodle factory is presently located at the southwest corner of the property, and the remainder of the property is the General Planned Unit Development lot. The reason they are platting it this way is to get the dedication of the right-of-way and to establish the cross-access easement for access to the noodle factory.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Burbrink/Holt*) that the Plat Committee grant Secondary approval as this meets the standards of the proposed DPUD/GPUD, and the standards of the Zoning Ordinance and the Subdivision Control Ordinance. The motion was unanimously carried.

10. The meeting was adjourned at 8:47 a.m.

Respectfully submitted,

Kathleen L. Wilson
Recording Secretary