

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 12TH DAY OF NOVEMBER 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, Steve Warner, Roger Miller, Steve Edwards, Tom Stump, and Frank Lucchese. Jeff Burbrink, Lori Snyder, and Blake Doriot 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 (*Miller/Lucchese*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 8th day of October 2015 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*Miller/Lucchese*) 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 first two items due to a potential conflict of interest.*

4. The application for the vacation of an east/west alley right-of-way, for **Ripplecreek, LLC**, represented by B. Doriot & Associates, Inc., on property located on the east side of CR 13, 614 ft. south of CR 142, common address of 67586 CR 13 in Union Township, zoned R-1, was presented at this time.

Ms. Gunden presented the Staff Report/Staff Analysis, which is attached for review as *Case #67586CR 13-151005-1*.

Denny Lyon, 21138 SR 120, Elkhart, was present on behalf of B. Doriot & Associates, Inc., and the petitioner. He repeated that a sewer easement would be given in the event of a Foraker sewer project.

There were no remonstrators present.

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

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

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Roger Miller, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the vacation of an east/west alley right-of-way for **Ripplecreek, LLC**, be approved in accordance with the Staff Analysis, provided that Elkhart County reserves and or the petitioner agrees to donate a utility easement to remain across the existing alley right-of-way for a potential Foraker sewer installation project.

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

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

5. The application for the vacation of a portion of a county right-of-way known as Illinois Street, for **Diocese of Ft. Wayne St. Vincent Cemetery** represented by B. Doriot & Associates, Inc., on property located on the south end of Jones Street, 521 ft. south of CR 16, 344 ft. west of Nappanee Street (SR 19), in Baugo Township, zoned R-2, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #00000ILLINOIS STREET-151005-1*.

Denny Lyon, 21138 SR 120, Elkhart, was present on behalf of B. Doriot & Associates, Inc., and the petitioner but offered no comments.

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.

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 the vacation of a portion of a county right-of-way known as Illinois Street for **Diocese of Ft. Wayne St. Vincent Cemetery** be approved in accordance with the Staff Analysis.

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

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

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

** See item 10, page 6, for the application for a zone map change from R-2 to A-1, for Alvin J. Heims represented by Progressive Engineering, Inc.*

** See item 11, page 6, for the application for a zone map change from B-3 to B-1, for Conrad B. Bailey, Trustee, Conrad B. Bailey Revocable Trust, & Rhonda S. Bailey, Trustee, Rhonda S. Bailey Revocable Trust.*

** See item 14, page 9, for the application for a zone map change from A-1 & M-1 & M-2 to A-1, for Steven & Marilyn Yoder.*

** See item 15, page 10, for the application for a zone map change from M-2 to A-1, for Ailee O. & Mary Jane Bontrager represented by J. Charles Zercher, Kindig & Sloat, PC.*

** See item 17, page 11, for the application for a zone map change from M-1/R-1 to A-1, for Gregory T. & Bethany S. Shank.*

** See item 18, page 11, for the application for an amendment to a site plan / support drawing for a Detailed Planned Unit Development known as BRISTOL PARK FOR INDUSTRY - PHASE 4 DPUD M-2, for Universal Trailer of Indiana, LLC, represented by Marbach, Brady & Weaver, Inc.*

6. *Grand Design's Revised Commitment*

Mr. Auvil at this time introduced the revised version of a commitment imposed on Grand Design's September 2014 rezoning from A-1 to M-1. The revision was to commitment 1 and allows septic system installation under conditions. The revised commitment will appear before the Board of County Commissioners November 16, 2015, Mr. Auvil said, noting that the revision may now be moot, as a sewer agreement has been reached.

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

Motion: Action: Approve, **Moved by** Tom Stump, **Seconded by** Frank Lucchese, that the Advisory Plan Commission approve the revised commitment prepared for Grand Design RV, LLC, and presented by Mr. Auvil. The motion was carried with a unanimous vote.

7. *2016 Planning Calendar*

Mr. Auvil asked for approval of the 2016 planning calendar, included in the Commissioners' packets, at this time.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Frank Lucchese, that the request for adoption of the 2016 planning calendar be approved. The motion was carried with a unanimous vote.

8. *Planning Staff*

Mr. Godlewski at this time announced Administrative Manager Kathy Wilson's January 2016 retirement and mentioned that Planner Mark Kanney was hospitalized a week ago. No return date was available.

9. *Administrative and Industrial Subdivisions*

The Subdivision Control Ordinance, adopted in 2009, represented a major change to the county's approach to division of land, began Mr. Godlewski. It introduced the administrative subdivision and removed the industrial subdivision, but these subdivision types remain topics of discussion. While the Subdivision Control Ordinance could receive minor updates, to correct such things as typos, the mentioned subdivision types are the most probable subjects of amendment. Ms. Gunden has reformatted the Subdivision Control Ordinance, however, so that its formatting mirrors that of the zoning ordinance, he added.

Under the industrial subdivision, continued Mr. Godlewski, a developer could outline a 40-acre area, and a deed could be submitted and review performed at the time of an individual parcel's development. No platting was needed. Also under the industrial subdivision, 400-500 new commercial starts came in per year before the recession, whereas 30 per year, on average, are now received. Mr. Godlewski asked, then, whether the industrial subdivision, which would not be used often, should be reinstated.

He also asked whether the administrative subdivision, available when a new parcel is larger than three acres and meets basic developmental standards, should remain. The administrative

subdivision does not address residual parcels or existing houses, he noted, so it is unclear.

Mr. Campanello asked whether the two subdivision types follow the comprehensive plan and whether any changes to the Subdivision Control Ordinance would follow it. He asked also whether the county has enough land for more industry. The comprehensive plan does not designate growth areas, said Mr. Godlewski; it says only that the county would like to grow in certain ways.

Mr. Doriot commented that under the industrial subdivision, he could subdivide a 40-acre piece, maybe install a road, and be done. Secondaries could be brought in later. Current guidelines, however, require that lots and easements be platted initially, he said. The requirement is a challenge when a client needs a 15-acre lot but lots of only two, three, or seven acres, for instance, are available.

Mr. Kolbus asked who approved Secondaries under the industrial subdivision, but no response came. Mr. Godlewski confirmed only that Secondaries for minor subdivisions are presently staff reviewed. Mr. Doriot and Mr. Miller then agreed that a technical committee-approved Secondary should not have to appear before the plat committee. Mr. Doriot added, however, that the plat committee should review a Secondary when the staff determines that such review is necessary. Mr. Kolbus then said flexibility within the subdivision process that allows as-needed lot design has been discussed before.

Mr. Campanello asked why the current guidelines governing subdivision of industrial land should be changed when there are now so few industrial starts. Mr. Godlewski said first that the industrial subdivision's use was based on volume. The county should be ready for the demand to come back, Mr. Doriot then argued. In response, Mr. Campanello asked whether there is enough land to accommodate new industrial demand and whether the comprehensive plan rules out new industrial development. Rezoning and an industrial subdivision, without a developer having to guess lot size, should be the total requirement, answered Mr. Doriot. Mr. Kolbus responded to Mr. Campanello noting that his questions can only be answered on a case-by-case basis, and Mr. Godlewski said that no new industrial parks are planned at this time.

Mr. Doriot then reexplained the value of the industrial subdivision for Mr. Campanello, a private developer, and Mr. Stump asked why the industrial subdivision was taken away. Mr. Doriot said that Bob Watkins made the change, and Mr. Godlewski said that the rationale for the removal was that "when the three-acre rule changed, there needed to be something added."

Mr. Campanello gave the example of a purchase of a back five acres within an industrial subdivision and asked Mr. Doriot whether the platted road he mentioned above would necessarily provide access to the five acres. Mr. Doriot's response was that it would, as the new lot must be a legal lot, with frontage on the already-platted road. Mr. Kolbus agreed. Mr. Miller asked how many industrial developments have had to see replats because of the removal of the industrial subdivision, and Mr. Doriot thought all have. Mr. Miller then said that lot size should not matter if an industrial subdivision receives initial approval, and Mr. Doriot commented that the staff should still be able to bring a Secondary it is not comfortable with to the plat committee. Mr. Miller essentially asked how the need for appearance of a Secondary before the plat committee would be determined, and Mr. Godlewski said that current protocol governing major/minor changes could be adapted.

Responding to Mr. Campanello's concern over availability of land for new industrial development, Barry Pharis, Brads-Ko Engineering & Surveying, Inc., 1009 S. Ninth St., Goshen, strongly encouraged the Board to consider reinstating the industrial subdivision, which, he said, will allow more creative development on existing industrial land. Mr. Pharis gave the example of an 80-

acre tract with a platted 1,000 ft. road, only the first 300 ft. of which is built and bonded. Under the example, a client interested in a backlot has the options of (1) developing the backlot by paying for the rest of the road and (2) using a front lot not requiring road construction. Availability of options will encourage Elkhart County development, Mr. Pharis held.

Mr. Kolbus mentioned that Goshen has a process similar to the industrial subdivision now being considered and asked Mr. Pharis about his experience with Goshen's process. Mr. Pharis's response was that while it is somewhat flexible, it features too many staff-placed attachments "to make it, in Goshen, realistic," and that industrial projects still go before Goshen's plan commission and plat committee.

Mr. Kolbus then said that Mr. Pharis should be included in any discussion over reinstatement of the industrial subdivision so that what he faces in Goshen can be avoided in the county. A Middlebury development Brads-Ko engineered for Kermit Troyer stands as an example of exactly what the Board is talking about, Mr. Pharis said; "six acres here, ten acres there." He also agreed that the staff should have the ability to perform Secondary review.

Mr. Godlewski said it was clear that the Board wanted to move forward on reinstatement of the industrial subdivision.

** It is noted that Mr. Miller stepped down from the Board at this time.*

Moving on to the administrative subdivision, Mr. Godlewski asked whether the Subdivision Control Ordinance should address residual parcels or be left alone. While he did say the administrative subdivision gives petitioners choices, there are as many interpretations of the administrative subdivision as there are readers of the governing ordinance, and the administrative subdivision is an open-ended provision. He cautioned that refinement will not be easy and referenced 2009 debate over the issue.

Around 2009 a public meeting was held during which putting every three-acre piece "through the subdivision ordinance" was considered, said Mr. Doriot. The Amish in attendance did not favor what was being considered and threatened to leave the county; thus the administrative subdivision came about. It was a way to approve subdivision quickly, with review of only developmental project aspects like septic installation, said Mr. Doriot.

Interpretation of the administrative subdivision is the problem, commented Mr. Pharis. In some cases the public is told that the administrative subdivision cannot be used unless a new home will be built. In other cases the administrative subdivision is used to parcel an existing residence off from a farm for transfer. In many cases, the highway department must do line-of-sight review and the health department requires soil borings, and Mr. Pharis said that he now recommends that his clients go with the minor subdivision in any case, as the time and money spent on both subdivision types is similar and the clients' products are recorded and are "forever." He concluded suggesting that the administrative subdivision be streamlined and made applicable to both cases mentioned above.

Mr. Doriot said that when he and Loren Sloat, Nappanee attorney, would perform a split from a large farm parcel to create a farmette, they would place a clause on both resulting deeds designating "the buildable portion" and requiring further subdivision to "go through some portion of the subdivision ordinance." Whether the new tract required an administrative or a minor subdivision would remain a question.

Mr. Godlewski asked whether both discussed varieties of administrative subdivision should be allowed, and Mr. Doriot suggested a meeting including Mr. Godlewski, Mr. Pharis, and himself. Mr. Godlewski said that the meeting would cover both subdivision types discussed today, the industrial and the administrative.

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

10. The application for a zone map change from R-2 to A-1, for **Alvin J. Heims** represented by Progressive Engineering, Inc., on property located on the east side of CR 43, 3,800 ft. south of SR 120, in York Township, was presented at this time.

Ms. Gunden presented the Staff Report/Staff Analysis, which is attached for review as *Case #000CR 43-150908-1*.

Craig Batdorf, Progressive Engineering, Inc., 58640 SR 15, Goshen, was present on behalf of the petitioner but did not offer any comments not already appearing on the Staff Report.

There were no remonstrators present.

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

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

Motion: Action: Approve, **Moved by** Blake Doriot, **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 R-2 to A-1 for **Alvin J. Heims** be approved in accordance with the Staff Analysis.

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

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

11. The application for a zone map change from B-3 to B-1, 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 did not present the Staff Report/Staff Analysis, which is attached for review as *Case #105E. ST. JOSEPH STREET-150909-1*. She instead advised the Plan Commission that while a request for a change from B-3 to B-1 was advertised, the petitioners' request is actually a change from B-3 to B-2, along with tabling to December 2015 for proper advertisement.

There were no remonstrators present.

The public hearing was neither opened nor closed. The Plan Commission, however, solicited public comment. None was offered.

The Board examined the request to table, and after due consideration and deliberation:

Motion: Action: Table, **Moved by** Blake Doriot, **Seconded by** Roger Miller, that the Advisory Plan Commission table this request for a zone map change from B-3 to B-1 for **Conrad B. Bailey, Trustee, Conrad B. Bailey Revocable Trust, & Rhonda S. Bailey, Trustee, Rhonda S. Bailey Revocable Trust**, until the December 10, 2015, meeting of the Elkhart County Advisory Plan Commission. The motion was carried with a unanimous vote.

** It is noted that Mr. Doriot stepped down from the Board at this time.*

12. ***Minor Change Request to Amend an Existing Site Plan for Gindor PUD***

A request for permission to remove an existing 8×4 sign and replace it with an 8×3 sign at a different location has been received, Mr. Auvil said at this time. The address of the subject property is 66101 US 33, and the PUD was approved April 7, 1997. The staff recommends that the change be pronounced minor and that it be approved, concluded Mr. Auvil.

Mr. Warner, who knew the site well, observed that it is occupied by a small manufacturing company and thought the change was minor.

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

Motion: Action: Approve, **Moved by** Steve Warner, **Seconded by** Frank Lucchese, that the above-described change to Gindor PUD be considered a minor change and be approved by the Advisory Plan Commission. The motion was carried with a unanimous vote.

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

13. ***Zoning Ordinance Amendment Draft Discussion***

A marked-up copy of the full zoning ordinance and a summary chart were sent to the Board members, began Mr. Auvil at this time. The amendment committee has also met, and the amendments are mainly for clarification.

Summarizing, Mr. Auvil said first that the ordinance can no longer refer to sign subject matter; it may only refer to sign type. The term *election sign*, for instance, can no longer be used. The ordinance must also be amended to reflect changes to state law regarding cell towers. The Indiana Department of Natural Resources has also required that floodplain regulations be moved to their own article and that they no longer be interspersed among existing articles.

Mr. Auvil said also that the amendment committee asked him to convey to the Plan Commission and the Board of Zoning Appeals its adamancy that the ordinance's area limit on accessory dwellings be upheld. Accessory dwellings must remain accessory dwellings, held the committee, despite the many recent petitions for accessory dwellings of excessive area.

The new backlot development, or funneling, material is a hybrid of backlot material found in Kosciusko County's and LaGrange County's ordinances, Mr. Auvil then said, and read aloud a portion of the new Elkhart County material verbatim. He further explained that the first shoreline figure of 65 ft. resulted from a determination that the average Elkhart County water frontage figure was between 60 and 65 ft., and he gave the example of new development of a waterfront lot. A waterfront lot to be occupied by one single-family residence must have a minimum of 65 ft. of shoreline. The residence-occupied lot must have an additional 35 ft. of shoreline if one residential unit on a backlot will funnel to it.

Mr. Doriot observed that a lot with only 30 ft. of lake frontage but sufficient road frontage will be unbuildable under the new provisions. A developmental variance will have to be requested, said Mr. Godlewski. Mr. Doriot then concluded that the new provisions will make currently buildable parcels unbuildable without variances, and Mr. Godlewski agreed but pointed out that the new provisions represent a middle point between nonregulation of funneling and altogether denial.

Mr. Stump asked whether currently buildable lakefront parcels can be grandfathered, and Mr. Kolbus answered that they can through an addition to the funneling provisions.

The funneling provisions address new waterfront development, noted Mr. Godlewski; Mr. Doriot argued that *new* describes buildings; and Mr. Godlewski said that the provisions are based on dwelling units. Mr. Miller, Mr. Godlewski, and Mr. Doriot then discussed language that could be used to clarify that currently buildable lots or tracts are unaffected by the new provisions. Mr. Doriot expressed agreement to the new provisions as long as the new language discussed above were added, and Mr. Godlewski reminded the Board that public interest in regulation was what motivated the Board's consideration of the new funneling material. Mr. Doriot countered that what more specifically motivated it was the recent threat of one instance of multifamily backlot development at a particular county location.

Dennis Pedler, Indiana Lake Association, 50653 E. Indiana Lake Rd., Bristol, asked whether changes to lot-width minimums were among changes in the zoning ordinance adopted February 2015. Mr. Godlewski confirmed they were not. Mr. Pedler then explained that he recently needed a lot-width variance to build a new Indiana Lake home, as most Indiana Lake homes south of the state line have only 50 ft. of road frontage, and in light of the present need for lot-width variances, he expressed acquiescence to the possibility of a future need for water-frontage variances.

Mr. Warner said that the intent of the new funneling material was not to create nonconformities and asked Mr. Pedler whether he was comfortable with the above-discussed addition to the funneling language. Mr. Pedler's response was that while he suggested a minimum of only 20 ft. of water frontage for the first residential unit during early replacement-zoning-ordinance discussions, he had no problem with the currently proposed figures. He clarified that he wanted a funnel lot serving two residential units to feature shoreline length of "two lots at least."

Mr. Warner and Mr. Stump agreed that the intent of the funneling provisions is prevention of overdevelopment, and Mr. Warner further asserted that the Board of Zoning Appeals would be quick to grant water-frontage variances in cases where there is no threat of overdevelopment.

Designating lots that predate the February 1, 2016, amended ordinance conforming makes sense, said Mr. Godlewski, and Mr. Doriot agreed. Mr. Kolbus said that the designation language would be added to the draft to go before the Plan Commission December 2015.

Mr. Stump asked whether existing lots will be subject to the overdevelopment that the funneling amendment exists to prevent. Mr. Kolbus explained that existing waterfront lots that will serve only one residential unit will not be affected, whereas existing waterfront lots that will serve more than one unit will be subject to the new standards.

The Board examined the zoning ordinance amendments as summarized above, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Tony Campanello, that the Advisory Plan Commission set the redline zoning ordinance amendment draft for a December 10, 2015, public hearing with adding language for legal conforming lots involved in backlot development. The motion was carried with a unanimous vote.

14. The application for a zone map change from A-1 & M-1 & M-2 to A-1, for *Steven & Marilyn Yoder*, on property located on the north side of CR 16, 1,100 ft. east of CR 116, in Middlebury Township, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #CR 16-150911-1*.

Mr. Doriot said that Steven Yoder, unaware that Mr. Doriot was a member of the Plan Commission, called him to discuss the petition. Mr. Doriot said that he only told Mr. Yoder what to expect and that they did not have any interaction that jeopardized Mr. Doriot's impartiality. Mr. Kolbus appreciated the disclosure.

Mr. Yoder, 55889 CR 43, Middlebury, stated that he bought the subject property in the summer and would like to build a house on it and use the property for agriculture.

Mr. Stump observed the M-2 zoning at west and northwest, as well as the M-1 and M-2 zoning on the subject parcel, and asked whether rezoning would hinder Middlebury's eastward growth. In response, Mr. Doriot asked Mr. Yoder where he would build his home. Mr. Yoder said on the area now zoned A-1 and "a little bit" into the area now zoned M-1.

Mr. Yoder then asked whether "[we can] have access off CR 16" if the present M-1 zone on the subject parcel were left undisturbed. No response was given. Mr. Miller then seconded Mr. Stump's concern after learning that the home would not be built on a portion of the parcel presently zoned M-1 or M-2.

Board members then asked Mr. Yoder whether he would remonstrate against petitions to rezone portions of the property immediately east of his own to enable such things as RV plants or transfer lots. Probably not, he replied. Mr. Doriot and Mr. Campanello asked what agricultural uses are permitted in the M zones, and Mr. Godlewski said that no agricultural buildings can be built. Mr. Kolbus added, though, that agricultural buildings can be built via variance and that M-zoned property can be farmed.

Leaving the M zones undisturbed better serves eventual town expansion, increases the value of the subject property, and makes its future sale easier, Mr. Doriot then said. Mr. Yoder responded by asking what he should do if he wants to build a chicken barn, and Board members recommended asking for a variance or a partial rezoning.

Mr. Miller asked whether Mr. Yoder's goal is the ability to build agricultural buildings, and Mr. Kolbus confirmed. Mr. Yoder then said he had understood that the only way to build agricultural buildings was rezoning and expressed interest in a variance instead.

Elvie Frey, 1095 N 925 W, Shipshewana, is the former owner of the subject property and the parcel at northwest, ending -100-028, which is used for RV storage and is now owned by Winnebago. The Winnebago parcel is accessed at northwest from other Winnebago property that is zoned M-2, and was the only property of Mr. Frey's that Winnebago wanted to acquire, he said. At the time he rezoned most of the subject property to M zoning, he was unable to rezone the A-1 portion because, he said he was told, trucks coming from downtown Middlebury on CR 16 were unwanted. He said he would never have sold the property if M zoning were available on the A-1 portion, and further noted that the subject property adjoins a portion of the Pumpkinvine Nature Trail.

There were no remonstrators present.

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

Mr. Doriot asked Mr. Yoder whether he still wanted rezoning to proceed, and Mr. Yoder said yes. Mr. Godlewski clarified that truck traffic cannot access the M-zoned portions of the subject property from CR 16 until the portion zoned A-1 is rezoned. Mr. Miller said that the Plan Commission should hesitate to allow further M-1 zoning on CR 16, but Mr. Stump countered that CR 16 sees all kinds of traffic. He added that while he does not oppose Mr. Yoder's goal, rezoning to A-1 encumbers rezoning of properties farther east and hinders Middlebury expansion.

Mr. Kolbus asked whether petition input from Middlebury had been received, and Mr. Auvil said no. Mr. Kolbus asked whether petition input from Middlebury could be requested before the December 2015 meeting of the Board of County Commissioners. No answer came.

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 recommend to the Board of County Commissioners that this request for a zone map change from A-1 & M-1 & M-2 to A-1 for *Steven & Marilyn Yoder* be approved in accordance with the Staff Analysis.

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

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

No: Roger Miller, Tony Campanello.

15. The application for a zone map change from M-2 to A-1, for *Atlee O. & Mary Jane Bontrager* represented by J. Charles Zercher, Kindig & Sloat, PC, on property located on the northeast corner of CR 56 and CR 100, common address of 30359 CR 56 in Locke Township, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #30359CR 56-151005-1*.

Charles Zercher, Kindig & Sloat, PC, 102 Heritage Pkwy., Nappanee, who was present on behalf of the petitioners, reported that they intend to subdivide the subject property in spring or summer 2016, build a small house for themselves on a parcel they keep, and sell the rest of the property to one of their children.

There were no remonstrators present.

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

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

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** 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 *Atlee O. & Mary Jane Bontrager* be approved in accordance with the Staff Analysis.

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

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

16. ***Training Follow-Up***

Mr. Godlewski asked Mr. Warner whether he wanted to set up a follow-up meeting after the December 10, 2015, Plan Commission meeting to discuss the outcome of October 7, 2015, training. Mr. Warner said he did. Training attendees including Jeff Burbrink, Sue Weirick, Jennea Schirr, and Lori Snyder should attend the follow-up meeting, said Mr. Warner and Mr. Campanello.

17. The application for a zone map change from M-1/R-1 to A-1, for ***Gregory T. & Bethany S. Shank***, on property located on the west side of CR 23, north of CR 146 E., common address of 69405 CR 23 in Jackson Township, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #69405CR 23-151005-1*.

Gregory Shank, 69405 CR 23, New Paris, stated that the proposal will increase his property's value and make his property's zoning designation consistent with its current use and surrounding uses. The agricultural activities occurring on the property are modest, he noted.

There were no remonstrators present.

A motion was made and seconded (*Lucchese/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** Roger Miller, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from M-1/R-1 to A-1 for ***Gregory T. & Bethany S. Shank*** be approved in accordance with the Staff Analysis.

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

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

** It is noted that Mr. Miller stepped down from the Board at this time due to a potential conflict of interest and was not present for the remainder of the meeting.*

18. The application for an amendment to a site plan / support drawing for a Detailed Planned Unit Development known as ***BRISTOL PARK FOR INDUSTRY - PHASE 4 DPUD M-2***, for Universal Trailer of Indiana, LLC, represented by Marbach, Brady & Weaver, Inc., on property located on the southwest corner of CR 4 and CR 29, common address of 2020 Blakesley Parkway in Washington Township, was presented at this time.

Ms. Gunden presented the Staff Report/Staff Analysis, which is attached for review as *Case #2020BLAKESLY PARKWAY (CR 29)-150929-1*.

Debra Hughes, Marbach, Brady & Weaver, Inc., 3220 Southview Dr., Elkhart, was present on behalf of the petitioner. She reminded the Board that the first phase of construction will result in about five acres under roof and that the second will result in similar area. Immediately west of the site of the landscape berm the petitioners are currently required to construct to screen residential uses lies a toll road retention pond and a DPUD M-1 zone, and the first residence west of the subject parcel is west of the DPUD M-1 zone, Ms. Hughes noted.

Ms. Hughes, assuring the Board that the petitioner intends to build the entire berm, said that

permission to build only a first, south phase now will preserve topsoil needed elsewhere to keep the site looking good and capable of growing vegetation.

Mr. Campanello asked whether, at the time of initial DPUD approval, the petitioner intended to prepare the site “for that next phase.” Richard Pflieger, Universal Trailer of Indiana, LLC, 1503 McNaughton Ave., Elkhart, confirmed that such preparation was the original plan but that budgeting calls for the request to delay full berm construction until the time of the building’s second phase. A delay removes the need to haul in additional topsoil, said Mr. Pflieger, and preservation of topsoil is necessary for MS4 stabilization, added Mr. Doriot.

Mr. Stump asked whether the berm was a county requirement, and Ms. Hughes said yes. Board members then asked why, and Mr. Godlewski said that according to the zoning ordinance buffering must appear between manufacturing uses and residential uses. Board members and Ms. Hughes expressed understanding, with Ms. Hughes noting that the toll road pond site is zoned residential and that subject-site topsoil has to be moved anyway.

There were no remonstrators present.

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

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

Motion: Action: Approve, **Moved by** Tom Stump, **Seconded by** Tony Campanello, that the Advisory Plan Commission recommend to the Bristol Town Board that this request for an amendment to a site plan / support drawing for a Detailed Planned Unit Development known as ***BRISTOL PARK FOR INDUSTRY - PHASE 4 DPUD M-2*** be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6, Absent = 1).

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

Absent: Roger Miller.

19. A motion to adjourn the meeting was made by Mr. Doriot and seconded by Mr. Edwards. With a unanimous vote, the meeting was adjourned at 10:41 a.m.

Respectfully submitted,

Daniel Dean, Recording Secretary

Steve Warner, Chairman