

## **MINUTES**

### **ELKHART COUNTY PLAT COMMITTEE MEETING**

**HELD ON THE 13<sup>th</sup> DAY OF SEPTEMBER 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, Office 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 9<sup>th</sup> day of August 2012 be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*D. Miller/Doriot*) 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 **MILLER FAMILY MINOR**, for Lavern J. Miller and Josephine L. Miller, Trustees (Ten In Com) represented by Cardinal Point Surveying, on property located on the West side of US 33, 1,721 ft. North of CR 42 in Elkhart Township, zoned A-1 was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #66607US 33-120803-1*. Mr. Burrow added if the petitioner cannot comply with the conditions the petition must be brought back to the Plat Committee rather than being signed by the Executive Director.

Phil Barker, Cardinal Point Surveying, 1002 Zollinger Road, Goshen, represented the petition. He had no further comments.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/R. Miller*) that the Plat Committee grant Primary approval of this two lot minor subdivision in accordance with the Staff Analysis with the following conditions imposed:

1. That the petitioner contacts the Goshen Airport Authority and secures review and comments from the airport.
2. Comply with only the federally mandated restrictions for this residential development.
3. File with the application for Secondary Plat any comments from the Airport Authority and confirmation of compliance with those comments; or file with the application for Secondary Plat any comments from the Airport Authority with facts and reasons for non-compliance.

The motion carried with a unanimous roll call vote.

5. The application for Primary approval of a one lot minor subdivision to be known as **WILD WOOD MINOR**, for Clarence & Anna Miller and Jeffery A. Miller (landowners) represented by Progressive Engineering, Inc., on property located on the West side of CR 18, 684 ft. South of US 20 in Middlebury Township, zoned A-1 was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #12028CR 18-120806-1*. Mr. Kanney clarified that the only thing missing was some information for the Health Department, so the Staff recommends approval of this subdivision.

Brad Cramer, Progressive Engineering, 58640 SR 15, Goshen, represented the petitioners and said there is an existing home on this property. There is a 100 ft. strip going back to the property from CR 18 with approval from the Highway Department regarding the existing driveway. The driveway existed prior to the house being built.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Burbrink*) that based on the amended Staff recommendation, the Plat Committee grants Primary approval of this one lot minor subdivision, as it meets the requirements of the Subdivision Control Ordinance and comments of the Technical Advisory Committee. The motion unanimously carried with a roll call vote.

6. The application for Primary approval of a one lot minor subdivision to be known as **HIGHCREST**, for Paul J. and Helen L. Hershberger, Ten In Com represented by Progressive Engineering, Inc., on property located on the East side of SR 15, 1,860 ft. South of US 20 in Jefferson Township, zoned A-1 was presented at this time.

Brian Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #57360SR 15-120806-1*.

Brad Cramer, Progressive Engineering, 58640 SR 15, Goshen, was present on behalf of this request. He stated that there was an existing structure. Mr. Cramer informed the Committee that two residences were built on the same property, there is a 40 ft. ingress/egress easement existing driveway that provides access to the property and is at the peak of the hill south of the stop light on SR 15 south of US 20 that needs to be the main access point, because there is no visibility once coming down to the property. The owner of the property is also one of the trustees of the estate, so they are granting the easement along with the one lot minor subdivision.

Roger Miller asked him if the easement had already been granted or will it be. Mr. Cramer said that it will be granted in this plat.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*R. Miller/D. Miller*) that this request for a one lot minor subdivision be approved by the Plat Committee as presented and in accordance with the Staff Analysis. With a roll call vote the motion carried unanimously.

7. The application for Primary approval of a one lot minor subdivision to be known as **RANGELAND WEST**, for Esther Yoder, Trustee of the Esther Yoder Trust (owner) and Michael Yoder (developer) represented by Progressive Engineering, on property located on the North side of US 20, 1,320 ft. West of CR 33 in Middlebury Township, zoned A-1 was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #0US 20-120702-1*. Mr. Kanney said the only thing they are dealing with is that INDOT is looking at the driveway to be sure it either conforms to their standards or is waived, because it is an existing driveway.

Brad Cramer, Progressive Engineering, 58640 SR 15, Goshen, informed the Board that a permit has been issued for the current driveway, because the owner wants to bring it into compliance. He said they are waiting to hear from the State on this.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Campanello/Burbrink*) that in accordance with the Staff Analysis, Primary approval of this one lot minor subdivision be approved by the Plat Committee.

Mr. Kolbus noted that the Staff Analysis did not say approval, disapproval or tabling; it is just a recommendation, so the Plat Committee needed to make some type of decision today.

Mr. Doriot made a motion for approval with the items as presented by Mark Kanney. Mr. Campanello seconded the motion which carried with a unanimous roll call vote.

8. The application for Primary approval of a three lot minor subdivision to be known as **BECK INDUSTRIAL PARK MINOR SUBDIVISION NO. 1**, for Schrock Real Estate, LLC represented by Wightman Petrie, Inc., on property located on the Southwest corner of Beck Drive and Stainless Drive (formerly Verlin Drive) in Jefferson Township, zoned M-2 was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #BECK-120806-1*.

Mr. Burrow explained that Condition #1 of the Staff Analysis has been addressed as Mr. Schnaars submitted a corrected Primary plat yesterday, which shows and makes clear what the objectives are of that drainage easement.

He said that Wightman Petrie has placed the instrument number of the Recorded Drainage Easement and Maintenance Agreement on the Primary, but the staff requests that they also place it on the Secondary plat (Condition #2a). In addition, he said they have created the Drainage Easement and the Maintenance Agreement, and have addressed all items that were noted, so essentially, Condition #2b has been complied with.

Condition #3 has also been complied with as Mr. Burrow said they have filed a recorded Drainage Easement.

With regard to Condition #4, Mr. Burrow explained that the letter dated 8/22/12 from Peter Schnaars of Wightman Petrie, which is in the file and included in the Board's packets, indicated they did not wish to comply with the Elkhart County Highway Department's request for a non-access easement to be placed along the parcels frontages as noted in their Technical Committee Report. If the variance is granted, Mr. Burrow stated there is no need to impose that as a condition, but if it is not granted, the staff requests that it be added as a condition so that it be placed on the face of the plat.

Mr. Campanello then clarified that in Condition #2, item a. is what they need to comply with. Mr. Burrow explained that the easement was clarified on the Primary received yesterday, but the actual legal description was not placed on the face of the Primary so they are just asking that it be placed on the Secondary plat.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Campanello*) that the Plat Committee grant Primary approval of this three lot minor subdivision giving the petitioner a variance from the requirement of a non-access easement and waiving Condition #4 with the following condition imposed:

1. That on the face of the Secondary Plan (Final Plat) the instrument number of the recorded Drainage Easement and Maintenance Agreement.

- a. That the recorded Drainage Easement and Maintenance Agreement include all owners of real estate that the drain tile has been installed on as parties to the maintenance agreement.

The motion carried with a unanimous roll call vote.

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

9. The application for Primary approval of a three lot minor subdivision to be known as **WINGARD MINOR SUBDIVISION**, for Gary Wayne Helmuth represented by B. Doriot & Associates, on property located on the East side of CR 35, 560 ft. South of CR 20 in Middlebury Township, zoned A-1 was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #59156CR 35-120806-1*. The petitioner split a 7.09 acre parcel into three residential lots. Currently, there is a house and two barns on site, is zoned A-1 and the proposed parcel of 3.1 acres (Lot 3) would allow continued use of the barns for agricultural purposes. Proposed Lots 1 and 2 will be less than 3 acres and not allowed agricultural uses.

Mr. Kanney stated the one thing they were waiting on is addressing the comments of the Highway Department, which Mr. Doriot has done; therefore, the staff recommends approval.

Charles Buzzard, B. Doriot & Assoc. P.O. Box 465, New Paris was present on behalf of this request and stated that they have addressed the Highway Department's issues. He explained that the Highway Department's concerns were sight distance, placing a non-access easement on the plat and labeling the right-of-way. Mr. Buzzard reiterated that they addressed all three of the issues and are waiting for the Highway Department's approval before they file for a Secondary. He then submitted a detailed plat of the Wingard Minor Subdivision [*attached to file as Petitioner Exhibit #1*], which illustrates the sight distances and access points.

Roger Miller asked if the issue is that the property has slightly rolling terrain with the frontage on CR 35 and the Highway Department had concerns pertaining to accesses. Mr. Buzzard said that was the case, but the sight distance is 450 ft. to the north and 600 ft. to the south.

Roger Miller asked if Staff had all of the information Mr. Buzzard mentioned and Mr. Kanney informed him that he had talked to Deb Johnson at the Highway Department and she was satisfied with the site plan.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Roger Miller/Doug Miller*) that this request be approved as presented with final acceptance by the Highway Department. The motion carried with a unanimous roll call vote.

10. The meeting was adjourned at 8:56 am.

Respectfully submitted,

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Sandra Herrli  
Recording Secretary