

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 10TH DAY OF DECEMBER 2015 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, Lori Snyder, Steve Warner, Roger Miller, Steve Edwards, and Blake Doriot. Tom Stump and Frank Lucchese were absent. Staff members present were: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Liz Gunden, Planner; Kathy Wilson, Administrative Manager; and James W. Kolbus, Attorney for the Board. Mark Kanney, Planner, was absent.

2. A motion was made and seconded (*Doriot/Miller*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 12th day of November 2015 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*Doriot/Burbrink*) 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.

4. The application for multiple amendments to the text of the Elkhart County Zoning Ordinance for the ***Elkhart County Advisory Plan Commission*** was presented at this time. The geographic area to which the proposed amendments to the text of the Elkhart County Zoning Ordinance apply is all lands within Elkhart County, including all the Townships: Cleveland, Osolo, Washington, York, Baugo, Concord, Jefferson, Middlebury, Olive, Harrison, Elkhart, Clinton, Locke, Union, Jackson and Benton, but excluding the jurisdictions of the City of Goshen, the City of Elkhart, and the Town of Nappanee.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review, and submitted a copy of the amended zoning ordinance [*Staff Exhibit #1*]. He also referenced a chart included in the Commissioners' packets summarizing the ordinance changes, a copy of which has been placed in the front-cover pocket of Staff Exhibit #1.

Mr. Auvil then reminded the Board that the Indiana Department of Natural Resources (IDNR) asked that the floodplain ordinance be assigned its own article within the county zoning ordinance. All references to the floodplain ordinance throughout the zoning ordinance have therefore been moved to the new article. Mr. Auvil then submitted a packet showing the latest IDNR updates to the floodplain ordinance [*placed in the front-cover pocket of Staff Exhibit #1 as Staff Exhibit #2*], and Mr. Kolbus submitted a sheet showing an addition to the first paragraph of section 10.2 of the floodplain ordinance [*placed in the front-cover pocket of Staff Exhibit #1 as Staff Exhibit #3*]. Mr. Kolbus also submitted a sheet showing a correction to a figure within section 7.4.5 of the zoning ordinance [*placed in the front-cover pocket of Staff Exhibit #1 as Staff Exhibit #4*].

Mr. Warner asked who the county floodplain administrator is, and Mr. Auvil said it is the zoning administrator or the zoning administrator's deputy. Mr. Campanello asked whether the Army Corps of Engineers or IDNR must comment on the new backlot development standards, and Mr. Auvil answered no, as those entities' jurisdictions begin at water's edge. An owner of a county

home cannot have flood insurance if the floodplain ordinance does not appear in the county's zoning ordinance, Mr. Godlewski and Mr. Auvil then commented, and Mr. Doriot added that homeowners must have flood insurance to qualify for some mortgages. He asked also whether a paragraph like the final paragraph of the amended ordinance's section 4.3.6 appeared in the backlot development standards, and Mr. Auvil and Mr. Godlewski assured him that it did. Mr. Doriot then read the paragraph aloud.

There were no remonstrators present.

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 and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Jeff Burbrink, **Seconded by** Steve Warner, that the Elkhart County Advisory Plan Commission recommend to the Board of County Commissioners that this request for the *Elkhart County Advisory Plan Commission* for multiple amendments to the text of the Elkhart County Zoning Ordinance, including Staff Exhibits 1, 2, 3, and 4 (described above), be approved in accordance with the Staff Analysis and as presented.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Blake Doriot, Jeff Burbrink, Lori Snyder, Roger Miller, Steve Warner, Steven Edwards, Tony Campanello.

5. The application for a zone map change from R-1 to M-1, for *David E. Berkey & Jennifer L. Berkey* represented by Progressive Engineering, Inc., on property located on the north side of CR 146, 300 ft. west of Main Street (CR 23), common address of 19107 CR 146 in Jackson Township, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #19107CR 146-151102-1*.

Stephanie Floyd, Progressive Engineering, Inc., 58640 SR 15, Goshen, was present on behalf of the petitioners and stated that the north portion of the subject parcel will serve as additional parking area for the manufacturing facility with address of 19149 CR 146. No demolitions are planned at this time.

Mr. Doriot asked Ms. Floyd whether she opposed the buffering requirements referenced on page 2b of the Staff Report / Staff Analysis. She said no but asked for further explanation of the requirements. Mr. Doriot's response was that she should talk with the staff about the requirements.

There were no remonstrators present.

A motion was made and seconded (*Warner/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** Tony Campanello, **Seconded by** Lori Snyder, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from R-1 to M-1 for *David E. Berkey & Jennifer L. Berkey* be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Blake Doriot, Jeff Burbrink, Lori Snyder, Roger Miller, Steve Warner, Steven Edwards, Tony Campanello.

* See item 10, page 4, for the application for a zone map change from B-3 to B-2, for *Conrad B. Bailey, Trustee, Conrad B. Bailey Revocable Trust, & Rhonda S. Bailey, Trustee, Rhonda S. Bailey Revocable Trust*.

* See item 11, page 5, for the application for an amendment to an existing Detailed Planned Unit Development M-1 to be known as *JAYCO WEST MILL ROOM DPUD AMENDMENT*.

* See item 12, page 5, for the application for a zone map change from A-1 to Detailed Planned Unit Development A-1/M-1 to be known as *BARKMAN DPUD*.

* See item 13, page 6, for the application for Secondary approval of a Detailed Planned Unit Development known as *BARKMAN DPUD*.

6. *Thomas E. Miller and Sonya F. Miller—Review and Approval of Written Commitment*

Mr. Auvil at this time introduced a written commitment prepared following September 2015 Plan Commission recommendation of approval of a rezoning from R-1 to B-1 for the above petitioners, and read the five commitments aloud. Mr. Kolbus believed that the commitments were accurate and recommended their approval.

The Board examined the commitment, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Blake Doriot, that the Advisory Plan Commission approve the commitment prepared for Thomas E. Miller and Sonya F. Miller and presented by Mr. Auvil. The motion was carried with a unanimous vote.

7. *Major/Minor Change—Park Six, Part 2, PUD Site Plan Amendment*

After reading a December 1, 2015, memo to the Plan Commission members, Mr. Auvil explained that the ordinance for the thirty-year-old PUD gives no clear direction for approval of building additions or other PUD changes without major site plan revision, and that if the zone were straight M-1, the property owner could simply begin the building permit process.

Mr. Doriot's comments were that the addition will affect no one, it will be surrounded by existing drainage swales, and it is a minor change. Board members also observed that the subject site is bordered at north by the toll road and that the addition, though large, is appropriate for the setting.

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

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Roger Miller, that the above-described change to the Park Six, Part 2, PUD be considered a minor change and be approved by the Advisory Plan Commission. The motion was carried with a unanimous vote.

8. *Agreement for Legal Services for 2016*

Mr. Auvil indicated the agreement included in the Plan Commissioners' packets, and Mr. Godlewski commented that Mr. Kolbus's per diem rate, along with the staff's pay rate, has been increased by 3 percent.

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

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Lori Snyder, that the Advisory Plan Commission adopt the 2016 Agreement for Legal Services (see attached) and retain Mr. Kolbus as counsel. The motion was carried with a unanimous vote.

9. *Nominating Committee for Slate of Officers & Appointments for 2016*

The Board supported retention of the current officers, and Mr. Godlewski reminded the Board that December 2015 is Bob Homan's final month of BZA membership and as hearing officer. Mr. Kolbus asked Mr. Godlewski whether he wanted to recommend Mr. Homan's replacement or confer with the executive committee first. Mr. Godlewski said that he could confer with Mr. Kolbus or the executive committee. A new hearing officer and hearing officer alternate will appear on the 2016 slate that the Plan Commission will consider during its January 2016 meeting.

Because the Board agreed that the 2015 officers should be retained, no nominating committee was formed. A 2016 Slate of Officers & Appointments will be prepared and will appear before the Plan Commission during its January 2016 meeting.

10. The application for a zone map change from B-3 to B-2, for *Conrad B. Bailey, Trustee, Conrad B. Bailey Revocable Trust, & Rhonda S. Bailey, Trustee, Rhonda S. Bailey Revocable Trust*, on property located on the east side of Division Street, south side of E. St. Joseph Street, and west side of Charles Street; 800 ft. south of Vistula Street (SR 120), common address of 105 E. St. Joseph Street in Washington Township, was presented at this time.

Ms. Gunden presented the Staff Report/Staff Analysis, which is attached for review as *Case #105E. ST. JOSEPH STREET-150909-1*.

Conrad Bailey, 16594 CR 108, Bristol, was present. At an unspecified time before 1992 he thought that residences were permitted on the subject property and then learned that they were not. In 1992 he requested a zone map change to B-3 and thought that B-3 permitted residences. He then learned that it did not.

Mr. Doriot asked whether Mr. Bailey's goal was to make structural improvements to the two residences onsite. Mr. Bailey said that he was having problems with the flat tops of the residences and has added a new roof over them, making them look a lot better.

There were no remonstrators present.

A motion was made and seconded (*Doriot/Edwards*) 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** Steven Edwards, that the Advisory Plan Commission recommend to the Bristol Town Board that this request for a zone map change from B-3 to B-2 for *Conrad B. Bailey, Trustee, Conrad B. Bailey Revocable Trust, & Rhonda S. Bailey, Trustee, Rhonda S. Bailey Revocable Trust*, be approved in accordance with the

Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Blake Doriot, Jeff Burbrink, Lori Snyder, Roger Miller, Steve Warner, Steven Edwards, Tony Campanello.

11. The application for an amendment to an existing Detailed Planned Unit Development M-1 to be known as **JAYCO WEST MILL ROOM DPUD AMENDMENT**, for Jayco, Inc., represented by Jones Petrie Rafinski, on property located on the west side of SR 13 (Main Street), 2,300 ft. north of CR 20 and 1,100 ft. north of CR 20, and east side of CR 37, 2,500 ft. north of CR 20, common address of 58075 SR 13 in Middlebury Township, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #58075SR 13-151102-1*.

Matt Schuster, Jones Petrie Rafinski, 4703 Chester Dr., Elkhart, who was present on behalf of the petitioner, indicated the locations of the proposed building and existing trees that will provide buffering on the building's west side. Twenty to forty employees, some of whom will move from other areas of the campus and some of whom will be new, will work at the building, and drivers will continue to access the site using Bontrager Dr.

Mr. Miller asked whether the building will be a heavy-equipment mill room, and Mr. Schuster said it will be a woodworking building. He also clarified for Ms. Snyder that the building will be freestanding.

There were no remonstrators present.

A motion was made and seconded (*Campanello/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** Blake Doriot, **Seconded by** Steve Warner, that the Advisory Plan Commission recommend to the Middlebury Town Council that this request for an amendment to an existing Detailed Planned Unit Development M-1 to be known as **JAYCO WEST MILL ROOM DPUD AMENDMENT** be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Blake Doriot, Jeff Burbrink, Lori Snyder, Roger Miller, Steve Warner, Steven Edwards, Tony Campanello.

** It is noted that Mr. Burbrink stepped down from the Board at this time and was not present for the remainder of the meeting.*

12. The application for a zone map change from A-1 to Detailed Planned Unit Development A-1/M-1 to be known as **BARKMAN DPUD**, for Samuel E. Barkman & Mary E. Barkman, Trustees, Rev. Lv. Trust (Lf. Est.), represented by Brads-Ko Engineering & Surveying, Inc., on property located on the north side of US 6, 1,600 ft. east of CR 100, common address of 30235 US 6 in Locke Township, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #30235US 6-151102-1*.

Barry Pharis, Brads-Ko Engineering & Surveying, Inc., 1009 S. Ninth St., Goshen, was present on behalf of the petitioners. When the Barkmans bought the subject property in 1980 it

featured an existing residence and woodworking business, began Mr. Pharis. The Barkmans have since raised a family, remodeled the residence, and grown the business. The impeccably maintained site is compatible with neighboring properties and is a benefit to the surrounding community, said Mr. Pharis.

The Barkmans are now planning for the future, and one of their sons would like to buy the business appearing on proposed lot 2. Another son would like to buy the residence appearing on proposed lot 1. At completion of those purchases, the Barkmans would like to build a new home for themselves on proposed lot 3.

Mr. Pharis went on to specify that a septic site and a septic repair site have been designated on proposed lot 3 and that such sites have also been designated on proposed lot 2, in case the business ever employs more than 15. Portable toilets are used now and may be used by up to 15 employees.

He also held that DPUD provisions were established for exactly the kind of project presented today, and he further specified that an existing west drive serves the residence on proposed lot 1 and the residence next door and that an existing east drive serves the business and will serve the eventual residence on proposed lot 3. At the time of DPUD approval, legal descriptions and easement and maintenance agreements will be prepared, Mr. Pharis said.

Mr. Doriot thought that the concept was a great idea and followed area land use, that the place looked great, and that the owners kept it up, and Mr. Pharis and Mr. Auvil clarified for Ms. Snyder that any future business expansion will require a DPUD amendment.

There were no remonstrators present.

A motion was made and seconded (*Doriot/Edwards*) 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** Steven Edwards, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to Detailed Planned Unit Development A-1/M-1 to be known as **BARKMAN DPUD** be approved as presented and in accordance with the Staff Analysis.

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

Yes: Blake Doriot, Lori Snyder, Roger Miller, Steve Warner, Steven Edwards, Tony Campanello.

13. The application for Secondary approval of a Detailed Planned Unit Development known as **BARKMAN DPUD**, for Samuel E. Barkman & Mary E. Barkman, Trustees, Rev. Lv. Trust (Lf. Est.), represented by Brads-Ko Engineering & Surveying, Inc., on property located on the north side of US 6, 1,600 ft. east of CR 100, common address of 30235 US 6 in Locke Township, zoned A-1, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #30235US 6-151102-2*.

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

Motion: Action: Approve, **Moved by** Lori Snyder, **Seconded by** Blake Doriot, that the Advisory Plan Commission approve this request for Secondary approval of a Detailed Planned Unit Development known as **BARKMAN DPUD** in accordance with the Staff Analysis.

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

Yes: Blake Doriot, Lori Snyder, Roger Miller, Steve Warner, Steven Edwards, Tony Campanello.

14. A motion to adjourn the meeting was made by Mr. Doriot and seconded by Mr. Miller. With a unanimous vote, the meeting was adjourned at 10:15 a.m.

Respectfully submitted,

Daniel Dean, Recording Secretary

Steve Warner, Chairman