

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 13TH DAY OF JULY 2017 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, Roger Miller. The following staff members were present: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Liz Gunden, Planner; Mae Kratzer, Planner; Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

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

2. A motion was made and seconded (*Edwards / Warner*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 8th day of June 2017, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Burbrink /Snyder*) 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 31 major subdivision to be known as KENNEDY MANOR FOURTH, for Emerald Chase Land Dev., represented by Progressive Engineering, Inc., on property located on the North side of US 20 Bypass, 2,533 ft. West of CR 17, in Concord Township, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #MA-0425-2017*.

Brad Cramer, Progressive Engineering, Inc, 58640 SR 15, Goshen, was present representing Emerald Chase Land Dev. Mr. Cramer stated that during a period of time they built the two phases, and they are trying to finish the third phase. He continued that they had to make the lots larger due to current Health Department guidelines. He stated that they had to have enough room for the septic system and the reserve. He indicated drainage issues that were being addressed. Mr. Stump noted the Staff Report is incorrect in stating it borders Goshen but should be Elkhart. Ms. Snyder questioned how many lots were lost. Mr. Cramer stated one.

There were no remonstrators present.

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

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

Motion: Action: Approve, **Moved by** Lori Snyder **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Primary approval of a 31 major subdivision to be known as KENNEDY MANOR FOURTH be approved in accordance with the Staff Analysis.

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

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

5. The application for a zone map change from A-1 to M-1, for Edgar W. & Phyllis Kay Miller represented by Jones Petrie Rafinski, on property located on the South side of CR 2, 1,200 ft. East of CR 39, West of SR 13, common address of 11830 CR 2 in York Township, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0427-2017*.

Peter Schnars, Jones Petrie Rafinski, 200 Nibco Parkway, Elkhart, was present representing the petitioner. He stated the large property to the East that is zoned M-1 is owned by Grand Design and is being developed into several facilities. Mr. Schnars stated the rezoning would be compatible with the area since it is expanding into RV use.

Carl Kunisch, 11748 CR 2, Middlebury, was present in remonstrance. He distributed a packet of pictures of his property [*attached to file as Remonstrators Exhibit #1*]. He stated he is the owner of Patchwork Quilt, which is used as a wedding venue. He mentioned that they run a bed and breakfast, and other events. Mr. Kunisch continued stating that his property is right next to the subject property. He mentioned that he had a gentlemen's agreement with the petitioner to purchase an area of land for parking. He stated that he wants this petition to be tabled if possible, so they can get that agreement settled. Mr. Campanello questioned the easement. Mr. Kunisch stated that the easement has not been purchased as of yet. He mentioned the truck traffic on CR 2, and how the semi trucks will turn around on his property. He continued that this is not Grand Design's problem; it is the County's problem. Mr. Campanello questioned what he would be doing during the time frame if this is tabled. Mr. Kunisch stated that he will take care of the agreement with the petitioner.

Kristen Nevel, 11748 CR 2, Middlebury, was also present in remonstrance. She stated she thinks it is necessary that there is a barrier in place. She has concerns about the Patchwork Quilt business dying if something is built on the subject property.

Ann Spratt, Grand Design RV, was present. She stated that they do not have intentions to use the easement through the Patchwork Quilt. She pointed out that those intentions are in the request that they submitted originally. Their intent is to negate that easement and make their own variance around the property. She stated the foliage barrier is no problem, and they will put a mound with bushes and shrubs on the top of that. The truck traffic is an issue for them, and they have notified all of the suppliers that they are not to go down that county road. Mr. Campanello questioned about the request to table this petition. Ms. Spratt stated that there was an agreement between Carl Kunisch and Edgar Miller about that property. She continued that there is a contract in place that is contingent on the zoning. She mentioned their intent is to work with Carl Kunisch about the 1.2 acres for parking for his business.

Shawn Berkey, 12278 CR 2, Middlebury, was present in remonstrance representing his family that owns the parcels to the West and North of the subject property. He mentioned the issue at hand is that no agreement has been done. He stated that Grand Design wants to be a part of the Middlebury community, and he understands that want. He mentioned that he wants them to put in a nice buffer that looks presentable as well. He agreed that the traffic is horrendous on CR 2.

Mr. Schnars returned to the podium and stated that this is just a rezone at this point. He mentioned that they are not here to submit a site design for a specific approval. He was unsure what

the delay of the rezoning would do to the property owners surrounding the subject property. Ms. Snyder questioned about tabling the petition and if it would affect the design. Mr. Campanello stated that it would affect the design. He stated that they are just here to make a decision on the rezoning. Mr. Miller reiterated that this is a request for a zone map change.

Ken Jones, Jr., Jones Petrie Rafinski, 200 Nibco Parkway, Suite 200, Elkhart, was present. He mentioned that this land use request has no proposed access to CR 2. He continued that the design of the existing campus includes access configurations. He mentioned that he spoke with the proposed owner earlier this morning, and he hopes that the land use will facilitate formalizing that arrangement. Mr. Miller questioned the time frame for site design. Mr. Jones stated it will occur immediately after the land use approval. Mr. Godlewski mentioned that there is not a Plan Commission review of the development. He continued that it would be done by the staff since it is a straight rezoning and not a PUD.

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

Mr. Kolbus questioned staff about the Zoning Ordinance setting standards with the buffers between the M-1 and the residential use, or if it is based on the zone to the North. Mr. Godlewski stated the use. Mr. Auvil stated that it is a Class 3 buffer, the highest buffer they can use. Mr. Kolbus mentioned that there are requirements in the Zoning Ordinance for the buffer, but if the Board wants something specific then they need to attach a specific commitment or PUD. He continued that the parking area is a private matter and should not be a concern at this time. He stated that the platting process for the left portion is going to be no access on the plat. Mr. Godlewski stated that there is no plat or Planning for this petition, and the separate parcel purchase is for the two owners involved. If rezoned, Mr. Warner questioned if there will be difficulty in separating that piece out. Mr. Auvil answered stating if the agreement works out between the two owners and if the parcel is smaller, it could be approved. He continued that they could not approve anything that is bigger than what is advertised. Mr. Kolbus reminded the Board that this has to go to the Commissioners, and that they can recommend anything but that parcel to be rezoned.

Mr. Jones returned to the podium stating that the part of the land that is flag shaped and touches CR 2 is not currently part of the proposed land transaction. He continued that it is not an issue if the legal description needs to be amended before this goes to the Commissioners meeting. He agreed with staff about not having a plat or the need for Planning with the petition. He did mention that they may be back within several months to submit a replat if the owner decides they want an easement.

Mr. Kolbus wanted to confirm that the flag lot was not part of this transaction. Mr. Jones stated that it is not. Mr. Stump questioned how that is taken out of the request of the zoning. Mr. Kolbus stated that if the legal description includes that strip of land, the Board can recommend withdrawing it or that it not be rezoned. Mr. Miller questioned how they can legally state that. Mr. Kolbus mentioned that they can recommend that to the County Commissioners, and they can withdraw it. Mr. Jones stated that they may have confused the issue due to submitting a sketch that included that strip of land. He continued that they are only asking for the rezoning for the legal description that was submitted. Mr. Miller stated that his concern is that rezoning this property will negatively affect the Patchwork Quilt. The Board spoke amongst themselves about how this will

impact the Patchwork Quilt. Ms. Snyder wanted to clarify what was heard about the access on CR 2. Mr. Kolbus stated that it will not apply due to it not being part of the transaction. Mr. Stump questioned how this petition is different from last month's request with Forest River. Mr. Miller stated that there is a business that would be negatively affected.

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

Motion: less rectangular portion, **Action:** Approve, **Moved by** Jeff Burbrink, **Seconded by** Steve Warner 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 be approved in accordance with the Staff Analysis for the larger portion of this square area less the rectangular portion, referred to as "the flag area" mapped out that connects to CR 2.

Vote: Motion passed (**summary:** Yes = 7, No = 2, Abstain = 0).

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

No: Philip Barker, Roger Miller.

6. The application for an amendment to an existing DPUD and for Primary approval of a 2 lot minor subdivision to be known as REPLAT LOT 3 HUSS RESIDENTIAL DPUD, for Cassandre Albin ½ Int and Anthony Crowder & Amber Crowder H&W ½ Int Ten Com represented by Jones Petrie Rafinski, on property located on the South side of Wilray Dr, 800 ft. South of Southwood Dr., West of SR 19, common address of 00000 Wilray Dr in Baugo Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0415-2017*.

Peter Schnars, Jones Petrie Rafinski, 200 Nibco Parkway, Elkhart, was present representing the petitioner. He stated the Crowder family wants to build homes and have nice big lots. He continued that they will be hooked up to city sewer. He mentioned the manhole is present at the North corner of the tract. Mr. Stump questioned the difficulty with hooking up to the sewer. Mr. Schnars stated the other two houses have raised systems, and if those fail at anytime they will need to be hooked up to city sewer as well. He continued that they will have to have low pressure sewer pumped to the manholes. Mr. Stump questioned about annexation. He continued that there was a residence further up on Wilray that needed to be hooked up to the city sewer, and the city would not allow that. Mr. Schnars stated that there is a main sewer line that goes straight through the subject property.

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** Roger Miller, **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to an existing DPUD and for Primary approval of a 2 lot minor subdivision to be known as REPLAT LOT 3 HUSS RESIDENTIAL DPUD be approved in accordance with the Staff Analysis.

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

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

7. Board of County Commissioners Approvals Following Plan Commission Recommendations

Mr. Auvil reported on June 19, 2017, The Board of County Commissioners approved Longboat DPUD and Zone Map changes for Terry Bender and Philip & Sharon Wogoman.

8. Little Bluestem Farm DPUD – Jason Auvil presented this staff item. He stated the minor change is to construct a detached garage instead of an attached garage which was stated on the site plan. He continued that the size of the structure will not change and staff recommends approval.

Motion: Action: Approved, **Moved by** Jeff Burbrink **Seconded by** Steve Warner that the Board finds this request is a minor change. The motion was carried with a unanimous vote.

9. Chris Godlewski stated that it is Liz Gunden’s last Plan Commission meeting. Duane Burrow started a few weeks ago part time, and he will be helping with the Zoning Ordinance tweaks. He continued that Matt Shively will start on Monday.

10. Mr. Godlewski stated that the Board should have received the email about the Code and Planning budget. He stated the 19 staff members are based out of those two budgets. He continued that the Commissioners approved the salary adjustments for the staff. There is a three percent PIP, and access hours for hourly employees. In example, if an employee works 37 hours instead of 36 hours. Mr. Godlewski stated that there are additional conference and educational costs, for employees finishing up the supervisor training class. That total is four percent higher.

Motion: Action: Approved, **Moved by** Tom Stump, **Seconded by** Jeff Burbrink that the Board approve the proposed 2018 budget. The motion was carried with a unanimous vote.

There was further general discussion about Grand Design.

11. A motion was made and seconded (*Miller / Warner*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:09 a.m.

Respectfully submitted,

Kristi Shaffer, Recording Secretary

Roger Miller, Chairman