

MINUTES
ELKHART COUNTY PLAT COMMITTEE MEETING
HELD ON THE 8TH DAY OF APRIL 2010 AT 8:30 A.M.
MEETING ROOM – DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plat Committee was called to order by the Plan Commission Vice-Chairman, Jeff Burbrink, with the following members present: Blake Doriot and Meg Wolgamood. Staff members present were: Robert Watkins, Plan Director; Robert Nemeth, Planner; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Doriot/Wolgamood*) that the minutes of the last regular meeting of the Elkhart County Plat Committee held on the 11th day of March 2010 be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Doriot/Wolgamood*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearing and the motion was carried unanimously.

4. The application for Primary approval of a one lot minor subdivision to be known as **WITMER MINOR SUBDIVISION**, for Donald & Marvin Witmer represented by Brads-Ko Engineering & Surveying, on property located on the South side of CR 30, 1,560 ft. West of CR 13 in Harrison Township, zoned A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #24300CR30-100301-1*.

Barry Pharis of Brads-Ko Engineering & Surveying, 1009 S. 9th St., Goshen, was present on behalf of this request representing the Witmer Estate. He pointed out the location of the Loucks' residence, Devon Witmer's residence, and the farm house that took in all of the acreage where the elder Mr. Witmer lived. The elder Mr. Witmer is now deceased and he said Devon Witmer, one of his nephews, purchased that acreage in two parcels without benefit of a survey.

According to Mr. Pharis, the legal descriptions were prepared by an attorney, and as long as Devon Witmer and the elder Mr. Witmer and his family lived there, there were no issues; however, when Mr. Witmer passed away, they discovered the driveway for his property was actually on Devon Witmer's property. When they added the second piece, he said they had intended to make sure the building (to the east) stayed with that portion of the property.

Mr. Pharis said they have resurveyed the entire farm and created a single legal description for Devon Witmer's parcel that meets current standards. The driveway for the proposed subdivision is on the proposed subdivision's tract of land, and the side setbacks for all of the buildings are now in compliance. The result from this process is that they now have a three-acre minor subdivision that will allow Devon Witmer's daughter and her family to live next door to them.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Wolgamood/Doriot*) that Primary approval of this one lot minor subdivision be approved by the Plat Committee in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

5. The application for Secondary approval of two lot minor subdivision known as **HABITAT SEVENTH STREET MINOR SUBDIVISION**, for Habitat for Humanity of Elkhart County, Inc. represented by Brads-Ko Engineering & Surveying, on property located on the West side of 7th St., 335 ft. South of Hively Avenue in Concord Township, zoned R-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #7THSTREET-100301-1*.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Wolgamood*) that Secondary approval of this two lot minor subdivision be granted by the Plat Committee as it meets the subdivision regulations. With a unanimous vote, the motion was carried.

6. The application for Secondary approval of a Detailed Planned Unit Development known as **THE DEERFIELD VILLAS DPUD**, for Kemar Properties, LLC represented by Brads-Ko Engineering & Surveying, on property located on the West extension of Kemar Street, 575 ft. West of SR 19, North of CR 40 in Olive Township, zoned GPUD-R-1/R-2, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #65597SR 19-100301-1*. He reported that this was reviewed at the Wakarusa Town Board meeting last Tuesday and they signed the Secondary plat.

Mr. Doriot explained that he was involved with this development, but there is no contract left between him and Kemar Properties. Mr. Kolbus advised that there is no conflict of interest.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Wolgamood/Doriot*) that the Plat Committee grant Secondary approval of this Detailed Planned Unit Development as it meets the subdivision regulations. The motion was carried unanimously.

7. The application for a replat of an existing subdivision to be known as **REPLAT OF LOT ONE OF SILL'S ADDITION**, for Kirk Stiffney, SRE Properties, LLC represented by Advanced Land Surveying, on property located on the East side of N. Division St. (CR 23), at the East end of N. River Rd. (CR 8), 500 ft. North of Trout Creek Rd. (CR 25) in Washington Township, zoned R-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #700NDivisionSt-100301-1*. He explained that previously they had the option of releasing the drainage and utility easements through the plat or through deed releases, but they still need the letters of release. As a planner, he prefers that releasing the easements come through the platting process and he reported that the Highway Department has also made it a policy.

Mr. Doriot expressed a concern that it costs people more time and money to release these easements and Mrs. Wolgamood agreed. Both she and Mr. Doriot recalled that this was previously handled through the Plan Commission as a staff item, but it was decided to discuss this issue at a later time.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Wolgamood*) that Secondary approval be granted by the Plat Committee as this meets the subdivision regulations. The motion was carried with a unanimous vote.

8. The application for Secondary approval of a two lot minor subdivision to be known as **SAWATSKY KINGSLEY MINOR**, for Aaron & Natasha Sawatsky Kingsley represented by Brads-Ko Engineering & Surveying, on property located on the East side of CR 21, 2,500 ft. North of CR 19, common address of 61074 CR 21 in Elkhart Township, zoned A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #61074CR 21-100315-1*.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Wolgamood*) that the Plat Committee grant Secondary approval of this two lot minor subdivision as it meets the subdivision regulations. With a unanimous vote, the motion was carried.

9. The meeting was adjourned at 8:46 a.m.

Respectfully submitted,

Kathleen L. Wilson
Recording Secretary