

MINUTES

ELKHART COUNTY PLAN COMMISSION MEETING

HELD ON THE 8TH DAY OF AUGUST 2013 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 Vice Chairperson, Steve Warner, with the following members present: Tony Campanello, Doug Miller, Steve Warner, Roger Miller, Tom Stump, and Frank Lucchese. Steven Edwards, Jeff Burbrink, and Blake Doriot were absent. 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 (*R. Miller/D. Miller*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 11th day of July 2013 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*R. Miller/D. Miller*) that the legal advertisements, having been published on the 29th day of July 2013 in the Goshen News and the Elkhart Truth, be approved as read. The motion was carried with a unanimous vote.

4. A motion was made and seconded (*D. Miller/Stump*) 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 a zone map change from R-2 to M-1, for **HART CITY PROPERTIES, INC.**, on property located on the Northeast corner of Markle Street and Florence Street, 500 ft. West of SR 19, in Baugo Township, was presented at this time.

Mr. Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #MARKLE STREET-130626-1*. No complaints were received by the staff.

Richard Aker, owner of Hart City Properties, 208 Haines Drive, Elkhart, was present. He said he doesn't have any purpose for changing the use from what it currently is; he is just seeking rezoning back to M-1 for the future.

Jack Bellaire, 28149 Markle Ave., Elkhart, lives across the street from the lot in question, to the West. He said he remembers when Mr. Aker bought the property. There were discussions then about putting in a barrier along the street, but he didn't ask to see what was planned. The barrier never was put in. He said he is not in favor and wants to know whether lighting that may shine into his home is going to be put up. He added that the future plans for the property are vague and he is concerned about depreciation of his property. He also added that installation of an area of trees was planned and that also never happened.

Mr. Aker responded by saying he does not remember any commitment to put in trees. He

did say there are shade trees present that may not show up on the aerial. He said there is one pole, but he didn't know whether it is lighted. Its current status would not change.

R. Miller asked for confirmation of whether Mr. Aker is the owner and has no plans to change the use or sell, and Mr. Aker confirmed he is and does not.

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

During discussion, Mr. Burrow clarified that the ordinance does address lighting and buffering. Mr. Kolbus added that a commitment is only needed if restrictions beyond what is provided by the ordinance are imposed.

The Board examined said request and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Frank Lucchese, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from R-2 to M-1 be approved in accordance with the Staff Analysis with the following comments:

1. The petitioner will be required to properly screen the parking/storage area from the adjacent residential land uses.
2. Loading and unloading areas are not permitted to be conducted within 50 feet of the R-2 zones.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Douglas Miller, Frank Lucchese, Roger Miller, Steve Warner, Tom Stump, Tony Campanello.

6. The application for Primary approval of a three-lot major subdivision to be known as **OLIVE MINOR**, for Sheila D. Johnson represented by B. Doriot & Associates, on property located on the West end of Oriole Street, 1,400 ft. West of CR 1, 400 ft. South of CR 18, common address of 30287 Oriole Street in Baugo Township, zoned A-1, was presented at this time.

Mr. Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #30287ORIOLE STREET-130701-1*. Mr. Kanney also presented the Technical Committee Report. Charles Buzzard of B. Doriot & Associates, PO Box 465, New Paris, Indiana 46553, was present on behalf of the petitioner. Mr. Buzzard said the road plans are still being worked on but will be submitted within the next 10 business days. He also said the filing will be changed from a 3-lot filing to a 2-lot filing by removal of the lot lines between lots 1 and 2. He understood that no SWPPP will be required.

R. Miller asked Mr. Kanney for clarification regarding the SWPPP requirement, and Mr. Kanney said a SWPPP is required when there are one or more acres of disturbance including the road. He said he has never heard of a lot-number requirement. Doug Miller said the cul-de-sac will be the only disturbance-creating factor, and if less than an acre is disturbed, no SWPPP will be needed.

Tony Campanello asked for confirmation that the petition is going down to just 2 lots, and Mr. Buzzard confirmed.

D. Miller asked Mr. Buzzard whether he will provide the information needed by the Technical Committee, and Mr. Buzzard said he would.

Charles Koch, 30221 Oriole St., Elkhart, Indiana 46517, owns a lot on Oriole Street at the Northeast corner of the petitioner's lot. He said Oriole St. is 8 feet below the petitioner's lot. Mr. Koch's lot experiences pooling and receives water runoff from two places, including the petitioner's lot. Mr. Koch said that if Oriole St. is extended, it will go up about 5 feet and water will run into his

lawn. He was worried about drainage, partly because the extension of Oriole St. will require removal of a water-restricting hump, as well as noise from the property. D. Miller asked for clarification about where the swale was located, and Mr. Koch said it rises and falls along a North-South tree line on the East side of the petitioner's lot. R. Miller asked whether Mr. Koch is still getting runoff despite the swale, and Mr. Koch said yes. He added there is a pedestrian path across the swale, and that is the source of water. He stressed that his house is at the "bottom of everything" and added that all his neighbors have a culvert that runs along the bottom of their driveways, while he does not. The culvert terminates at his property. He said he's fine with the plans as long as there is decent drainage. He didn't know where drainage would be directed, as his lot is the lowest place nearby.

Brian Jozwiak, 30283 CR 22, Elkhart, Indiana 46517, owns the property at the South end of the petitioner's property. He said that he doesn't have any problem with the project but that when he bought his property, he did so under an agreement that there was a 30 ft. easement along the East side of his property on CR 22 that provided access to the property in question. He said he wants to be able to close his easement now that a new entry point to the property was being added. He indicated that the easement was originally included because the tract was landlocked, but now hopes to be able to close the easement for purposes of privacy. He would like to not have to police the easement any longer. R. Miller asked whether Mr. Jozwiak still owns the easement, and Mr. Jozwiak said yes. R. Miller asked whether Mr. Jozwiak was required to leave the easement open so that access to the back of Mr. Jozwiak's property could remain available, and Mr. Jozwiak said yes. Mr. Stump asked whether it is a private easement and not for public use, and Mr. Jozwiak said yes, adding that he does have gates up at either end of the easement and did provide keys for the Johnson family. He said that there is no reason to leave the easement open now that additional access is planned. R. Miller asked whether Mr. Jozwiak's description of the easement was written into the agreement reached when he bought his property, and Mr. Jozwiak said no. Mr. Jozwiak said that there was no verbal agreement either. He said the easement was drawn into the plans of the 3 acres he bought. Mr. Kolbus suggested the easement may appear as a restriction on the deed, which would have to have been negotiated with the owner of the property on the petition. It is not something the Plan Commission can require. R. Miller told Mr. Jozwiak that he would have to talk to the landowner about being let out of the agreement, and Mr. Kolbus said he would have to talk to someone else about it. Mr. Kolbus advised this is an issue the Plan Commission cannot address.

Mr. Buzzard responded to the drainage concerns by saying there is a 4 ft. berm running along the East edge of the property to be subdivided and noting that the substreets were put in with the understanding that Oriole Street would be extended. He said he'll work with the current drainage system and meet any of the county's requirements. Tony Campanello asked whether the county would assist with design of the cul-de-sac with drainage in mind, and Mr. Buzzard said the highway department would have to approve the plans. D. Miller said a 30-by-100 retention easement was shown on what is now lot 3, asked what it is for, and asked whether water gets there by the easements on the common property line from lots 2 and 3. Mr. Buzzard said he believed that was the case. Mr. Stump said that's not there now; evidently there is a pipe or some kind of swale that gets water down to the retention area. Mr. Buzzard said that is correct, but none of that is there yet.

Mr. Stump asked whether this was originally plotted in 1971, and Mr. Buzzard said he believed so. Mr. Stump wanted to know why nothing was made for water retention at the time and wondered whether something was made but was compromised by tree growth. R. Miller reminded

Mr. Buzzard that Primary approval could be given now, but when he came back with plans, water retention would need to be addressed. Mr. Kolbus said offsite drainage could not be increased and hoped that Mr. Buzzard could do even better than that. Mr. Buzzard said he couldn't do anything to the East but he could increase drainage and retention to the West. Mr. Stump said he thinks the water in the area goes to the West and that any swale that is there now evidently is not working. He asked Mr. Kolbus what the petitioner's responsibility is in handling water that comes off that road. Mr. Kolbus said the petitioner cannot change the current drainage pattern and agreed with Mr. Stump's observation that drainage may not have been accounted for during the original plotting. Mr. Stump asked whether the petitioner has to account for drainage, and Mr. Kolbus said it would have to be accounted for only to the extent the petitioner does right now. Mr. Stump said that since the water ponds at the end of Oriole St. currently, the highway department isn't going to allow water to pond there if the road is extended. Mr. Kolbus added that while the petitioner is not responsible for solving Mr. Koch's drainage problem, the petitioner may not make it worse.

Mr. Koch then came forward to specify the point to which the berm in question extends and reiterate the fact that Oriole St. is approximately 4 ft. below the petitioner's property. R. Miller reminded Mr. Koch that the approval sought today was only Primary, plans for drainage are anticipated, and the petitioner is not responsible for improving Mr. Koch's drainage. Mr. Kolbus added that the highway department will be looking for a proposal for drainage that doesn't worsen Mr. Koch's situation.

A motion was made and seconded (*Lucchese/Stump*) 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:

Motion: Action Approved, **Moved by** Roger Miller, **Seconded by** Steve Warner, that Primary approval of this three lot major subdivision be approved by the Advisory Plan Commission in accordance with the Staff Analysis with the following conditions imposed:

1. Approved street plans, bond and guarantee required before Secondary.
2. Provide details for Lots 1 & 2 with house footprint, two systems and well location.
3. Lot 3 needs a 3 to 1 depth to width ratio Developmental Variance.
4. A SWPPP will be required before Secondary if road and structures will disturb one plus acres.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Douglas Miller, Frank Lucchese, Roger Miller, Steve Warner, Tom Stump, Tony Campanello.

7. The application for a zone map change from Detailed Planned Unit Development M-1 and A-1 to a Detailed Planned Unit Development M-1 to be known as **SMART M-1 DPUD**, for James W. & Marilyn S. Cobb represented by B. Doriot & Associates, on property located on the Northeast corner of CR 23 and CR 50, in Jackson Township, was presented at this time.

Brian Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #00CR 23-130701-1*.

Mr. Kolbus asked Mr. Mabry where condition 5 originated, and Mr. Mabry said it is best practice; it's not from the ordinance. Since this is a DPUD, staff is recommending condition 5 as a help to area residents. Mr. Kolbus then asked for confirmation that staff is not recommending anything beyond what is provided by the ordinance with respect to lighting, and Mr. Mabry confirmed.

Terry Lange, B. Doriot & Associates, PO Box 465, New Paris, Indiana 46553, was present

on behalf of the petitioner. Submitted to the Board were an aerial photo showing the location of the existing DPUD M-1 relative to the location of the proposed Smart DPUD M-1 *[attached to file as Petitioner Exhibit #1]* and the site plan for the proposed facility *[attached to file as Petitioner Exhibit #2]*. He said that Smart Cabinetry began in its current location in 2004. Since then, the number of employees has increased to 130, and Smart hopes to expand even further. It does not own its current facility, and parking has become an issue. There are only 4 loading docks, and parking expansion would be haphazard at the current location. The petition involves expansion from 120,000 sq. ft. to 200,000 sq. ft., and 55 new jobs would be created at the new location over the next 3 to 5 years. New employees would be receiving \$26 to \$30 per hour. The jobs are good manufacturing jobs and not entry level. Current payroll is at \$7 million, and the expansion would result in a payroll increase of \$3.2 million. The current zoning for the location, which is about 50 percent of the size needed for Smart's move, would need to be expanded to accommodate the size of the proposed facility. Mr. Lange said 12 to 14 semis per day are anticipated at the new site, and current shipping volume is 2,000 to 2,500 cabinets per day. The proposed facility has 12 docks. Mr. Lange indicated that the proposed site is a quarter mile East of SR 15 and 1 mile North of US 6, so there is adequate access to 2 major area highways. With respect to traffic generation, Mr. Lange indicated that employees driving to Smart's current location, which is a few miles North of the new site, have to commute using county roads. The new location will keep Northbound employees off those county roads.

With respect to the surrounding area, Mr. Lange noted that the area to the West is all zoned manufacturing. Knepp Sand & Stone, a sand-and-gravel facility in the area, sees 100 to 150 trucks per day entering and exiting, but the 12 trucks that Smart would be adding to area traffic would have been there already had the Better Way project materialized. The county's gravel pit is located 3 quarters of a mile East of the site in question, and Mr. Lange noted that more county vehicles than Smart vehicles would be used on area roads. With respect to chemical concerns, he said Smart will have less chemical impact on the area than Better Way would have because its materials are wood, glue, and varnish, whereas Better Way's materials were those relating to fiberglass manufacturing. SWPPP approval has been given, and Smart will comply with all county recommendations. Relocation of the drainage ditch and tile will be done, and there will be no impediment to the flow of water. The new site currently drains all its stormwater into the county ditch, the new facility will be constructed to handle 200 percent of anticipated stormwater generation, and area sand has a very good percolation rate.

Terry Sauer, 10779 CR 34, Goshen, Indiana 46528, of Smart Cabinetry was also present on behalf of the petitioner. He presented a Microsoft PowerPoint presentation *[attached to file as Petitioner Exhibit #3]*. Among the photos presented were ones showing the condensed, tight work conditions and "organized chaos" within the current facility. Others showed Smart's machining process, assembly line, packaging area, framing area, shipping area, and outside dust collector, which Mr. Sauer said is now "as clean as it always is." He said the dust is picked up once per week and recycled for animal bedding. The current loading area was also shown. Other photos detailed Smart's material storage area, which is all indoors, and chemical storage area. Photos showing the end of the assembly line featured packing boxes that are all sized according to contents for waste reduction. Mr. Sauer concluded by saying a bigger facility is needed, and that's why they're here.

R. Miller raised concern over ground contaminants, and Mr. Sauer said all chemicals are stored inside in an area with a containment floor that is rated at twice the capacity that Smart needs. R. Miller then asked about conformity with state exhaust regulations, and Mr. Sauer said Smart has air permits, an outside engineering firm that provides monitoring, and daily, weekly, and monthly

checks on emission volume. He added that Smart has never been in violation and that “we try to be good neighbors.”

Michael Harris, 70600 CR 23, New Paris, Indiana 46553, lives directly to the North of the proposed Smart site. He said he and his wife, who have been there the last 34 years, are the area residents to be most immediately affected by the proposed construction, and they are opposed to the project, which will devalue their property and lifestyle. Country view will be completely blocked, and view of the country is part of his reason for living there. He said he was told the site was to be rezoned agricultural as a result of the suspension of the Better Way project and that it would “stay that way in some sort of trust for the conceivable future.” Mr. Harris added that he appreciates Smart’s accommodations and attempt to be a good neighbor, but he does have concerns, which involve, in part, the proposed barrier, a 4 ft. mound with spruce trees that will extend only to the back edge of his house. The young trees will begin as only 4 ft. trees spaced 15 feet apart, and he will still be able to view all the generated traffic. He said he believes approval, to which he is opposed, should require extension of the barrier another 50 to 75 feet to the West and a doubling of the number of trees.

Mr. Harris then expressed concern over drainage on his side of the proposed barrier, saying that while he is aware of substantial Smart-side plans, he is not aware of any plans for drainage on his side. He added that his wife is handicapped and their financial situation does not allow them to move; he and his wife are the ones who stand to lose financially as a result of the project, even though it is expected to create new jobs.

Focusing on traffic and building height, Mr. Harris expressed concern over the 3-story height of the proposed facility and mentioned that truck traffic is expected to run in a location “past [his] bedroom.” He worried that the number of trucks visiting per day will increase from 12 as the number of work shifts increases and indicated that since the docks are to be located at the rear, it would make more sense for entry and exit to occur using CR 50. He also said that increased traffic would result in an increased amount of trash along the road and a related effect on his lifestyle. With respect to noise, Mr. Harris mentioned that the dust collector and grinders are to be located on the side of the facility facing his home, and that is a concern.

Mr. Harris then expressed concern over chemical disposal and deep well use, citing the Hoskins problem that resulted in removal of 5 to 7 houses. Smart’s fire well could also result in loss of available groundwater. Local agricultural irrigation projects have already forced Mr. Harris to redrill, and he expressed concern over what additional effect a 200,000 sq. ft. facility would have on his water supply and what additional drilling expense he might have.

He concluded by saying he would move if he could afford to and would prefer to retain his country view and remain at the property he’s occupied the last 34 years.

Mr. Lange began his response by saying that a landscaped berm that will screen Mr. Harris from the facility is proposed and that extension of the berm is not a problem unless a line-of-sight problem is created. He also responded to Mr. Harris’s noise concerns by submitting photos *[attached to file as Petitioner Exhibit #4]* showing a handheld noise level meter taking readings 25 ft. away from each dust collector while the existing facility was at full operation. He noted that the meter showed 74 to 75 decibels at the dust collector and that excessive noise levels are those around 130 decibels.

In response to concerns over vehicle access, Mr. Lange said that the number of access points has been reduced to 3 from 5 per the county’s request and that the 3 access points are needed in case of the need for emergency exiting. He then added that Smart intends to comply with all county requirements and that it runs a clean and neat operation.

R. Miller asked whether Smart is buying the property, and Mr. Lange said its purchase is contingent upon Board approval of the project. R. Miller then said his main concern is interruption of line of sight because of the berm and asked what the intended size and purpose was. Mr. Lange said the berm is to be 4 ft. high and 30 ft. wide with trees planted in a serpentine manner along the top. The berm can be extended as far as the highway department will allow. He said the berm in question was the North-side berm and that it is of interest to both Smart and Mr. Harris not to have line of sight blocked.

Mr. Campanello asked for confirmation that the fire well will not be drawing water constantly and that it is only for use during an emergency, and Mr. Lange confirmed, adding that Mr. Harris will see a substantial decrease in well draw as a result of Smart's move because the land that Smart will occupy will no longer be agricultural or require irrigation. Mr. Campanello asked whether Smart will be connected to city water and sewer, and Mr. Lange said there will be a city sewer connection but water, which will be made available to local fire departments, will be well drawn. Mr. Campanello then asked how much water Smart uses per day, and Mr. Lange and Mr. Sauer responded by saying water is not used for Smart's processes. It uses water only for toilets, hand washing, and other uses of that nature.

Mr. Warner asked for clarification regarding chemicals and contaminants, and Mr. Lange said that the proposed site's chemical safety area complies with the state requirements. He also said that the safety area will be constructed to store 200 percent of the materials actually anticipated.

Mr. Warner then asked whether one of the access points was intended to be a semi turnaround area. Mr. Sauer responded by saying the majority of trucks will come out on CR 50. He also said the access point Mr. Harris was concerned with would be a minimal-use drive used for pickup of sawdust and other things. R. Miller then asked whether the loading docks would face East, and Mr. Lange said yes. Mr. Sauer added that a third drive will service an office parking area. Employee parking will be located on the South end of the building.

During Mr. Harris's second response, he said that as a result of his own measurements, he determined that even a 75 ft. extension of the barrier will leave another 25 ft. between itself and the road and that a 50 ft. extension will end the barrier at the edge of his house. Extension of the barrier at least 50 ft. and adding more trees than proposed are appropriate. He also mentioned that the dust collector sound level readings are based on current building size and worried that a facility twice as large would produce dust collector noise that is twice as loud. He added that the North drive, according to the plan, appears to be the major drive for truck access and hoped that indeed the CR 50 access point was the actual truck access point planned. He then concluded by expressing worry over the number of employees drawing water and pointing out that Mr. Lange and Mr. Sauer did not address disposal of chemicals, only storage. R. Miller said the Smart representatives did say there would be no disposal of chemicals, and Mr. Sauer added that all state requirements would be complied with. In response to R. Miller, Mr. Harris said there must be some waste generated by Smart that involves used chemicals.

Mr. Stump asked Mr. Harris how big his property was, and Mr. Harris said 3 acres and "they're covering approximately an acre of it that overlaps mine." He also said that according to Smart's calculations his house is 75 ft. from the property line. Mr. Stump also asked Mr. Harris how much frontage his property had along CR 23, and Mr. Harris said he had 3 adjoining acres' sides of frontage.

A motion was made and seconded (*R. Miller/Stump*) 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:

Motion: Action Approved, **Moved by** Roger Miller, **Seconded by** Tom Stump, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from Detailed planned Unit Development-M-1 and A-1 to a Detailed Planned Unit Development-M-1 be approved in accordance with the Staff Analysis with the following conditions imposed:

1. Permitted uses on the subject property consist of all uses permitted in the A-1 zoning district and cabinet manufacturing.
2. The facility must connect to New Paris sewer conservancy, as proposed in the submitted narrative.
3. Outdoor storage is prohibited.
4. An As-Built Drawing, prepared by an Indiana registered land surveyor, that shows drainage improvements and impervious surface, must be submitted to and approved by the Plan Director prior to issuance of a Certificate of Occupancy for the proposed building, if the Plan Director determines that a major discrepancy exists between the approved DPUD Site Plan / Support drawing and the built project. For the purposes of this DPUD, a “major discrepancy” consists of misplaced, mis-sized or nonexistent drainage improvements or impervious surface.
5. Outdoor pole lighting within 200 feet of a residential property line is limited to a maximum height of 25 feet. All light fixtures must be full cutoff with no upward glare.
6. The berm (designated as the 30’ x 150’ x 4’ mound with 4’ spruce trees on the site plan) to be extended to the west up to the 35 ft. building setback line (along CR 23).

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Douglas Miller, Frank Lucchese, Roger Miller, Steve Warner, Tom Stump, Tony Campanello.

8. The application for Secondary approval of a Detailed Planned Unit Development known as **SMART M-1 DPUD**, for James W. & Marilyn S. Cobb represented by B. Doriot & Associates, on property located on the Northeast corner of CR 23 and CR 50, in Jackson Township, zoned A-1, was presented at this time.

Mr. Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #00CR 23-1308051-1*. He noted that the SWPPP had been approved and that the staff recommended approval of the site plan support drawing and right-of-way dedication. Mr. Kolbus asked Mr. Mabry whether the final drawing would need to show the extension of the berm. Mr. Mabry said the site plan support drawing would but the plat would not.

Terry Lange, B. Doriot & Associates, PO Box 465, New Paris, Indiana 46553, was present on behalf of the petitioner. He said the site plan has been developed with county guidelines in mind and has no problem with the county stipulations.

R. Miller asked the Board whether there should be a public hearing, and Mr. Kolbus said there can be, but this approval had only to do with the detailed plan.

There were no remonstrators present.

A motion was made and seconded (*R. Miller/Lucchese*) 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:

Motion: Action: Approved, **Made by** Roger Miller, **Seconded by** Tony Campanello, that the Advisory Plan Commission grant Secondary approval of this Detailed Planned Unit Development in

accordance with the Staff recommendation.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Douglas Miller, Frank Lucchese, Roger Miller, Steve Warner, Tom Stump, Tony Campanello.

9. The application for Secondary approval of a Detailed Planned Unit Development known as ***FARVER'S FARM DPUD***, for Larry Eugene & Judith Ann Farver represented by B. Doriot & Associates, on property located on the West side of CR 21, 2,300 ft. South of CR 40, common address of 66231 CR 21 in Elkhart Township, zoned A-1, was presented at this time.

Brian Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #66231CR 21-130506-2*. He noted that the SWPPP has been approved.

Terry Lange, B. Doriot & Associates, PO Box 465, New Paris, Indiana 46553, was present on behalf of the petitioner. He renoted the SWPPP approval, saying lack of SWPPP approval was the reason for tabling this case during the last meeting. He added that he looks favorably upon the Board's approval.

There were no remonstrators present.

A motion was made and seconded (*R. Miller/Campanello*) 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:

Motion: Action: Approved, **Made by** Roger Miller, **Seconded by** Tony Campanello, that the Advisory Plan Commission grant Secondary approval of this Detailed Planned Unit Development in accordance with the Staff recommendation.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Douglas Miller, Frank Lucchese, Roger Miller, Steve Warner, Tom Stump, Tony Campanello.

10. ***KLT Realty, Inc.—Approval of Written Commitment***

Duane Burrow asked the Board to accept the commitment for a rezoning the Board gave a favorable recommendation to during the previous meeting. The rezoning will be going to the county commissioners August 19, 2013. He said the rezoning was from A-1 to M-1 and that KLT has committed to planting trees along a residential property line. The commitment needs to be entered into the record and signed by the chairperson. Mr. Burrow said he needed a favorable acceptance of the commitment as a document to send to the commissioners.

The Board examined said request and after due consideration and deliberation:

Motion: Action: Approved, **Made by** D. Miller, **Seconded by** Tom Stump, that the Advisory Plan Commission accept the written commitment for KLT Realty, Inc., dated July 15, 2013. The motion was carried with a unanimous vote.

11. ***Discussion of Planning and Zoning Fees***

Chris Godlewski said that Steve Warner brought up the idea of fees in July 2013. He said that as a result of building fee discussion there were efforts by the county and the cities to align fees. That has happened as of last year. He said the county had the highest fees, and the cities, with the exception of Elkhart, have adjusted to match. He added that the approach was to do the same thing with planning fees and that the regional planners' group will meet in September 2013 to discuss this. All fees are generally the same, and Mr. Godlewski didn't imagine much change would take place. He said Mr. Doriot's was the only response received to an e-mail he sent to all board

members, and Mr. Doriot thought the fees at the county level should be lowered.

Mr. Warner said he raised the subject of fees previously because the county had lagged far behind for many years with regard to fee increases. He said integration of approaches to fees among the cities and the county was a good idea. Mr. Kolbus told Mr. Godlewski that he'll need to approach the Board with information and recommendations after the planners' meeting, and Mr. Godlewski said he would do so in either September 2013 or October 2013.

Mr. Stump asked for confirmation that the county's fees were higher than those of the cities. Mr. Godlewski responded by saying the county's planning fees were similar to those of the cities of Elkhart and Goshen, but the county's building fees were a good amount higher. Elkhart and Goshen had to enact a significant increase to match the county. The matched building fees have been in place now for at least a year.

D. Miller noted that he appreciated the department's hard work. The staff are doing a good job, and it's good to have them out there making the system work, he said.

Mr. Godlewski then added that the number of new house permits issued from January 2013 to July 2013 was 136. The number issued during the same period in 2012 was 87; 78 in 2011. Numbers in 2011 and 2012 were higher than those of 2009 and 2010. There has been a gradual increase over the last 5 years. Mr. Kolbus asked about commercial numbers, and Mr. Godlewski said there has been no substantial increase. The numbers are flat, but there has been more activity recently than in 2009 and 2010.

12. A motion to adjourn the meeting was made by Mr. R. Miller and seconded by Mr. Campanello. With a unanimous vote, the meeting was adjourned at 10:34 a.m.

Respectfully submitted,

Daniel Dean, Recording Secretary

Steve Warner, Vice Chairperson