

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 14TH DAY OF JANUARY 2016 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 Vice Chairman, Roger Miller, with the following members present: Tony Campanello, Jeff Burbrink, Roger Miller, Steve Edwards, and Frank Lucchese. Lori Snyder, Tom Stump, Steve Warner, 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 (*Lucchese/Edwards*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 10th day of December 2015 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*Edwards/Burbrink*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. With a unanimous vote, the motion was carried.

4. **ELECTION OF OFFICERS FOR 2016**

The Board examined the 2016 Slate of Officers and Appointments, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Frank Lucchese, that the Advisory Plan Commission approve the 2016 Slate of Officers and Appointments (see attached).

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

5. The application for the vacation of an east/west alley right-of-way, for *Nancy S. Clemens* represented by Marbach, Brady & Weaver, Inc., on property located off CR 35, 250 ft. south of CR 2, in York Township, zoned A-1, was presented at this time.

Ms. Gunden presented the Staff Report/Staff Analysis, which is attached for review as *Case #CR 35-151207-1*.

Debra Hughes, Marbach, Brady & Weaver, Inc., 3220 Southview Dr., Elkhart, was present on behalf of the petitioner but offered no comments not already appearing on the Staff Report.

There were no remonstrators present.

A motion was made and seconded (*Burbrink/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** Jeff Burbrink, **Seconded by** Tony Campanello, 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 *Nancy S. Clemens* be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

6. The application for a zone map change from B-3 to B-2, for **LW33 Rentals, LLC (seller), and Daniel Sickels (buyer)**, on property located on the south side of La Rue Street (Old Lincoln Highway) and north side of Old US 33, 440 ft. west of Shore Avenue, common address of 28761 Old US 33 in Baugo Township, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #28761OLD US 33-151201-1*.

The north portion of the subject property, which saw agricultural use years ago, now features a dwelling, began Wilbur Taylor, LW33 Rentals, LLC, 417 Parkway St., Berne, who understood that changing the zone of the north portion would enable the dwelling's future maintenance. The property features plenty of offstreet parking and lies in a transitional area containing residential and business uses and a church, he said, and argued that approval of rezoning will not affect those existing uses and will not increase demand on utilities or streets. The prospective buyer seeks only a place to live upon retirement, he concluded.

There were no remonstrators present.

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

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

Motion: Action: Approve, **Moved by** Tony Campanello, **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 B-3 to B-2 for **LW33 Rentals, LLC (seller), and Daniel Sickels (buyer)** be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

7. The application for an amendment to an existing Planned Unit Development known as **CHECKERBERRY INN PUD**, for Bontrager Joint Primary Trust, on property located on the west side of CR 37, 2,874 ft. south of CR 30, common address of 62535 CR 37 in Clinton Township, zoned R-4 PUD, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #62535CR 37-151201-1*.

Elma Bontrager, 62535 CR 37, Goshen, who owns and lives on the subject property, announced a change to the facility's name, from Checkerberry Inn to Hope Springs, LLC, and a change of its use to the housing of senior citizens.

There were no remonstrators present.

A motion was made and seconded (*Burbrink/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** Jeff Burbrink, **Seconded by** Steven Edwards, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to an existing Planned Unit Development known as **CHECKERBERRY INN PUD** be approved in accordance with the Staff Analysis with the overall Site Plan / Support Drawing as

attachments to the ordinance granting the PUD.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

8. The application for a zone map change from A-1 to a Detailed Planned Unit Development A-1/M-1 and for Primary approval of a two-lot subdivision to be known as **PREMIER HARDWOODS, LP, D.P.U.D.**, for Premier Hardwoods, LP, represented by Brads-Ko Engineering & Surveying, Inc., on property located on the west side of CR 43, 2,400 ft. north of CR 34, in Clinton Township, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #00000CR 43-151207-1*.

Premier Hardwoods, DBA Country Woodshop, designs, manufactures, and subcontracts for manufacture home furniture, which it refinishes, warehouses, and delivers to dealers throughout the United States, said Barry Pharis, Brads-Ko Engineering & Surveying, Inc., 1009 S. Ninth St., Goshen, who was present on behalf of the petitioners. The company petitioned for a DPUD south of the subject property, on the east side of CR 43, in 2003 and moved its refinishing business to Elkhart County in 2011, and the company has identified the subject parcel, which is close to its existing site, as a place for a warehouse and to relocate its refinishing business. Mr. Pharis also assured the Board that the seller is aware of the company's intent.

Alan Bontrager, son of company owners Noah and Margaret Bontrager and company employee and future co-owner, intends to build a home on proposed lot 1 that will be served by a common south drive, continued Mr. Pharis. Home construction will be followed by design of the warehouse and refinishing business. Construction will be phased, and an engineer will help Noah Bontrager determine whether firewalls will separate the phases or whether all phases will be protected by a sprinkling system. Existing refinishing booths will be moved to the new building.

Because of a change to the use of solvent-based products, refinishing has become safer, Mr. Pharis then said, and the existing booths feature automatic and manual fire suppression. Further, two agencies must grant permits for and inspect refinishing facilities: IDEM, whose interest is air quality, and OSHA, whose interest is safety. Country Woodshop has also passed all inspections and seen no fire or safety problems during its years of operation, and uses a consultant who performs additional inspections, reviews products used, and prepares employee procedures.

Mr. Pharis went on to note that while the petitioners have observed the 2011 ordinance restriction on employee number, a maximum of 20, workload will increase, requiring a total of 40 to 50, or 20 to 25 per building. Almost all employees are Amish and walk, bike, or use buggies to get to work, using vans only during bad weather. There are no retail sales "at this site," said Mr. Pharis, and parking is sufficient to accommodate all visits.

Mr. Campanello asked why the homesite will appear at rear, and Mr. Pharis answered that such placement will maximize front delivery space and provide pasture, garden, and septic area for the home, as well as traffic avoidance. Mr. Campanello then asked whether soil or water conditions forced front placement of the new business facility, and Mr. Pharis answered no.

Mr. Miller asked for confirmation that the new facility will see only one semi per week. Mr. Pharis confirmed that some box trucks will come in but that only one semi will appear per week. Five loading docks are shown because of an interest in placing a semi closest to where it is needed along the facility's length.

The staff has recommended only a DPUD A-1 designation, not DPUD M-1, Mr. Kolbus told Mr. Pharis. Mr. Pharis was comfortable with the recommendation. He said that a designation that was partly DPUD M-1 was sought because of the proposed M-1 use in an A-1 zone, and that a DPUD itself was sought because of the petitioners' willingness to commit to only one use: warehouse with refinishing business. The petitioners' commitment protects the county and the business's neighbors, Mr. Pharis offered.

When Mr. Miller expressed concern over the business's distance from public services, Mr. Pharis's response was that Amish businesses cannot enter existing industrial subdivisions on public services. A subdivision lot occupied by an Amish business will not receive utilities like natural gas and electricity, and the lot developer's recoupment from utility companies of up-front utility expenditures will therefore be reduced by the amount a non-Amish business's utility connection would generate, Mr. Pharis explained, mentioning also that most Amish employees bike to work. This is the reason for the great number of Amish DPUDs across the county. He argued further that the DPUD will restrict the parcel's use, that the business generates employment for locals, and that some employees—the owners and their son Alan—will live onsite. Brads-Ko has discussed the idea of an Amish industrial park with the Amish, but the idea faces challenges.

There were no remonstrators present.

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

Mr. Burbrink foresaw continued growth and asked whether the next expansion would occupy the same location. He said the business is taxing resources and that continued growth means the owners should consider relocation. Mr. Miller was troubled by the business's distance from ambulance and fire services and by the possible impact of additional traffic on local county roads.

Though Mr. Miller and Mr. Campanello agreed that the expansion location is convenient for employees, Mr. Campanello expressed concern over the new facility's proximity to the home immediately north of the subject property. He observed, however, that neither the home's occupants nor anyone else had appeared to remonstrate during today's hearing. He said that the use could intensify in the future but did understand the plan for more than one loading dock. Mr. Miller responded by noting the north landscaping buffer.

Responding to Mr. Burbrink, Mr. Pharis said first that the east portion of the new building will see manufacturing use and that the west phases will be the relocation site of the business's warehousing and refinishing. The growth the petitioners want is represented on the site plan / support drawing, he then said. He would be surprised by growth beyond what is shown.

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 a zone map change from A-1 to a Detailed Planned Unit Development A-1/M-1 and for Primary approval of a two-lot subdivision to be known as ***PREMIER HARDWOODS, LP, D.P.U.D.*** be approved in accordance with the Staff Analysis provided approval be granted as a DPUD A-1.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Frank Lucchese, Jeff Burbrink, Roger Miller, Steven Edwards, Tony Campanello

9. The application for a zone map change from A-1 to a Detailed Planned Unit Development M-2 and for Primary approval of a one-lot subdivision to be known as **HOOVER FEED SERVICE D.P.U.D.**, for Hoover Feed Service, Inc., represented by Brads-Ko Engineering & Surveying, Inc., on property located on the southwest corner of SR 119 and CR 38, common address of 23591 SR 119 in Harrison Township, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #23591SR 119-151207-1*, and amended it by adding a fifth recommended approval condition: “Approval of this petition is granted as an A-1 DPUD instead of the M-2.”

Mr. Burbrink noted the staff’s finding that the petition failed to comply with the county’s comprehensive plan, and Mr. Auvil agreed that it did not comply. The staff found the appearance of an M-2 zone in the subject area inappropriate and recommended DPUD A-1 instead, as the proposed use serves agriculture and will appear in an agricultural area, explained Mr. Auvil.

Mr. Miller asked whether the staff sought to impose restrictions on future relocation or expansion. Mr. Auvil’s answer was that the site plan / support drawing shows future expansion—a 30-year build-out—and that anything beyond what is shown will require the petitioners’ reappearance before the Plan Commission.

Mr. Burbrink disclosed that he had conversations with the petitioner in approximately November 2015, and with the petitioner’s attorney, concerning the subject property as the petitioner was figuring out what to do. He said also that he had seen no plans.

Barry Pharis, Brads-Ko Engineering & Surveying, Inc., 1009 S. Ninth St., Goshen, was present on behalf of the petitioner. He said that Hoover Feed Service started in 1974 in Harrison Township but since 1997 has used the feed mill at the intersection of Fifth St. and Pike St., Goshen, which itself has been in operation since some time before 1961. The feed mill adjoins residential and business uses and a busy railroad. INDOT is now requiring Hoover’s move because of a US 33 project, but throughout Hoover’s time in Goshen, and despite its use of refurbished but old equipment, it has experienced no fires or other serious incidents.

Continuing, Mr. Pharis said that Hoover competes with other corporations by providing feed blended specifically for local dairy farmers by a staff nutritionist. The company’s clients and its sources of raw product are within 100 miles of its location. All aspects of the new development’s consultancy-guided design will utilize the newest technology of its industry.

Moving to the issue of dust, Mr. Pharis highlighted the mill building’s central placement on the 30-acre tract and its 800 ft. separation from the closest home. All natural buffering will remain, including the north tree line along CR 38, which is more than 80 ft. high. Additionally, the proposed new landscaping will observe county standards.

Addressing fire, Mr. Pharis highlighted the concrete-and-steel construction of the new facility, whose design will be subject to NFPA (National Fire Protection Association) 61 parameters. In addition, the wholly enclosed facility will utilize pollution-control devices and dust-control systems and will employ at least 13 technical staff members, he said.

Addressing traffic, Mr. Pharis then noted the subject property’s central position within Elkhart County’s dairy and grain-growing areas, the improvement of the intersection of SRs 19 and 119, and the completion of the intersection of CRs 17 and 38. Design of accel and decel lanes is under way, and traffic will be kept on state roads.

DPUD M-2 was requested because the proposed use is an M-2 use, but the petitioner has no problem with the recommended DPUD A-1 and understands that new functions not proposed today

will require new public hearings, added Mr. Pharis.

Responding to a fire query from Mr. Campanello, Mr. Pharis then specified that the state fire marshal has fire oversight and that the state requires no water storage for fires. But a concrete-and-steel building is a “low” fire source, adequate venting is planned, and fire-prevention housekeeping procedures are in place.

Mr. Miller asked whether 13 was the total number of employees at the new site, and Herb Hoover of Hoover Feed Service, 60301 CR 19, Goshen, came forward to answer. The current site has 13 employees not including him and “a couple [of] part-time” employees, he said, hoping that the design of the new facility would reduce the amount of manpower needed but warning that the number of drivers could increase. Mr. Miller asked how far the subject site is from SR 19, and Mr. Hoover and Board members answered about four miles.

Mr. Hoover then explained that though he hates having to go into farmland with a commercial feed mill, he needed a site near key thoroughfares like CR 17 and SR 19. He repeated intent to leave existing trees undisturbed and wanted to be a good neighbor with a “soft-looking” place.

Steve Showalter, 23571 CR 38, Goshen, who had been concerned about dust, said, however, that the subject site is a good spot and commended the decision to leave existing trees. He said he had no problem with the proposal.

Jon and Danielle Wingard, 23334 CR 38, Goshen, e-mailed a letter to the planning department January 13, 2016, received January 14, 2016, expressing concern over the effect of dust on their family, Mr. Auvil then said. He distributed to the Board copies of the letter *[attached to file as Staff Exhibit #1]*.

Lighting, noise, hours of operation, and building height were issues not yet addressed, said Ben Paulus, 23491 CR 38, Goshen, who asked for installation of more evergreens on the south side of CR 38 for added screening and dust control.

Matt Hahn, 23525 CR 38, Goshen, asked whether the subject site would be accessed only from SR 119 and never from CR 38, and seconded Mr. Paulus’s concerns over lighting and noise and his request for more evergreens.

Mr. Pharis responded to the concerns first by assuring that no CR 38 entrances are planned. Two SR 119 entrances are planned, however. The existing central entrance will be a truck entrance, and a new south entrance will be a car-only entrance. Mr. Hoover, the recipient of calls of concern, has committed to installing a row of evergreens “all along that site.” Clarifying for Mr. Campanello, Mr. Pharis said that while no trees will be planted in the wetland areas of the site, to avoid interference with “anything along CR 38,” trees will be planted south of the existing tree line. Mr. Pharis conceded also that the feed mill will generate noise, but argued that the total enclosure of the facility, which will be over 500 ft. from each road, will help keep noise onsite. Addressing lighting, Mr. Pharis said that wall lights for employees’ and the facility’s security will appear, but no freestanding lights will, and no light will be shed north. Light will be directed down and kept onsite, he said.

Mr. Hoover and his wife, community residents, want the facility to be attractive, and the move out of Goshen was not their choice but INDOT’s, concluded Mr. Pharis. Mr. Miller then expressed surprise over how little dust the current facility generates and had not noticed a lot of noise coming from it.

A motion was made and seconded (*Burbrink/Campanello*) that the public hearing be closed

and the motion was carried with a unanimous vote.

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

Motion: Action: Approve, **Moved by** Jeff Burbrink, **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 a Detailed Planned Unit Development M-2 and for Primary approval of a one-lot subdivision to be known as ***HOOVER FEED SERVICE D.P.U.D.*** be approved in accordance with the amended Staff Analysis providing the following conditions are made conditions of this PUD:

1. The driveway entrance design is made and approved to the Indiana highway approval.
2. That dust-control provisions are found acceptable by the Plan Commission (mill building).
3. That fire-protection provisions are found acceptable by the fire department jurisdiction for this site.
4. That landscaping along SR 119 is built in compliance with the zoning ordinance.
5. Approved for a DPUD A-1 rather than DPUD M-2.
6. Evergreens to be planted along the south of the current tree line.
7. Lighting to be directed downward.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

* See page 8, item 11; page 9, item 12; page 9, item 13; page 9, item 14; page 10, item 15; and page 10, item 16, for ***Major/Minor Change: Furrion (Elkhart East, Lot 8); Major/Minor Change: Elkhart East, Area D, Phase 2; Board of County Commissioners Approvals of Plan Commission Recommendations; Subdivision Ordinance Discussion; Amendment to the Town of Middlebury's and Elkhart County's Comprehensive Plan; and Workshop Continuation: Jeff Burbrink.***

10. ***Proposed Amendment of the Northeast TIF District for the Prairie Creek Run Area (Formerly Referred to as the Sawmill District)***

Craig Buche, Yoder Ainlay Ulmer & Buckingham, LLP, 130 N. Main St., Goshen, representative of the Elkhart County Redevelopment Commission, began by noting the change to the name of the subject area, now an island surrounded by annexation. The redevelopment commission (RDC) has undertaken some subject area projects within the last 20 years including acquisition, clean-up, and small water-and-sewer extensions, but the planning staff and the Osolo Township trustee now agree, aware of a funding shortage, that more acquisition and demolition projects should be undertaken. An amendment to the northeast TIF district has thus been considered, and funds generated by a TIF district may be used within it, Mr. Buche said.

Referencing two Prairie Creek Run area maps [attached to minutes as Staff Exhibit #2 and Staff Exhibit #3], Mr. Buche then noted that the RDC's initial approval was of an area formerly known as the Sawmill District and an area comprising a strip along Bristol St., separated by a gap. For Plan Commission consideration is whether to add the gap area to the district.

Reviewing the amendment process, Mr. Buche explained that the RDC must adopt an amendment to the district's declaratory resolution, submit the amendment to the Plan Commission for a determination of its consistency with the comprehensive plan, bring it before the Board of County Commissioners for approval by order, and then conduct a public hearing during which final

approval is given.

Mr. Buche said also that the district's original design resulted from a planning staff and RDC decision to select only properties that at the time were considered candidates for development and most likely to generate revenue. A Jones Petrie Rafinski (JPR) study, however, demonstrates that the gap area should be included in the district, as a long-term view of the whole subject area sees extension of water and sewer and subsequent annexation. The study also proposes acquisition of grant funds, development of comprehensive plan elements, how the area can be readied for annexation, and aesthetic improvement through additional demolitions.

Residents of one Prairie Creek Run area home have to replace their water pump once a year because of the presence of iron oxide in their tap water, Laura Coyne, RDC coordinator, then came forward to say. She asked the Plan Commission members to imagine cooking using that water and noted the cost of water pump replacement and bottled water.

Asked by Mrs. Coyne to elaborate, Mr. Burbrink said that the area's aquifer contains levels, or lenses, of sand and clay. Subdivision lot wells drilled inexpensively reach down only 25–40 ft., and the presence of iron on the driveways and walls of Elkhart County subdivision homes evinces shallow wells. Wells that reach down at least 80 ft., however, access water filtered by clay lenses. Iron does occur naturally in water but is also manufactured by bacteria, Mr. Burbrink explained. Bacteria are normally to blame when new farm irrigation systems in northern parts of the county appear rusty after a year.

Mrs. Coyne then added that expansion of the TIF is among tools now in place to address what is happening in Prairie Creek Run, and that the JPR study will reveal how deep wells must be drilled and when the area will be ready for municipal water and sewer and additional infrastructure.

A written order has been made available for Plan Commission signature, and a Plan Commission opinion about the proposed TIF map amendment is sought, Mr. Buche then said. Mr. Campanello and Mr. Lucchese among others could see no reason not to add the gap area to the district. Mr. Miller asked whether resident backlash would follow amendment approval. Mrs. Coyne said that while area residents were once dead-set against annexation, they might no longer be, facing failing septic systems and the results of tax cap implementation.

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

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Steven Edwards, to include the specified area within Prairie Creek Run in lieu of what was originally proposed.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

11. **Major/Minor Change: Furrion (Elkhart East, Lot 8)**

Mr. Auvil at this time explained that Furrion seeks to increase the size of the first floor of the building proposed for lot 8E of Elkhart East, Area E, Phase 1, from 23,500 sq. ft. to 28,000 sq. ft. and retain permission, granted at the time of original approval, to meet only 50 percent of the parking requirement, based on building footprint. He specified that the petitioner will use the new area figure as a basis for parking. Mr. Miller asked whom the change would affect, and Mr. Lucchese and Mr. Auvil agreed that the lot is surrounded by open land.

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

Motion: Action: Approve, **Moved by** Jeff Burbrink, **Seconded by** Frank Lucchese, that the above-

described change to Furrion DPUD be considered a minor change and be approved by the Advisory Plan Commission. The motion was carried with a unanimous vote.

12. ***Major/Minor Change: Elkhart East, Area D, Phase 2***

Mr. Auvil explained that the company occupying lot 7A of Elkhart East, Area D, Phase 2, seeks to add two material-storage silos 34 ft. tall and 18 ft. in diameter to its building. The material is used during the mold injection process. Mr. Campanello asked whether the addition observes Elkhart East covenant provisions, and Mr. Auvil said it did as far as he knew. He then submitted for the file a promotional handout showing specifications and photos of the silos *[attached to file as Staff Exhibit #4]*.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Steven Edwards, that the above-described change to Elkhart East, Area D, Phase 2, be considered a minor change and be approved by the Advisory Plan Commission. The motion was carried with a unanimous vote.

13. ***Board of County Commissioners Approvals of Plan Commission Recommendations***

Mr. Auvil at this time announced a new standing Plan Commission staff item, added at Mr. Warner's request: a monthly memo showing Board of County Commissioners approvals of petitions heard by the Plan Commission. Any Board of County Commissioners action beyond mere approval will also be noted. Board members agreed that the memo will be helpful, and Mr. Burbrink commented that the memo will guide future Plan Commission action if the Board of County Commissioners frequently modifies what the Plan Commission presents.

14. ***Subdivision Ordinance Discussion***

Recent review of the subdivision control ordinance has focused in part on the secondary approval process, announced Mr. Auvil. Different approaches to streamlining the process have been discussed and will appear before the Plan Commission. Plan Commission applications that may begin receiving administrative review are those for DPUD secondaries, said Mr. Godlewski. Applications for minor subdivision secondaries already receive administrative review, he said. Mr. Miller expressed support for moving review routinely resulting in approval to the staff level.

Mr. Campanello suggested that the Plan Commission chairperson be alerted to any intent to grant administrative approval. Such alert, which could have legal value, would give the chairperson an opportunity to review all petitions submitted for administrative review and bring them before the Plan Commission as the chairperson sees fit, he said. Mr. Kolbus said the suggestion could be looked at but reminded Mr. Campanello that the appearance of a secondary before the staff means that a primary has already survived Plan Commission and Board of County Commissioners review. Secondary review consists of ensuring that final drawings match what was originally presented, a ministerial process, he noted.

15. *Amendment to the Town of Middlebury's and Elkhart County's Comprehensive Plan*

Mr. Auvil introduced this item, summarizing that the Town of Middlebury amended its comprehensive plan in October 2015, without public notice, to justify a project funded by a grant that had to be applied for before public notice of the amendment could be given. A public hearing will be held in February 2016.

Mark Salee, Middlebury town manager, 418 N. Main St., Middlebury, detailed that a purchaser of property containing Middlebury's only subsidized-housing facility, Crystal Valley Manor, sought a federal grant that would fund the facility's upgrade. The grant application required that Middlebury's comprehensive plan address subsidized housing more specifically, and the town was fine with the change and did amend its plan, he said. Mr. Salee had no word on the status of the purchaser's grant application.

16. *Workshop Continuation: Jeff Burbrink*

Mr. Godlewski said that the workshop continuation would be moved to February 2016, when more Board members would be in attendance.

17. A motion to adjourn the meeting was made by Mr. Miller and seconded by Mr. Edwards. With a unanimous vote, the meeting was adjourned at 10:54 a.m.

Respectfully submitted,

Daniel Dean, Recording Secretary

Roger Miller, Vice Chairman