

MINUTES

ELKHART COUNTY PLAT COMMITTEE MEETING

HELD ON THE 12th DAY OF JULY 2012 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 Chairperson, Tony Campanello, with the following members present: Blake Doriot, Jeff Burbrink, Roger Miller, and Doug Miller. Staff members present were: Chris Godlewski, Plan Director; Brian Mabry, Planning Manager; Duane Burrow, Planner; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*D. Miller/Doriot*) that the minutes of the last regular meeting of the Elkhart County Plat Committee held on the 14th day of June 2012 be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Burbrink/Doriot*) 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 three lot minor subdivision to be known as **RAILROAD LANDS MINOR**, for Vicki S. Maust represented by Cardinal Point Surveying, on property located on the Northwest corner of CR 35 and South Street in York Township, zoned A-1, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #0South Street-120604-1*.

Philip Barker of Cardinal Point Surveying, 1002 Zollinger Road, Goshen, was present representing this request for approval. He asked for any questions or comments. Mr. Burrow stated that a reduced copy of the plat had not been submitted; however, Mr. Barker said he had submitted a copy.

Mr. Doriot said he could not vote on this request, because he did not have a copy of the plat. Mr. Barker said he made 13 copies and asked Mr. Doriot if he would like to see it.

A copy of the plat submitted with the application was given to the Board to review.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/D. Miller*) that the Plat Committee grant Primary approval of this three lot minor subdivision in accordance with the Staff Analysis and comments of the Technical Advisory Committee. The motion was carried unanimously.

5. The application for Secondary approval of a two lot minor subdivision known as **WOODED TREASURE**, for Robert L. & Diane K. Hershberger represented by Progressive Engineering, Inc., on property located on the Southwest corner of SR 19 and Hampton Woods Drive, common address of 50825 SR 19 in Osolo Township, zoned A-1, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as Case #50825SR 19-120618-1.

Brad Cramer, Progressive Engineering, 58640 SR 15, Goshen, was present to represent this application and stated he had not been made aware of the deficiencies as indicated by the Elkhart County Highway Department. Mr. Cramer stated since the property had a State Road address he did not realize that the County Highway Department would need input as well, so he was not aware of the issues that came up. Mr. Burrow stated that he was not aware of the deficiencies either, nor aware of the Tech Comments and did not have them in his possession.

Mr. Doriot did not think the Elkhart County Highway Department had jurisdiction on State Road 19. Mr. Burbrink asked for the comments that were supposed to be addressed. Mr. Burrow said they had no comments from the Elkhart County Highway Department at the Tech Committee meeting concerning the State Highway.

Attorney Kolbus explained that the Primary approval is where the conditions are set and they cannot set conditions at Secondary, so it has to be determined whether or not the conditions of Primary have been met. He felt it appears to be an issue then; whether or not conditions were properly set at Primary because of no Tech Comments. Mr. Doriot reiterated he thinks the Elkhart County Highway Department can't act on behalf of the Indiana Department of Transportation. Mr. Campanello asked if there was anyone from the Elkhart County Highway Department in attendance. There was no response from the attendees. Mr. Cramer says these are existing curb cuts.

Mr. Doriot asked if this request would go to the Commissioners or if the Plan Director would be able to sign for the approval. Mr. Kolbus stated that if the request was filed after July 1, 2012, then Mr. Godlewski would have the authority to sign, but if it was filed before the plat has to go to the Commissioners. Mr. Cramer stated it was filed in June.

Mr. Doriot made a motion that the Elkhart County Highway Department has no jurisdiction on Indiana SR 19 and there are no comments from the State Highway Department; therefore the Plat Committee grants Secondary approval of this two lot minor subdivision as it meets all other conditions of Primary approval.

Roger Miller says he's not comfortable without knowing what the comments were. However, Mr. Campanello noted that the drive cuts were existing. Mr. Cramer said the road was redone within the last five years and the Highway Department did accept those cuts as they existed.

Mr. Campanello seconded the motion, which then carried with Roger Miller and Doug Miller voting in opposition.

6. The application for Secondary approval of a one lot minor subdivision known as **HILTY MINOR SUBDIVISION**, for Jeffrey M. & Allison S. Hilty represented by Marbach, Brady & Weaver, Inc., on property located on the East side of SR 19, 1,015 ft. South of CR 36 in Harrison Township, zoned A-1, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as Case #OSR 19-120615-1.

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

Mr. Doriot stepped down from the Board at this time; however, since his staff member was ill he had to make comment for this petition.

7. The application for Secondary approval of a one lot minor subdivision known as **BARTH MINOR**, for Barth Property, LLC represented by B. Doriot & Associates, Inc., on property located on the North side of South County Line Road, 1,500 ft. East of CR 35, common address of 13729 S. County Line Road in Benton Township, zoned A-1, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #13729SCountyLineRd-120618-1*. Mr. Burrow stated there were issues at the Tech Committee meeting associated with showing sighting distance for the existing drive. He then clarified that there were Tech Comments provided for this petition. Roger Miller asked for clarification. Mr. Burrow said for driveway permits sighting distances east and west of the drive are required and that information was not provided. Mr. Burrow said it is a pre-existing condition.

Mr. Doriot asked to withdraw his application for Secondary and to reapply for a Secondary through the Staff. Mr. Burrow stated that if he dismissed this petition and reapplied in August, Mr. Godlewski would be authorized to give approval.

A motion was made and seconded (*Campanello/D. Miller*) that the Plat Committee accept dismissal of this request. The motion was carried unanimously.

Chris Marbach of Marbach, Brady & Weaver, respectfully requested that the Plat Committee make a decision or ask for the procedure for the INDOT vs. Elkhart County Highway Department approvals on a State Road. He has several projects with the same scenario where Elkhart County Highway is requiring them to address issues on the State Highway and today the Plat Committee made a motion to ignore that request; therefore, he wanted clarification on this issue for the future. Mr. Kolbus stated that the Staff would follow up on his request.

8. The meeting was adjourned at 8:44 AM.

Respectfully submitted,

Sandra Herrli
Transcriber

Deborah Britton
Recording Secretary