

MINUTES
ELKHART COUNTY PLAT COMMITTEE MEETING
HELD ON THE 13TH DAY OF JANUARY 2011 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, Jeff Burbrink, with the following members present: Blake Doriot and Meg Wolgamood. 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.

2. A motion was made and seconded (*Doriot/Wolgamood*) that the minutes of the last regular meeting of the Elkhart County Plat Committee held on the 9th day of December 2010 be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Doriot/Wolgamood*) 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. See page 3, item #10 for *Grindle Minor Subdivision*.

5. See page 4, item #11 for *Ramsey Minor Subdivision*.

6. The application for Primary approval of a two lot minor subdivision to be known as **LIPPS MINOR SUBDIVISION**, for Randall Lipps Investments, LLC represented by Wightman Petrie, Inc., on property located on the Northeast corner of CR 9 and Miner Road in Osolo Township, zoned M-2, was presented at this time.

Mr. Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #53664CR 9-101206-1*.

Ken Jones, Jr. of Wightman Petrie, Inc. 4703 Chester Drive, Elkhart, was present and he offered no additional comments at this time.

When Mr. Doriot asked if he is okay with the non-access easement along the right-of-way, Mr. Jones said yes. He said that has already been drafted and is ready to go.

Mrs. Wolgamood questioned the timeframe for closing it and Mr. Jones said upon final approval.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Wolgamood*) that this two lot minor subdivision be approved as presented and in accordance with the Staff Analysis with the following conditions imposed:

1. That the Secondary plat, when submitted, reflect the 50 ft. right-of-way.
2. That a five-foot non-access easement be shown along the county rights-of-way, excluding the existing driveways. Excepting the most southern access point for Lot 2 on CR 9.

The motion was carried with a unanimous vote.

7. The application for Primary approval of a two lot minor subdivision to be known as **ANGLE – MILLER ESTATES**, for Robert G. Scrogam represented by Marbach, Brady & Weaver, on property located on the South side of CR 4, 4,400 ft. East of SR 13 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 #0CR 4-101201-1*.

Present was Chris Marbach of Marbach, Brady & Weaver, 3220 Southview Drive, Elkhart. He offered no additional comments.

Mrs. Wolgamood asked if it was his idea for the non-access and common driveway or if it was a requirement of the Highway Department. Mr. Marbach explained that it was basically a result of the hill as that was about the only point of access that provided sight lines.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Wolgamood*) that this two lot minor subdivision be approved as presented and in accordance with the Staff Analysis. The motion was carried unanimously.

8. The application for Primary approval of a one lot minor subdivision to be known as **REPLAT LOTS 54 & 55 WINDING WATERS HILLS THIRD**, for Rickey L. and Carolyn A. Malcom represented by Weaver Engineering, on property located on the South side of Corry Lane, 250 ft. East of Killian Lane, 1,000 ft. West of Shady Lane, North of Sturdy Oak, West of SR 19, North of CR 4 in Osolo Township, zoned R-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #27050CorryLn-101206-1*.

Mel Cranmer of Weaver Engineering, 4860 N 850 W, Shipshewana, was present on behalf of this request.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Wolgamood*) that this one lot minor subdivision be approved as presented and in accordance with the Staff Analysis. With a unanimous vote, the motion was carried.

9. The application for Secondary approval of a three lot minor subdivision to be known as **SCHMUCKER KNOLL**, for Richard L. Schmucker represented by Brads-Ko Engineering & Surveying, on property located on the Northeast corner of CR 14 and CR 31, and the north side of CR 14, 900 ft. East of CR 31 in Middlebury Township, zoned A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #0CR 14/CR 31-101115-1*. He noted that Barry Pharis of Brads-Ko Engineering & Surveying, 1009 S. 9th St., Goshen, was present.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Wolgamood*) that the Plat Committee grant Secondary approval as this three lot minor subdivision meets the requirements of the Subdivision Control Ordinance. The motion was carried unanimously.

* (*Board members Mike Yoder and Tom Holt arrived for the meeting at this time. It is also noted that Mr. Doriot stepped down from the Board for the remainder of the meeting.*)

10. The application for Primary approval of a one lot minor subdivision to be known as **GRINDLE MINOR SUBDIVISION**, for Daniel R. & Sherri L. Grindle represented by B. Doriot & Associates, on property located on the East side of CR 33, 1,200 ft. North of CR 44 in Benton Township, zoned A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #0 CR 33-101206-1*.

Present on behalf of this request was Blake Doriot of B. Doriot & Associates, P.O. Box 465, New Paris. He explained that Mrs. Grindle's family has been on this farm for over 100 years, and as they have divested from agriculture, this is now Prairie Dairy Farms. They purchased the 12 acre pasture area to the north and they have friends who want to purchase a portion of the property and build a home next to them.

According to Mr. Doriot, a note has been placed on the plat that only one 25 ft. wide access would be allowed, and that location was to be determined at the time of construction. He said the house would be built on one side or the other of a waterway he pointed out, but they are not sure where they would like to put their driveway. He then indicated that the sight distance is pretty well unlimited north and all the way down to CR 44 to the south.

When Mrs. Wolgamood questioned even having a non-access easement, Mr. Doriot said the Highway Department wants to limit the possible number of access points on the property to one. She then asked if the standards already say one access, but Mr. Doriot was not sure; however, by state law, he said the Plan Commission does determine access.

Mrs. Wolgamood then commented that this is the fourth non-access easement they are looking at today. In some instances, Mr. Doriot said site distance plays a role, and the reason they did not do an Administrative Subdivision is because they are not building for three or four years.

When asked if the Plan Commission can remove a non-access easement, Mr. Kolbus said they can, but they would not be helping the petitioner if the Highway Department's recommendation is based on a standard. He feels they need some explanation from the Highway Department as to why the non-access easement is on there.

Mr. Doriot reiterated that he's put on the plat that the non-access easement is there and they only have a 25 ft. window to place their driveway; however, he said they don't know the exact location of where the driveway will be.

If there's a note on the plat about a non-access easement, Mr. Yoder wondered if the controversy is that it is not specific. When asked how they can get around this, Mr. Kolbus said they do not have to impose that condition.

Mr. Yoder feels they need to impose the non-access easement note, which he thinks is on the plat, and he indicated that he is happy with the statement.

When Mrs. Wolgamood was asked how she would word the statement, she said she would completely take the non-access easement off.

Mr. Burrow clarified that under the County Subdivision Ordinance, the Plan Commission is given the power to create variations and exceptions to the street standards. He then went on to review that portion of the ordinance with the Board.

Mr. Yoder asked if their modification would be to accept the language as noted on the plat

and Mr. Burrow said yes.

Mr. Nemeth said he wanted to save Mr. Grindle from coming back for a replat procedure to remove a non-access easement, but according to Mr. Doriot, that process will be eliminated with his note on the plat. When Mr. Kolbus was asked if he agrees, he replied yes.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Yoder/Holt*) that this one lot minor subdivision be approved as presented by Mr. Doriot. With a unanimous vote, the motion was carried.

11. The application for Primary approval of a replat of Lot 84 in Meadow Glen Estates Section One to be known as **RAMSEY MINOR SUBDIVISION**, for James Ramsey et al represented by B. Doriot & Associates, on property located on the Northeast corner of Tower Road and Meadow Glen Drive in Baugo Township, zoned R-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #30441TowerRd-101206-1*.

Blake Doriot of B. Doriot & Associates, P.O. Box 465, New Paris, was present on behalf of this request. He said they will keep the existing driveway to the south and a new driveway will be installed on the north lot. They also included a non-access easement around the corner to the point where the existing driveway is located. The Highway Department originally asked for it to go 200 ft., but he said he only went to the existing driveway. Speed limits are only 35 mph, which he said should not be an issue as there is a stop at the intersection.

Mr. Doriot explained that the original barn is still on site, and he said Mr. Ramsey understands it is non-conforming and cannot be rebuilt without a variance if it burns down. Mr. Ramsey's mother has recently passed so he wants to divide the property.

Mr. Yoder noted that the right-of-way has been labeled, they are showing the driveways, and he said they have almost expanded the non-access easement to what the Highway Department wanted and Mr. Doriot said that is correct.

Mr. Yoder then asked if there is access off of Tower Road to the old barn, but Mr. Doriot clarified that is a house and garage. They drive across it now so he said they would have to put another access in off of Meadow Glen, which is a named local street. Mr. Yoder said there appears to be a sidewalk going from the house to the south and Mr. Doriot said that is correct.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Holt/Yoder*) that this request be approved in accordance with the Staff Analysis and as modified by the petitioner. Unanimously, the motion was carried.

12. The meeting was adjourned at 9:04 a.m.

Respectfully submitted,

Kathleen L. Wilson

Recording Secretary