

## **MINUTES**

### **ELKHART COUNTY PLAN COMMISSION MEETING**

**HELD ON THE 9<sup>TH</sup> DAY OF JANUARY 2014 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, Roger Miller, Steve Edwards, Frank Lucchese, and Tom Stump. Blake Doriot, Steve Warner, and Doug Miller were absent. Staff members present were: Chris Godlewski, Plan Director; Brian Mabry, Planning Manager; Mark Kanney, Planner; Kathy Wilson, Administrative Manager; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Edwards/Campanello*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 12<sup>th</sup> day of December 2013 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*R. Miller/Edwards*) that the legal advertisements, having been published on the 28<sup>th</sup> day of December 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 (*R. Miller/Edwards*) 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.

#### **ELECTION OF OFFICERS FOR 2014**

Jeff Burbrink began discussion by expressing surprise at being “up for president” again and said he thought someone else was being considered. Roger Miller said he believed Mr. Burbrink was being considered. “We had a quorum, and we . . . thought you had done such a fine job that you should continue,” said Mr. R. Miller.

Steven Edwards asked whether someone else could take the Plat Committee chairman position because he cannot always be present at 8:30 a.m. on meeting dates. Citing Elkhart County subdivision ordinance provisions, James Kolbus said that in the event of Mr. Edwards's absence, the person behind him, Mr. Burbrink, would have to handle the meeting.

The Board examined the 2014 Slate of Officers and Appointments, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** Tom Stump, that the Advisory Plan Commission approve the 2014 Slate of Officers and Appointments. The motion was carried with a unanimous vote.

6. The application for the vacation of part of a platted cul-de-sac right-of-way on the North side of Beck Drive adjacent to 21715 Beck Drive, for *DVS, LLC*, represented by Marbach, Brady & Weaver, Inc., on property located on the North side of Beck Drive, 1,708 ft. East of CR 17, in Jefferson Township, zoned M-2, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #BECK DRIVE-131202-1*.

Roger Miller asked whether Beck Drive originally ended at the cul-de-sac in question, and Mr. Kanney said yes. He said Beck Drive has been extended a couple of times and the subject cul-de-sac was never “retrofitted.”

Chris Marbach, Marbach, Brady & Weaver, Inc., 3220 Southview Drive, Elkhart, was present on behalf of the petitioner, who would like to have more use of his property. Recent improvements to Beck Drive have eliminated the cul-de-sac, as shown on the closest-view image in the Staff Report/Staff Analysis, and the petitioner is simply asking that the right-of-way correspond to the road, said Mr. Marbach.

Richard Keen, 57259 CR 117, Goshen, said that he and his wife, Janet, have owned the property with address of 21712 Beck Drive since 1985. He said that the vacation was a good idea and that if it were approved, the county would not have to worry about the piece of property in question anymore.

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:** Approve, **Moved by** Roger Miller, **Seconded by** Tom Stump, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the vacation of part of a platted cul-de-sac right-of-way on the North side of Beck Drive adjacent to 21715 Beck Drive be approved in accordance with the Staff Analysis.

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

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

7. The application for an amendment to the Site Plan Support Drawing for an existing Detailed Planned Unit Development known as *K2 DPUD*, for K2 Holdings, LLC, represented by Marbach, Brady & Weaver, Inc., on property located on the Southwest corner of CR 15 and CR 6, common address of 53111 CR 15 in Osolo Township, zoned DPUD-M-1, was presented at this time.

Brian Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #53111CR 15-131202-1*, adding that the church building on the Southeast corner of the subject property will be removed as development progresses and that while the original Site Plan Support Drawing did comply with E-3 landscaping standards, no landscaping plan was included with the amended Site Plan Support Drawing. Staff did not want absence of the landscaping plan to prevent the amendment’s appearance before the Plan Commission, and a requirement that the plan be submitted has been included as a condition for the DPUD ordinance.

Chris Marbach, Marbach, Brady & Weaver, Inc., 3220 Southview Drive, Elkhart, was present on behalf of the petitioner. He said that the church building referred to by Mr. Mabry has in

fact been moved across CR 15 and summarized the amendment request by noting that the project is being downsized for economic reasons.

There were no remonstrators present.

A motion was made and seconded (*Lucchese/R. Miller*) 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** Roger Miller, **Seconded by** Steven Edwards, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to the Site Plan Support Drawing for an existing Detailed Planned Unit Development known as **K2 DPUD** be approved in accordance with the Staff Analysis with the following condition added to the DPUD Ordinance for the property:

1. A landscaping plan that complies with the E-3 zoning district landscaping standards must be submitted at the time of securing the Improvement Location Permit/Building Permits.

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

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

8. The application for Secondary approval of a Detailed Planned Unit Development known as **K2 DPUD**, for K2 Holdings, LLC, represented by Marbach, Brady & Weaver, Inc., on property located on the Southwest corner of CR 15 and CR 6, common address of 53111 CR 15 in Osolo Township, zoned DPUD-M-1, was presented at this time.

Brian Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #53111CR 15-131202-2*.

Chris Marbach, Marbach, Brady & Weaver, Inc., 3220 Southview Drive, Elkhart, offered no additional comments.

There were no remonstrators present.

A motion was made and seconded (*Lucchese/R. Miller*) 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** Frank Lucchese, **Seconded by** Roger Miller, that the Advisory Plan Commission approve this request for Secondary approval of a Detailed Planned Unit Development known as **K2 DPUD** in accordance with the Staff Analysis.

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

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

#### 9. *Zoning Ordinance Draft—Modules 1 & 2 Review*

Chris Godlewski reminded the Board that they and Mr. Mabry discussed the contents of a table illustrating changes to the first half of the new zoning ordinance during the December 2013 Plan Commission meeting and asked whether the Board had any new questions. He stated that the Plan Commission and all the committees have now reviewed the first half of the draft comprehensively and that work has begun on the second half. A policy committee meeting for the

discussion of residential and agricultural uses is planned.

Mr. R. Miller asked whether final approval would be given in sections as review has been done in sections, and Mr. Godlewski said no. He and Mr. Mabry said final approval would be sought when the draft review is completely finished. Mr. Lucchese commented that the staff is doing a good job.

Mr. Godlewski then called Board attention to a report containing information on the firms consulted for professional services, citing the Board's request in December 2013 that information on more than one firm be provided. The policy committee will also consider the report. Three of the six firms consulted have worked on Elkhart County projects, Mr. Godlewski said. Camiros did the entire general plan for Elkhart East in the 1990s. CHA, which has acquired RW Armstrong, did the Northwest Gateway comprehensive plan, which is part of Elkhart County's comprehensive plan. LSL helped with the Middlebury comprehensive plan.

Tony Campanello stated that it appeared the other three firms have also done work in nearby areas like LaPorte County, and Mr. Godlewski said that contacting firms that have done local work has been an emphasis. Mr. R. Miller noted that none of the six firms had local headquarters, and Mr. Godlewski said there are no "pure planning organizations" in Northeast Indiana. Mr. R. Miller asked Mr. Godlewski what Board action was desired with respect to the report, and Mr. Godlewski said none was needed; the report was just for review purposes.

Jeff Burbrink said concern had been raised over "the one company belonging to a particular organization," but "it looks like they all do." In response, Mr. Godlewski said that discussion resulted in the decision to hire the firm that is "the right fit for us, whoever that is." Mr. Burbrink added that the county needs to remain in control of the process and that the firm should help the county design what it needs, make sure it meets state regulations, and provide such things as artwork and the embedding of links. Mr. Godlewski then lauded James Kolbus for doing a good job making sure the county meets state protocol and Mr. Mabry for creating an ordinance template featuring embedded links. He said, "In that aspect, we're already there," noting that agreement just needs to be reached over the second half of the ordinance draft. Mr. Burbrink said the staff was a talented crew.

10. A motion to adjourn the meeting was made by Mr. R. Miller and seconded by Mr. Edwards. With a unanimous vote, the meeting was adjourned at 9:21 a.m.

Respectfully submitted,

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Daniel Dean, Recording Secretary

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Jeff Burbrink, Chairman