

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 12TH DAY OF FEBRUARY 2009 AT 9:00 A.M.
MEETING ROOM – DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Chairperson, Tom Holt, with the following members present: Jeff Burbrink, Steve Warner, Tom Lantz, Meg Wolgamood, Dennis Sharkey, Roger Miller, and Mike Yoder. 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 (*Warner/Miller*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 8th day of January 2009 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*Warner/Wolgamood*) that the legal advertisements, having been published on the 31st day of January 2009 in the Goshen News and on the 2nd day of February 2009 in The Elkhart Truth, be approved as read. The motion was carried with a unanimous vote.

4. A motion was made and seconded (*Wolgamood/Miller*) 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. The application for an amendment to an existing Detailed Planned Unit Development/General Planned Unit Development known as **WAKARUSA BUSINESS CENTER ROAD DPUD** to relocate SR 19 entrance and expand B-1/B-2/B-3 zone, for Kemar Properties (owner/developer) represented by B. Doriot & Associates, on property located on the West side of SR 19, 1,620 ft. North of Waterford St. in Olive Township, zoned GPUD R-1, R-2, B-1, B-2, and B-3, was presented at this time.

Mr. Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #20091012*.

Blake Doriot of B. Doriot & Associates, P.O. Box 465, New Paris, was present representing the petitioner. Mr. Doriot indicated that Harv Kemp, one of the owners of the property, is also present in the audience today.

The project has been in process for three years now, but he said they have met some road blocks. They have been working with the State Highway Department and the initial thought was to have the access across from Utilimaster. This would have involved approximately \$450,000 of improvements to SR 19, but the money is not there. Utilimaster wanted to talk with them after he mentioned in a public hearing that their entrances could be restricted if they make improvements to SR 19. However, once they realized the improvements would not affect them in reducing their curb in the present condition of SR 19, they received a call from Utilimaster saying they didn't want the meeting that was set up with the Chief Financial Officer. Therefore, he said there is no possible way they can fund the re-construction of SR 19 for this distance.

A meeting was then held in Fort Wayne with several INDOT Engineers and they came to the conclusion that the proposed access location would meet the State Highway's requirements. The curb cut is in its final form, but they are lacking one piece of information on their plan which is the benchmark. He then pointed out the location of the proposed access on their site plan, which he said is no closer to the south adjoiners than the original location of the cul-de-sac that he also pointed out. He explained that they originally ran the road down the 435 ft. line, which is their current zoning line, so the road is actually a little farther south and lines up more with the storage buildings to the south.

Mr. Doriot explained they are asking to move the location of the zoning line back 128 ft. If they leave it in the original location, the small parcel is not marketable. He pointed out the location where water and sewer is coming in and he said the parcel is small because they can't have water and sewer going across the middle of a property. They will still leave the large buffer area they had promised to do, and there will be no changes to the storm water areas. The amount of drainage going into the pond will also remain the same. Mr. Doriot then pointed out the area they will be moving 209 ft. from their current zoning line. He explained that they have a current business owner in Wakarusa that would like to expand in that location.

They have also met with the Town Engineer, Jim Emmons, and in their conversation, the town will be able to vacate a lift station to the south. Rather than having a lift station for the Wakarusa business center, the town would like to have a lift station that would handle north to CR 38, and without another station, it would possibly handle a half-mile to the west. He then indicated he would do his best to file a DPUD for the next Plan Commission meeting. When they build, they will show that their lights will point in and he said there will not be 24 hour businesses in the back.

Mr. Warner asked if they are still looking at a mix of retail and residential. Mr. Doriot said there will be residential in the back (southwest area of the property). Although he would not commit 100 percent, he said they like the concept of condominiums similar to what was done on the entrance to Westgate Crossing. They will have to do a cost analysis to see if condominiums would fit into the market, and he said they may be smaller or be single-family attached residences, which is permitted in the R-2 zoning district.

Mr. Doriot was then asked to point out the existing and proposed zoning lines on the aerial photo. He explained it will go 128 ft. along the Brown's north property line, then north to the centerline of the road, which is 250 ft. north of the south property line. Then they jog up to get a 209 ft. extension back, which gives them a developable area that he pointed out on the aerial, and an area for their on-site retention, which is required on each development.

Mrs. Wolgamood also questioned the number of acres and Mr. Doriot said it would be one acre every 200 ft. He then estimated approximately six to eight acres.

Present in opposition to this request was Dave Mangel, 806 E. Waterford Street, Wakarusa, who said he lives adjacent to the subject property. He was also a part of the planning committee for land usage for the Town of Wakarusa, and they spent over two years looking at this property and other surrounding properties in Wakarusa to develop a long term plan. He explained there was a lot of debate in front of the Plan Commission and the Town of Wakarusa with different plans and designs. Some designs had more residential, some more manufacturing, and others a combination of both.

At one point last year, he said the residents were asked to come in and make their opinions on four different plans that were laid out in the Town of Wakarusa. That came to a vote with the town in December, and the preferred plan was to have 435 ft. of business district with residential

behind it. The understanding was that the business district needed to be there because it would be ideal for that space. The reason why it didn't go all residential is because there was a factor of cost for the developer as they could utilize the road frontage on SR 19 to draw in businesses. He feels this is a perfect opportunity for that business to exist on the proposed property, and it makes no sense that the residents would have to go back and determine what this is going to do to their property and what this is going to mean to the Town of Wakarusa for future development of that residential area. If they draw the zone line farther back, Mr. Maugel asked if the barriers between the business and residential area would be attractive enough to draw in residential homes.

Mr. Maugel feels that moving the zone line will affect the residential area. He thinks it will cost too much to put the entryway where it is right now, and he asked if it's the Town of Wakarusa's and the residents' responsibility to bail them out. If it is, then he hopes someone will bail him out when his property value goes down.

Mr. Sharkey questioned the location of his home and Mr. Maugel pointed it out on the site plan, which is at the southwest corner of the development.

For clarification, Mr. Yoder asked if his primary concern is that this change will affect the viability of a residential area going in to the west. Mr. Maugel said he's concerned whether or not this will be attractive for residential to go into that area. His other concern is that two and a half years was put into this and feedback was received from a lot of people with a good debate going on for why this should be set up the way it is.

Mr. Sharkey also clarified there are two issues involved today; the entrance change and the zone line setback. Mr. Kolbus advised that the Board can handle each issue separately and they do not have to recommend approval or denial of both.

Mr. Maugel recalled that at one of the meetings the Plan Commission was excited that the Town of Wakarusa was taking the initiative in coming up with a long-term plan for this area. Mr. Yoder agreed and pointed out this is just a recommendation to the Town of Wakarusa who has the final decision.

Also present in opposition to this request was Randy Abel, 712 E. Waterford Street, Wakarusa, which borders the west side of the subject property. Mr. Abel explained that the last time they were here, the Board indicated they would like to hear from Wakarusa, which has been done. He said it has taken them a long time to get to where they are today. The Comprehensive Plan that was passed was made up of town council members, business people, and residents of Wakarusa. It was a long debate, but they finally got to the point where they had four different plans that they voted on and accepted.

Mr. Abel explained there are many vacant buildings in Wakarusa right now because Monaco Coach has shut down. He believes the business that wants to go into that property is a grocery store, and he feels there is something wrong with a grocery store that doesn't want to be on SR 19. He said the exposure point would be on SR 19 and not behind buildings that would be built in front of that. He doesn't feel it makes sense to add another layer of businesses behind those that already exist on SR 19. He then pointed out there are several other buildings in Wakarusa that would be more suitable to a grocery store, which he went on to describe.

If the Board gives this request a positive recommendation, he feels they will be going against what the Town of Wakarusa spent all of this time fighting for with the different plans. If they would have wanted this, he said they would have had it in their Comprehensive Plan. He also said there is no space in Wakarusa to put a house so that's why this is very important to the neighbors that live there.

Annette Brown, 906 E. Waterford Street, Wakarusa, was present in opposition to this request. She pointed out her property on the aerial photo, which borders the proposed property to the south, and she feels this project will affect her family the most. They have had two and half years of meetings and they have all given and taken to try and make one plan work. One of the plans presented at one of the meetings was to have business, business and then residential, which was voted against, so she wonders why they are back before the Board trying to do that again.

One of her concerns is that having business, business and then residential together may eventually all be turned into business. The residential part of it may be pushed right out and it just keeps getting smaller. She went door to door and talked with over 100 people in the Town of Wakarusa to get their opinions on what they wanted. She had not thought about having condominiums back there, but that was presented to her by forty to fifty percent of the people she spoke with who are scattered around Wakarusa. These people were of different ages and income levels, and most indicated they would like to retire in Wakarusa and that condominiums would be a good idea for the area. By putting a road in between the two layers of business there will no longer be a buffer between the business and residential.

Tricia Foster, 814 E. Waterford Street, Wakarusa, was present to voice some concerns. Ms. Foster pointed out her property on the aerial photo and explained that she agrees with what the other neighbors have said. She feels they need a more compelling argument to change the proposed property to business. She also questioned the reason for not going ahead with the original plan.

In rebuttal, Mr. Doriot said they presented their plans at the first town board meeting of the year and he did not hear any negative comments from the board. The town sent their engineer to them, and he said they see this as a way for them to help the expansion of the proposed area and the area east of SR 19. If they get their lift station, they will attempt to put it at the north side of their property and possibly along the Olive Township Ditch. He said they can eliminate septic and serve everything with sanitary sewer.

Mr. Doriot indicated they are willing to give up 128 ft. south of the road and leave that area as residential. Mr. Kemp believes he can put a couple of single-family attached condominiums there, and he will build it so it is not a detraction from the residential area. The Comprehensive Plan did show 435 ft., but he said that was chosen before he became involved. They tried to make that 435 ft. work, but the parcels would be too long and too deep to make them viable.

When you construct a new building for your business, Mr. Doriot said you build it to best fit the processes you do. Retrofitting is an expense on top of the cost of the parcel you are purchasing and he said the footprint of the building will allow them to expand to the north in the future. He indicated that Tom Roeder has had the plans for about a month and the discussion about this development was in the Elkhart Truth. All of the information has been available and he reiterated that he has not received any negative information from the town board. He then asked the Board to let them move forward with a favorable recommendation to the Town of Wakarusa.

Mr. Sharkey asked if the north/south road was farther west in the original drawings, but Mr. Doriot said the zoning line was the east right-of-way line. They have moved the road closer to SR 19 and they moved the entrance on SR 19 farther south. He then pointed out the location of the entrance on the aerial photo.

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

Mr. Yoder said he is not at comfortable in making a recommendation to the Town of Wakarusa to change their Comprehensive Plan. However, he feels the issues are pretty significant

because there are serious septic issues north of Wakarusa. If this change helps facilitate the larger neighborhood, then he feels the Town of Wakarusa should take it into serious consideration.

He then commented that this area has the mindset that business needs to be separated from residential, but he feels that depends on the business. He has been in three growing communities in Florida that have business and residential mixed together and it's all about walk-able communities. If the right businesses are there, he feels you can actually create a residential area that is more attractive to retirees and families.

It's his opinion that they can recommend approval for the entrance, and he questioned if it would be acceptable for the Board to say no recommendation at all in the change of the Comprehensive Plan and Mr. Kolbus indicated that is the Board's prerogative.

When Mr. Miller indicated that he also had a problem with changing the town's Comprehensive Plan at this level, Mr. Kolbus advised that the Board's focus should be on land use. If they are looking at land use and the land use doesn't make sense, he said the town council has the legislative body to take everything else into consideration.

Mr. Warner questioned what allowance they've had in moving the zoning line with the potential expansion of SR 19 and Mr. Doriot said they will have to comply with the required setbacks. He indicated that it will not be four-lanes divided; they will be looking at two lanes, a center turn, and two lanes so they have adequate space with the setbacks.

Mr. Lantz agreed with Mr. Yoder and feels they should give no recommendation.

Mrs. Wolgamood said she sees the Board's role as making a recommendation based on land use, which includes the Comprehensive Plan. She thinks the Board would be doing Wakarusa an injustice if they didn't make some sort of a recommendation to the Town Council. She then pointed out that this is a request for a DPUD and GPUD and she asked Mr. Doriot which portion of the property is the detailed and which is the general. Mr. Doriot indicated the DPUD is the roadway and everything else is the GPUD. If the town council approves this, he said they will come back to this Board with a detailed plan for a recommendation to the town council.

Mr. Sharkey asked if they can make a split recommendation as far as the entryway and zoning and Mr. Kolbus said yes. By eliminating the south road, Mr. Sharkey said it will eliminate all of the headlights shining into the residences to the south. If you go in straight west, there won't be any headlights going south, which he feels will be better for the residences. However, Mrs. Wolgamood said there will eventually be headlights going south from the new roadway.

If they move the roadway south, Mr. Doriot said he can't meet setbacks for commercial so they will have to move the road back again at which point headlights will be going into the Brown's field where there are storage barns. On the description of the DPUD, he asked Mr. Burrow if they can be told to move the road to a location he pointed out and then they move the road to another location. Mr. Burrow said it would probably be considered a minor change by the staff.

If a recommendation is made, Mrs. Wolgamood asked Mr. Kolbus if they can make a notation explaining their decision and Mr. Kolbus said yes. Mr. Burrow indicated the Town Council will get a copy of the minutes.

The Board examined said request and after due consideration and deliberation, a motion was made (*Yoder*) that the Advisory Plan Commission recommend to the Wakarusa Town Council that the request (to amend to the road entryway and zoning line) be approved in accordance with the Staff Analysis and provided the conditions listed in Ordinance 2008-6 and 2008-12 are continued. Mr. Yoder then made the statement that the Plan Commission is concerned about changing the Comprehensive Plan unless there are larger, over-riding positives that would benefit the

community. Due to the lack of a second and after further discussion, the motion was then withdrawn by Mr. Yoder.

A motion was then made and seconded (*Yoder/Wolgamood*) that in accordance with the Staff Analysis and provided the conditions listed in Ordinance 2008-6 and 2008-12 are continued, the Advisory Plan Commission recommend to the Wakarusa Town Council that this request be approved. The statement was again made that the Board is somewhat reluctant to change the Comprehensive Plan unless the benefits would outweigh the costs. The motion was then carried with the following results of a roll call vote: Burbrink – yes; Warner – yes; Lantz – yes; Wolgamood – no; Sharkey – yes; Miller – yes; Yoder – yes; and Holt – yes.

* (*It is noted that Blake Doriot took a seat on the Board at this time.*)

6. The application for a zone map change from A-1 to B-1 for ***Raintree Boulevard, LLC*** represented by John Fair, Jr., on property located on the North side of SR 120, 500 ft. East of SR 13 in York Township, was presented at this time.

Mr. Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #20091009*.

Present on behalf of this request were John Fair, 61250 Raintree Boulevard, Sturgis, Michigan, and Jerry Dusseau, 911 Allendale Court, Sturgis, Michigan. They are currently planning their future with this particular lot, and he said they've done a number of the things over the past few years to improve the site and come within compliance as to removal of the trailers. If they are going to continue to do improvements to the property, they need to be able to expand to the east. A storage facility would not be permitted under the A-1 zoning they currently have, which is why they are here today. There is potential that they could develop B-1 where they are at if allowed to have a well and septic on the agricultural portion of the land. At this point, they feel for the future and for this community that the entire parcel be zoned B-1.

Gene Beachy of Crossroads Market Place, owner of the 24 acres north of the subject property, was present in favor of this request. He rezoned his property in 1992 and he also owns three acres of A-1 property with a mobile home on it that he pointed out to the Board. He has no problem with the petitioners having a different zoning in this area because they are excellent neighbors. Prior to them purchasing the land, Mr. Beachy said it was an uphill battle with the previous owner of the property. His biggest concern is that the property needs to be cleaned up and he said they've done a good job with that and he likes what they are doing.

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.

If they rezone the property, Mr. Yoder asked if all of the concerns would be covered in the building permit process. Mr. Burrow said it would have to be covered in enforcement, and if rezoned, they would have to come into compliance with the ordinance to receive building permits. He said the existing buildings in violation of the Zoning Ordinance are not allowed to expand.

Mr. Watkins then asked if the Board heard anything that justifies the change of land use on this piece of property.

If rezoned, Mr. Sharkey expressed a concern that the owner of the next property to the east would also want to rezone and the Board would have no jurisdiction on what would go there with a straight rezoning.

Mr. Holt said this is a Gateway intersection into the Middlebury community so he feels they need to know what's going to go there. He would also like to know how traffic will flow, and he'd like to know that before someone sells the property and tries to do something different.

Mrs. Wolgamood said the issues of the soils, septics, specific land uses, and curb cuts can be controlled with a PUD and she feels a straight rezoning leaves a lot of unanswered questions.

Mr. Warner wondered if they have already set a precedent there with the B-3 PUD's and both Mr. Lantz and Mrs. Wolgamood felt they have.

Mr. Sharkey asked the petitioners if they have specific plans for this property and whether or not they could come back with a PUD. Mr. Fair said if they construct a newer facility that is more consistent with what the community would like to see, they need to be able to do some expansion. If allowed to put a well and septic on the property without it being rezoned, there is probably enough room to do it within the setbacks. Mr. Fair said he assumes a zoning line does not necessarily represent a boundary line so he can probably build right to the line and have what they need. He then indicated that he contacted the building department to see if he could build a 1,200 sq. ft. storage facility for fireworks, but he was told they cannot have a stand-alone building on the A-1 zoned property.

When asked by Mr. Doriot if he understand the PUD process, Mr. Fair replied yes. Mr. Doriot then questioned his time frame and Mr. Fair said he doesn't have one.

Mr. Dusseau added that they were also told they cannot have mobile homes or people staying overnight on this property. He said they want to build something there, but the constraints put there by the previous owner has the building sitting too close to SR 13. If they demolish the existing building and construct something that is more pleasing, they would have to reduce the property it sits on by nine or ten feet. In order to expand either way, he said they would have to go into their septic field so this is the only logical place for them to go.

Mr. Doriot asked if there is anything that prohibits putting a septic system across a zoning line and Mr. Burrow said yes because it is part of a commercial use.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Yoder/Miller*) that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to B-1 be denied in accordance with the Staff Analysis. With the following results of a roll call vote, the motion was carried: Burbrink – yes; Warner – yes; Lantz – yes; Wolgamood – yes; Sharkey – yes; Miller – yes; Doriot – no; Yoder – yes; and Holt – yes.

7. The application for a zone map change from M-1/R-1 to R-1 for ***Kendolyn & Diane Yoder*** represented by Cindy R. Yoder, Re-max Realty Marketing, on property located on the Southeast corner of 1st St. and Railroad St. in Jackson Township, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #20091018*.

Cindy Yoder of Remax Realty Marketing, 2134 Elkhart Road, Goshen, was present representing the petitioners on behalf of this request. Ms. Yoder explained that she currently has the property under contract, but the lender, Northwest Mortgage in Fort Wayne, will not lend on the property with the zoning split down the middle. The east side of the property is zoned R-1 and the west side is M-1; therefore, they are asking for this rezoning to R-1.

Mr. Sharkey asked if the property line goes clear to the street to the west (Railroad Street), but the area he questioned was clarified to be the road right-of-way and not a buildable lot between

the subject property and Railroad Street.

There were no remonstrators present.

A motion was made and seconded (*Sharkey/Miller*) 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 (*Wolgamood/Doriot*) that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from M-1/R-1 to R-1 be approved in accordance with the Staff Analysis. The motion was carried with a unanimous roll call vote.

8. There were no audience items.

9. The staff item regarding *Electronic Message Boards* was then explained by Mr. Nemeth. He said this is the latest development in technology. Businesses are competing to get larger signs, so the government had to set some minimum standards to regulate the size. The issues they are dealing with now are the signs that attract attention by movement and brightness at night. He would like Elkhart County to look at adopting electronic message board regulations and decide how much movement should be allowed and their brightness at night. He explained that one of the government's rules is to promote public health, safety, and welfare. Part of the welfare is community aesthetics.

In order to review the content of a message board, you have to remove your eyes to read the message. He would like the Board to discuss how long you can remove your eyes from the road before it becomes unsafe. If there is movement on a message board, whether it is scrolling or animated, most people want to see how the movement finishes.

Mr. Nemeth explained that residential subdivision property values are affected due to the amount of movement and brightness at night. At this time, he distributed a survey and a comparison chart to the Board for review regarding the issue of electronic message boards.

When Mr. Kolbus asked if he would come back to the Plan Commission with options on proposed regulations, Mr. Nemeth indicated yes.

Mr. Miller asked if there are any state regulations on electronic message boards and Mr. Nemeth said they are leaving it up to the local communities.

Mr. Yoder asked if there is any uniformity on what other cities are doing. Mr. Nemeth said he took a poll of what they are doing, but they don't have regulations in the book. He has discovered, however, that an intensity reduction from 5,000 to 1,000 is pretty typical.

He is also questioning on the survey what would be an adequate separation distance between a message board and a residence.

Mr. Miller said animation has gone to the point where they do displays based on who is driving by. He feels they are distracting and he's not sure how regulations could be placed on them and enforced.

Mr. Nemeth said enforcement of the signs can be handled very simply because every digital camera has a video function that takes from five to ten minutes of video. The rate of change could be videotaped and placed on the computer as a file. The staff is thinking that the installer of the sign can prove the specifications. They would like businesses to be able to do electronic message boards, but they would like to stop the competition of signage.

Mr. Doriot questioned if the National Transportation Safety Board has any information on this. Mr. Nemeth said there is no study that says electronic message boards are distracting because there are so many variables. They spent two years doing a study to determine what the variables are and they are currently trying to figure out the relationship between the variables they chose and traffic safety.

Mr. Nemeth said there were two studies done on this issue. The first one was studying how a situation concludes as someone finishes reading a sign. The second study was regarding how long you can remove your eyes from the road before it becomes unsafe.

Mr. Lantz pointed out that you have to look at the print on a billboard, but if you have something that is scrolling, you can glance at that without much eye movement.

Mr. Doriot indicated he would like to see what the federal government has on signs before making a decision, but Mr. Yoder feels they need to control the illumination intensity at night.

Mr. Holt reported that the National Outdoor Advertising Association has done in-depth research on all of this, which he could provide copies of for the Board. The Board then decided to have an in-depth conversation on this issue at the March meeting.

10. Ken Jones of Wightman Petrie, Incorporated, then presented the staff item regarding the *Comprehensive Plan for Syracuse South Benton TIF District*. The reason this has come up is because the Town of Syracuse in Kosciusko County wants to develop a parcel of ground in Benton Township. Mr. Jones had distributed a map of area TIF #121, which is the area included in this TIF. He explained that US 6 is the northern boundary. At the same time as the tax increment agreement was being worked out with the Redevelopment Commission and the Town of Syracuse, the Town Manager put together a Comprehensive Land Use Plan for the town. The only problem was that it was never brought to the Plan Commission or the County Commissioners for consideration.

The Town of Syracuse fully intends to file a DPUD for the development project and they might do that by the filing deadline for the April meeting. Mr. Burrow is concerned that if the town really wants to follow through with the proper adoption of their Comprehensive Plan, then it needs to be done first. The problem with that is the Town of Syracuse hasn't taken any further action on the land use question. In 2003, they did seek and receive approval for a GPUD, but they are moving forward and would like a DPUD. He then asked how the Plan Commission would like to see this. The town would prefer to do them concurrently as they want to build sewer and water this year. They will be meeting with the Redevelopment Commissioner later this month for approval of their Inter-local Agreement. The town wants to move immediately to the construction of the sewer and water and they would like to have the DPUD in place somewhere in the same time frame so they can tell the State of Indiana they are ready to move forward with construction.

Mr. Jones explained that this project has been ongoing for eight years and the initial proposal failed because they lost their private partner. The town has since decided that they can fund the construction of the sewer and water with their own money. The agreement with the Redevelopment Commission is to allow reimbursement over time if development occurs in the area for the sewer and water. Mr. Jones said they are not planning to use any stimulus money for the project.

Mr. Jones indicated he is asking the Board to tell him how they want to consider this, and if they would be allowed to do the DPUD and Comprehensive Plan concurrently, they will come before the Board in April.

For clarification, Mrs. Wolgamood asked if the purple area on the map is the only area they are talking about in regards to the change in land use. Mr. Jones then pointed out the area in the TIF district.

At this time, a motion was made and seconded (*Doriot/Miller*) that the DPUD and amendment to the Comprehensive Plan be done concurrently.

Mr. Sharkey asked Mr. Burrow if he feels they shouldn't do it concurrently. Mr. Burrow explained that they would accept a Comprehensive Plan and rezoning in that area, but they can't say they are complying with the Comprehensive Plan until the County Commissioners have accepted it. They have to be willing to use the Comprehensive Plan as a reasonable guide for development.

Mr. Jones said he understands Mr. Burrow's concern, but the rezoning they are talking about doing concurrently is the land use that has already been approved there. They are just going from a GPUD to a DPUD, so he does not feel there is a conflict.

The previous motion was then withdrawn and a new motion was made and seconded (*Doriot/Wolgamood*) that the Comprehensive Plan be heard at the March meeting. A unanimous vote was taken.

11. In further discussion, Mr. Doriot pointed out that it is time to visit the VIM property to check for progress and compliance. It was determined that Mr. Yoder, Mr. Doriot, Mr. Burbrink, Mr. Kolbus, and Mr. Watkins would conduct the review on February 20, 2009, at 10:00 a.m. It was also indicated that a certified letter needs to be sent to VIM for notification.

12. The meeting was adjourned at 11:02 a.m.

Respectfully submitted,

Kate A. Keil, Transcriber

Kathleen L. Wilson, Recording Secretary

Tom Holt, Chairman