


MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 14TH DAY OF APRIL 2016 AT 9:00 A.M. IN THE
MEETING ROOM OF THE 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 Chairman, Steve Warner, with the following members present: Blake Doriot, Frank Lucchese, Tony Campanello, Roger Miller, Tom Stump, Lori Snyder, Steven Edwards, Steve Warner, and Jeff Burbrink. The following staff members were present: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Liz Gunden, Planner; Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board. Mark Kanney, Planner, was absent.

2. A motion was made and seconded (*Doriot/Edwards*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 10th day of March 2016, be approved as submitted. The motion was carried with a unanimous vote.


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. The motion was carried with a unanimous vote.

4. The application for primary approval of a six-lot major subdivision to be known as ***FERN RIDGE ADJUSTMENT REPLAT, A REPLAT OF LOTS 4, 5 & 6 IN FERN RIDGE ADDITION & LOTS 4, 5 & 6 IN FERN RIDGE SECOND ADDITION***, for Daniel Lee & Betty Dean Ganger and K. Joseph & Sandra K. Hopkins represented by Progressive Engineering, Inc., on property located on the west side and east side of E. Indiana Lake Rd., 2,284 ft. north of CR 2, common address of 50567 E. Indiana Lake Rd. in Washington Township, zoned R-2, was presented at this time.

 presented the Staff Report / Staff Analysis, which is attached for review as *Case #50567EAST INDIANA LAKE RD-160222-1*.

There were no remonstrators present.

A motion was made and seconded () 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 approve the withdrawal of this request for primary approval of a six-lot major subdivision to be known as ***FERN RIDGE ADJUSTMENT REPLAT, A REPLAT OF LOTS 4, 5 & 6 IN FERN RIDGE ADDITION & LOTS 4, 5 & 6 IN FERN RIDGE SECOND ADDITION*** without prejudice. The motion was carried with a unanimous vote.

5. The application for primary approval of an 11-lot major subdivision to be known as ***WHISPERING WOODS***, for Town and Country Builders of Goshen represented by Progressive Engineering, Inc., on property located east of CR 14, north of US 20, 920 ft. south of Willowbend Blvd., in Jefferson Township, zoned A-1, was presented at this time.



Mr. Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #00000CR 14-160229-1*.



prog. Proposed subdivide off existing house and 11-lot n of that. Already sub the drainage and county hwy plans to hwy. not heard bk for appr yet. Once get that appr will proceed with swppp.



tom Watson. My grandparents old farm 55516 cr 14, live at the top. Speak for myself and parents. Parents own all that wraps around behind. Probs in past with when dev amberwood east, when developed that heavy rain and ran into back of our woods. 18 in of sand 100 ft into woods. Don't need anymore of that, talked to builders, did nothing. Keep people off our prop. 4-wheelers. Horses. Don't want people on there. Deer hunt turkey hunt. Don't want any more stuff on our prop. Have cleaned up. Would like fence built whole length. Minute open cr 14, people everywhere on our prop. Fence built prevent people from the that sub on our prop.

Can't prevent this, aunt sold ya. Knew would happen. Parents health. Prevent him from hearing this. I have no prob with dev.

Barrier back side, both pointing to east long n/s side.

Blake: major erosion control stds. If see erosion on your prop, call nrcs at fairgrounds, will stop ti.

Watson: been there years now. People don't respect. One of the lots, cut 15 or 20 ft of woods.

Pointing to the house that will be divided off. For sale sign says in pristine woods. But won't be.

Sales ad: nature preserve. Private property, sounds like you can just walk back there.

Tony: fence want?

Just something so that 4-wheelers can't go across. Most lots amberwood large, mostly don't see people coming out of there. Afraid when open up chaos. Already police there several times, fence built whether they do it or I have to do it.



peter pucket. 55606 also near top. Investment prop. During const, approp measures control dust. Noise. Restrictions put in so my tenant not affected by late nite const, dust.



Malcolm ramer, 55665 cr 14. Left ctr of subject property. Probs water run out of amberwood, across 14, into my driveway. Driveway all cracked, raised 14 higher, still ran over 14, on raod down 14 and into my drive. Path to my garage at back, sometimes water there. My drive busted up. Said I talked to jeff tayler. My problem. Don't see how. Heavy stream of water. Mike trible, guy before him, concrete speed bump thing, sand and stones come into our drives. Conc at end of his drive gone, mine is gone.

Depending on how that's graded, put more onto 14.

Amberwood done in 77, rules changed signif.

Last summer took 3 ft along 14 on both sides. All that dirt into my drive.

This devmet built to higher stnds than when amberwood done.

Hauled in stones since did the 3 ft take on 14, still can come. Tired of stone in my yard and drive. If I decide fix my drive, such a drop.

Tony: agree, but you need to go

Frank: every Monday at 9, come to county commission.

Jeff taylor can discuss.

Tom: this sub prohibited from discharging water onto 14, discharging water offsite.
Have to keep all water onsite generated. All water created by hard surface has to stay onsite.



wendy yankovic. 55629 cr 14. Also left center of subject prop. Moved here last july . ton of new traffic because of utilimaster construction north. Lose wildlife and woods. Not what we wanted. Not more people surroudnign us. Only view of country. Concerned with traffic, more speeding around the bend. The 14 bend right under. She's referring to.



Jason reading the zakiewicz letter.

Verbatim.

Provided a copy to prog. They are evaluating covenants and rest.

[attached to file as Staff Exhibit #2]

Floyd. Strict guidelines have to adhere to. Shoot lines for topo. Should alleviate some concerns from properties around it. Helps some issues. When amberwood developed, didn't' have some reqs. As we grow guidelines are there to protect.

Tony: silk fences up to keep from draining onto other props. Will be part of the plan yes.

Have submitted to county hwy. for approval. Not heard back whether changes or whether can proceed with swppp.

Tony: leave trees.

Blake: severe topos lines, health dept all worked out?

Floyd: yes

Blake: size of lot 2 some caution.

Chupp: 54560 cr 17. Working with twon and country as s consultant. Marc Watson, higher fence., fence row. Put in the covenants, people not allowed to cross prop line to dump weeds and grass clippings. Cove similar to fieldstone crossing. Will addr all these issues to their likeing. Cov recd same time plat. No livestock or poultry. Not remove trees before const of home. Up to indiv homeowner. We are in favor conserving tress.

Lori: avg value of homes

Chupp: fieldstone recent avg 325. That price rg.

Blake: draft of the cov for secondary?

Chupp: something can hand out today.

Jim: when submit secondary submit updated list of covenants and wew'll get them in the packets.

A motion was made and seconded (*blake jeff*) 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** Blake Doriot, that the Advisory Plan Commission approve this request for primary approval of an 11-lot major subdivision to be known as **WHISPERING WOODS** in accordance with the Staff Analysis and as presented.

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

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

tom: sub covenants, we concerned with that?

Jim: in past various projects bd has reqd covenants. Reviewed them, req they be placed on recrd with the pet. Something handled personally btw dev and owners. We don't enforce them, but can req that they be put on. Don't delve.

Blake: id did sub and put restrictiosn on it. Bd sat there went ththrough every itme of the restrictions, 2 hours. Nobody wanted to built there after that. Absurd. Developer came back, can't get anybody to move in there. Revoked and redid them.

Tony: we do

Jim: generally no unless pecific issues to addr, let place their on covenents, conditions.

6. The application for primary approval of a 31-lot major subdivision to be known as **TERRA SUBDIVISION SECTION 2**, for Rebetz, LLC, represented by Marbach, Brady & Weaver, Inc., on property located on the south end of Tasha Dr., 750 ft. south of State Line Rd., 4,000 ft. east of SR 15, in York Township, zoned A-1, was presented at this time.



Mr. Auvil. presented the Staff Report / Staff Analysis, which is attached for review as *Case #00000TASHA DRIVE-160229-1*.



deb hughes. Sub originally prop in 1999 sec 1 built shortly after. Prelim sub plan 2003 to 2004 for next sec, but dev not move fwd at that time. Now submtion basically same plan updated to curr stds. Same 31 proposed, same streets. Drainage substantially same, received swppp approval. Highway technically correct. Septic appr by hea. Owners rep is here.



michelle bachman. Tash dr. house at very bottom. Sidewalks? Been there 11 y. not want new neighbors. Would buy lot beside me, sell per lot, building houses, doub wides. Bring prop value down, no one told us anything about what's going on. You guys were lady who wrote the letter, sheds, dogs. Been there 11 years, don't want those rules put on us. Another entrance. Only the entrance we have now, a lot more traffic. On one road.

Blake: sub can only drow to number of lots allowed by hwy and planning. Set number of lots when need second entrance.



deb response. No covenants imposed on existing sub, none in place then, no intention now, no ability to do so. Not aware of cov planned for phase 2. Second entrance, owner not own property at far ne, the prop with little stub at its sw corner.

Housing similar to what's there now.



vitaliy. 62. Will help dev and build some homes. Rules and regs for that sub same as for first phase. No changes. New lots not for sale just as lots, houses built same standards as first sub. first ph can't hag too much. Rest of sub. At least sim or higher value.

A motion was made and seconded (*roger frank*) that the public hearing be closed, and the motion was carried with a unanimous vote.



follow northern boundary of plat. Straightened out the staff crosshatching and the actual



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

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Tony Campanello, that the Advisory Plan Commission approve this request for primary approval of a 31-lot major subdivision to be known as **TERRA SUBDIVISION SECTION 2** as presented and in accordance with the Staff Analysis.

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

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

7. The application for a zone map change from A-1 to M-2, for **Almac Development, Inc.**, represented by Jones Petrie Rafinski, on property located on the east side of CR 17, 1,100 ft. south of Beck Dr., in Jefferson Township, was presented at this time.



Mr. Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #CR 17-160229-1*.

Jeff: middle parcel?



ken jones. Prob with access. Filed this as straight rezone, because that's only thing we know better served to comm. And dev as m2. Don't have a new plan for this devmt. Premature to talk about access form 17.

This land part of overall planned devmt considered late 80s early 90s. worked with city and county, county hwy, how these properties be served east and west of 17. All this done before 17 project. Hoffman street was proposed to go thru and cross the creek and serve a lot of the land that goes up to cr 19. Worked with city planning utils. Asked them to expand. Went to county hwy to talk about access plan.

The orig plan. Was a discussion about a connection. Hoffman, middlebury street. Hoffman street entrance was a key consideration at that time. Still is.

Talked to Jason after talked to dev, they reminded me that the row of 17 all came from one dev, and

that one dev made agreements related to hwy, barter for access points. That's how Hoffman was acquired and constructed. Ask that you set aside that commitment. This will not go to tech committee. When get a plan that discussion will happen.

Hoffman will have to go thru same scrutiny as any private curb cut.

Blake: did developer do flood study of the creek?

Yes, cr 17 bridge over the creek.

We know have to come back and study details of that, not even know if going to need it, but hate to give it up (what is "it"?)

Tom: row given to county for that roa.

Can provide it.

Tom: that would be key. If agreement then you're right, should be no restriction.

Agree needs to be carefully planned.

Blake: tom: we talked about that when did cr 17 corr study.

Tom: think about access to that whole poperty. Another 400 or 500 acres.

When built Hoffman st lift station, Hoffman street lift station designed to serve a lot of property, I guess prop on east side of 17?

That still valid. These roads planned with all that in mind.

Tom: access, another lite, then choking off accesss around Elkhart that makes the property as valuable as it is. Seems good planning use what we have, cr 17 to keep traffic moving.

Roger: see in writing that that access pt has to be ___ if that's what he's saying it is.

Warn: agree.

Tony: didn't see access from beck drive, but there is, from center north.

Jason: remove? Modify?



There were no remonstrators present.

A motion was made and seconded (*blake, eds*) that the public hearing be closed, and the motion was carried with a unanimous vote.

Blake: remember cross access with existing streets for access to east side of 17. Put there for a reason. Meant to happen. Needs deicded by comms. And hwy. not cheap. You



The Board examined said request, and 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-1 to M-2 for *Almac Development, Inc.*, be approved.

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

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

No: Roger Miller.

8. The application for a zone map change from A-1, Detailed Planned Unit Development B-3, and Detailed Planned Unit Development M-1 to M-1, for **Jayco, Inc.**, represented by Jones Petrie Rafinski, on property located on the east and west sides of SR 13, east and west sides of CR 37, north side of CR 20, south of US 20, in Middlebury Township, was presented at this time.



Mr. Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #SR 13-160229-1*.

Blake: did survey work looking at way zoomed out image, pointed to two squarish adj parcels, one on top of the other, one hatched, one not., immed right of the long skinny dpud m1



ken jones. Meetings with town traffic component. Curry jayco exc job of managing that pt of their op. access points spread out. Every zoning application we could find, conc that jayco done good enough job not seem logical for them to survive straight m1 logical.

Future driveway of storage drive. Only project didn't complete. Jayco now owns the house/site they were trying to avoid with the driveway. Farmer joe will continue to farm the property no hatching top that blake pointed to.



we want added commitment to our rezon req that

that states that we will not PROVIDE any vehicular access to cr 20. the only thing that we would reserve is the right for a bicycle opening in our fence because a lot of folks come to the site on bicycles

The only access will be by bicycle

ingress/eegress. Only conern traffic related bontrager dr. focus future traffic impact, meet with town ext week, bontrager dr.



linford martin. 12401 cr 20./ land north of us. Here when kerm purchased the prop. Jayco good job doub row of pine trees around their prop. Hope that hpappens north of my prop when they develop this.



llw land on east side. No immed plans for devemt on that site, but we would commit if manuf facility there wil make sure buffering occurs.

There were no remonstrators present.

A motion was made and seconded (*roger jeff*) 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 and the Middlebury Town Council that this request for a zone map change from A-1, Detailed Planned Unit Development B-3, and Detailed Planned Unit Development M-1 to M-1 for **Jayco, Inc.**, be approved in accordance with the Staff Analysis with the following commitments:

1. Rezoning of the parcels is contingent on the petitioner submitting a petition for voluntary annexation of the parcels to the Town of Middlebury.
2. Any future development on any of the parcels may require a utility study and/or traffic study per the request by the Town of Middlebury.
3. No vehicular access to CR 20; however, bicycle access to CR 20 is allowed through an opening in any fencing or otherwise.

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

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

9. The application for a zone map change from A-1 to M-1, for **Angela M. McCraner (seller)** and **Three Oaks, LLC (buyer)**, represented by Jones Petrie Rafinski, on property located on the south side of CR 2, 2,000 ft. west of SR 13, common address of 11356 CR 2 in York Township, was presented at this time.



presented the Staff Report / Staff Analysis, which is attached for review as *Case #11356CR 2-160229-1*.

Roger: is an urban growth area.

No sewer

No problems with staff presented.

Two buildings in planning right now. To occupy big parcel north of the gas line. Navigate start a building wo a septic permit or sewer available. Health dept and planning been involved with us to make sure that happens. Okay with commitment 1b as long as not prevent building permits for buildings.

Roger: though that comtiemnt that gd made was that they could put in septic.

There were no remonstrators present.

A motion was made and seconded (*roger, frank*) 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 A-1 to M-1 for *Angela M. McCraner (seller)* and *Three Oaks, LLC (buyer)*, be approved in accordance with the Staff Analysis with the following commitment:

1. A septic system designed for the initial development project would be acceptable providing:
 - a. The development will be required to connect to public or private sewer as soon as it is available for the Real Estate.
 - b. The initial development project cannot expand until it is connected to public or private sewer.

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

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

Abstain: Blake Doriot.

10. The application to amend rezoning commitment #2 to remove paragraph B and add rezoning commitment #5 to waive any buffering development standard requirements and/or commitments between adjacent parcels if rezoned to manufacturing, for *Three Oaks, LLC*, represented by Jones Petrie Rafinski, on property located on the south side of CR 2, 2,400 ft. west of SR 13, in York Township, zoned M-1, was presented at this time.



presented the Staff Report / Staff Analysis, which is attached for review as *Case #CR 2-160315-1*.

Tony clarify not on west side

Correct



ken



Sean berkey. Cr 2. Still keeping the west buffer all the way north?

Plan to add more to it with time?

Ken: prob not.

I'm glad you did the buffer for patchwork and everyone else. Looks dismally? Right now.

If lived by a plant like jayco, nice job of buffers, that's all any of us ask. Is all ag. Right now.

Ever more houses, don't know. That my concern.

Talking about extreme nw corner of big parcel.

Take woods out, little and big, not look like it did b4. Lot that's gone that doesn't block as a buffer.

That my cocern.



ken: orig zon commitment 50 ft buffer. Stff talked concern maintain full row of trees. Up next to road will be emp parking, have some lkandscape improvements. Reviewed that with staff that approved. Don't anticipate solid visual biffer. not occur. Agreed to 50 ft buffer, keeps tress within 50 ft buffer.

Blake: push trees out and normal buffer? Not get a buffer to grow under big trees

Prefer to keep big trees.

Ken: 50 ft more than we normally do. Trying to use existing veg as opposed to make something else work

Chris: put in zon ord type 1 thru 3. This keep a natural setting but something thru it in winter and summer.

Tom already approved the west, only talking around house. Soon to be gone

Both buildings eastern building is gd service center. Keep trees where house is, build campground for people bringing in rvs for service.

There were no remonstrators present.

A motion was made and seconded (*roger tom*) 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** Roger Miller, that the Advisory Plan Commission approve this request to amend rezoning commitment #2 to remove paragraph B and add rezoning commitment #5 to waive any buffering development standard requirements and/or commitments between adjacent parcels if rezoned to manufacturing for *Three Oaks, LLC*, in accordance with the Staff Analysis.

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

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

11. *Board of County Commissioners Approvals Following Plan Commission Recommendations*

Went over an e-mailed memo. All approved. No mods.

12. *Subdivision Control Ordinance Amendment*

Packets. Draft updates to sco.



summary made by jim. Secondaries: staff approve dpud secondary as a minor if 3 or fewer. All minor secondaries staff. Dpud sps treated also as sub primaries. Tech committee review of a dpud secondary need go away.

Dpud secondaries: if come in with gpud and want sell off a lot that is just a secondary minor treatment.



Reformat whole document font, design, match zo. Words plat and plan used different. Consistent. Sec 2.03 environmental impact. 2.08 solid and haz waste. Remove.

2010 changes never went to commissioners. Gram errors. Changes to rules and proc.

Hope streamline processes make more fficinet. Easier for residents get thru faster.

Next mo ask you motion this go for ph next month may 2016. Bcc next mo.

Motion: , **Action:** Approve, **Moved by** Blake Doriot, **Seconded by** Tom Stump.

Unan vv

Set for ph may 2016.

THIS PROB BEST AS SEPARATE ITEM.

Tony: Privy to e-mails your plan.

Expedite. Feel like commercial review process can be days instead of a weeks. Strived for that but make it quicker now. Shouldn't take long. Exception is if something have major probs. Devs usually know what needed.

Tony: comm. Between inspectors and people up front. County get phones

SCHED FOUR OR five days before needed.

Put people in situation concrete and masons doing firewall.

Chris: if 8 fottings can't tell when going to be there. Transition to using new

Tom:

Tony: nice if say I can't get there but you can take pictures.

Chris: a rarity. Don't expect. Usually same day.

WARN separate item

Schedule was better. No hold ups. This is

13. A motion was made and seconded (*blake frank*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:31 a.m.

Respectfully submitted,

Daniel Dean, Recording Secretary

Steve Warner, Chairman