

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

2. A motion was made and seconded (*Doriot/Wolgamood*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 13th day of October 2011, be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*Warner/Doriot*) that the legal advertisements, having been published on the 28th day of October 2011 in the Goshen News and the 31st day of October 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/Wolgamood*) 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 the Site Plan / Support Drawing for Cook Legacy Properties, LLC known as **Lot 4 ELKHART EAST AREA D**, for Service Experts represented by NuWay Construction, on property located on the North side of Elkhart East Blvd. (750 ft. East of Columbia Drive), South off of CR 6 in Osolo Township, zoned DPUD-E-3, was presented at this time.

Mr. Burrow explained that he has an amended Staff Report as it has been determined that the structure that is part of this amendment has been built without proper permits. The staff would like to withdraw their support of this request and he asked that the Plan Commission give the staff direction as to how they would like to proceed.

After a brief discussion, Mr. Burrow then submitted and presented an amended Staff Report/Staff Analysis [*attached to file as Staff Exhibit #1*], which is attached for review as *Case #22285Elkhart EastBlvd-110923-1*.

When Mr. Sharkey asked if the entire building shown on the amended Staff Report was constructed without a permit, Mr. Burrow clarified that the only thing under discussion is the wall at the (southeast) corner of the site. It was further clarified that the building which is occupied was already constructed with permits. According to Mr. Burrow, steel wall buildings are not permitted in the E-3 zone.

Mr. Kolbus advised that comments be heard from any and all persons present, and then the Board can determine whether they want to table the request for further review by the staff or whether they want to take other action.

Present on behalf of this request was Andy Nesbitt of NuWay Construction, 2119 Carmen Ct., Goshen. He explained that it was his understanding that once they received approval from the

developer, they could proceed because this wasn't a structural issue. He said it was a landscaping wall and he wasn't aware they needed permits for it.

Mr. Warner asked if this was done at the time of construction of the main building and Mr. Nesbitt said no. He then noted that there was a letter that was submitted with their application from Robert Letherman of Elkhart East approving their plans as the architectural, landscape, signage, and drainage meet the specifications of the Covenants and Restrictions and development standards of Elkhart East. This letter is dated September 6, 2011, and is in the file for review.

Mr. Campanello asked if this wall is sitting on footers and Mr. Nesbitt said it is. Mr. Nesbitt explained that it is a pre-engineered steel building and the wall was designed with the intention of possibly putting a steel structure inside of it in the future. The foundation for the wall would not support a steel structure so he said they would have to put in a separate foundation.

When Mr. Campanello asked if Mr. Letherman said he didn't need a permit to do this, Mr. Nesbitt said he did not.

There were no remonstrators present.

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

During discussion, Mr. Burrow clarified that prior to starting construction, the petitioner was advised that they were required to obtain a building permit. He explained that they were denied a permit based on the fact that E-3 zones do not permit outside storage; however, if they put a roof on top with a complete wall, he said they would be in compliance.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Wolgamoood/Doriot*) that the Advisory Plan Commission recommend to the Board of County Commissioners that this request be approved based on the September 6, 2011 letter from Robert Letherman, and in accordance with the site plan submitted with the conditions suggested in the September 9, 2011, letter [*attached to file as Staff Exhibit #2*] from Barbara Cook, the area business manager for Cook Service Experts, imposed as follows:

1. Adding shrubbery and establishing a landscaping bed around front entrance sign along Elkhart East Blvd.
2. Adding one (1) additional tree near southeast corner of property.
3. Removing existing landscaping around dumpster and relocating it around the new addition.
4. Installing a 6'-0" high chain link fence with vinyl slats around existing dumpster.
5. Installing approximately 2,400 sq. ft. of new crushed limestone pavement and 8'-0" high masonry screen wall for outside storage against rear of existing building. The masonry wall will match the existing masonry building walls. The area will be used for storage of company vehicles and scrap metal. The scrap metal will not exceed the height of the masonry walls.
6. Installing 1,300 sq. ft. of new asphalt pavement for access to new storage area.
7. See site plan, sheet SD-1, for further clarifications.

A roll call vote was taken and the motion was carried with Mr. Campanello voting in opposition.

6. The application for a zone map change from General Planned Unit Development-M-1 to a Detailed Planned Unit Development-M-1 to be known as **MARTIN HOME CENTER DPUD / CRYSTAL HEIGHTS PHASE II DPUD**, for MSF, Inc. represented by Wightman Petrie, Inc., on property located on the Southeast corner of Crystal Heights Blvd. and Main Street (SR 13), 1,000 ft. South of US 20 in Middlebury Township, was presented at this time.

Mr. Burrow reported that after the petitioner received the Staff Analysis, they submitted additional information. This information was not part of the application or in the file ten (10) days prior to the hearing as required so he asked if the Board would allow him to present the information at this time. When Mrs. Wolgamood asked if that information changed his Staff Analysis, Mr. Burrow said it was submitted yesterday and he has not had time to review it.

Mr. Kolbus advised that this information can be accepted during the public hearing so everyone gets it at the same time. The Board needs to decide if they want to hear comments and if they want to give the staff time to review it. If they want to make a different recommendation, he said that probably could not be done today.

When the Board asked him to present the information, Mr. Burrow submitted Figure One illustrating the easement locations on this site *[attached to file as Staff Exhibit #1]*. Also submitted was a packet of information pertaining to this request including Wightman Petrie's response to the Staff Report *[attached to file as Staff Exhibit 2]*, Figure Two which illustrates the surrounding drainage areas on site *[attached to file as Staff Exhibit #3]*, and Figure Three which shows the existing conditions on site *[attached to file as Staff Exhibit #4]*.

Mr. Burrow then presented the Staff Report/Staff Analysis, which is attached for review as *Case #0CRYSTAL HEIGHTSBLVD-111003-1*. He pointed out that the Town Council of Middlebury will make the final determination on this request, but until this new material is reviewed, he said the staff still feels it hasn't adequately addressed the issues of retention and how retention will be managed in the future.

Mr. Miller asked if construction has started on this site. Mr. Burrow said they have secured their erosion control plan and are in compliance with the ordinance; however, they are not issuing Improvement Location Permits for earthmoving. He clarified that the ordinance only requires that when it is associated with floodplains.

When Mr. Sharkey asked if there was any difference from opposing this request to tabling it, Mr. Burrow felt that tabling it would probably be appropriate to allow the Board and staff to digest the material that had been submitted; however, he did acknowledge that the petitioner's time constraints were part of the process. He then explained that the Plan Commission adopted in its Rules of Procedure that the staff is suppose to be recommending denial of non-technically compliant applications as it does not meet the standards established by the zoning ordinance.

Mr. Yoder indicated some confusion with what the issue is and he asked for a detailed explanation. Mr. Burrow said the developer was now working between two different subdivisions with two different objectives, and the staff was concerned that the capacity for the Crystal Heights Subdivision was not going to be maintained with the plan that was originally submitted to them. According to the ordinance, he said there was a deficient number, and they chose to use a rational method that the Highway Department uses as standards, which the ordinance does allow. From the staff's experience with the Highway Department, he said they do not allow a calculation of outflow in a retention pond, and the calculations on the original site plan showed an outflow that reduced the requirement.

When Mr. Doriot questioned the deficiency, Mr. Burrow said it was about 347,000 cubic feet. Mr. Burrow said there was also a violation of the M-1 PUD, which was never approved for storage.

Mr. Burrow then reported that he had the original drainage plan designed for Crystal Heights for review. Mrs. Wolgamood asked if this lot was in Crystal Heights and Mr. Burrow clarified the north third of the lot was. He then pointed out the retention area on the plat.

Ken Jones of Wightman Petrie, Inc, 4703 Chester Drive, Elkhart, was present on behalf of this request. Martin Ace Hardware was in the process of constructing this building because he needed to grow this family owned business. With his loyal clientele they expect a 30 percent increase in sales and he said the move was critical to the business. Mr. Jones stated that there was a critical timeline issue since it was already November and they needed to be moved by May 2012. Their current building, which they do not own, will be sold.

Mr. Jones mentioned that they do not agree with the staff's recommendation of denial and the Staff Analysis with regard to the adequacy of the storm water management system. His firm has been in business for 23 years and there is not one storm water management system that they designed that does not work. He agreed with the staff that the entire site the store will occupy was zoned appropriately.

Mr. Jones briefly reviewed the site plan and explained there would be four overlapping businesses within the structure including the Tulip Tree Gift Center, Ace Hardware and their lumber operation. The Martins pride themselves in their delivery to their customers. In addressing their concerns with the Staff Report, Mr. Jones felt there had been some misunderstanding with their calculations. He stated that they had considered in their review all of the potential areas of runoff and oversized their system to handle it.

Mr. Jones recalled that in 2001 the Jayco PUD was brought to the Plan Commission as part of the PUD. Referring to Figure Two (Staff Exhibit #3), he explained there was an ingress/egress easement platted that allowed the parcels to develop a frontage road that would use an access drive to serve the Jayco industrial site. The approval of that approach point was a significant effort by Jayco. A traffic impact study was done and they worked for many months with the INDOT Fort Wayne district to make sure it was approved. There was continuous discussion with INDOT as to how future access would be managed by the frontage parcels.

In 2005, they rezoned the strip of land between the access drive and the south line of the Crystal Heights development with the idea that there would be additional business uses located there, and they would be able to share the access to Crystal Heights Blvd. and the access point into the Jayco industrial complex.

In 2006, all of the property owners prepared agreements for access and storm water management. All of those recorded documents were submitted at the Tech Committee meeting along with a letter making sure everyone understood what the responsibilities of those three parties were. Mr. Martin was responsible to maintain the retention area and he is responsible to go to the property owners to ask them to help pay for it. When the balance of the properties develop they will be responsible for expanding and improving the capacity of the common retention area which will occupy the rear portion of the development site.

Mr. Yoder asked about the retention area they designed in the easement and the Staff questioned whether it would be large enough to take care of the vacant land. Mr. Jones agreed that was a concern. Mr. Yoder stated that the documents Mr. Jones submitted indicated that whoever purchases vacant land would be building additional retention areas in that easement and Mr. Jones agreed that was correct. Mr. Campanello asked how many acres were involved with the Martin project and he was told three acres.

Mr. Jones clarified that there were legal documents in place that run-with-the-land regardless of who the owner is where their responsibilities are clearly laid out. 9:53:25 AM The more basic concern of the staff was that the retention area they designed to be approved as part of the Ace Hardware project was undersized, which is not true. Mr. Jones stated they had more than

adequate capacity to provide all of the storm water management for all of those sites, but did not provide capacity for vacant land because that is the future owner's responsibility. If they do not maintain their storm water on their own property and want to use the common system they would have to improve it, which is part of the agreement.

Mr. Jones said the staff required nearly 400,000 cubic ft. of storage. Mr. Doriot questioned the acreage and Mr. Jones informed him there was 15 acres and 400,000 cubic ft. of storage would serve a 50-acre parcel. He thought when the staff used the equation that exists in Specifications I of the Ordinance they forgot to use the final qualifying multiplier which is the three-inch rain. Using the three-inch rain against the 397,000 sq. ft. fits the design calculation. Mr. Jones had re-submitted a detailed design and then summarized the DPUD process.

Mr. Jones assured them that this plan would work according to the required standards and it would serve the property very well. The rest of the property owners, as they come forward, would be responsible to make any necessary improvements and bring any changes back to the Plan Commission.

For clarification, Mr. Miller stated that Mr. Jones conveyed that the retention pond they presented was sufficient for the property; however, the Staff Analysis disagreed and that is all that is under consideration and Mr. Jones agreed.

When Mr. Sharkey asked if the water drained to the south, Mr. Jones described the flow while referring to the drainage map (Staff Exhibit #3). He stated there is an existing drainage system that allows the water to pass through to the main retention pond, if they decide to use it. If they do use it they would be responsible to build the capacity in it as necessary.

The main retention pond for the road was then pointed out on the drainage map, which Mr. Jones said is the one they were currently building.

Over the years, he said there had been some question as to how they monitor the construction phase of retention ponds overall. They have had to force contractors to fix them. Wightman Petrie has been continually upgrading their design specifications for retention areas and they have a soil analysis to make sure there is permeable material beneath the retention area.

Mr. Miller clarified that the area the retention area needed to cover was the road, the Jayco east watershed area and the project area. Mr. Jones agreed and mentioned they had also included other parts of the site in their calculation just to be sure.

Mr. Sharkey understood the calculations were based on a three-inch rain and Mr. Jones stated that was required by the standards. If they get a five-inch rain, Mr. Sharkey asked if it would overflow into the south retention area and still not flood out the new Martins area. Mr. Jones said Elkhart County required a three-inch rain event and their practice is to design for redundancy and added capacity. He was very confident that they had workable storm water retention.

The other issue had to do with a 30 ft. strip of ground that was part of the 2005 GPUD that was not being developed, but they did not change the retention area and left it as is.

Mr. Jones clarified that the balance of the property would come back to the Plan Commission as a DPUD. He did not think they should have shown it as a lot, they should have shown it as a boundary of the PUD. Mr. Sharkey asked if they were using the 30 ft. of retention to the south in their calculations and Mr. Jones said no.

Mr. Jones stated they would be formalizing the cross-access between the sites and platting a cross-access easement through the Martin site so they have access to the north and south roads.

Mr. Miller asked if they would be draining some of Jayco's property into the retention pond after it was developed, and if they would be able to go back to Jayco and ask them to help pay to

maintain it and Mr. Jones replied yes. Mr. Martin would be required to do the maintenance, but he could back charge the partners.

Mr. Miller reiterated the only reason for denial of this petition was strictly due to the drainage calculations of the retention area and Mr. Jones said that was his understanding. Mrs. Wolgamood clarified that all of their calculations were contained in the material the staff submitted (Staff Exhibit #2) and Mr. Jones confirmed it was.

In conclusion, Mr. Jones asked them not to table this request because Mr. Martin needed to move forward with the construction; however, they had no issue with continuous monitoring by the staff. When completed, they feel this will enhance the Middlebury community.

There were no remonstrators present.

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

If they move to forward this request with a favorable recommendation, Mr. Yoder asked if the motion should include the exhibits submitted today and Mr. Kolbus said yes.

Mr. Doriot suggested a meeting between the staff, Hans Musser in the Surveyor's office, the designers and himself to review the drainage calculations. In his capacity as County Surveyor, he said he would then submit a letter of comment to the Middlebury Town Board. Mr. Kolbus advised that the Board could make a motion on the petition and then a second motion that the staff participate in any meeting the Surveyor may have with the developer regarding the calculations.

For clarification, Mr. Jones said the site plan remained unchanged other than some adjustments to the contours around the retention pond. Mr. Burrow also clarified that if adopted, the site plan in the packets was the one that would go to the Town Council.

When Mr. Miller asked for Mr. Burrow's evaluation on the calculations, he said he felt Mr. Jones had addressed them adequately. His only concern now was with the cross-access easements and maintenance agreements, and his only question was if there was a maintenance agreement going all the way out to SR 13 through the south property.

If the Board gave this a favorable recommendation with the addendum that those maintenance issues be addressed prior to the issuance of any building permits, Mr. Miller asked if that would hold anything up. Mr. Burrow said no, and it would set them in a time frame to actually get those documents done before they could secure a building permit.

Mrs. Wolgamood said it was her understanding that the maintenance agreements and cross-access easements were all in place with all the surrounding landowners. Mr. Miller said he understood it was specific strictly to the drainage, but Mr. Jones said there were agreements for access as well and it was referenced on the site plan.

After conferring with Mr. Jones, Mr. Burrow acknowledged that there was information for the north/south agreements, but he said the east/west Jayco drive off this site needed to be shown on the site plan. Mr. Jones said that can easily be shown as part of the recorded document.

Mr. Burrow reported that he recalculated the drainage and they were about 1,000 cubic feet closer. He then asked Mr. Jones if he was a representative for Jayco and Mr. Jones said he had been for years. Mr. Burrow said the only other issue was that they were making representations for a property owner that was not part of the application.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Yoder*) that the Advisory Plan Commission recommend to the Middlebury Town Council that this request be approved with the following conditions imposed:

1. The adjustment presented by Mr. Burrow to the referenced document to the maintenance of the south access easement to SR 13 be placed upon the face of the plat.
2. The Surveyor's office will review the drainage conflict calculations and will submit a letter to the Middlebury Town Board with the results of their review.
3. Approved based on the presentation, the exhibits submitted by the staff, and in accordance with the originally submitted site plan.

The motion was carried with a unanimous roll call vote.

* *(It is noted that Blake Doriot was not present for the remainder of the meeting.)*

7. **REDEVELOPMENT COMMISSION PROJECT**

Mike Huber, president of the Elkhart County Redevelopment Commission, was available to introduce the Northwest Gateway Project. He noted that several other Redevelopment Commission members were also present. Mr. Huber stated the Redevelopment Commission was not asking for approvals for any project, but they wanted to communicate what projects they were working on and see how they could work with the Plan Commission more in the future as Redevelopment looked at addressing one of the most important Gateway corridors into the community.

Mr. Huber explained that the project began with the development of the new Wal-Mart at Ash Road and Old US 20, the old Starlite theatre property, which the Redevelopment Commission would be referring to as Lexington Boulevard. The Redevelopment Commission looked at this area as under-performing and encumbered by aging infrastructure. With the new Wal-Mart they recognized there would be pressure for new development, so they wanted to be on top of that issue. The Redevelopment Commission created a Northwest Gateway plan and worked with R.W. Armstrong to complete the plan. Recommendations were made and it gave them guidelines on where to begin looking at the intersection of Ash Road and Old US 20 (Lexington Blvd.) as a demonstration pilot project to set the standard for how a streetscape might look. They wanted to be certain this plan met the objectives of the Comprehensive Plan as well as the original recommendations of the original Northwest Gateway plan adopted by the Plan Commission.

The Redevelopment Commission was hoping that this plan helped them create development in the area and enhancements to the public right-of-way that set a higher standard for the community. They were not asking for new rules or regulations, but wanted to offer TIF incentives to new developers.

Mr. Huber introduced Glenn Gareis and Meg Storrow with Storrow-Kinsella Associates Inc., 212 W. 10th St., Studio A440, Indianapolis, IN and asked them to give a brief overview of the project to the Plan Commission. He explained that Storrow Kinsella and Ken Jones of Wightman Petrie were the consulting team that helped put the plan together. Mr. Huber pointed out that the project area was 350 acres, including a 138 acre TIF District. This plan recommended that Elkhart County expand the TIF District from 138 to 217 acres to include undeveloped land within the project area to assure a coordinated approach to development within the District.

A PowerPoint presentation was submitted by Meg Storrow *[attached to file as Staff Exhibit #1]* illustrating the proposed plan, the streetscape enhancements and what that meant from a development process.

This project would be a team effort with the Redevelopment Commission, Plan Commission and the City of Elkhart. The improvements should establish a unique gateway to Elkhart County from St. Joseph County to the west. Ms. Storrow displayed a summary of

recommendations to create ‘walkable communities’ to include:

- Improving the ability to use alternative transportation (transit, bicycle, walking).
- Implement stronger land use, aesthetic, and open space design.
- Orient new commercial uses along Old US 20 to be more pedestrian-friendly with walkable frontage and to serve the area residents.
- Expand the region’s trolley system to connect surrounding neighborhoods with regional destinations.
- Construct desired improvements, at Old US 20, in the public right-of-way and standards for new development.

The Gateway District Plan proposed changing the ‘personality’ of the area through a coordinated approach to planned growth and for the reuse of commercial and industrial sites; preserving open space, and promoting access to waterways, woods and trails; riverfront development; and increasing the district’s market viability as a unique compact community composed of vertical and horizontal mixed-uses and residential neighborhoods.

Ms. Storrow pointed out that as far as the land use was concerned they were working with the Redevelopment Commission to incentivize permitted uses and encourage the right kind of special exceptions. They are working with them to define the minimum lot area, which may require variances from the usual standards such as setbacks, lot coverage, floor area, density, height and signs. They were also looking at the right-of-way width and had made some proposals for how that should change over time; the way the roadway should be accommodated through travel lanes for vehicles; the pedestrian system through paths and trails; accommodations for bicycles and transit; beautification through medians; on street and off street parking; landscaping; lighting; trolley stops; and how the intersections would be designed.

Mr. Yoder requested an explanation for vertical and horizontal mixed uses. Ms. Storrow stated that vertical mixed use suggested that most structures be two-story buildings with retail below and housing or office above. The horizontal mixed use would occur in adjacent buildings. The vertical mixed use would be in the core area around the Corwin and Old US 20 intersection, and the transitional areas east and west of the intersection would become more horizontal mixed use or more traditional suburban mixed use. They would be traditionally separated buildings and they suggest those buildings be moved up to the frontage of the roadway with parking in the back or on the side. This would maximize the footprint availability for the retail and mixed use areas.

They proposed that some of this area be supportive land use to that core area to include a vision for the St. Joe River to incorporate a County park that might be funded by a private investment with a marina and restaurant.

The District Edges would suggest single family detached homes, but smaller and closer together than conventional within the County presently with front porches and shared common open space. The District Core would be more intense where buildings might be up to three stories and 10 to 15 units. This could be property ownership, rental or condo. Owner/occupied buildings would need to be at least three stories because it would qualify to give money back to the TIF.

Mr. Yoder asked whether the building became commercial at three stories or would one of the stories have to be a commercial use. Mr. Gareis replied that he communicated with the legal department and the department over governmental finance and asked them specifically for written interpretation of where they draw the line when talking about commercial/residential construction. He said there were two categories they look at, one being rental. If four units or

more is considered commercial, the Tax Increment increase could be contributing to a TIF for rental. Owner/occupied is different because it has to be four units in the building, but could be three stories.

If there was a townhouse with three layers and each layer was owned separately, Mr. Miller asked if it would still qualify as commercial. Mr. Gareis said there has to be four units in the building minimum and three stories tall, so they could be flats. He thought typically they would be utilized by senior buyers who want single floor living. There would also be an elevator available. Ms. Storrow said they were trying to shape the land use plan and the expectations closely so that the TIF creates increment and pays for the right-of-way improvements. She mentioned the TIF would not only try to fund itself, but they want to grow the TIF as well. Ms. Storrow went on to discuss the various phases of the project. Phase I in 2014 would include the Ash Road and US 20 intersection; Phase II would focus on improvements at Corwin and Old US 20; and Phase III would include Sheridan. There was interest in greener intersections that were not all roadway with lighting and a roundabout intersection to the east to minimize the need for left turn lanes would be recommended. Liberty to Merle is a more intense section of the road. Expanding the median and installing trees would also be attractive. A roundabout at Sheridan to the end of the gateway was suggested to slow the traffic coming from the west to east, however, that would be a future phase.

Ms. Storrow thought a rain garden would remove the need for an underground storm drainage system.

* *(It was noted that Meg Wolgamood was not present for the remainder of the meeting.)*

Ms. Storrow stated that they were working on an Interlocal Agreement with St. Joe County. Their public hearing is scheduled to be in February, so the Plan Commission needed to be ready before that public hearing to allocate the funding needed for the enhancements to the intersection to make it a true Gateway. She said Redevelopment would need to adopt the guidelines, link to the incentives, attract development and adopt the development application process. Redevelopment would also need to negotiate the Interlocal Agreement with the City of Elkhart for the utilities. They would also need to participate in the public hearing that St. Joe County would be having on the intersection, and activate their developer engagement program. The Redevelopment Commission had also been working with the Highway Department on the road standards because there would be a possibility that Highway may be able to attract some federal money to help with some of the infrastructure improvements if they proceed with the improvements properly to be adopted into the MACOG Transportation Improvement Plan.

Ms. Storrow said they would need to make sure Wal-Mart was a partner because they were a major stakeholder and the sole source of the TIF revenue. They have begun taking steps to adopt the sustainable storm water plan, activate discussion with County Clerks, continue to work with IDEM/EPA because there were some Brownfield issues in some of the areas and also were water quality issues for some of the neighborhoods. They planned to expand the interurban trolley to eventually go up Corwin where it intersects with CR 12 and work on term improvements for the neighborhoods, including utility hookups. This concluded the presentation.

Mr. Yoder questioned the location of the municipal boundaries and Mr. Godlewski informed him that it was $\frac{3}{4}$ of a mile east. They briefly discussed the project area map.

Mr. Yoder asked about the Ash Road intersection as a roundabout, but Mr. Huber informed him that St. Joe County will not build a roundabout there because right-of-way would require them to buy out a 7-Eleven at minimum. They briefly discussed the impact roundabouts would have.

Mr. Miller was impressed with overhead walkways and how it opened up the town to people needing to go from one end to the other and Ms. Storrow felt that could be considered. It was conceptual with Corwin, but generally she said one reason they are considering one lane of traffic was because that made it pedestrian friendly to cross. Generally, unless people are on the second floor, she said they will not go up to go across, but they would be more apt to go in their direct line-of-sight.

Mr. Sharkey asked Ken Jones of Wightman Petrie, Inc., if they did a traffic impact study (TIS) because there is a lot of traffic that goes back and forth from Elkhart to South Bend in the morning and at night. If they would bring the road down to one lane, he was concerned that a 35 mph speed limit would back up traffic. Mr. Jones stated that the use of the roundabout surprisingly overcomes that. He said they did not do a detailed traffic impact analysis for this design; however, Wightman Petrie has a traffic specialist on staff and St. Joseph County has one to study the intersection and the threshold for benefit by use of the roundabout is being met. He said it allows for reducing the traffic lanes as long as the roundabout is part of the plan. If the roundabout goes away, he said that may not be true because you would be overcoming the stop/delay with the roundabout. He said the other thing that benefits the flow of traffic is the fact that the boulevard design is incorporated with the roundabout and there are no left turn conflicts which causes stop/delay.

Mr. Campanello asked if there is a stoplight at Merle Street and Mr. Jones replied no. The roundabout and the managed access would accommodate that level of traffic. He added that they are recommending there be a detailed traffic analysis prior to the design moving forward.

Mr. Sharkey commented that for commercial use he could understand them wanting to slow down traffic, but for transportation from South Bend to Elkhart the people are pressed for time and may be dissatisfied with this plan. Ms. Storrow stated that this will manage the same amount of traffic; it just will slow down. She said it would not change the travel time because they would not be stopping.

Mr. Warner referenced the roundabout on CR 27 in Goshen and his opinion was that the diameter of the roundabout was too small. He asked about the design of roundabouts because trucks have a problem with it. Ms. Storrow stated that their design allows for a two lane roundabout if necessary. Mr. Jones pointed out that the particular roundabout Mr. Warner was referring to was not a 'true' roundabout. The design parameters that are applied to a roundabout are specific to allow traffic to move and keep traffic moving. The traffic circle they were talking about was more of a landscape feature rather than traffic control and he agreed it is not large enough. Mr. Jones also agreed that truck traffic for this road would have to be taken into consideration. What they are considering would be more like the roundabout on Hively Street and 17th Street in Elkhart, which serves the UPS trucks very well.

The Plan Commission then thanked Storrow Kinsella for their presentation.

8. ***Adoption of the 2012 Planning Calendar.***

Mr. Miller moved to adopt the 2012 Planning Calendar as presented. Mr. Warner seconded the motion, which carried with a unanimous vote.

9. Mr. Kanney reported that only one secondary approval has been filed for the December Plat Committee meeting, although there may be one or two more. The only items for the Plan Commission meeting would be the Agreement for Legal Services and the Slate of Officers for

2012, but he said they could hold the public hearing for the Middlebury Comprehensive Plan. He then asked the Board if they want to have a December meeting.

Mr. Yoder suggested they discuss the kennel issue they will be discussing at the Workshop in December. He also suggested that the items for the Plat Committee be placed on the Plan Commission agenda at 9:00 a.m.

Mr. Yoder said he met with the dog breeders and they are looking for some direction from the Plan Commission. Mr. Kolbus advised that the new state law for licensing/permitting for dog breeders specifically says they are establishing the care standards and the Board cannot get involved in the care of those animals. He did indicate that they can impose conditions to shield the sound for a neighbor or they can limit the number of dogs, but he said they cannot get into the care issue. When asked who will monitor the care of the animals, Mr. Kolbus said the State.

10. A motion to adjourn the meeting was made by Mr. Sharkey and seconded by Mr. Warner. With a unanimous vote, the meeting was adjourned at 11:28 a.m.

Respectfully submitted,

Sandy Herrli, Transcriber

Kathleen L. Wilson, Recording Secretary

Mike Yoder, Chairman