

**MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 14<sup>TH</sup> DAY OF MAY 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, Steve Warner, Roger Miller, Steve Edwards, Tom Stump, and Frank Lucchese. Lori Snyder and Blake Doriot were absent. Staff members present were: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Mark Kanney, Planner; Liz Gunden, Planner; Kathy Wilson, Administrative Manager; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Stump/Edwards*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 9<sup>th</sup> day of April 2015 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*Miller/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.

*\* It is noted that Mr. Doriot was not present for the following item due to a potential conflict of interest.*

4. The application for a zone map change from M-2 to A-1, for **Stephen A. Gall et al., cotrustees 1/2, & Dorothy A. Gall, trustee 1/2**, represented by Jeremiah Hunley, on property located on the west side of CR 23, 3,100 ft. south of US 6, in Jackson Township, was presented at this time.

Ms. Gunden presented the Staff Report/Staff Analysis, which is attached for review as *Case #00CR 23-150401-1*.

Jeremiah Hunley, 64987 CR 15, Goshen, was present on behalf of the petitioners. He said that he and his wife are receiving the subject property from his wife's grandmother. They will build a house and start a family there and be present to his wife's grandmother as she gets older. He also agreed with the Staff Report's finding that the surrounding area is residential.

There were no remonstrators present.

A motion was made and seconded (*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** Roger Miller, **Seconded by** Tom Stump, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from M-2 to A-1 for **Stephen A. Gall et al., cotrustees 1/2, & Dorothy A. Gall, trustee 1/2**, be approved in accordance with the Staff Analysis.

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

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

**Absent:** Blake Doriot

*\* It is noted that Mr. Doriot arrived at the Board at this time.*

5. The application for a zone map change from A-1 to M-1, for *D & N Properties, LLC*, on property located on the east side of CR 29, 1,500 ft. northwest of CR 146, and west side of CR 127, 1,200 ft. north of CR 146, in Jackson Township, was presented at this time.

Ms. Gunden presented the Staff Report/Staff Analysis, which is attached for review as *Case #00000CR 29-150302-1*, calling Board attention to the representative's revised site plan, included in the Commissioners' packets.

Rob Martin, Barr Design Group, LLC, 502 S. Main St., Goshen, who was present on behalf of the petitioner, first indicated the 1,120 lineal ft. of fencing shown on the revised site plan (marked "REV 4-24-15" and received by the Dept. of Public Service May 4, 2015). The original site plan showed no fencing, he said. The fencing that will be used is the same as that used at the petitioner's current location but will be one ft. taller, and it will be used around all outside storage on the subject property.

Mr. Martin further explained that the fencing might only be put up in sections so that only the storage appearing at one given time will be screened. Not all 1,120 lineal ft. will be constructed, then, at the time of final rezoning approval, he clarified. Addressing project cost, he noted the investment to be made in the new building and a fence installation cost of \$50,000 to \$60,000. The petitioner does not take the fencing project lightly and has a history of putting up and maintaining privacy fencing at its current facility, he said.

Mr. Martin then called attention to his note on the revised site plan specifying the distance between the subject property and the petitioner's current facility, three miles, and his note specifying the distance between the subject property and New Paris Speedway, 2,000 ft. Turning his attention to area uses, he said that No Parking signs on CR 127 appear just north of the subject property, installed "due to problems with the raceway," and that other functioning businesses, including an agricultural fencing company, appear adjacent to or in the direct neighborhood of the subject property. Outside storage of fencing materials occurs in the backyard of the parcel containing the agricultural fencing company, which is on CR 29. Nola Pyle, VBD, Inc., 69605 CR 21, New Paris, then distributed to the Board a photo showing outside storage of fencing material *[attached to file as Petitioner Exhibit #1]*, a photo showing a sign advertising a hair studio *[attached to file as Petitioner Exhibit #2]*, and a photo showing a sign advertising a CR 127 excavating business *[attached to file as Petitioner Exhibit #3]*. Mr. Martin said also that the requested zone, M-1, which allows light manufacturing, does fit in the area, and commented on the impressive and rapid growth of the Pyles' company.

Mr. Campanello asked whether the height of the fencing will be the height limit of outside storage, and Mr. Martin replied that if the Board made such a limit a condition of approval, the petitioner could live with it, repeating that the amount of outside storage will be limited by the amount of installed fencing. He also called attention to notes on the revised site plan detailing outside storage area figures and said that the balance of the land will continue to be farmed. In

further support of the petitioner's willingness to concede, he then reiterated the expense of the fence project in light of the common absence of screening between intense agricultural uses, such as chicken and duck barns, and residential uses.

Mr. Campanello asked Mrs. Pyle how many truckloads of material to be stored outside will be delivered at first, and Mrs. Pyle responded that she has never been good at foreseeing how much the company can grow. A second building had to be added to the current facility in 2005 after construction of the first in 2000, she said. The current facility receives approximately three semis per week, but not all tow a full load. She further explained that though the business is seasonal, she tries to keep employees busy during less busy times, like winter. During winter, the business, which supplies material to a large producer of manufactured housing in the area, receives bundles of material and repackages it. More land is now needed for winter storage and prep of that material, she said, which will allow summer productivity.

Mr. Campanello then asked for confirmation that flatbed trucks, not semis, will deliver material to the subject site. Mrs. Pyle replied that the company currently has a 20 ft. flatbed and a 12 ft. flatbed, and these will be used to transport repackaged parcels to the building at the subject property. Much of the product the company uses, which Mrs. Pyle described as a hot commodity, is made offsite, and the proposed building will provide safe storage of it. She would not say that no semi would eventually be used to deliver product to the new building, and an employee will have to be present at the new site to unload. Use of a semi, however, is "not our current plan," she emphasized.

Mr. Campanello asked how high stored material is stacked at the current site, and after submitting a photo showing a segment of the fencing used at the current VBD, Inc., facility [*attached to file as Petitioner Exhibit #4*], Mrs. Pyle responded that the fence at the current facility is six ft. high and that the tops of bundles can be seen over it. She said that the height of bundle stacks at the new facility would, then, be just less than the height of the new seven ft. fence. Terrain variations, though, could cause product to be visible in some places, Mr. Campanello said, and Mrs. Pyle agreed, mentioning that product stored outside will be bundled, sometimes with heat-shrink wrapping.

Mr. Miller observed the staff's recommendation against outside storage and asked whether the petitioner could agree to an outside storage prohibition. The Board indicated the petitioner could not, and Mr. Miller responded that the first three photos submitted by the petitioner document unpermitted businesses. Mr. Campanello, however, was not sure whether the status of each business was known.

Aware of the staff's recommendations, Mr. Martin restated that outside storage was always something needed. A privacy fence, not required, Mr. Martin commented, was proposed to alleviate the effect of outside storage. The staff's response to the proposal was that the Plan Commission must decide whether the fence would provide adequate neighborhood protection, he said, and the petitioner's offer is "as nice of a privacy fence as you can get," one ft. taller than the one at its current location.

Mr. Doriot asked Mr. Martin whether he proposed that the revised site plan be part of the petitioner's commitments, and Mr. Martin indicated yes. Expressing concern over rezoning to M-1, Mr. Doriot then commented that while the petitioner's current location is "wonderful looking," businesses change, and he decried the 2015 zoning ordinance's failure to retain availability of warehousing and storage as a special use in the A-1 zone.

Mr. Warner commented that a chicken barn, permitted by right in the subject area, would generate more traffic and be more unsightly than the proposed use, which is relatively light. Mr. Martin, who reiterated his status as an area native and agreed with the description of the proposed use as light, then commented that the use fits in the area, which features neighborhood businesses and a racetrack that “has always been there.” He also clarified for Mr. Warner that the shortest distance between the new building and a road will be that between the building’s east side and the centerline of CR 127, 100 ft. The new building’s placement, on one of the higher knolls, is based on topography, he added, which will aid drainage planning.

There were no remonstrators present.

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

Mr. Doriot expressed misgiving about rezoning but noted that the petitioner is willing to commit to a site plan, has demonstrated awareness of the presence of drainage tile, and maintains one of the nicest firms in the area. Mr. Burbrink agreed that the petitioner’s business is a great business, but he foresaw continued growth and was reminded of the past expansion of Agdia. He doubted that the subject parcel could accommodate further company expansion and asked where the company’s next step would be. Mr. Doriot also cited Smart Cabinetry as a company seeing rapid expansion.

Mr. Stump asked whether the subject area was an appropriate manufacturing area in its part of the county, as better-suited locations on CR 23 and on CR 29 closer to SR 15 and US 6 might be available, and asked what the Plan Commission’s reaction will be when petitions to rezone adjoining parcels are received following approval of the current petition. He said also that no sewer is available to the subject site, and he and Mr. Doriot agreed that area soil is heavy. Mr. Miller commented that growing companies get bought out, and the next owner might not view the subject property as a site for only light manufacturing. Mr. Campanello and Mr. Kolbus, however, reminded Mr. Miller of the staff-recommended commitments, which limit use.

The site plan shows adequate distance between the new building and the adjoining roads, and the proposed fencing will work for the petitioner, said Mr. Campanello. He said also that a commitment prohibiting manufacturing should be imposed and suggested that the prohibition continue to apply if the property is sold. Mr. Kolbus mentioned that a petition to remove the commitments would require another public hearing.

Mr. Burbrink asked the Board to remember that today’s decision will affect future generations. The Pyles are good people, he said, “but we don’t know who the next batch is.”

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

**Motion: Action:** Approve, **Moved by** Steve Warner, **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 M-1 for *D & N Properties, LLC*, be approved in accordance with the Staff Analysis with the following commitments:

1. Permitted uses are limited to warehousing and storage.
2. Outside storage is permitted and shall be screened by a solid vinyl fence, seven feet tall, completely surrounding the outside storage area as shown on the revised site plan dated April 24, 2015.
3. The outside storage shall be no higher than the seven-foot screening fence.

**Vote:** Motion passed (**summary:** Yes = 5, No = 2, Abstain = 0).

**Yes:** Frank Lucchese, Jeff Burbrink, Steve Warner, Steven Edwards, Tony Campanello, Blake Doriot.

**No:** Roger Miller, Tom Stump.

*\* It is noted that Mr. Doriot stepped down from the Board at this time due to a potential conflict of interest.*

6. The application for an amendment to the Site Plan/Support Drawing of an existing Detailed Planned Unit Development known as **SMART M-1 D.P.U.D. SSD AS BUILT**, for SCM Properties, LLC, represented by B. Doriot & Associates, Inc., on property located on the northeast corner of CR 23 and CR 50, common address of 70680 CR 23 in Jackson Township, zoned DPUD M-1, was presented at this time.

Mr. Godlewski presented the Staff Report/Staff Analysis, which is attached for review as *Case #70680CR 23-150204-1*. He called attention to item 4 on Staff Report page 7b, stating that the petition was triggered by the plan director's determination, following a complaint, that a discrepancy existed and an as-built drawing must be submitted.

Mr. Stump asked whether the staff suggested that the berm discussed on page 7d of the Staff Report stay as is, and Mr. Godlewski said yes. The berm features plantings on top and serves its intended purpose, he said.

Mr. Stump then noted the absence of remonstrator Michael Harris and hoped Mr. Harris had not decided it was useless to appear before the Board. He said that the berm was one of his primary concerns, said that the berm was very important to Mr. Harris, and did not see how expansion of the berm to its promised westernmost extent was subject to waiver. Mr. Godlewski responded by contrasting Mr. Harris's view to the long-established business on the west side of CR 23, across from Mr. Harris's and Smart Cabinetry's properties, which features outside storage at the right-of-way line and no buffer, with Mr. Harris's view to Smart Cabinetry's facility, interrupted by a berm. The difference in view is significant, Mr. Godlewski said. Mr. Stump replied asking whether building permits for facilities on the west side of CR 23 were ever issued and whether the facilities' parcels have ever been rezoned. Much of the business on the west side of CR 23, which might predate zoning, has been present for a long time, and the Harrises have owned their property for a long time, Mr. Stump said. Mr. Godlewski did not know the history of the area referenced but described his recommendation as just his suggestion and said that the Smart Cabinetry landowner might offer changes. He also clarified for Mr. Campanello that the berm at question is on Smart Cabinetry property.

The other discrepancies listed by the Staff Report are operational problems and do not appear to be significant, said Mr. Stump, reiterating, however, that the promised berm should be there.

Mr. Miller asked whether the berm is at the promised height, but Mr. Godlewski recalled that height was not mentioned on either site plan. Mr. Stump asked whether the trees appearing on the mound were mentioned. Mr. Campanello and Mr. Godlewski agreed that they were, and Mr. Godlewski said, "It seems very close to the original plan." Mr. Kolbus then summarized the dispute as one over the length of the berm.

Mr. Campanello then read aloud the notes on the original DPUD site plan appearing within the mound drawing, which include a mound height of four ft., and stated that the mound as

documented in the Staff Report photos is at least four ft. high. Mr. Godlewski mentioned that discussion during the August 8, 2013, hearing resulted partly in a conclusion that no berm of any height should be close to the right-of-way, as such a berm could interrupt line of sight. The berm does not presently interrupt line of sight, he said.

Mr. Miller asked why the berm is 50 ft. short, and Mr. Godlewski said he did not know and did not ask.

Terry Lang, Lang, Feeney & Associates, Inc., 715 S. Michigan St., South Bend, who was present on behalf of the petitioner, first showed a video documenting the developed subject site and narrated by Mr. Doriot, B. Doriot & Associates, Inc. *[attached to file as Petitioner Exhibit #5]*.

Mr. Lang then said that the video illustrates the changes documented by the as-built drawing, which have received approval from the appropriate governmental agencies. Addressing the berm dispute, he said first that, as Mr. Doriot mentioned in the video, the building is 50 ft. farther east than originally planned. As the intent of the berm was to block Mr. Harris's line of sight to the building, "the berm was also shifted accordingly with the building."

Mr. Burbrink read the four items under the Emergency Drive heading at the top of Staff Report page 7d, and asked for confirmation that the drive will be used as an emergency exit and that the gate controlling the drive will be open when the factory is running. Mr. Lang responded that an insurer was concerned about fire vehicle access to the dust collector area. The gate will be closed except when emergency vehicles or dust collector-servicing vehicles arrive, and the drive will not be used by employees on a regular basis, he said.

Mr. Stump asked Mr. Lang who approved the shift of the building, referenced by Mr. Doriot in the video, 50 ft. north and 50 ft. east, and Mr. Lang said the planning department did. Mr. Campanello clarified that the staff approved the shift, not the Plan Commission. The move of the "larger" dust collector to the south side of the building allowed the shift and helped the remonstrating property owner, Mr. Lang explained.

Mr. Stump then asked whether the berm at question and the office parking lot driveway are parallel, and Mr. Lang's response was that part of the L-shaped berm is parallel to a north property line.

Mr. Miller said that Mr. Doriot's narration included a statement that the loading dock area was built as designed but that the number of spaces increased from eight to 12, and he asked whether more spaces were just crammed into the loading dock area. Mr. Lang responded that while eight docks were shown "originally on the plan," 12 were built. Mr. Campanello said that the dock itself did not change, and Mr. Lang agreed, saying that though the loading dock area was originally planned for the north side of the east side of the building, it was built on the south side of the east side. There are 12 bays instead of eight in a space of identical size and length, Mr. Lang summarized.

Mr. Miller then raised the matter of dust collector size and number. The petitioner made a significant modification by "moving that large system," benefiting Mr. Harris, said Mr. Warner. The larger system was moved to the south side of the building, Mr. Lang added, and the shift directs sound away from Mr. Harris's home. The building was moved 50 ft. closer to Mr. Harris's house, however, Mr. Stump countered, but there is less sound on the north side, Mr. Lang responded.

Mr. Miller then raised the matter of an unresolved property line dispute. Mr. Kolbus said that the dispute is out of the Plan Commission's jurisdiction. Smart Cabinetry has mostly accommodated Mr. Harris, who is doing everything he can to find fault, and Mr. Doriot performed a

property survey, said Terry Sauer, additional Smart Cabinetry representative, 10779 CR 39, Goshen. Though Mr. Doriot and Mr. Harris disagree over property line locations, Smart Cabinetry does not dispute them. Further, Mr. Doriot found that “all the trees on [Mr. Harris’s] property line are on our property,” Mr. Sauer said. The petitioner’s response to Mr. Doriot’s finding was, “That’s fine, leave them there, we don’t really care about that corner.” He said also that the new building was moved to get the dust collectors and the noise they generate away from Mr. Harris’s house.

Mr. Sauer then further explained for Mr. Campanello that among reasons for the move of the new building 50 ft. east was accommodation of a bigger front retention area that itself was moved east.

Mr. Miller then raised the matter of outside storage, and Mr. Sauer said that the facility has no outside storage.

Mr. Lang commented also that Mr. Harris could have hired a surveyor himself at any time to provide proof of property line locations.

There were no remonstrators present.

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

Mr. Burbrink asked Mr. Godlewski how many of the site changes were preapproved by the staff and how many were just done. Mr. Godlewski’s response was that no changes will be approved until approved by the Plan Commission and the Board of County Commissioners and that his goal was to compare the original site plan with the as-built. The technical review committee has found that the changes work, but there has been no preapproval, Mr. Godlewski said.

Mr. Miller said of the mound discussed above, “If they moved it back one way, they should extend it the other way.” Mr. Stump observed that the mound, if built according to the original site plan, would also have blocked Mr. Harris’s view to traffic using the northwest entrance. He said also, however, that Mr. Harris’s letter does not address the mound’s failure to extend as far west as planned and that if it is a nonissue for Mr. Harris, it is a nonissue for him. Though the building shift and the mound change did affect Mr. Harris, some of the changes did not affect him, and the move of dust collectors will make a huge difference in the amount of sound experienced on the north side, Mr. Stump concluded.

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

**Motion: Action:** Approve, **Moved by** Tony Campanello, **Seconded by** Frank Lucchese, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to the Site Plan/Support Drawing of an existing Detailed Planned Unit Development known as *SMART M-1 D.P.U.D. SSD AS BUILT* be approved in accordance with the Staff Analysis.

**Vote:** Motion passed (**summary:** Yes = 6, No = 1, Abstain = 0).

**Yes:** Frank Lucchese, Jeff Burbrink, Roger Miller, Steve Warner, Steven Edwards, Tony Campanello.

**No:** Tom Stump.

**Absent:** Blake Doriot.

*\* It is noted that Mr. Doriot returned to the Board at this time.*

7. ***Request from the Owners of Pecan Plantation, Ltd., for a Two-Year Extension of a GPUD***

Mr. Auvil stated that the initial rezoning to GPUD B-3, for property at the southwest corner of CR 6 and CR 10, was approved July 18, 2005, and that the staff recommends Plan Commission approval of the request. While a GPUD approval condition was that a DPUD be presented within approximately seven years of approval, a representative of the owner has said that sale of the property has been delayed by the economy's downturn, said Mr. Auvil, explaining the reason for the request. Mr. Auvil then directed Board attention to the GIS printout and representative's letter included in the Commissioners' packets.

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

**Motion: Action:** Approve, **Moved by** Jeff Burbrink, **Seconded by** Tom Stump, that the Advisory Plan Commission accept the staff recommendation and grant the owners of Pecan Plantation, Ltd., a two-year extension of the GPUD. The motion was carried with a unanimous vote.

8. ***Discussion of Funneling***

Mr. Godlewski at this time introduced funneling as one matter among others to be addressed by zoning ordinance amendment. Calling Board attention to the material included in the Commissioners' packets, he explained that one page contains LaGrange County funneling provisions and one contains background written by Mr. Auvil, and he said that Plan Commission guidance is needed to determine what should be presented for the July 9, 2015, Plan Commission public hearing and the August 3, 2015, Board of County Commissioners hearing.

Funneling, which many jurisdictions are trying to prevent, occurs when a single waterfront lot enables backlot water access, providing access for a large number of people and creating land use conflicts, explained Mr. Auvil. The term *antifunneling* is often used instead. Communities address the issue in different ways, including regulation of boat docks, ramps, and fishing stations, and LaGrange County does so according to funnel lot water frontage. Revisions to the new zoning ordinance should be made, he said, as Elkhart County contains many lakes, some of which are surrounded by established communities and feature waterfront properties whose deeds contain restrictions providing lake access to owners of faraway lots.

Mr. Miller asked for examples of disputes and said the only kind he is aware of is the opposition of owners of lakefront property to lake access for those who do not own lakefront property. Mr. Auvil agreed that this was a kind of dispute, and Mr. Godlewski responded that one approach to the disputes is antifunneling, or outright prohibition of funneling, and that another is LaGrange County's, which allows funneling when a funnel lot has an appropriate amount of water frontage. Yet another approach is to use Elkhart County's existing standards, which control funneling through zoning. A multifamily backlot development cannot be placed on inappropriately zoned property.

Mr. Godlewski then commented, and Mr. Kolbus agreed, that what cannot be controlled by ordinance is lake access via easements appearing on subdivision plats, which are sometimes decades old. Simonton Lake Area Homeowners' Association president Dave Foutz has said he does not like easement access, Mr. Godlewski noted. Control of funneling by ordinance might then address only half of funneling disputes, he warned, and he and Mr. Auvil agreed that control by ordinance would

only address funneling occurring on private property.

The states of Indiana and Michigan have decided that all have a right to lake access, and this is why, despite objection from owners of lakefront property, lakes feature public access sites, said Mr. Stump. Those who do not like easement access must understand that easement access is part of living on a lake, he said.

Mr. Campanello asked whether the scenario under consideration is that of occupants of new multifamily construction, across the street from a lake, accessing the lake via a single privately owned lakefront lot, and Mr. Godlewski said yes, adding that the ordinance cannot regulate anything, including boat docks, appearing from the water's edge in. Such regulation is performed by IDEM.

Mr. Doriot identified Indiana Lake as a lake without public access, and Mr. Godlewski added Hunter Lake as one without public access. Board members then identified Simonton Lake, Fish Lake, and Stone Lake as ones with public access but could not agree on the status of Heaton Lake.

Mr. Miller then mentioned that a regulation method employed by owners of lakefront property is the purchase of property around a public landing, leaving only a narrow public access strip and no place for truck and trailer parking. IDNR, however, has been buying lakefront property to allow public access with parking, said Mr. Stump. Mr. Warner indicated awareness of the main funneling example at question today, raised above by Mr. Campanello and Mr. Auvil, and though he had not seen the effects of funneling as described in Elkhart County, he was sure they were experienced on southwest Michigan's Paw Paw Lake, because of the presence there of heavy traffic and condominiums. He and Mr. Stump then expressed interest in seeing Michigan funneling provision examples.

Mr. Campanello then asked what is required of an owner of property off and on a lake who wants to develop the off-lake property for multifamily construction, and Mr. Godlewski responded that requirements include rezoning to an appropriate zone and wastewater arrangements.

It is hard for a planning department to tell an owner of a vacant lakefront lot not to walk on it, said Mr. Godlewski, and Mr. Stump agreed, saying it is a problem when a developer of a backlot subdivision asserts that its occupants should have lake access via a funnel lot. A further antifunneling approach option, Mr. Godlewski offered, is funneling discouragement without prohibition and expression of disinterest in multifamily backlot development.

Mr. Stump then asked how to approach the case of a regular residential subdivision funneling to a lake, examples of which occur around Lake Wawasee and Simonton Lake, said Mr. Doriot. LaGrange County provisions require, for example, 600 ft. of funnel lot water frontage in the case of a 20-lot subdivision without water frontage, Mr. Kolbus then said, commenting that the provisions cited discourage funneling without prohibiting it. Mr. Kolbus and Mr. Stump then agreed that the cited provisions in effect eliminate funneling, and Mr. Burbrink summarized the LaGrange County provisions, saying the more people accessing the water, the more beachfront required. Mr. Stump stated that the cited provisions make sense but are very restrictive.

Mr. Miller stated that IDNR does not set limits on lake usage, such as those governing number of boats per day, and restated that the only objection to funneling that he is aware of is that of owners of lakefront property who would deny lake access to those without such property. He did not blame objecting owners of lakefront property, but Mr. Doriot stated that the lakes in question are not owned by those with lakefront property. They are owned by the state, and all state residents

have interest in them. Mr. Warner then noted improper denial of public access, similar to that noted immediately above by Mr. Miller, to southwest Michigan's Eagle Lake and Juno Lake. The state of Michigan, said Mr. Stump, does limit the number of canoes appearing per day on some of its northern rivers.

Mr. Stump affirmed the LaGrange County approach, which, Mr. Godlewski said, is used by the four counties of northeast Indiana. Michigan provisions, which might be township adopted or city adopted, are very different, he said. After expressing interest again in access to Michigan funneling provisions, Mr. Warner mentioned interest also in Kosciusko County provisions. Mr. Burbink asked whether the provisions to be considered will address private lakes or public lakes, and Mr. Godlewski responded that they will address both.

Mr. Kolbus asked the Board to confirm it wanted another example of funneling provisions before moving forward. Mr. Lucchese confirmed he wanted to see a Michigan example, and Mr. Warner confirmed he wanted to see a couple of Michigan examples and some from Indiana, including a couple of Kosciusko County examples and examples addressing Raccoon Lake, the lake the Town of Cicero surrounds, and Geist Reservoir. Mr. Godlewski said that the examples could be presented June 2015, ahead of a July 2015 Plan Commission amendment hearing and an August 2015 Board of County Commissioners amendment hearing.

#### 9. *Floodplain Discussion*

Mr. Godlewski went on to note that the new zoning ordinance does not contain a "clone" of the wording the state wanted. Only a few words need to be changed. Exactly what the state wants must be determined, and an amendment can then be presented.

#### 10. *Sign Discussion*

Signs, according to the new zoning ordinance, are not allowed in the A-1 district, said Mr. Godlewski, and whether both sides of a two-sided sign should be counted in its surface area must be determined, said Mr. Auvil. "Historically both sides have been counted," he said. The surface area limit of a nonilluminated sign is equal to six times the road frontage of the parcel it is to appear on, and the surface area limit of an illuminated sign is equal to three times the road frontage of the parcel it is to appear on. A regular restaurant sign is an example of a two-sided sign, and a billboard is an example of a one-sided sign, said Mr. Godlewski, who confirmed that Planning would like to continue to calculate sign surface area by adding that of both sides.

Mr. Stump asked whether Goshen calculates surface area using both sides, and Mr. Godlewski responded that Elkhart County's sign ordinance has been in place for decades. Mr. Kolbus said he thought Goshen uses both sides.

#### 11. *Warehousing and Storage Discussion*

Mr. Godlewski said also that an amendment to restore the availability of warehousing and storage as a special use in the A-1 district will be proposed. This use is now only available through rezoning or use variance. Mr. Campanello affirmed the change, which will mean that the Plan Commission will no longer have to allow M-1 zoning in an A-1 area. Allowing warehousing and

storage by special use is the least offensive way to allow it, said Mr. Kolbus. Mr. Godlewski concluded saying that the four ordinance changes discussed above will be presented as amendments during the July 9, 2015, Plan Commission hearing, and reminded the Board that a committee will meet January 2016, approximately a year after the new ordinance's adoption, to begin addressing typos and other small matters.

12. A motion to adjourn the meeting was made by Mr. Miller and seconded by Mr. Warner. With a unanimous vote, the meeting was adjourned at 10:43 a.m.

Respectfully submitted,

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Daniel Dean, Recording Secretary

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Steve Warner, Chairman