

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 10TH DAY OF MAY 2018 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, Jeff Burbrink. The following staff members were present: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Mae Kratzer, Planner; Matt Shively, Planner; Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

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

Absent: Roger Miller, Lori Snyder.

2. A motion was made and seconded (*Warner/Stump*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 12th day of April 2018, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Edwards/Lucchese*) 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. Text Amendments to the Elkhart County Subdivision Control Ordinance was presented by Chris Godlewski. He stated that this Amendment to the Subdivision Control Ordinance is minor. He added that the section was approved in 2009 through 2016 and it has been applied in a variety of ways. He explained that in the Administrative Subdivision portion they added the additional right-of-way and drainage certificate, and the elimination of the amount of Administrative Subdivisions allowed. He mentioned that in section 4.1.3 it shows that it is itemizing the requirements for the submittal. He added there is also a deed of dedication that has been added. He explained that they want to treat the Administrative Subdivisions as Minor Subdivisions in which Staff can sign the Secondary Plat Dedication.

There were no remonstrators present.

A motion was made and seconded (*Lucchese/Burbrink*) 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** Steven Edwards, **Seconded by** Philip Barker that the Advisory Plan Commission recommend to the Board of County Commissioners that this request to amend this ordinance to include sections 4.1.3 and 4.1.5 be approved.

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

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

5. The application for a Zone map change from R-2 to B-2, for First State Bank of Middlebury, on property located on the East side of State St., North of Warren St., 261 ft. East of SR 13, in

Middlebury Township, zoned R-2, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0174-2018*.

Joe Caffee, CEO of First State Bank, was present as the petitioner. He stated that they have an offer from a local investor that would like to purchase the subject property. He added that the investor wants to build a retail pharmacy at the location. He explained that part of the offer is that First State Bank handles the petition and cost.

There were no remonstrators present.

A motion was made and seconded (*Burbrink/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** Frank Lucchese, **Seconded by** Steven Edwards that the Advisory Plan Commission recommend to the Town Board of Middlebury that this request for a Zone map change from R-2 to B-2 be approved in accordance with the Staff Analysis.

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

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

6. The application for a Zone map change from A-1 to M-1, for HTIW Properties, LLC represented by Abonmarche Consultants, on property located on the West side of SR 15, 1,200 ft. South of CR 10 & East side of CR 23, in Washington Township, zoned A-1, was presented at this time.

Matt Shively presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0180-2018*.

Brad Mosness, Abonmarche Consultants, 1009 S. Ninth St., was present representing the petitioner. He stated that the petitioner rezoned the parcel to the North of the subject property and it is currently being constructed for an RV storage lot. He added that the petitioner would like to expand that RV storage lot onto the subject property and it is the reason they are requesting the zone M-1. Mr. Campanello questioned if there will be anyway to keep the RV traffic off of CR 23. Mr. Mosness stated that the petitioner is in the process of trying to get access from SR 15.

There were no remonstrators present.

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

Mr. Barker stated that this site has 100 ft. of relief to the East and South. He added CR 10 is just North of the subject property and when it rained a few nights prior it washed out the road. He added that the water went North into Thor's retention area. Mr. Barker stated that he wants to request that there is a Tech meeting or plan to be able to have the drainage done correctly. Mr. Campanello stated his concerns about RV traffic utilizing CR 23.

Motion: Action: Approve, **Moved by** Philip Barker, **Seconded by** Jeff Burbrink 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 with the following condition imposed:

1. Site Plan and Drainage Tech to be approved by MS4, Soil and Water, and all relevant agencies.

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

Yes: Frank Lucchese, Jeff Burbrink, Philip Barker, Steve Warner, Steven Edwards, Tom Stump.

No: Tony Campanello.

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

Motion: Action: Approve, **Moved by** Steven Edwards, **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 M-1 be approved in accordance with the Staff Analysis with the following condition imposed:

1. Site Plan and Drainage tech to be approved by MS4, Soil and Water, and all relevant agencies.

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

Yes: Frank Lucchese, Jeff Burbrink, Philip Barker, Steve Warner, Steven Edwards, Tom Stump.

No: Tony Campanello.

7. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil reported that on April 16, 2018 at the Board of County Commissioners meeting, the petitions for Secondary approval for Evergreen Ridge and Elkhart East Area B Phase 3 were approved.

8. The application for a Zone map change from R-1 to B-3, for WPTA Television, Inc. represented by FM Stone Commercial, on property located on the East side of CR 7, 1,000 ft. South of CR 20, common address of 58096 CR 7 in Concord Township, zoned R-1, was presented at this time.

Matt Shively presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0181-2018*.

Brett Miller, FM Stone Commercial, was present representing the petitioner. He stated they are trying to sell the property. He added that they were unaware that the present zoning is R-1 and they are trying to bring it to compliance.

There were no remonstrators present.

A motion was made and seconded (*Stump/Burbrink*) 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** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone map change from R-1 to B-3 be approved in accordance with the Staff Analysis.

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

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

9. The application for an Amendment to an existing DPUD known as ABEL ESTATES DPUD, for Charles R. & Kristin M. Roeder represented by Martin Brothers, on property located on the North side of Waterford St. (CR 40), 2,660 ft. West of SR 19, common address of 512 E. Waterford St. in Olive Township, zoned DPUD R-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0175-2018*.

Jeff Martin, Martin Brothers, 26262 CR 40, Goshen, was present representing the petitioner. He stated that all of the lots in Able Estates are owned by family members. He explained that they want to tear down the current residence but leave the garage. He added that the petitioner wants to build a new residence to the West of the garage.

There were no remonstrators present.

A motion was made and seconded (*Stump/Burbrink*) 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** Steven Edwards, **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 known as ABEL ESTATES DPUD be approved in accordance with the Staff Analysis.

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

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

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

It should be noted this was heard previously as item # 7 on page 3.

11. A motion was made and seconded (*Warner/Stump*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 9:39 a.m.

Respectfully submitted,

Kristi Shaffer, Recording Secretary

Jeff Burbrink, Chairman