

MINUTES

ELKHART COUNTY PLAN COMMISSION MEETING

HELD ON THE 13TH DAY OF MARCH 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, Steve Warner, with the following members present: Tony Campanello, Jeff Burbrink, Doug Miller, Steve Warner, Roger Miller, Steve Edwards, Tom Stump, Frank Lucchese, and Blake Doriot. 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/D. Miller*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 13th day of February 2014 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*R. Miller/Doriot*) that the legal advertisements, having been published on the 1st day of March 2014 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 (*Doriot/R. Miller*) 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 multiple corrective amendments to the text of the Elkhart County Subdivision Control Ordinance listed as follows: Section 3.11 APPLICATION FOR SECONDARY APPROVAL; Section 3.15 SECONDARY APPROVAL by adding Subsection B - ACTION WITHOUT MEETING FOR MINOR SUBDIVISIONS and amending Subsections C and D; Section 3.16 NOTICE OF DECISION by amending Subsections A, B, and C; Section 3.17 PROVISIONS FOR COMPLETION OF IMPROVEMENTS, Subsection A - COMPLETION OF IMPROVEMENTS; Section 3.23 RECORDING OF SECONDARY PLAT, Subsection A - SIGNATURES REQUIRED; Subchapter 6.02 - DEFINITIONS; and APPENDIX B SECONDARY PLAT CHECKLIST - Subsections U and V, for the *Elkhart County Advisory Plan Commission*, for property located in the unincorporated areas of Elkhart County, the Town of Bristol, the Town of Wakarusa, the Town of Millersburg, and the Town of Middlebury, was presented at this time.

Brian Mabry presented the Staff Report/Staff Analysis, which is attached for review, and added that this item would have to appear before the Board of County Commissioners for final approval.

There were no remonstrators present.

A motion was made and seconded (*Doriot/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: Approve, **Moved by** Blake Doriot, **Seconded by** Tom Stump, that this request for multiple corrective amendments to the text of the Elkhart County Subdivision Control Ordinance be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

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

6. The application for a zone map change from R-1 to B-1, for *Sabnis, Inc.*, represented by Progressive Engineering, on property located on the Southeast corner of Page Avenue and Mishawaka Road (CR 20), in Concord Township, was presented at this time.

Brian Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #PAGE AVENUE-140123-1*. Mr. Mabry summarized the commitments portion of the Staff Report by noting that the petitioners are not held to use of the site for only a laundromat or to the parking area size shown on the site plan. The petitioners are held only to the site plan proposals for building location, parking location, and landscaping.

Brad Cramer, Progressive Engineering, Inc., 58640 SR 15, Goshen, was present on behalf of the petitioners. In response to Tom Stump's question about whether the site would be connected to sewer or have septic, Mr. Cramer said that city sewer is not available on the South side of CR 20 on the block in question. Old aerials show that the lot was a residential lot, and an existing abandoned septic system is somewhere onsite yet to be discovered. Mr. Stump asked whether sewer is available on the North side of CR 20, and Mr. Cramer said yes, in different places. Mr. Stump told Mr. Cramer that the petitioners are required to connect to sewer if the site is within 300 ft. of it and that the site plan does not seem to allow for a septic system. He said that a laundromat would require a big system and asked Mr. Cramer how many gallons per day would be generated by the laundromat. Mr. Cramer did not know but said the petitioners would know.

Mr. Stump then asked Mr. Cramer where a septic system would be placed, and Mr. Cramer said that it would be on the South side of the parcel and that the proposed trees "would have to be on the South side of the septic." In response to Mr. Stump's question about the proposed gravel area, Mr. Cramer said it is for deliveries, equipment, and trucks. Mr. Stump said that a septic installer would need to be aware of the risk of freezing drain fields and lines to septic systems and repeated his concern over lack of a suitable area for a septic system.

Roger Miller reminded the Commission that a zone map change was the issue at hand and stated that a septic proposal would have to be submitted at the time of building, and Mr. Cramer anticipated needing an approved site plan and drainage plan.

Tony Campanello called attention to the note on the site plan indicating that the proposed building would be 40,000 sq. ft. in size and recommended that Mr. Cramer correct that figure. Blake Doriot said that the figure of 40,000 sq. ft. was probably intended to refer to lot size.

Mr. Stump again said that if the subject property is to be rezoned for commercial use, his concern is over sewage. A large disposal system will be needed. Mr. Doriot asked Mr. Cramer what size field is intended and what the soils are, but Mr. Cramer said he did not know. Mr. R. Miller said

that because intent to build a laundromat has been mentioned as part of the rezoning proposal, Mr. Cramer is facing challenges to provide an approved septic proposal. He added that many petitioners in the past have wanted to rezone but could not without major changes to the properties in question. Mr. Cramer's response was that septic issues on a lot greater than three-fourths of an acre in size could be addressed successfully.

Mr. Stump said that because of the mixed-use nature of the subject area, he had concerns over neighbors having to live with whatever is installed. Rezoning requests do not always include an intended use, but special use petitions do.

Rekha Sabnis, 56829 Bolton Court, Elkhart, one of the petitioners, came forward at Mr. Doriot's request. Mr. Stump asked whether a septic system or a connection to city sewer is planned, and Mrs. Sabnis said a connection to city sewer. Mr. Stump asked Mrs. Sabnis whether sewer was indeed available, and Mrs. Sabnis said she did not know and that her husband could not be present today because of an emergency. She said also that she and her husband already have a laundromat on Goshen Avenue. Mr. R. Miller repeated that the Commission's concerns were over output and whether the laundromat would connect to sewer or be on septic, and told Mrs. Sabnis that she would have to determine whether a city sewer connection is available. Future building plans will need to include a proposal for either septic or a sewer connection, he added. Mrs. Sabnis added that the existing laundromat has been in business the last seven years.

There were no remonstrators present.

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

The Board examined said request. Examination resulted, in part, in a determination that this item should be tabled to allow the petitioners time to bring to the Plan Commission information indicating whether municipal sewer is available and whether an onsite system can be placed. After due consideration and deliberation:

Motion: Action: Table, **Moved by** Steve Warner, **Seconded by** Tom Stump, that the Advisory Plan Commission table this request for a zone map change from R-1 to B-1 until the April 10, 2014, meeting of the Elkhart County Advisory Plan Commission.

Vote: Motion passed (**summary:** Yes = 5, No = 4, Abstain = 0).

Yes: Douglas Miller, Jeff Burbrink, Steve Warner, Steven Edwards, Tom Stump.

No: Blake Doriot, Frank Lucchese, Roger Miller, Tony Campanello.

7. The application for a zone map change from a General Planned Unit Development-E-3 to a Detailed Planned Unit Development-E-3 to be known as ***ELKHART EAST AREA 'B' PHASE 1 DPUD***, for Seahawk Corporation represented by Jones Petrie Rafinski, on property located on the West side of CR 17 and East side of CR 15, 1,700 ft. South of CR 4, in Osolo Township, was presented at this time.

Brian Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #00CR 17-140204-1*.

Kenneth Jones, Jr., Jones Petrie Rafinski, 4703 Chester Drive, Elkhart, was present on behalf of the petitioner and explained that Elkhart East Area 'B' is bounded by CR 4 and the toll road at the North and South and CR 15 and CR 17 at the West and East. The current project is another subphase of the Elkhart East GPUD and involves construction of the main road through the

subject area, which will follow the line of disturbance seen on the GIS maps included with the Staff Report. The disturbance, Mr. Jones said, indicates construction of water and sewer that were placed to serve the state police post near the toll road. The road was also shown on original Elkhart East GPUD graphics dating to the early 2000s, so the eventual location of the road has been known since then.

Mr. Jones then stated general agreement with the Staff Report but called attention to the three items of concern to staff: site landscaping, parking lot screening, and street trees. Site landscaping is a subjective matter rather than an objective one, Mr. Jones said, and the intent “is to make sure the sites look good.” All Elkhart East site development is subject to Elkhart County and City of Elkhart review because of the connection to city water and sewer, and no matter what county review the sites undergo, they must still undergo the city’s technical review process. Mr. Jones mentioned also that the city does have thorough, strictly enforced landscaping standards and clarified that JPR relies on those already-adopted standards when going forward with a project.

Mr. Jones went on to address parking lot screening, which is being reduced. He said that the intent of parking lot screening is to reduce light spillage from cars entering and exiting parking spaces. Such screening is important when lots are adjacent to residential areas, but there is no such concern, “with very few, if any, exception[s],” with the current project. He stressed that parking lot screening is important but that the screening for this project does not need to be so close to 100 percent, adding that city planning staff does monitor parking lot screening closely. Mr. Campanello asked whether Mr. Jones was sure that the city has jurisdiction over the subject area, and Mr. Jones said yes. Rob Letherman, Almac Sotebeer Construction, 3414 CR 6 E., Elkhart, also asked Mr. Jones whether he was sure, and Mr. Jones replied that “we’ve walked those sites through tech review before.” Mr. Letherman said, “Not through tech review, just through approval,” Mr. Jones agreed, Mr. Letherman said the city just signs off, and Mr. Jones said, “They review it.”

The number of street trees, Mr. Jones went on to say, is being reduced because street trees are often planted ahead of time and room is needed for commercial driveways. A standard commercial driveway with radiuses will take up 40 linear ft. quickly, he said. Mr. Doriot asked what types of trees have been planted around the subject area, and Mr. Jones said he did not know. Mr. Doriot then stated, “Forty feet is close for some types of trees.”

Mr. Jones then addressed the Staff Report’s observation that the petition lacks specific site detail by citing Crossroads Business Park, a JPR project whose original Site Plan/Support Drawing showed only “cookie cutter, example buildings and parking lots.” When a site for that and other such parks was presented for development, confusion arose among JPR and the Elkhart County planning staff because the development technically required an amendment to the Site Plan/Support Drawing. The building and parking lot in question would not take the exact shape shown on the original Site Plan/Support Drawing, as building and parking lot shapes are end user driven. Since the time of the Crossroads project, other JPR Site Plan/Support Drawings have contained a request for relief from the requirement that lot detail be shown, “to prevent multiple public hearings within the same PUD.”

JPR, Mr. Jones said, took this approach, that of relief from the requirement, for a while, but development of “blank” lots still required a change to the Site Plan/Support Drawing and a public hearing. The current request for relief, appearing on the current Site Plan/Support Drawing, is being made to speed things up upon a land user’s interest in a lot and to reduce the county’s workload.

Mr. Jones added that a detailed set of recorded restrictions, monitored by the developer and others, and a higher-than-average aesthetic standard have been applied to Elkhart East, and for this reason he is confident that at the time of individual site development, review can be performed without a full Plan Commission meeting and public hearing, especially since land use and site adjacency matters are not at question at the time of individual site development. JPR's question, then, has been, "Why can't we make these sites a little more ready to go than they have been in the past?" Mr. Jones said.

A related question, Mr. Jones then said, has to do with the changing of lot lines without the need for minor subdivision amendments. But, he said, this concerns changes to the Subdivision Control Ordinance, which is not the document at play here.

Mr. Jones concluded by saying that, with respect to actual site development, zoning, landscaping requirements, and setbacks, among other things, are known. "Do I really need a full public hearing and process like this to do that?" he asked. He restated agreement with the Staff Report except for its comments regarding site landscaping, parking lot screening, and street trees and hoped for approval of the project as presented.

Everett Lienhart, 22541 Lake Shore Drive, Elkhart, lives directly across from the subject property on CR 15 and observed that the petitioner is requesting "quite a bit of change" from the original E-3 zoning. Mr. Lienhart held that while E-3 zoning provides for upscale offices, assembly plants, and related uses but not outside storage or manufacturing, the petitioner is requesting manufacturing with outside storage. He said that the request is not relief from E-3 but a change to "M," zoning appropriate for an industrial park, which is incompatible with the surrounding area. He referenced an "original agreement" that provided for no outside storage or manufacturing and stated that the change requested would affect the whole area bordered by CRs 17 and 15 and CR 4 and the toll road, not just Area 'B.'

Again referencing "the original agreement," he said the road labeled Innovation Drive was not to connect to CR 15, but that has also somehow changed over the years. The intersection of CRs 4 and 15 is a bad one, and school bus drivers have difficulty there. Opening up CR 15 to new truck traffic will create "one heck of a mess there." The area, where Mr. Lienhart has lived for 50 years, has been a residential area, and he would like to keep it that way. He repeated that it was guaranteed, when Elkhart East was first being planned, that "there would never be an industrial park there."

Mr. Lienhart also said that he read about the planned fencing for outside storage and asked the Plan Commission members whether they would want outside storage in their front yards that looks like that which can be seen from the toll road. Further, Mr. Lienhart held that the petitioner has requested a pond for construction water disposal that, he said, would probably remain after construction, and quoted a document that states the water from that pond will eventually reach Heaton Lake. Mr. Lienhart asked "these people" whether the water would be conveyed using open tile or ditches, and he was told that "it would just be groundwater migrating." Mr. Lienhart thus expressed concern over the effect of the pond on the many wells in the Heaton Lake area, which does not have city water.

Mr. Lienhart concluded by saying Elkhart East should be held to the original agreement, which provided for assembly plants and offices. If zoning is going to be changed, Mr. Lienhart said, it is time for him to leave Elkhart County "because zoning [doesn't] mean anything."

Mr. Jones began his response by addressing outside storage. The details of the submittal and the project narrative do include a request for outside storage, he said, and the request is in response to development market conditions in the county. Any site developer, however, will have to demonstrate for the developer and county staff how outside storage areas will be completely screened. Lots 1 and 14, which have frontage on CR 15 and are opposite residential uses, are required, pursuant to the original GPUD, to have landscape buffering along CR 15, and the only construction that will be evident in the area is that for Innovation Drive. If development takes place, which is not guaranteed, lots 1 and 14 will be properly managed and screened pursuant to the combination of regulations to be placed on the subject property.

Mr. R. Miller asked whether separate rules would apply to development of lots 1 and 14, and Mr. Jones said no. The rules are the same, he said, and the original GPUD includes landscape buffering along CR 15. All lots, Mr. Jones added, will be subject to the requirement of screening of outside storage. Mr. Campanello then asked whether “that screening still won’t be there” in the event all lots are sold except lots 1 and 14, and Mr. Jones responded that he would get to that question.

Mr. Jones then addressed Mr. Lienhart’s zoning classification concerns by saying the subject property’s zoning is PUD, which is a classification unto itself but is developed using an underlying classification such as E-3 or M-2. Elkhart East is unique because it is the only E-3 district in Elkhart County, and the PUD uses the E-3 classification, having undergone adjustments to meet a specific goal for the development. The current project, said Mr. Jones, is in line with the intent of a PUD E-3.

Turning his attention to the entrance onto CR 15, Mr. Jones indicated one of the original GPUD drawings reproduced on page 4b of the Staff Report, which shows an entrance onto CR 15. The entrance was also shown on the original Elkhart East traffic study and has always been part of the plan, he said. He said he did not know where the confusion came from, but the entrance has been on the drawings since approximately 2001. Mr. Jones then indicated the area of county right-of-way between the intersection of CRs 15 and 104 and the intersection of CR 6 and Elkhart East Blvd. That right-of-way was dedicated to route sewer up CR 15 to the Heaton Lake area and to provide a connection between those intersections if the need ever arose. Mr. Jones could not say whether Elkhart East will trigger that need but said the placement of the connection should be treated like the placement of a signal: “You build a signal when it’s warranted, not before it’s warranted.”

Mr. Jones also said he did not know where the discussion of a pond originated, but a pond is not part of the current plan. There has been discussion of stormwater retention area placement, but “there is really no good surface water release point on the property,” Mr. Jones said. Any retention area built would simply be a permeating retention area, but the proposed roadway will drain via a combination of curb and roadside swales. Mr. Campanello pointed out that Mr. Lienhart’s concern was over a construction pond and asked Mr. Lienhart to clarify whether the pond he referenced was to “alleviate water during construction.” Mr. Lienhart responded by submitting a page from the March 4, 2014, *Elkhart Truth* [attached to file as *Remonstrator’s Exhibit #1*] containing a public notice concerning Seahawk Corporation’s intent to discharge stormwater from construction activities, with eventual release to Heaton Lake. Mr. Jones identified the notice as that associated with the erosion control permit that JPR had to secure in order to do street construction. He said that though the

notice may contain some confusing standard language, no discharge associated with a construction pond is being contemplated as part of the project. Mr. Campanello said that “it would not be allowed by Elkhart County,” and Mr. Jones agreed, adding that IDEM requires that a public notice be published upon the securing of any erosion control permit. Developers of Area ‘B’ lots, whose stormwater will have to be managed individually, will also be required to give such notice if more than an acre of land is to be disturbed, Mr. Jones commented.

Mr. Doriot quoted the outline of development standards provided in the Commissioners’ packets, saying no outside storage will be visible along CR 17, and asked whether the buffering required along CR 15 will be sufficient to shield that street as well. Mr. Jones replied yes, and Mr. Campanello asked whether, in the event a company occupying a lot on CR 15 began outside storage without proper screening, the developer is responsible for enforcing the screening requirement. Mr. Jones replied that “there’s responsibility there . . . until such time as, I think, the developer is completely divested of all the property, of course, and then they’ll have to form their own committee.” Mr. Campanello then recalled a petition presented to the BZA within the last couple of years by Northland Corporation asking that an existing company near Elkhart East be required to put up screening. “They’re proactive with that,” he said. Mr. Jones commented that site development in Area ‘D’ undergoes developer review, and the developer issues letters of approval. County planning staff also asks for such statements so that subjectivity that always exists has been addressed.

Rob Letherman, Almac Sotebeer Construction, 3414 CR 6 E., Elkhart, stated that the request for outside storage is market driven and Almac Sotebeer works closely with the Economic Development Corporation of Elkhart County. Mr. Letherman speaks with callers seeking clients who want 30 or 40 acres, and greenfield sites not under development can be made available, but the callers are usually seeking outside storage.

Road construction, he said, will not start until a year or two from now, but Elkhart East is “out on the Internet,” and calls are coming in from brokers seeking high-acreage packages. Almac Sotebeer is spending money on the Area ‘B’ project and bringing it to the Plan Commission at this time because of the “90 to 120 days before we have final zoning” and another “60 to 90 days before you can get a building permit.” If the process is begun too late, brokers will look for different sites. To avoid having to tell callers that they will have to wait 60 to 90 days before building on an otherwise ready site, this project is being presented with a request for staff approval of plans; the laundromat petitioner on the agenda today would not have to present building plans to the Plan Commission, Mr. Letherman said. For portions of the project on the South side of Elkhart East, near the intersection of CRs 6 and 17, Almac Sotebeer agreed to submit plans so “the Plan Commission was comfortable with what we were doing,” but subsequent staff takeover of plan review, Mr. Letherman said, was part of the agreement. The public services building was at one time a place where an applicant could “come in, get your permit, and get to work,” but Almac Sotebeer, since becoming more active in Elkhart County development, has experienced delays that do not seem necessary.

Mr. Letherman then added that “we will berm along 15 . . . and dress it up”; some dirt has already been placed onsite, he said. Berming will be done not by the buyer but by the developer. “We put out a good product, we’re not trying to cut corners,” Mr. Letherman said, and customers have said of the area at the Southwest corner of CRs 6 and 17, “You’re landscape requirements are

nuts.” The Plan Commission has jurisdiction over Elkhart East, city staff simply has to be informed of Elkhart East project details, and the developer is simply reacting to market needs.

Mr. Doriot asked Mr. Letherman whether he would be willing “just to put CR 17—no outside storage shall be visible along 17 and 15,” and Mr. Letherman said yes.

Mr. Warner asked what the approximate height limit is for outside storage, and Mr. Letherman said, “I think we called for six to eight feet, slat fencing, or berming and fencing.” Mr. Doriot then quoted the outline of development standards: “[C]ombination of landscaping, berming, and a solid wall or fence not less than 6 feet or more than 8 feet in height. The solid wall or fence may be composed of brick, stone, concrete . . .” Mr. Warner clarified that he wanted to know the maximum height of stored product or material, Mr. Campanello said it depends on the occupant, and Mr. Letherman said it depends on what the occupant is doing and that “lots 14 and 1 will have no outside storage.”

Mr. Lienhart came forward again at this time and stated that his concerns are over outside storage and the changing of the zoning “basically from E-3 to M,” regardless of the actual final zoning designation.

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

The Board examined said request. As part of examination, the board requested clarification from Mr. Jones regarding screening of outside storage. During clarification, Mr. Jones said, paraphrasing page 5 of the outline of development standards, “‘Outdoor storage shall not be visible along CR 17,’ and then we’re adding ‘and CR 15.’” After due consideration and deliberation:

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Tony Campanello, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from a General Planned Unit Development-E-3 to a Detailed Planned Unit Development-E-3 to be known as ***ELKHART EAST AREA ‘B’ PHASE 1 DPUD*** be approved as presented and in accordance with the Staff Analysis, as amended by the Board, with the following conditions:

1. Approved for E-3 uses as zoned.
2. No outside storage on the proposed lots 1 and 14 as agreed to by the petitioner.
3. No outside storage shall be visible from CR 17 and CR 15.
4. Screening of outdoor storage is required as set out by the developer in his application.
5. The spacing of the trees be allowed to go to 50 feet.
6. Prior to issuance of an Improvement Location Permit for a lot in the development, the Site Plan / Support Drawing must be reviewed and approved by the staff. If at their judgment they feel more review is necessary for any site, they may bring it as a staff item to the Plan Commission.
7. The parking lot screening to be as follows:
 - a. 50% if normal, day-to-day office parking.
 - b. 75% if the parking is for heavy trucks.
8. At the time of annexation, any new lots in this site would be required to comply with the Landscaping Standard of the City of Elkhart.

Vote: Motion passed (**summary:** Yes = 8, No = 1, Abstain = 0).

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

No: Roger Miller

8. The application for a zone map change from a General Planned Unit Development B-3 to a Detailed Planned Unit Development B-3 to be known as ***PARKWAY AT 17 - PHASE IV DPUD***, for Parkwel Investment Co., LLC, represented by Jones Petrie Rafinski, on property located on the Northeast corner of CR 17 and Verdant Drive, in Jefferson Township, was presented at this time.

Brian Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #000PARKWAY AVENUE-140204-1*.

Kenneth Jones, Jr., Jones Petrie Rafinski, 4703 Chester Drive, Elkhart, was present on behalf of the petitioner. Phase 1 of Parkway at 17, he said, is the developed area at the Southeast corner of CRs 17 and 14. Phase 2 comprises platted but undeveloped frontage lots along CR 17, West of Parkway Avenue, and South of Verdant Drive. Phase 3 comprises larger lots on the East side of Parkway Avenue. Phase 4, then, is the area Northeast of the corner of Verdant Drive and CR 17. Mr. Jones then said that the Parkway Avenue right-of-way was dedicated by a deed of dedication to facilitate construction of water main looping pursuant to the wishes of the City of Elkhart. This explains why the labels “Proposed Storm Sewer” and “Existing 12” Water Main” both appear on the Site Plan/Support Drawing.

When JPR began to consider building the Parkway Avenue connector through the subject property, completion of the PUD made sense, Mr. Jones said, so the lots could be platted. The Site Plan/Support Drawing is before the Commission today, and the Secondary plat, which will create the lots, will be presented in approximately one month.

Mr. Jones then stated general agreement with the Staff Report, but the Elkhart East request for staff approval of lot site plans is repeated for Parkway at 17. Parkway at 17, like Elkhart East, is subject to a set of restrictions and requirements, and part of the reason for the request for staff approval is the speed with which county staff responds to questions by e-mail. JPR has confidence in its interaction with county staff, he said. Mr. Jones also said that the other reasons for the request for staff approval are the same as those given during the Elkhart East presentation.

Mr. Doriot asked whether the petition for Secondary approval would contain just two lots, one on the East side of Parkway Avenue and one on the West, or present the subject property as “chopped up,” and Mr. Jones said it will be chopped up. Mr. Doriot then said that at one time industrial subdivisions were approved, and if the industrial subdivision process were applied to the current project, “that whole piece there in front” could be instantly designated DPUD B-3. The developer could then receive a request for 7.5 acres, for example, and upon a petition for Secondary, instantly “you have a 7.5-acre site.” Mr. Jones said a discussion over the speed of this process has already begun, and Mr. Doriot said this needs to be pursued. Under the industrial subdivision, said Mr. Doriot, “if somebody needed 30 [acres], he got 30. If somebody needed five, he got five.” Mr. Jones added that this was true as long as the resultant parcels were compliant.

Mr. Jones then called attention to the temporary cul-de-sac and “what appears to be an eventual continuation perhaps of Verdant Drive” on the Site Plan/Support Drawing. In 2008 or 2009, during the Parkwel project, Verdant Drive was intended to cross the Pine Creek ditch. JPR even secured a permit from IDNR at that time to convert Pine Creek into a two-stage ditch. The Parkwel project stopped with the change in residential demand, and this explains the appearance of the temporary turnaround, which is shown as paved and semipermanent.

Mr. Jones also said that the current project is in one of the first four areas that the City of Elkhart has begun annexing. Those four areas will “sneak past what the legislature has been up to lately as it relates to annexation,” he said, and the annexation will be complete around the end of 2014. The Plan Commission may, then, never see Phase IV projects again.

Mr. R. Miller asked whether all JPR is requesting is a change from general to detailed, and Mr. Jones said yes. Mr. R. Miller then asked whether JPR is requesting staff approval of changes to lot size, and Mr. Jones responded no. JPR’s request is for staff approval of the technical component of site plans: building, parking, and retention location, for example. Lot sizes, Mr. Jones clarified, will be set at the time of Secondary completion. Mr. R. Miller then asked whether, in general, the Commission has already agreed to the project, and Mr. Jones said yes, the land use has already been established via the GPUD.

Randy Lipps, 230 N. Main St., Ste. 4, Elkhart, owns the office building with address of 56218 Parkway Avenue, whose parcel adjoins the North boundary of the subject property. He said the paving of the portion of Parkway Avenue in front of his building is incomplete. He called “the county” and was told that the connection between Verdant Drive and the existing portion of Parkway Avenue would be built “by the next year” and asked whether the connection was still planned.

Mr. Jones responded by acknowledging the “ugly” cul-de-sac at the South end of existing Parkway Avenue. That cul-de-sac will have to be torn up and rebuilt as part of the new construction. Mr. Jones and Mr. Lipps have spoken with most if not all owners or managers of Phase I buildings, and all are in favor of the connection, which will improve access.

There were no remonstrators present.

A motion was made and seconded (*Warner/Doriot*) 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** Blake Doriot, that the Advisory Plan Commission recommend to the Board of County Commissioners that that this request for a zone map change from a General Planned Unit Development B-3 to a Detailed Planned Unit Development B-3 to be known as ***PARKWAY AT 17 - PHASE IV DPUD*** be approved in accordance with the Staff Analysis with the following conditions:

1. Paragraph 3.1 of “Notes and Variance Requests” on the Site Plan / Support Drawing is declared void; and
2. Prior to issuance of an Improvement Location Permit for a lot in the development, the Site Plan / Support Drawing must receive approval for amendment from the Plan Commission at a public hearing.

Vote: Motion failed (**summary:** Yes = 3, No = 6, Abstain = 0).

Yes: Roger Miller, Steve Warner, Steven Edwards.

No: Blake Doriot, Douglas Miller, Frank Lucchese, Jeff Burbrink, Tom Stump, Tony Campanello.

Motion: Action: Approve, **Moved by** Steve Warner, **Seconded by** Roger Miller, that the Advisory Plan Commission recommend to the Board of County Commissioners that that this request for a zone map change from a General Planned Unit Development B-3 to a Detailed Planned Unit Development B-3 to be known as ***PARKWAY AT 17 - PHASE IV DPUD*** be approved in accordance with the Staff Analysis, with the following condition as amended by the Board:

1. Prior to issuance of an Improvement Location Permit for a lot in the development, the Site Plan / Support Drawing must be reviewed and approved by the staff. If at their judgment they feel more review is necessary for any site, they may bring it as a staff item to the Plan Commission.

Vote: Motion passed (**summary:** Yes = 7, No = 2, Abstain = 0).

Yes: Blake Doriot, Douglas Miller, Frank Lucchese, Roger Miller, Steve Warner, Steven Edwards, Tom Stump.

No: Jeff Burbrink, Tony Campanello.

9. The applications for a zone map change from a General Planned Unit Development-M-1 and A-1 to a Detailed Planned Unit Development-M-1 to be known as **BRISTOL PARK FOR INDUSTRY, PHASE 2E, DPUD-M-1**, and for Secondary approval of said Detailed Planned Unit Development, for Agnes B. Blakesley Trust and Michael & Alice Blakesley (owners) and J. A. Wagner Construction, Inc. (developer), represented by Marbach, Brady & Weaver, Inc., on property located on the West side of CR 29, 2,000 ft. North of SR 120, in Washington Township, were presented at this time.

Duane Burrow presented the Staff Reports/Staff Analyses, which are attached for review as *Case #0CR 29-140203-1* and *Case #0CR 29-140203-2*. He said the item before the Plan Commission involved both rezoning and platting of the parcel in question and verbally amended the Staff Analysis for the zone map change, stating that it would appear before the Bristol Town Council for final approval, not the Board of County Commissioners, as the subject property will be within the Bristol town limits as of March 20, 2014. The project still has a couple of other “little hurdles,” but the ordinance will be in place in time for the project to appear before the town council.

Mr. Burrow then reviewed a map included with the Staff Report that displays a history of Bristol Park DPUD approvals since May 2013, specifying, among other things, that the phase labeled “DPUD-M-1 March 2014” (Bristol Park for Industry, Phase 2D) will appear before the Board of County Commissioners as its area has not yet been annexed. Phase 2D’s ordinance will be adopted, therefore, along with the dedication of road right-of-way, and Phase 2C will appear before the Bristol Town Council March 20, 2014.

Mr. Kolbus reminded the Commission that its role as a recommending body is unchanged despite the amendment directing any approval by the Commission to the Bristol Town Council.

Chris Marbach, Marbach, Brady & Weaver, Inc., 3220 Southview Drive, Elkhart, was present on behalf of the petitioners. He began a project summary by stating that the subject property is 20 acres in size, located at the Southwest corner of CR 29 and Commerce Drive, whose plat and dedication will appear before the Board of County Commissioners March 17, 2014. The subject property is among those undergoing the Town of Bristol annexation process, the first reading of which was in February 2014 and the second and third readings of which will be in March 2014. Mr. Marbach also said that extension of sewer and water to CR 29 has been approved by the Town of Bristol, and construction plans can be finished when the IDEM review process is complete.

A 169,400 sq. ft. building is proposed, along with parking and drainage, and the proposed railroad siding, said Mr. Marbach, will enter the building. Paper will arrive at the facility by truck and rail and be converted into corrugated sheets. The finished sheets will be stored inside the building, and no outside storage of materials is proposed. Waste material is bundled, shipped back to the paper mill, and recycled, and a silo for storage of cornstarch, used in the glue-making process,

is proposed.

Mr. Marbach continued, stating the plant will have two shifts per day, each of which will have 18 employees, and there will be 10 managerial staff members. The numbers, though, could increase with increasing volume and the addition of a third shift.

Semis will park on the East side of the building, and visitors and employees will park on the North side. Outbound trucks per day will total 50, inbound will total 10, and approximately five visitors per day are anticipated. Truck drivers will be instructed to leave the facility by heading West, toward SR 15, and the owner is aware of the requirement. Stormwater will be retained onsite, and the SWPPP has been approved.

Mr. Marbach then distributed to the Commission a five-page packet *[attached to file as Petitioner Exhibit #2]* containing photos showing views of the South end of the subject property from various angles. The South end, Mr. Marbach explained, is the only end that adjoins residential properties. Calling attention to the first page, he said a tree row that provides buffering to the South is already in place along the railroad, which itself is 100 ft. wide. Approximately 300 ft., then, will separate the nearest house from the proposed building.

Bill Wuthrich, manager of the Town of Bristol, 303 E. Vistula Street, said that Marbach, Brady & Weaver has done a good job of planning and layout and that the area is a good one for the project, which will introduce diversity of use in an area that primarily sees mobile home and RV manufacturing. The project will be an advantage to the Town of Bristol and Elkhart County, and the toll road and the railroad serve as existing barriers between the area in question and neighbors. Mr. Wuthrich added that among the few hurdles is concern over Commerce Drive. He said, "We're going to try to advise everybody to use the Commerce Drive . . . There [was] some interest in CR 29, so I think that will work out."

Rob Dunlop, J.A. Wagner Construction, 3325 Middlebury Street, Elkhart, the developer and contractor for the site, has been involved in three of the five DPUDs approved for the Bristol Park area. Each site, he said, has taken a year to be developed, and the Plan Commission's process of two to three months has not impeded the work of J.A. Wagner. Development companies "take extensive time doing their site selection," and the Plan Commission's process is not unreasonable.

Jeff Fisher, 16404 SR 120, Bristol, was present representing neighbors living South of the subject property along CR 29. He presented to the Commission a list of items he felt should be added to the DPUD plan *[attached to file as Remonstrator's Exhibit #2]* and proceeded to review the list. Regarding the fifth section of the distributed list, Mr. Fisher mentioned the handwritten addition requesting that the spruce tree buffer planned for the East side of the subject property be extended along the South side to provide buffering for the residence with address of 52735 CR 29. Mr. Fisher also mentioned a second addition to the list, written at the bottom of the exhibit page, requesting that particulate matter be contained onsite. Regarding the third section of the list, Mr. Fisher stressed that truck drivers should be forced, not encouraged, to exit the facility by heading West on Commerce Drive by way of curbing and signage. Regarding the sixth section of the list, Mr. Fisher stated that groundwater monitoring should be performed due to the site's proximity to the Little Elkhart River, which forms the South boundary of Mr. Fisher's property.

Mr. Lucchese responded by saying the Plan Commission has no control over train activity. He then explained his background in the corrugated industry and stated such plants are quiet and clean, do not make use of outside storage because of the water sensitivity of corrugated product, and

use no chemicals save cornstarch and water. Mr. Fisher then asked whether a future purchaser of the land would be bound by the restrictions of the PUD, and Mr. Kolbus and Mr. Lucchese said yes, as long as the restrictions are part of the PUD. Mr. Doriot added that the county health department monitors factories' chemical usage and storage.

Mr. Fisher again raised concern over particulate matter and dust, and Mr. Lucchese said all material is contained and recycled. Mr. Fisher then restated his concern that lasting, "official" PUD restrictions be in place for the benefit of future residents of the area and then returned to concern over CR 29, asking whether full-size semis are currently permitted to use it. Mr. Doriot and Mr. Lucchese said there is no known limit on usage of CR 29 by semis, and Mr. Doriot added that concern over semi traffic could be extended to farmers on CR 29, not just the petitioners. Mr. Fisher countered by pointing out that the Blakesley property constitutes the last farm use on CR 29, which runs only from SR 120 to CR 4. Following Mr. Fisher's restatement of his request that truck drivers be forced to exit the facility by heading West on Commerce Drive, Mr. Campanello said that most trucks appearing onsite will be those owned by the company itself or its customers. Mr. Fisher asked for confirmation that the trucks will not be operated by "common carriers," and Mr. Lucchese said companies of the type in question usually have their own trucking companies. Mr. Fisher then said, "Again, it would be nice to have [the requirement that truck drivers exit West on Commerce Drive] officially in the language that it's there."

Vicki Stanley, 52735 CR 29, Bristol, identified her property as the pie-shaped parcel along the railroad. She can see the subject property from within her home and asked that a berm and "six-foot trees" be placed along the South boundary of the subject property. Such a buffer, said Mrs. Stanley, would ensure that sound and light generated by the facility do not enter her home through her bay window. She concluded by expressing appreciation for the Commission's consideration of her concerns.

In response to the remonstrators, Mr. Marbach stated that the reason why the project is a DPUD is that he has the details. He said that the project narrative provides for no outside storage. "The DPUD says we can do *this*," he emphasized, indicating that any future owner would have to approach the Plan Commission for approval to do something different. He said also that lighting will point down, as is typical for the area, that there will be no outside speakers, but that the number of shifts should not be limited to two, due to growth of the economy. Mr. Campanello added that he did not "feel comfortable telling a company that they can only have two shifts."

Mr. Kolbus then asked Mr. Marbach to address the remonstrators' request for a berm and additional trees along the South property line. Mr. Marbach said the appearance of the South side of the property is controlled by the railroad spur, whose entry into the building brings the building as far South as possible. At the same time, the fire department-required fire path along the South side, whose placement was not the owner's choice, has to be installed a certain distance from the building. The fire department would not like objects blocking the path, Mr. Marbach said, and berming that area up and adding trees would take the space in question away. Trees, though, will be placed along CR 29, and the facility is quiet to begin with.

Addressing concern over railcars, Mr. Marbach said company staff members have told him that approximately four railcars per week are anticipated, though he was not sure. Mr. Lucchese said that the coupling will occur inside the building, and Mr. Marbach added that any rail switching will occur at the Southwest corner of the subject property, far from the residence adjoining to the South.

In response to a question from Mr. R. Miller about water monitoring, Mr. Marbach said that the Town of Bristol will perform water monitoring after annexation and that the facility will connect to Bristol water and sewer.

Mr. Warner asked where dumpsters would be located, but Mr. Marbach said he did not think dumpsters would be needed. Mr. Lucchese mentioned that waste material is normally placed directly into semis that back up to the facility.

Rob Dunlop came forward again and said the current project is J.A. Wagner's third corrugated facility project. Mr. Lucchese's understanding of the nature of the industry is correct, he said, and the facility will rely on the just-in-time business model, meaning no finished-good inventory will be stored. Product is loaded and shipped on the same day, using trailers staged at one side of the building. Water will be used only for glue making, and "basically it's domestic effluent coming out of the building," he said.

Mr. Stump then mentioned stormwater retention and asked whether there would be a well field or a storage tank, and Mr. Marbach said that Bristol's new well field lies West of the subject property. Mr. Stump asked how far the well field is from the subject property, and Mr. Marbach estimated 2,000 ft. Mr. Doriot said, "That's covered by the wellhead protection," and Mr. Stump asked how the facility could have open water storage. Mr. Doriot replied, "The town's approved it; it must be outside the [area of the] one you're talking about." Mr. Stump said that "it might be at 2,000 feet," and Mr. Doriot agreed.

Mrs. Stanley stated that the reason given for the petitioner's inability to install extra trees along the South boundary of the property was the fire path and asked why the building could not, then, be shifted 50 to 75 ft. to create room for a berm. Mr. Marbach's response was that the building location accommodates the spur location. Pushing the building farther North would cause a problem for the rail company, and leaving the spur where it is will serve future users to the West. Mr. Warner asked whether the natural trees and shrubs present now will remain, and Mr. Marbach said yes.

Mr. Fisher asked, "Could you guys just clearly spell out what you're striking and what stays on this? If it's all or whatever, that's . . . what I was looking for." Mr. Warner replied that the Commission would "address that in the motion."

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

The Board examined said requests, and examination included mention by Mr. Campanello that while the restriction suggestions submitted by Mr. Fisher are good, he could not see any that are not covered by the DPUD already. After due consideration and deliberation:

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Tony Campanello, that the Advisory Plan Commission recommend to the Bristol Town Council that this request for a zone map change from a General Planned Unit Development-M-1 and A-1 to a Detailed Planned Unit Development-M-1 to be known as **BRISTOL PARK FOR INDUSTRY, PHASE 2E, DPUD-M-1** be approved in accordance with the amended Staff Analysis, based on the past actions of the Elkhart County Advisory Plan Commission and the Board of County Commissioners to rezone this property to General Planned Unit Development by Ordinance PC07-13.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

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

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Douglas Miller, that this request for Secondary approval of a Detailed Planned Unit Development known as ***BRISTOL PARK FOR INDUSTRY, PHASE 2E, DPUD-M-1*** be approved by the Advisory Plan Commission as the DPUD Plat is in compliance with the proposed DPUD Ordinance and the Site Plan Support Drawing to be considered.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

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

10. *Town of Wakarusa—Declaratory Resolution for State Road 19 Corridor Economic Development Area TIF District*

Mr. Godlewski introduced Bodie Stegelmann as a representative of the Town of Wakarusa presenting a declaratory resolution for a new TIF (tax increment financing) district.

Mr. Stegelmann, 130 N. Main St., Goshen, counsel for the Town of Wakarusa Redevelopment Commission, stated that he had submitted to Mr. Godlewski a declaratory resolution adopted by the town's redevelopment commission to establish a SR 19 corridor economic development area, the first step in creating a TIF district. The second step, he said, is to bring the resolution to the appropriate planning authority for the area, the Elkhart County Plan Commission. The Plan Commission must determine whether "the materials, the declaratory resolution, the factual report, [and] the economic development plan" conform to the town's plan of development. The submitted resolution, development plan, factual report, and GIS map define an area within town limits containing M-1, M-2, B-1, B-2, B-3, and some A-1 zoning, and the area is and continues to be developed for commerce and industry. The town's boundaries, he explained, begin around the area of Forest River Housing, follow SR 19 South, and then extend West to the area of Thor Industries.

Mr. Stegelmann explained that the town's redevelopment commission is seeking approval of the TIF area to assist the financing of improvements to municipal utilities including water supply and wastewater treatment. Pump stations are needed for water treatment plant expansion, and the town's well field may need to be relocated. Projects requiring timely completion include the expansion of one pump station, scheduled for 2017.

The sanitary sewer system, Mr. Stegelmann said, needs sewer line and lift station improvements and addition of an offline combined sewage storage system. Mr. Stegelmann added that the town's biggest sewer concern is over anticipation that IDEM will not continue to permit use of a lagoon system. Road improvements within the proposed TIF area also are needed, which will facilitate ingress and egress.

Without these improvements, continued growth is not sustainable, and the town believes that the material presented conforms to the plan of development for the Town of Wakarusa. The zoning is appropriate for commerce and industry, the TIF area focuses on commercial and industrial areas, the area is along a state highway, and Jeff Troxel, town manager for Wakarusa, and Mr. Stegelmann have considered the project's consistency with the town's master plan. For these reasons, Mr. Stegelmann said, the Town of Wakarusa Redevelopment Commission requests that the Elkhart County Plan Commission approve the proposed SR 19 corridor TIF district, and he asked

that the Plan Commission sign a written order [*included with minutes as Petitioner Exhibit #1*] indicating approval, adding that Mr. Troxel was present and available to answer any questions.

Mr. R. Miller asked what the length was, and Mr. Stegelmann said 25 years.

Mr. Doriot asked Mr. Troxel to indicate the borders of the proposed TIF district using the projection screen, and Mr. Troxel indicated an area along SR 19, North of CR 40, that includes Utilimaster and former Holiday Rambler property and extends South to Nelson's Parkway. Mr. Doriot, who stated he is "not a TIF fan," then asked Mr. Troxel whether the proposed TIF district would benefit all Wakarusa taxpayers or only one group, and Mr. Troxel said it would benefit the whole town. Citing Utilimaster and Thor expansion, he said Wakarusa has seen an increase in business and housing development. He also said that sewer and water improvements will be needed for building along SR 19 North of CR 40 and that there is a plan, which will require the building of roads that connect to downtown, for development of the area Northwest of that intersection. Mr. Doriot asked for confirmation that the well field project is "for everybody in the town," and Mr. Troxel's response was that the existing lagoon system is of great concern. Wakarusa is one of the few communities that still have one, he said. Mr. R. Miller asked where the system is, and Mr. Troxel indicated, using the projection screen, an area along CR 1, South of CR 40. He said that IDEM will eventually require that Wakarusa do away with its lagoon system, and at that time a new facility will need to be built or, if funds are not available, sewage will need to be piped to Elkhart or Nappanee. System improvements will also be needed if it is determined that Foraker sewage needs to be piped to Wakarusa.

Tony Campanello asked how much of Wakarusa industry-generated sewage is piped to the lagoon system, and Mr. Troxel said all. Mr. Campanello then asked whether any Wakarusa industry is on septic, and Mr. Troxel said none. Mr. Burbrink asked where the well field is, and Mr. Troxel indicated an area between CR 40 and Wabash Ave. and between Indiana Ave. and Maple Ln.

Mr. Doriot said that the TIF district is a good idea as long as it benefits the whole town and mentioned that he has questioned how long Wakarusa would be able to have a lagoon system. The petition, he said, anticipates a possible EPA announcement that Wakarusa must be off the lagoon system in three years.

The Board examined the declaratory resolution, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Douglas Miller, that the Advisory Plan Commission approve the Declaratory Resolution for State Road 19 Corridor Economic Development Area TIF District.

Vote: Motion passed (**summary:** Yes = 8, No = 1, Abstain = 0).

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

No: Tony Campanello.

11. *Certification of Residency Form for Tony Campanello, Citizen Member Re-appointment*

Chris Godlewski submitted into the record a certification of residency form for Plan Commission member Tony Campanello at this time. The form accompanies the March 2014 Plan Commission minutes.

12. *The Summit Expansion, Extension of Primary Approval*

Duane Burrow came forward at this time on behalf of Advanced Land Surveying of Northern Indiana, Inc., to state that sections 1 through 7 of The Summit have been developed and that Advanced Land Surveying now requests extension of Primary approval of section 8, originally granted October 11, 2007.

Mr. Doriot asked whether the extension is a two-year extension, and Mr. Burrow said yes.

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

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Frank Lucchese, that the Advisory Plan Commission approve this request for a two-year extension of Primary approval of section 8 of The Summit. The motion was carried with a unanimous vote.

13. A motion to adjourn the meeting was made by Mr. R. Miller and seconded by Mr. Lucchese. With a unanimous vote, the meeting was adjourned at 12:09 p.m.

Respectfully submitted,

Daniel Dean, Recording Secretary

Steve Warner, Chairman