

MINUTES

ELKHART COUNTY PLAT COMMITTEE MEETING

HELD ON THE 12th DAY OF SEPTEMBER 2013 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, Roger Miller, with the following members present: Jeff Burbrink, Roger Miller, Doug Miller, and Tom Stump. Blake Doriot was absent. Staff members present were: Chris Godlewski, Plan Director; Brian Mabry, Planning Manager; Mark Kanney, Planner; Duane Burrow, Planner; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Stump/Burbrink*) that the minutes of the last regular meeting of the Elkhart County Plat Committee held on the 8th day of August 2013 be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Stump/Burbrink*) 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 **A PARTIAL REPLAT OF LOT 7 IN SYLVAN WOODS, DPUD**, for June V. Seegers-Reynolds (owner) and Andrew Meyers (developer/buyer) represented by B. Doriot & Associates, on property located on the Southwest corner of Whispering Hill Drive and Sweetbriar Court, 725 ft. North of CR 16, in Jefferson Township, zoned DPUD-A-1, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #00WHISPERING HILL DRIVE-130805-1*. Mr. Kanney also presented the Technical Committee Report. Mr. Kanney added that this subdivision was developed some time ago with private roads. Lot 7 is the remnant that is to be platted. He said the parcel immediately to the Southwest is primarily drainage easement and that lot 7 is a half acre and will support a 3-bedroom dwelling. He then mentioned that he has been in touch with the homeowner's association. This subdivision is different from normal; the covenant is strong because of the private roads. He said we need to be careful.

Charles Buzzard of B. Doriot & Associates, PO Box 465, New Paris, was present on behalf of this request, representing June V. Seegers-Reynolds (owner) and Andrew Meyers (developer/buyer). He said he was aware that the site is tight and that caution will have to be exercised with respect to construction, but everything fits within the setbacks. He added that approval has been received from the homeowner's association.

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

Motion: Action: Approve, **Moved by** Tom Stump, **Seconded by** Jeff Burbrink, that this request for Primary approval of a one-lot minor subdivision to be known as **A PARTIAL REPLAT OF LOT 7 IN SYLVAN WOODS, DPUD**, be approved in accordance with the Staff Analysis, pending

compliance with the comments of the Technical Advisory Committee. The motion was carried with a unanimous vote.

5. The application for Secondary approval of a two-lot major subdivision known as ***OLIVE MINOR***, for Sheila D. Johnson represented by B. Doriot & Associates, on property located on the West end of Oriole Street, 1,400 ft. West of CR 1, 400 ft. South of CR 18, common address of 30287 Oriole Street in Baugo Township, zoned A-1, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #30287ORIOLE STREET-130812-1*, adding that this subdivision has been changed to a two-lot major subdivision since Plan Commission approval of a three-lot major subdivision given August 8, 2013. He said staff cannot recommend approval and recommends tabling instead. The subdivision will require construction of a public road for which plans and a bond are not in place. Roger Miller asked about the flooding issue that was of concern to the homeowner at the Northeast corner of the property, and Mr. Kanney said that though the homeowner was concerned about increased flow caused by the project, the staff believes his flooding problems will actually be solved by this project.

Charles Buzzard of B. Doriot & Associates, PO Box 465, New Paris, was present on behalf of this request, representing Sheila D. Johnson. He said approval is being requested on the condition that “we don’t get anything signed by the Commissioners until the road plans are filed and approved by the highway department.” Roger Miller asked the Committee whether Mr. Buzzard could be permitted to add such a condition, and James Kolbus said that conditions are normally added at Primary. Secondary is where confirmation that conditions have been met is received. Adding a new condition at Secondary is not permitted. Mr. R. Miller asked under what conditions approval could be given, and Mr. Kolbus said the conditions would have to be met. Mr. R. Miller asked for confirmation that approval cannot be given, and Mr. Kolbus said he agreed with the staff’s recommendation for tabling.

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

Motion: Action: Table, **Moved by** Jeff Burbrink, **Seconded by** Tom Stump, that this request for Secondary approval of a two-lot major subdivision known as ***OLIVE MINOR*** be tabled until the requirements of the Subdivision Control Ordinance and conditions of Primary approval are met. The motion was carried with a unanimous vote.

6. The application for Secondary approval of a 20-lot major subdivision known as ***JEMIAN TRACE PHASE III***, for Max K. & Rhoda E. Weldy Trustees Rev Liv Trust (lf Est) (owners) and Elkhart Development, LLC (developer), represented by Brads-Ko Engineering & Surveying, Inc., on property located 460 ft. North of CR 18, North extension of Jemian Drive, 2,300 ft. East of CR 23 South, in Jefferson Township, zoned A-1, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #OCR 18-130218-1*, adding that the reason for the March 14, 2013, tabling was absence, at that time, of road plans and bonding. He also added that this is an ongoing subdivision and has been since 2002.

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

Motion: Action: Approve, **Moved by** Doug Miller, **Seconded by** Tom Stump, that this request for

for Secondary approval of a 20-lot major subdivision known as ***JEMIAN TRACE PHASE III*** be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

7. The meeting was adjourned at 8:41 a.m.

Respectfully submitted,

Daniel Dean, Recording Secretary