

MINUTES

ELKHART COUNTY PLAN COMMISSION MEETING

HELD ON THE 10TH DAY OF OCTOBER 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 Chairperson, Jeff Burbrink, with the following members present: Tony Campanello, Jeff Burbrink, Doug Miller, Roger Miller, Steve Edwards, Tom Stump, Frank Lucchese, and Blake Doriot. Steve Warner was 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 (*Doriot/Stump*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 12th day of September 2013 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*Doriot/Edwards*) that the legal advertisements, having been published on the 28th day of September 2013 in the Goshen News and the 30th day of September 2013 in the Elkhart Truth, be approved as read. The motion was carried with a unanimous vote.

4. A motion was made and seconded (*Stump/Doriot*) 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 A-1 to GPUD R-1 to be known as **CAMDEN PARK GPUD R-1**, for Max L. and Nancy M. Gerber, Trustees, Gerber Family Trust, represented by Brads-Ko Engineering & Surveying, Inc., on property located on the North side of Waterford Street (CR 40), 692 ft. West of Washington Street, and the West side of Washington Street, 235 ft. North of Waterford Street (CR 40), in Olive Township, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #000WATERFORD ST-130903-1*.

Barry Pharis of Brads-Ko Engineering & Surveying, Inc., 1009 S. 9 Street, Goshen, was present on behalf of the petitioner. He said Brads-Ko is providing more information for the GPUD than necessary and that the Wakarusa Technical Review Committee has forwarded its agreement with the concept. It finds the proposed ingress/egress and density of 78 dwelling units acceptable. The units will be connected to Wakarusa's water and sanitary sewer system. Mr. Pharis said the amount of detail shown was needed in order to obtain Wakarusa's agreement and that he is submitting the exact same plan to the Plan Commission. He also anticipated the question, with all this detail, why is this not a Detailed Planned Unit Development?

Mr. Pharis explained that a legal drain runs through the middle of the property. The drain presents upstream and downstream flooding problems for neighbors, but Brads-Ko will work with Indiana Department of Natural Resources (IDNR), Elkhart County Drainage Board, and possibly the Corps of Engineers. Discussion with these groups will determine the final plans, but the General Planned Unit Development cannot move forward without approval from the Elkhart County Plan Commission and the Wakarusa Town Council. Mr. Pharis restated that Planning staff and the Wakarusa Technical Review Committee have given favorable reports.

Roger Miller said he did not understand the meaning of the seasonal-high water table figures provided by Brads-Ko, and Mr. Pharis responded by saying that septic was not an issue with this project as there will be connection to the city sanitary sewer. Seasonal-high water tables were determined to assist in the design of retention areas and pavement thickness and width. A retention area is planned, and seasonal-high water is high enough that water will have to be held by going up, or mounding.

Mr. Pharis went on to mention upstream problems with the project, one of which is flooding experienced by a church to the East of the site. The ditch makes 2 L turns along the site. One occurs in the middle and one occurs at the far West end, and there is a 20-to-30-foot drop in elevation across the site. Water backs up and floods the church parking lot and basement. It then flows into Baugo Creek and backs up again. He said Brads-Ko would like to work with the drainage board to improve the ditch and reiterated plans to build the Western retention area. The ditch will be realigned to allow water to move quickly, and during true flood events, the retention area will store water then release it slowly. This plan will prevent both the upstream flooding seen by the church and the downstream flooding. The details need to be worked out through a variety of agencies, and this is why a GPUD is being requested. Mr. R. Miller asked whether those details will be given in a Detailed Planned Unit Development, and Mr. Pharis said yes.

Tony Campanello expressed concern over the flood hazard area that appears to encroach significantly on lots 14-18, and Mr. Pharis clarified that what is shown is a flood fringe. He said IDNR and the Corps have both said Brads-Ko has the right to fill in the fringe. The plan is to bring the hazard area down, and Brads-Ko has to guarantee that the same amount of water will be held in the proposed retention area as that which would normally be held. Brads-Ko intends the retention area to hold much more water than the area holds now, and this will allow controlled release and reduction of downstream flooding.

Blake Doriot noted that he has already discussed options with Mr. Pharis, including 2-stage ditching, which places the 100-year flood within the banks. Brads-Ko may fill in the fringe as long as the flood elevation is not raised more than one-tenth of a foot at the property line.

Mr. Campanello asked Mr. Pharis whether Wakarusa's sanitary system is large enough to handle 78 dwelling units, and Mr. Pharis said yes, the water supply is sufficient as well, and Wakarusa wants Brads-Ko to proceed. Mr. Campanello stated the plan would help the upstream church, and Mr. Pharis agreed, adding that he wants to find a solution both for Camden Park residents and for properties upstream and downstream. Mr. Campanello asked whether the plan provides that water sheet to the ditch, and Mr. Pharis said the streets will have drainage provided by curb and gutter, and water will be routed to designated retention areas. He said the challenges presented by the Camden Park project are not new for Adlai Schrock, the developer, or for Brads-

Ko, citing the Springbrook project, which was on Horn Ditch, and the Keystone project, for which a wetland area was enlarged to add retention and cleansing. Camden Park is a demanding project, but there are avenues for addressing the flooding issues.

Tom Stump asked whether the residences would be able to have basements, and Mr. Pharis said many would. He said that in cases of seasonal-high water, advance planning for subbasement treatments, perimeter drains and outlets, wall type, sump pumps, and seasonal-high water at, say, 747 makes it possible “to go below that and take care of it.” He added that there has been no basement flooding at Keystone or Springbrook. Mr. Stump mentioned that Keystone soil is different from Camden Park soil, and Mr. Pharis agreed, saying that Camden Park is clay. Mr. Stump asked whether water will be pumped out of the basements or drained by gravity, and Mr. Pharis said gravity drains will be used if needed. He said there is a wide variety of seasonal-high water levels. The Northwest area of the site has no issue with seasonal-high water, but other areas do, and some homes may have to have no basement. Mr. Pharis said the developer in this case is also the builder; he will be aware of what is placed in the community on a day-to-day basis.

Dale Housour, 601 W. Waterford Street, Wakarusa, lives across the street from the project, to the South. He stated the drains of 15 houses along the South side of W. Waterford and at the Southeast corner of the Camden Park site go across the site and into the ditch, and was concerned because the site plan did not address drainage from these locations. Mr. Stump asked whether the drains in question were footer drains that begin at basements, and Mr. Housour said yes, they begin at basements and farm ground. Blake Doriot said the drains were tile and basement drains, and Mr. Housour agreed. Mr. Doriot noted that the ditch may receive city stormwater as well. Mr. Housour said he did not know about that but added that he also has fields to the South of the houses along the South side of W. Waterford that drain into the ditch. He said he and the neighbors are concerned about drainage of those fields as well and that they would like the petition to be tabled until his and his neighbors’ drainage is addressed satisfactorily. When drainage is blocked off, there isn’t much you can do with the water, he said. The drain located across the street from his house is about 7 feet lower than the road.

Mr. Pharis began his rebuttal by agreeing with Mr. Doriot’s statement that “drainage is the problem” in Wakarusa. He said Brads-Ko will address the tiles in the DPUD and will be calculating the flood that comes to the ditch from the South and North. Existing tiles found at the beginning must be respected and designed around, but the locations of many tiles are unknown. If an unknown tile is encountered, “we will reroute it so that it goes to the same location,” and Mr. Pharis emphasized his awareness that drainage is an issue in Wakarusa. Brads-Ko wants to be part of the solution, not the problem. He said that tabling would not be a good idea because the project is at the GPUD, or concept, stage and that the Plan Commission agrees with the Wakarusa Town Council that residential should be at the site in question, the defined ingress/egress points are being found acceptable, and the 78 dwelling units are being approved. Mr. Pharis said he could have come in with a blank 40-acre drawing without any data and asked for a GPUD, but he is presenting a detailed GPUD drawing so that the Plan Commission can see exactly what the Wakarusa Town Council has seen. Tabling would not be good for the seller, buyer, or Town of Wakarusa. It is the detailed plan that will demonstrate how drainage issues from the South will be handled.

Mr. Pharis gave the example of the decision to work on the Northern parcel first, leaving

everything to the South exactly as it is. He asked, “Why would we want to tell you now how we are going to deal with something down there when all we’re working with is [at the top portion of the site]?” The detailed plan will result from the input of IDNR, the drainage board, and the Town of Wakarusa.

Mr. Doriot commented that the drainage board and the surveyor’s office are looking hard at the project and expressed understanding that only the detailed plan will reveal the solutions to the drainage problems. He asked the remonstrators present to let Mr. Pharis know where they think drainage goes through and hoped that everyone was hooked up to municipal sewer. He added that “if he was to cut a pipe that had any questionable material in it, he would not be required to hook it back up.” That person would have to be chased down and brought to compliance with the municipal sewers, another reality of heavy-clay ground in the townships around Wakarusa. He said he didn’t know that this could be tabled as it is a GPUD.

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: Approve, **Moved by** Douglas Miller, **Seconded by** Tom Stump, that the Advisory Plan Commission recommend to the Wakarusa Town Council that this request for a zone map change from A-1 to GPUD R-1 to be known as **CAMDEN PARK GPUD R-1** be approved as presented and in accordance with the Staff Analysis with the following limitations:

1. That the land use is limited to single-family residential detached or single-family attached.
2. That the maximum density is 78 dwelling units on the 40 acres.
3. That the street plan be limited to the demonstrated ingress/egress access points as shown in the plan.
 - a. The graphically shown rights-of-way, lengths and widths of right-of-way, and pavement widths should not be construed as having been approved by this General Planned Unit Development.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Blake Doriot, Douglas Miller, Frank Lucchese, Jeff Burbrink, Roger Miller, Steven Edwards, Tom Stump, Tony Campanello.

6. The application for a zone map change from A-1 to A-1-Detailed Planned Unit Development to be known as **DOUBLE L WOODWORKING, LLC, DPUD**, for Levi Lee and Laurene Yoder represented by Brads-Ko Engineering & Surveying, Inc., on property located on the South side of CR 34, 2,300 ft. West of SR 13, common address of 12478 CR 34 in Clinton Township, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #12478CR 34-130830-1*.

Barry Pharis of Brads-Ko Engineering & Surveying, Inc., 1009 S. 9 Street, Goshen, was present on behalf of the petitioner. Mr. Pharis began by noting the locations of CR 34, SR 13, the petitioners’ residence, and the woodworking site. The business has been in operation since 1995 in LaGrange County, and all 11 employees, 5 of which are already Elkhart County residents, will relocate to the new site. The petitioners are not asking for any special considerations, including tax

abatements or TIF money. Mr. Pharis said the business manufactures high-end motorhome cabinets, doors, trim, and special-order kitchens and is wholesale, direct-to-client, and with dealers in Canada. No retail sales will be conducted at the new site. Traffic impact will be minimal, with 122 movements per week, 25 per day. Of those 25 daily movements, 14 will be ingress and egress of employees. One semi arrival per day is anticipated, and ample room is provided for entrance and turnaround. No backing in or out will occur. The rest of the daily traffic comprises a combination of FedEx, UPS, postal service, waste disposal, and occasional client vehicles.

Mr. Pharis then said the proposed building will be over 800 ft. from CR 34, and all generated noise will be contained within the petitioners' acreage. No odors are emitted by the business, and a motion-detector-connected security light will provide the only lighting. All light emitted by the business will be onsite. The only sign requested is a 6 ft. nonilluminated pedestal with a 3-by-4 face. Its total area will be 48 sq. ft. There will be no outside storage, and the hours of operation are 5:00 a.m.–2:30 p.m., Monday–Friday with occasional Saturday work.

Focusing on what Brads-Ko has prepared for the highway department, he said stopping distance is 495 linear ft., left-turn sight distance is 610 ft., and right-turn sight distance is 530 ft. Right-of-way dedication will be 40 ft., or a half acre.

Mr. Pharis then distributed a 3-page handout to the Board [*attached to file as Petitioner Exhibit #1*], which contained an aerial sketch showing the petitioners' parcel and several adjoining parcels, a list of 7 neighboring property owners, and a copy of 1 of Brads-Ko's letters to those neighboring property owners, returned to Brads-Ko with the addressees' signatures, indicating consent to the project. Mr. Pharis said Brads-Ko sent notices to owners of property within 1,000 ft. of the petitioners'.

Mr. Doriot asked whether a natural waterway was present in the top portion of the petitioners' parcel, North of the proposed building site. Mr. Pharis responded by indicating the flow path labeled Grassed Swale and the gas line easement on the preliminary plan. He said Brads-Ko is doing nothing to impact the indicated area, and water flowing away from the planned hard surfaces will be stored at the proposed detention area shown in the Northeast portion of the building site.

There were no remonstrators present.

A motion was made and seconded (*Lucchese/Burbrink*) 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: Approve, **Moved by** Tom Stump, **Seconded by** Douglas Miller, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to A-1-Detailed Planned Unit Development to be known as **DOUBLE L WOODWORKING, LLC, DPUD** be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Blake Doriot, Douglas Miller, Frank Lucchese, Jeff Burbrink, Roger Miller, Steven Edwards, Tom Stump, Tony Campanello.

7. The applications for a zone map change from a General Planned Unit Development-M-1 to a Detailed Planned Unit Development-M-1 and for Secondary approval of a Detailed Planned Unit Development known as **BRISTOL PARK FOR INDUSTRY, PHASE 2B, DPUD M-1**, for Wagner

Land Development Co., Inc. (owner), and JC-RR, LLC (buyer), represented by Marbach, Brady & Weaver, Inc., on property located on the North side of Commerce Drive, 3,500 ft. East of SR 15, in Washington Township, were presented at this time.

Mr. Burrow presented the Staff Report/Staff Analyses, which are attached for review as *Case #0COMMERCE DRIVE-130903-1* and *Case #0COMMERCE DRIVE-130903-2*. He commented that the Bristol Park for Industry project is “filling out faster than we can establish criteria for it,” and Mr. Doriot said that is a wonderful problem to have. He also commented that the Town of Bristol requires that a site be within corporate boundaries in order to have town water and sewer and that the petitioners are seeking approval of the Site Plan/Support Drawing and the platting of 1 lot.

Chris Marbach of Marbach, Brady & Weaver, Inc., 3220 Southview Drive, Elkhart, was present on behalf of the petitioners, as well as American Classic Steel Construction, the builder of the site for the buyer. He stated that the site will be served by Town of Bristol sewer and water. Mr. Marbach then indicated the existing portion of Commerce Drive and the Alliance Aluminum site, South of Commerce Drive, on the development plan . The phase now in question comprises a 15-acre parcel North of Commerce Drive that extends to the off ramp of the toll road. The initial plan is for a 100,000 sq. ft. building on the Eastern portion of the parcel, and the future plan is for a mirror-image building project on the Western portion. Mr. Marbach acknowledged that the site is rolling and has a lot of relief but said that he has allowed for drainage for all 3 potential expansions and that retention is going to be on the West side of the property. He reemphasized the annexation of the site and stated that Marbach, Brady & Weaver is in the process of seeking annexation of other properties to the East.

Mr. Doriot voiced concern over the amount of space the buyer would be using. He said he was looking at parking and asked how many employees the business would have. Jerry Collins, the property owner, said JC-RR has 20–23 employees. The company warehouses imported fiberglass coils for the RV industry.

There were no remonstrators present.

A motion was made and seconded (*Doriot/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: Approve, **Moved by** Blake Doriot, **Seconded by** Tony Campanello, that the Advisory Plan Commission recommend to the Bristol Town Board that this request for a zone map change from a General Planned Unit Development-M-1 to a Detailed Planned Unit Development-M-1 known as ***BRISTOL PARK FOR INDUSTRY, PHASE 2B, DPUD M-1*** be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Blake Doriot, Douglas Miller, Frank Lucchese, Jeff Burbrink, Roger Miller, Steven Edwards, Tom Stump, Tony Campanello.

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Steven Edwards, that based on the Staff Analysis, this request for Secondary approval of a Detailed Planned Unit Development known as ***BRISTOL PARK FOR INDUSTRY, PHASE 2B, DPUD M-1*** be approved as the PUD Plat is in compliance with the proposed DPUD Ordinance and Site Plan Support Drawing to be

considered by the Town Council of Bristol.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Blake Doriot, Douglas Miller, Frank Lucchese, Jeff Burbrink, Roger Miller, Steven Edwards, Tom Stump, Tony Campanello.

8. *Electronic Packets*

Chris Godlewski said he had had a discussion with Steven Edwards about electronic packets and asked him to convey his thoughts on the matter. Mr. Edwards said he wanted to know whether the Board members' packets could be provided in electronic format. Electronic format would replace mailing altogether and prevent last-minute mailing when late changes are made. He said not everyone would have to accept this change, but electronic packets could be provided to those who preferred to bring a laptop to the meetings.

Mr. Doriot said he had no problem with Mr. Edwards receiving electronic packets, but he said he preferred to be able to sort through the material upon receipt.

Mr. Godlewski said he was not against the idea, but there are logistical challenges. He said some applicants may not have the ability to provide documentation in electronic format, and Planning may not have the ability to convert received documentation into electronic format. Planning's software does not allow scanning of thick documents. They would have to "come in 4 or 5 PDFs." He also mentioned that providing material in paper format for some Board members and electronic format for others would greatly extend the time needed to get packets out. The easiest and most efficient way to produce packets is by using paper format, but if Planning does go electronic, electronic format should be used from the beginning, from initial filing.

Mr. Doriot again said he thought it was a good idea but he did not want it. He also said the scanning equipment in his office was available for anyone to use.

Mr. Godlewski said we could attempt the change just to see what it would take, and James Kolbus said we could go through with it and see what happens.

Mr. R. Miller asked why the amount of time required for scanning would not be the same as that required for making copies, and Jeff Burbrink said the equipment in his office can scan once, make as many copies as needed, and send scanned material by e-mail. Mr. Doriot said he didn't know whether this change could reduce the number of copies that applicants have to provide. Mr. Burbrink added that some Board members wanting one format and others wanting another was another challenge. He said only 1 format should be used.

Mr. Doriot said that if there is a conversion to electronic format, he will hand his laptop to his support staff member and ask her to print everything out. He said he works better with paper. Mr. Edwards conceded that for the time being we should stay with paper, but Mr. Kolbus said we should at least try the new format and see what issues do come up. Frank Lucchese said computers were given to everyone on the council recently, but they are no longer used. Mr. Doriot said it is difficult for anyone who is not computer savvy to go through documents in electronic format and commented that Mr. Edwards is at the age of the start of the computer savvy generation. Mr. Kolbus added that members of the City of Goshen planning and zoning departments receive packets via e-mail, but only 1 plan commission member and 1 BZA member use a laptop at meetings. The others print their material on their own. Mr. Stump asked why Board members should be expected to use

their own printers and paper in such a case, and Mr. Doriot said such an arrangement would be a burden on Board members. Mr. Stump agreed with Mr. Doriot's position, saying that though he could print the material himself, he works better with paper and can sort through paper material more easily.

Mr. Burbrink told Mr. Godlewski to explore the matter and maybe do a trial run. He also said that working with electronic documents would nearly require touch screens.

9. ***Presentation Media***

Mr. Godlewski addressed presentation media for the meeting room, saying that IT's goal is to install 2 flat screens so that what is presented can be seen easily from anywhere in the room. The projection screens will remain but will see less use.

10. ***Plan Commission Rules of Procedures***

Mr. Godlewski asked whether the updated rules and procedures handed out in September 2013 needed to be a public item, and Mr. Kolbus said they needed to be on the agenda to be acted upon. Mr. Godlewski reminded the Commission that changes were outlined and underlined and will be an agenda item for November 2013. Mr. Kolbus told the Commission to e-mail Mr. Godlewski if new copies are needed.

11. ***Zoning Ordinance***

Mr. Godlewski said Brian Mabry has a substantial amount of comments, changes, and deletions for the first half and that as soon as the updates are completed, they will be sent to everybody. The updates will then go through 2 committees and the Plan Commission. Mr. Doriot, complimenting Mr. Mabry, said he gets e-mails from him at many different times of day and that he is putting in a lot of hours.

12. A motion to adjourn the meeting was made by Mr. Doriot and seconded by Mr. R. Miller. With a unanimous vote, the meeting was adjourned at 9:55 a.m.

Respectfully submitted,

Daniel Dean, Recording Secretary

Jeff Burbrink, Chairman