

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 10TH DAY OF NOVEMBER 2010 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 Meg Wolgamood with the following members present: Dennis Sharkey, Blake Doriot, Roger Miller, and Steve Warner. Staff members present were: Robert Watkins, Plan Director; Mark Kanney, Planning Manager; Duane Burrow, Senior Planner; Robert Nemeth, Planner; and James W. Kolbus, Attorney for the Board.

Due to the absence of the Chairman, Vice-Chairman and Secretary, Mr. Sharkey moved that Meg Wolgamood be designated to chair the meeting. Mr. Doriot seconded the motion, which then carried with a unanimous vote.

2. A motion was made and seconded (*Doriot/Sharkey*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 14th day of October 2010 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*Doriot/Miller*) that the legal advertisements, having been published on the 29th day of October 2010 in the Goshen News and the 30th day of October 2010 in the Elkhart Truth, be approved as read. The motion was carried with a unanimous vote.

4. A motion was made and seconded (*Doriot/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. Mr. Kolbus asked if the next two agenda items regarding the Elkhart East Area 'D' DPUD could be heard as a public hearing together with separate votes or if the staff prefers they be dealt with individually. Mr. Burrow said they can be heard together with a separate vote so they can keep track of what was submitted.

The applications for an amendment to a Detailed Planned Unit Development known as **ELKHART EAST AREA 'D' – LOT 5A**, and for Secondary approval of a Detailed Planned Unit Development known as **REPLAT LOT 5A ELKHART EAST – AREA 'D' – PHASE ONE**, for Almac-Sotebeer represented by Robert Letherman, on property located on the Southeast corner of the intersection of Elkhart East Blvd. and Columbia Drive, South of CR 6 in Osolo Township, zoned DPUD-E-3, were presented at this time.

Mr. Burrow presented the Staff Reports/Staff Analysis, which are attached for review as *Case #22344ELKHART EASTBlvd-100930-1* and *Case #22344ELKHART EASTBlvd-100901-1*. He explained that the reasons for this request is so Lot 5A can be subdivided and he pointed out the location where both lots will front on the road. Mr. Burrow said the Highway Department has no objection to the additional curb cuts; therefore, the staff is recommending approval for both the Site Plan / Support Drawing amendment and the re-plating of the lot.

Present on behalf of this request was Rob Letherman of Almac-Sotebeer, P.O. Box 1322, Elkhart. According to Mr. Letherman, their customer just wants to build 10,000 sq. ft. and they didn't need to sell them 3.5 acres for 10,000 sq. ft.

Both Mr. Sharkey and Mrs. Wolgamood felt there was no reason to deny these requests. Mrs. Wolgamood pointed out that a permit has already been issued on the entire acreage and now they just want to split it.

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/Sharkey*) that the Advisory Plan Commission recommend to the Board of County Commissioners that this request to amend the Detailed Planned Unit Development known as Elkhart East Area 'D' – 5A be approved in accordance with the Staff Analysis. The motion was carried with a unanimous roll call vote.

Mr. Doriot then moved to grant Secondary approval of the Replat of Lot 5A Elkhart East Area 'D' – Phase One plat. Mr. Sharkey seconded the motion, and with a unanimous vote, the motion was carried.

6. There were no staff/Board items.

7. The application for Primary approval of a two lot minor subdivision to be known as **SILVER MINOR SUBDIVISION**, for Ralph & Jeanne Silver (sellers) and Habitat for Humanity of Elkhart County (buyer/developer) represented by Brads-Ko Engineering & Surveying, on property located on the South side of CR 29, 360 ft. West of CR 33 in York Township, zoned A-1, was presented at this time. This request was transferred from the Plat Committee due to the lack of a quorum.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #51144CR 29-101004-1*.

Barry Pharis of Brads-Ko Engineering & Surveying, 1009 S. 9th St., Goshen, was present on behalf of this request. His firm represents Habitat for Humanity and the Silver family who owns a 4-acre tract with frontage on CR 29. According to Mr. Pharis, they want to split off a parcel in the (northeast) corner for their daughter to build a home. Once they did the calculations he said they realized they would have a half acre tract for the new home, which they thought would leave them a legal 3.5 acre one lot minor. However, he said the Highway Department requires right-of-way all along CR 29 so they are dedicating more right-of-way than they are for the lot. To make it legal, he said they have to have a two lot minor subdivision because the parent parcel is now less than 3 acres.

Mr. Doriot asked if they intend to have any animals for 4-H livestock projects and Mr. Pharis said not that he is aware of. Mr. Doriot said he wanted to make sure they are aware their lot will not conform to have large livestock.

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

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Warner/Doriot*) that Primary approval of this two lot minor subdivision be granted in accordance with the Staff Analysis. With a unanimous roll call vote, the motion was

carried.

8. At this time, Mrs. Wolgamood pointed out that no action can be taken on the two requests for Secondary approval (*Prairie Grove Subdivision and Bradshaw Minor*), which were also transferred from the Plat Committee due to the lack of a quorum. Mr. Doriot represents both petitioners so when he steps down from the Board she said only four board members will be left to vote.

Mr. Kolbus said the Surveyor has designated someone from his office to sit in his place for a fifth vote, but both he and Mr. Doriot indicated they were not comfortable with that. Mr. Kolbus said these two items will then have to be placed on the agenda for December.

According to Mr. Doriot, they were given permission to do a foundation so he will have to tell his client that he has to leave the basement open since this will not be heard until December.

When Mr. Sharkey asked if they can get a vote by someone reading the minutes and voting outside the meeting, Mr. Kolbus said no. He said the only other option is that the Chairman of the Plat Committee (Mike Yoder) can call a special meeting without support of the Plan Commission to take action on these two requests.

9. A motion to adjourn the meeting was made by Mr. Miller and seconded by Mr. Warner. With a unanimous vote, the meeting was adjourned at 9: 15 a.m.

Respectfully submitted,

Kathleen L. Wilson, Recording Secretary

Tom Holt, Chairman