

**MINUTES**  
**ELKHART COUNTY PLAT COMMITTEE MEETING**  
**HELD ON THE 13<sup>th</sup> DAY OF DECEMBER 2012 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, Tony Campanello, with the following members present: Blake Doriot, Jeff Burbrink, Roger Miller, and Doug Miller. Staff members present were: Chris Godlewski, Plan Director; Brian Mabry, Planning Manager; Mark Kanney, Planner; Duane Burrow, Planner; Kathy Wilson, Administrative Manager, and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Doriot/R. Miller*) that the minutes of the last regular meeting of the Elkhart County Plat Committee held on the 8<sup>th</sup> day of November 2012 be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Doriot/D. Miller*) 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. The application for Primary approval of a two lot minor subdivision to be known as **HAMMERS' STATE ROAD 15 MINOR SUBDIVISION**, for Pamela Hammers (Owner) and Silver Creek Homes (Developer) represented by Lang, Feeney & Associates, Inc., on property located on the Northwest side of SR 15, 600 ft. Southwest of St. Joe Street, 900 ft. North of Toll Road, common address of 52193 SR 15 in Washington Township, zoned A-1, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #52193SR 15-121105-1*. Mr. Kanney reported that the Technical Committee met for review on November 16<sup>th</sup> and pointed out certain ordinance deficiencies that they exhibited. The Tech Committee met again on November 21<sup>st</sup> to review the surveyor's corrections to the plans submitted in response to the original comments of the Tech Committee. The following ordinance deficiencies are unresolved: The Highway Department made a note that although State Roads are outside the jurisdiction of the County Highway Department, they request a copy of any future required driveway permits, and Mr. Kanney stated that the 3 to 1 depth to width ratio developmental variance from the Board of Zoning Appeals prior to Secondary approval, has been requested.

Terry Lang of Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, confirmed that they do have a variance request submitted and the meeting will be coming up next week. He also noted that the applicants will comply with the State Highway curb cut location and they will let them know where the location will be. Mr. Lang stated that they would like to construct a new home at this location.

**Motion: Action:** Approve, **Moved by** Blake Doriot, **Seconded by** Doug Miller that this request for Primary approval of a two lot minor subdivision be granted by the Plat Committee pending the results of the BZA meeting and with compliance of the State Highway requirements.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Blake Doriot, Doug Miller, Jeff Burbrink, Roger Miller, Tony Campanello.

*\*\*Mr. Doriot stepped down from the Plat Committee at this time.*

5. The application for Primary approval of a three lot minor subdivision to be known as **RAYMOND'S MINOR SUBDIVISION**, for Raymond P. and Carol Sue Miller represented by B. Doriot & Associates, Inc., on property located on the South side of CR 22, 1,540 ft. West of CR 37, common address of 13368 CR 22 in Middlebury Township, zoned A-1, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis and Technical Committee Report, which is attached for review as *Case #13368CR 22-121105-1*.

Roger Miller asked if they were going to give approval for three cuts onto the road and Mr. Kanney stated that was correct. Mr. Kanney explained that one cut onto the road is existing, so there will actually be two additional cuts onto the road. He said he did not know what the Highway Department's standards will be, but they are letting the Plat Committee know that there will not be a ban on the cuts if they request a minor change. Roger Miller commented this location is a high traffic area and Mr. Burbrink agreed.

Charles Buzzard represented Blake Doriot & Associates, P.O. Box 465, New Paris. He said the Highway Department promised to grant them the variance for the driveways and they meet the sight distance requirements. He said they have included the drive locations and setbacks for contained livestock feedings.

Roger Miller could not find the driveways on the site plan. He was concerned about the traffic in that area and they are adding two more driveways, but he did not feel they had the right to deny it.

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** Doug Miller that this request for Primary approval of a three lot minor subdivision be granted by the Plat Committee in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Blake Doriot, Doug Miller, Jeff Burbrink, Roger Miller, Tony Campanello.

Mr. Kolbus advised Roger Miller that in terms of his question regarding whether or not he would have the right to deny the request, he explained that with a Primary you are subject to conditions and you would have to let them know what the deficiencies are. He said if they do not correct them the Secondary would be when it is denied, but at this point you are just letting them know what the deficiencies are and they must have the opportunity to correct it. He reiterated the Secondary step in the process is where denial may be relevant. Roger Miller stated he also was aware that the State is going to approve the entrance ways.

6. The application for Secondary approval of a Detailed Planned Unit Development known as **AGDIA DPUD**, for AGDIA, INC. represented by Wightman Petrie, Inc., on property located on the Northeast corner of CR 1 and CR 10, common address of in Cleveland Township, zoned A-1, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #CR 1-121015-1*.

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** Doug Miller that the Plat Committee grant Secondary approval of this Detailed Planned Unit Development in accordance

with the Staff Analysis and comments of the Technical Advisory Committee.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Blake Doriot, Doug Miller, Jeff Burbrink, Roger Miller, Tony Campanello.

7. The application for Secondary approval of a two lot major subdivision known as **REPLAT OF LOTS 3 & 4 OF 13 NORTH INDUSTRIAL PARK**, for William C. Fenech represented by Jones Petrie Rafinski, on property located on the West side of SR 13 (US 131), 100 ft. North of CR 2, common address of 11333 CR 2 in York Township, zoned M-1 PUD, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #11333CR 2-121105-1*. He noted that they addressed this request a month or two ago in a PUD rezoning.

*\*\* Blake Doriot joined the meeting.*

Mr. Kanney displayed a Mylar of the replatted lots and told the Board that the primary purpose of replatting these lots was to remove the no-access easement along the frontage on SR 13. He explained that they combined the two lots into one lot and will put a driveway in for direct access to SR 13. When this was first conceived years ago there was no access there because it was linked to the industrial area to the rear and it did not seem like a good idea to have truck traffic coming out of that location, so they created the no-access easement. Mr. Kanney stated that now it is different and this will be a corporate headquarters. Roger Miller agreed that at this time it is difficult to access that business. Mr. Kanney added that the State will make the final design of the entrance.

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** Doug Miller that the Plat Committee grants Secondary approval of this two lot major subdivision as it meets the requirements of the Subdivision Control Ordinance and PUD Ordinance.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Blake Doriot, Doug Miller, Jeff Burbrink, Roger Miller, Tony Campanello.

8. The meeting was adjourned at 8:45 A.M.

Respectfully submitted,

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Sandra Herrli  
Recording Secretary