

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 10TH DAY OF FEBRUARY 2011 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, Mike Yoder, with the following members present: Tom Lantz, Steve Warner, Roger Miller, and Blake Doriot. Staff members present were: Robert Watkins, Plan Director; Mark Kanney, Planning Manager; Robert Nemeth, 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 13th day of January 2011 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*Doriot/Lantz*) that the legal advertisements, having been published on the 29th day of January 2011 in the Goshen News and the 31st day of January 2011 in the Elkhart Truth, be approved as read. The motion was carried with a unanimous vote.

4. A motion was made and seconded (*Doriot/Lantz*) 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 applications for a zone map change from a Detailed Planned Unit Development-A-1 to a Detailed Planned Unit Development-B-2 to be known as **HOPEFUL HARVEST FARM DPUD**, and for Secondary approval of a Detailed Planned Unit Development known as **HOPEFUL HARVEST FARM DPUD** for Perry & Carolyn Miller represented by Brads-Ko Engineering & Surveying, on property located on the East side of CR 37, 910 ft. North of CR 34 in Clinton Township, were presented at this time.

Mr. Kanney presented the Staff Report/Staff Analysis for both applications, which are attached for review as *Case #0CR 37-101223-1* and *#0CR 37-101223-2*.

[9:03:22 AM](#) Barry Pharis, Brads-Ko Engineering & Surveying, 1009 S. 9th Street, Goshen, was present representing Perry and Carolyn Miller who are also present. Mr. Pharis explained the petitioners purchased Miller's Country Store on CR 34 from their parents several years ago. They operated that store and started a wholesale business.

In 2003, the petitioners purchased this acreage and built their home on it. Mr. Pharis explained that CR 34 is located to the south as well as Schrock Furniture, and the Clinton Feed Mill is located to the west.

[9:05:03 AM](#) In 2007, Mr. and Mrs. Miller pursued moving both businesses to this location and they built a 12,000 sq. ft. building to accommodate both, which was approved. The petitioners were still in the deciding process at the time, so the plat was never recorded. The petitioners decided to split the businesses. He sold the country store to his sister and brother-in-law and then moved the wholesale facilities/operation to existing space in LaGrange County. The petitioners' children are still young, but they have the desire to help with the business. The

petitioners have decided that they will either need to expand or re-locate. They started looking at a variety of sites in LaGrange County, but they decided they would like to have the business at their home as it will enable their children to walk to work.

[9:07:20 AM](#) They are requesting approval to construct a 6,144 sq. ft. building on three acres, which is only about half the size of what they had previously gotten approval for. This is only for the wholesale business with no retail so the traffic would be dramatically reduced to 22 vehicle movements daily. Mr. Pharis noted there would be only be three employees, but they have a five year projection of five employees.

[9:08:09 AM](#) The business plan is to do marketing by brochure and catalog. Some products are ordered, stored at this site, repackaged, and then re-shipped to their clients' stores. The petitioners have developed a series of Amish and Mennonite greeting cards for birthdays, holidays, etc., which have been incredibly accepted by the public.

[9:10:27 AM](#) Mr. Pharis said that having the business at this location would not harm the neighbors. There is a 25-acre forest reserve adjacent to this property which will never be developed. Adjacent to the south is Schrock Furniture Manufacturing and the Clinton Feed Mill is to the west. He also pointed out that the petitioners' personal residence is located to the east.

Accommodations for traffic ingress/egress have been adequately addressed with the Elkhart County Highway Department. The drainage has been addressed with the Elkhart County Surveyor's, Planning Department and the Highway Department.

[9:11:04 AM](#) If they receive primary approval today, the petitioner has a contract with Meade Septic Services and will pursue an Indiana State Health Department septic permit. The approval of the septic system will track with the final approvals and presentation to the Commissioners for the plat. Mr. Pharis indicated the petitioners understand that a building permit can't be issued without receiving the septic permit from the Indiana State Health Department. He explained they do understand the requirements and asked that the Plan Commission forward this to the Elkhart County Commissioner's with a favorable recommendation.

[9:11:55 AM](#) Mr. Yoder questioned where this driveway is located and Mr. Pharis explained it is almost at the top of the hill. They have excellent visibility from the north and the south. Mr. Pharis also noted that the building will be constructed at the required setback.

There were no remonstrators present.

[9:12:55 AM](#) [9:18:07 AM](#) motion was made and seconded (*Doriot/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 (*Doriot/Lantz*) 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 and as presented with the following conditions imposed:

1. That the owner will file the necessary information with the Indiana State Board of Health and the Elkhart County Health Department prior to requesting the Improvement Location Permit/Building Permit.
2. That the owner be aware of and assumes all potential liabilities should no Improvement Location Permit/Building Permits be issued as a result of t of the owner in ability to comply with the Indiana State Board of Health and the Elkhart County Health department requirements for an on-site waste water treatment system (septic system) and a commercial well. **Please Note:** The April 2007 Ordinance only required the following "Pending

written confirmation from the Health Department that the designs have been reviewed and meet their standards.” The staff feels the proposed new condition clarifies the owner’s liabilities.

3. That all documents described in Item 3 be filed with the Plan Commission Staff and be made part of Site Plan/Support Drawing.

The motion was carried with a unanimous roll call vote.

A motion was then made and seconded (*Doriot/Warner*) that Secondary approval of this Detailed Planned Unit Development be granted by the Advisory Plan Commission in accordance with the Staff Analysis. The motion was carried with a unanimous roll call vote.

6. The application for an amendment to an existing Site Plan / Support Drawing known as the **WAKARUSA BUSINESS CENTER SUBWAY DPUD** for NRG Holdings, on property located on the Northeast corner of Keystone Drive and Kemar Street, West of SR 19 in Olive Township, zoned DPUD-B-1/ B-2/ B-3, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #100KEMAR STREET-101220-1*. He said the staff feels this request for an amendment is a minor change.

There were no comments offered from Barry Pharis of Brads-Ko Engineering & Surveying who was in the audience.

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 Wakarusa Town Board that this amendment to an existing Site Plan / Support Drawing be approved in accordance with the Staff Analysis. After a unanimous roll call vote was taken, the motion was carried.

[9:19:18 AM](#)

7. Mr. Watkins presented Draft ‘E’ of the Zoning Ordinance to the Plan Commission at this time. This copy includes all of the changes since Draft ‘D’, which he explained are the changes presented at last month’s Plan Commission meeting as a result of the public meetings that were held, and changes made at the recent steering committee meeting. He indicated that action will be taken in March to determine when the public hearing will be. An advertisement will be placed in the newspaper to advise the public that it is available, and he said there are several websites the draft will also be posted on. In addition, CD’s are being made and will be available at the counter and the Commissioner’s office.

8. The applications for Secondary approval of **Grindle Minor Subdivision**, **Ramsey Minor Subdivision**, and **Troyer County Road 48 Subdivision**, came on to be heard at this time. These requests were transferred by the Plat Committee due to the lack of a quorum.

Since Mr. Doriot represents the petitioners in these requests and therefore would have to step down from the Board, it is noted there is not a quorum for the Plan Commission. However, Mr. Kolbus advised that Mr. Doriot could vote on a motion to table these requests.

A motion was then made and seconded (*Miller/Warner*) that the requests for Secondary approval of Grindle Minor Subdivision, Ramsey Minor Subdivision, and Troyer County Road 48 Subdivision, be tabled until the March 10, 2011 Plan Commission meeting due to the lack of a quorum. A unanimous vote was taken and the motion was carried.

9. A staff item was presented by Mr. Kanney at this time for *Long's Replat in Miller's Home Acres*, which is located on the Northeast corner of CR 4 and Marvin Street in Osolo Township. In 1994, a house was built on lot 4 and 5 and it inadvertently crossed a 15 ft. drainage and utility easement. The house has been there for quite some time and now they want to sell it. The owners would like to vacate that easement and Mr. Kanney believes there will be no problems in obtaining letters from all of the utilities vacating their authority to use that easement. He also said they are working with the provisional engineering firm as the easement is not needed for drainage.

[9:22:21 AM](#) Mr. Doriot asked if they have to have a public hearing on this and Mr. Kanney said no, they haven't in the past.

[9:23:05 AM](#) A motion was made by Mr. Doriot to release the easement between Lots 4 and 5 of Long's Replat in Miller's Home Acres, subject to receiving letters from all parties who have interest in the easement.

[9:23:39 AM](#) Prior to a second, Mr. Miller asked if they should do this with all of the properties in that area. Mr. Kanney said unless you buy two lots and build across them, the easements really don't cause a problem.

The motion was then seconded by Mr. Warner and was carried with a unanimous vote.

10. A motion to adjourn the meeting was made by Mr. Doriot and seconded by Mr. Lantz. With a unanimous vote, the meeting was adjourned at 9:26 a.m.

Respectfully submitted,

Kate A. Keil, Recording Secretary

Mike Yoder, Chairman