

MINUTES
ELKHART COUNTY PLAT COMMITTEE MEETING
HELD ON THE 9TH DAY OF SEPTEMBER 2010 AT 8:45 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 Vice-Chairperson of the Plan Commission, Jeff Burbrink, with the following members present: Meg Wolgamood, and Blake Doriot. Staff members present were: Mark Kanney, Planning Manager; Duane Burrow, Senior Planner; 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 12th day of August 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 Secondary approval of a four lot major subdivision known as **THE FARM SECTION 3**, for Big M, Inc. represented by Marbach, Brady & Weaver, on property located on the East side of SR 13, 2,150 ft. North of CR 10 in York Township, zoned A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #FISHERS POND-100709-1*.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Wolgamood*) that this request for Secondary approval of this four lot minor subdivision be granted by the Plat Committee in accordance with the Staff Analysis as this subdivision meets the requirements of the Subdivision Control Ordinance and condition of Primary approval. The motion was carried with a unanimous vote.

* (*It is noted that Mike Yoder arrived for the meeting at this time.*)

5. The application for Secondary approval of a one lot minor subdivision known as **CRIPE MINOR SUBDIVISION**, for Cripe Estate c/o Rodney Cripe represented by Brads-Ko Engineering & Surveying, on property located on the South side of CR 40, 2,640 ft. West of 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 #20480CR 40-100701-2*.

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 one lot minor subdivision in accordance with the Staff Analysis as this subdivision meets the requirements of the Subdivision Control Ordinance. With a unanimous vote, the motion was carried.

6. The application for Secondary approval of a one lot minor subdivision known as **RABER MINOR SUBDIVISION**, for Joni B. & Fannie Mae Raber represented by Brads-Ko Engineering & Surveying, on property located on the East side of CR 43, 2,000 ft. North of CR 10 in York Township, zoned A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #54168CR 43-100702-2*.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Yoder*) that in accordance with the Staff Analysis, Secondary approval of this one lot minor subdivision be granted by the Plat Committee as this subdivision meets the requirements of the Subdivision Control Ordinance. The motion was carried unanimously.

7. The application for Secondary approval of a Replat of the playground area of Harrison Ridge Subdivision known as **HARRISON RIDGE SUBDIVISION SECOND**, for Habitat for Humanity of Elkhart County represented by Brads-Ko Engineering & Surveying, on property located on the East side of Tippecanoe Drive, 180 ft. South of Tyler Lane in Harrison Township, zoned R-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #0TIPPECANOE DRIVE-100701-1*.

Barry Pharis of Brads-Ko Engineering & Surveying, 1009 S. 9th St., Goshen, who represents Habitat for Humanity, said he proposes they limit the occupancy until the sidewalk is constructed as opposed to trying to find some bonding mechanism for the sidewalk to address the first issue in the Staff Analysis.

Mr. Pharis then addressed the second issue, which he said has been raised by MS4. He explained that the subject parcel is within an in lieu of annexation agreement with the city of Goshen. They presented their plan, which started with a plan to improve the drainage on this site. The drainage swale of the ponds that were in place were wet ponds by the definition of where the Seasonal High Water Table was and where they were constructed. He said they were first commissioned to try to do a retrofit to the retention so they provided an in-depth drainage analysis, which was reviewed by Katie Niblock at the Elkhart County Highway Dept., Dustin Saylor of the city of Goshen, and Hans Musser in the Elkhart County Surveyor's office. He said they received a letter from the city and a statement from the Elkhart County Highway Dept. that they were satisfied that their drainage plan would work.

Mr. Pharis continued saying John Heiliger, the Elkhart County MS4 Field Investigator, raised a question this morning, but he does not have an answer for that question right now. He indicated that he can have an answer in a day or so, but he said he will not ask the Plan Commission to approve something that he cannot guarantee 100 percent. Therefore, he requested that this be tabled until the October 14, 2010 Plat Committee meeting. At that time, he said he would have that answer 100 percent and satisfy both John Heiliger and himself with regard to compliance with the MS4 regulations.

Mr. Yoder asked him to be more specific about the issue raised by Mr. Heiliger. Mr. Pharis said with the purchase of Lot 75, Mr. Heiliger sees that lot owner will be 100 percent responsible for the maintenance of that retention area. That is not their intent, but he said he wants to make sure with the documentation they have in place and the other material that this will not be a burden to

one lot owner.

Mr. Doriot said he thinks the way the Highway Department sees it is if you own the lot and it has a retention pond on it, you are responsible for its maintenance. He said that drainage and maintenance agreement goes to you so it is an issue. Mr. Pharis said he is going to resolve that issue because he wants a clear cut solution in place. He said he doesn't think it will be a serious problem for Habitat if they can't build on that lot in the next two weeks.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Yoder/Wolgamood*) that this request be tabled until the October 14, 2010 meeting of the Plat Committee. Unanimously, the motion was carried.

8. The meeting was adjourned at 8:58 a.m.

Respectfully submitted,

Kathleen L. Wilson
Recording Secretary