

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 10TH DAY OF JANUARY 2019 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 Vice Chairman, Steve Warner. 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, Roger Miller, Steve Warner, Lori Snyder, Frank Lucchese, Philip Barker.

Absent: Jeff Burbrink, Tom Stump.

2. A motion was made and seconded (*Miller/Edwards*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 13th day of December 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.

There was brief discussion about the 2019 Officers and Appointments

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Frank Lucchese for acceptance of nomination of Lori Snyder to replace Jeff Burbrink as Secretary of the Plan Commission and Executive Committee. The motion also included nomination of Steve Warner as Chairman, and Roger Miller as Vice Chairman of the Plan Commission. The motion was carried with a unanimous vote.

4. The application for a Zone map change from A-1 to M-1, for Edgar & Phyllis K. Miller represented by Abonmarche Consultants, on property located on the North side of CR 2, 3,900 ft. West of SR 13, in York 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-0783-2018*.

Mr. Miller questioned if the waste water from White Pigeon has come down to the area yet. Mr. Lucchese mentioned that it has.

Mike Huber, Abonmarche Consultants, 1009 S. Ninth St., Goshen, was present representing the petitioner. He stated that the property is about 50 acres and they are consistent with the adjacent land uses. He submitted a map [*attached to file as petitioners exhibit #1*]. He mentioned that this is located in the far Northwest corner of the TIF district.

There were no remonstrators present.

A motion was made and seconded (*Barker/Lucchese*) that the public hearing be closed, and

the motion was carried with a unanimous vote.

Mr. Barker stated that he feels that it is fine to do a straight rezoning however he wants to somehow make it necessary to have some kind of technical review. Mr. Godlewski stated that it would be a condition for the Tech Committee review.

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

Motion: condition final design brought before staff and tech review committee, **Action:** Approve, **Moved by** Roger Miller, **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-1 be approved in accordance with the Staff Analysis with the following condition imposed:

1. Final design will be brought in front of Staff and Technical Review Committee.

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

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

5. The application for a Zone map change from A-1 to DPUD A-1 and for Primary approval of a 7 lot major subdivision to be known as LAKE JAMES ESTATES, for Judith A. & Ronald G. Hoefle represented by Lang, Feeney & Associates, Inc., on property located on the North side of Cross Creek Dr., 660 ft. East of Ash Rd., North of CR 10, common address of 30877 Cross Creek Dr. in Cleveland 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-0782-2018*. He added a side note about outstanding items.

Terry Lang, Lang Feeney & Associate, 715 S. Michigan St., South Bend, was present representing the petitioner. He explained that the owner's daughter decided to buy out her sisters and is in process of remodeling the existing residence. He added that she purchased the old abandoned residence on the Northwest corner of the subject property and tore it down. He stated that they are looking to do seven residential sites. He explained that there will be three lots that will have access to W. County Line Rd., a single drive way to the north accessing lot 4, and two additional access points from Cross Creek Dr. Mr. Miller questioned lot 7 and where the house will be located. Mr. Lang explained that a home would be located in the Southwest portion of lot 7.

Christina Blaschke, 51601 Pebble Brooke Dr., Granger, was present in remonstrance. She stated that one of her major concerns is the ambiguities in the letters from Lang Feeney & Associates. She explained that one letter stated that they will build and then another letter stated they will not build on lot 7. When Mr. Miller questioned what her concerns are with building on lot 7, Mrs. Blaschke explained that her concern is the flood plain. She mentioned that she had to personally get approval from Army Corp and DNR to put a shed on her property and is wondering if they would also. Mr. Kolbus explained that this meeting is just for the approval of the subdivision and configuring the lots not building. She added that a staff member explained that there will be reviews by other departments. Jason Auvil explained that those departments are Highway, Environmental Health, Surveyor, Planning, Soil and Water, and MS4. She added that the ponds feed into Cobus Creek and she is concerned about contamination. Mr. Campanello stated that there will be no contamination into Cobus Creek.

Suzanne Wyatt, 51559 Pebble Brooke Dr., was present in remonstrance. She explained that 17 years ago they moved into the subdivision. She stated that there have been several attempts to develop the land and failed.

Rob Tooley, 51622 Steeple Chase, Granger, was present in remonstrance. He mentioned that he is also concerned about property values. He explained that they relied on nothing being constructed on the subject property. He stated that it was mentioned earlier that the owner was going to stay at the location; however he was under the impression that she was not going to stay. When Mr. Warner questioned if he or any of his neighbors have any history of drainage or septic issues, Mr. Tooley responded no.

Suzanne Wyatt returned to the podium. She added that Cobus Creek is a designated Trout stream.

Amy Yankel, 51577 Pebble Brooke Dr., Granger, was present in remonstrance. She questioned if there needs to be two entrances and exits for the subdivision and the Board responded no. She explained that her and her husband approached the property owner and offered to purchase some of the land and the property owner has not gotten back to them. She stated that a major concern is nitrates in the wells. She added that there are already issues in the subdivision with nitrates in property owners' wells. Ms. Snyder stated that there is a lot of land work that has to be done for example soil borings before they can build on the lots. When Mr. Auvil questioned if there was a homeowners association, Ms. Yankel responded that they do not. She questioned if there will be covenants and restrictions for the subdivision and what will they be.

Christina Blaschke returned to the podium. She stated that from what she has heard is that the Board is just approving the zoning and division of land. She wondered if everything could be approved but lot 7 can be left out of the process. Mr. Campanello explained that if someone wants to build on lot 7 they would have to jump through all of the hoops to be approved for the permits. Mr. Auvil stated that it is not that uncommon that in a subdivision that there is a lot that is an unbuildable lot. Ms. Blaschke stated that hearing that makes her feel more comfortable.

Terry Lang returned to the podium to address the concerns of the remonstrators. He stated the home owners were notified during each phase of the subdivisions surrounding the subject property. He mentioned that the property owner told Mr. Lang that someone approached them wanting to purchase lot 7. He added that he explained to Ms. Hoefle to not do anything with the property until the process is completed so the lots will be created. Then the properties will be up for sale. He stated that he is unsure if the property owner has covenants and he will address those with her and let the planning department know. He expressed that he believes that these lots will sell for \$100,000 a lot. When Mr. Warner questioned the soil borings not matching, Mr. Lang answered that they were originally taken when a roadway was an option.

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

Jason Auvil stated that Staff has informed him that there have been several calls about this petition and since they thought it was going to be tabled that the Staff informed those callers that it was tabled.

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 a Zone map change from A-1 to DPUD A-1 and for Primary approval of a 7 lot major subdivision to be known as LAKE JAMES ESTATES be approved in accordance with the Staff Analysis.

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

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

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

Jason Auvil reported that on December 3, 2018, the Elkhart County Commissioners approved a DPUD known as Replat and First Expansion of Smart M-1 DPUD. He added that on December 17, 2018, the Elkhart County Commissioners approved three Vacations, two of which were for Via Pisa and one for Kennedy Manor.

7. A motion was made and seconded (*Lucchese/Campanello*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:10 a.m.

Respectfully submitted,

Kristi Miller, Recording Secretary

Steve Warner, Vice Chairman