

MINUTES
ELKHART COUNTY PLAT COMMITTEE MEETING
HELD ON THE 10TH DAY OF AUGUST 2017 AT 8:30 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 Plat Committee was called to order by the Chairman, Jeff Burbrink. The following staff members were present: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Mae Kratzer, Planner; Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Roger Miller, Jeff Burbrink, Tom Stump, Philip Barker.

Absent: Steven Edwards.

2. A motion was made and seconded (*Miller/Stump*) that the minutes of the last regular meeting of the Elkhart County Plat Committee, held on the 13th day of July 2017, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Miller/Stump*) 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.

4. The application for Primary approval of a one lot minor subdivision to be known as ZAHNER'S CR 1 MINOR SUBDIVISION, for Chad & Abigail Zahner represented by Lang, Feeney & Associates, Inc., on property located on the West side of CR 1, 450 ft. South of CR 42, common address of 67115 CR 1 in Locke Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #MI-0417-2017*.

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

Motion: Action: Approve, **Moved by** Roger Miller **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Primary approval of a one lot minor subdivision to be known as ZAHNER'S CR 1 MINOR SUBDIVISION be approved in accordance with the Staff Analysis. The motion was passed with a unanimous vote.

5. The application for Primary approval of a two lot minor subdivision to be known as LW33 RENTALS LLC MINOR, for LW33 Rentals, LLC represented by B. Doriot & Associates, Inc., on property located on the North side of Old US 33, South side of Larue St., 440 ft. West of Shore Ave., common address of 28761 US 33 in Baugo Township, zoned B-2, B-3, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #MI-0423-2017*.

Mr. Stump questioned if there are two existing residences. Mr. Auvil stated that there is a house and a business. When Mr. Stump questioned if they wanted to split the lot, Mr. Auvil

answered that he was correct. Mr. Stump questioned why the staff would recommend denial. Mr. Auvil mentioned that the plat was incorrect and should not have left the Technical Committee. Mr. Auvil continued saying that staff was told that revisions were going to be submitted but they never were. Mr. Auvil stated that by the time they were aware that the revisions were not going to be submitted, the agendas were processed and posted for the meeting. He continued stating that Mr. Doriot was made aware of the deficiencies. The Health Department is requiring that the subject property be hooked up to City sewer and the City has said no. Mr. Stump questioned the problems with the septic on the subject property. Mr. Auvil stated that he would need to engage with Environmental Health about those issues. Mr. Burbrink questioned tabling this petition. Mr. Godlewski stated that the Board should consider tabling indefinitely until Mr. Doriot brings in the revisions.

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

Motion: Action: Table, **Moved by** Tom Stump, **Seconded by** Roger Miller that this request for Primary approval of a two lot minor subdivision to be known as LW33 RENTALS LLC MINOR be **TABLED** until the September 14, 2017, Elkhart County Plat Commission meeting. The motion was passed with a unanimous vote.

6. The application for Primary approval of a three lot minor subdivision to be known as CARRIAGE BROOK SECOND, for Amity Development, LLC represented by B. Doriot & Associates, Inc., on property located on the Southeast corner of N. Wabash St & Walnut St, 710 ft. East of SR 13, common address of 302 N Wabash St. in Clinton Township, zoned M-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #MI-0424-2017*.

Mr. Auvil stated that this is the same situation as the previous petition heard. Mr. Auvil stated that Mr. Doriot was told that staff would support the variance request for the setbacks; however he elected not to do that process. He continued that the Technical Committee also found issues with this petition. Mr. Auvil stated that he believes that this petition should be tabled as well. Mr. Stump questioned the water table. Mr. Auvil stated that it is part of the subdivision standards. Mr. Godlewski stated that it is for retention basins. Mr. Stump mentioned that it is already a developed area. Mr. Godlewski stated that he is creating a subdivision. Mr. Stump questioned buildings on the aerial. Mr. Burbrink stated that he is subdividing new land. Mr. Godlewski stated that he is creating new lots and access points. Mr. Stump questioned if he is proposing to build a building. Mr. Auvil stated that he is trying to cut the area up into three new lots, for three different owners. He continued stating that there is an uptick in business and those businesses want to do additions. He stated that it will create more issues. He stated he thinks a D.P.U.D. would address those issues.

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

Motion: Action: Table, **Moved by** Tom Stump, **Seconded by** Roger Miller that this request for Primary approval of a three lot minor subdivision to be known as CARRIAGE BROOK SECOND be **TABLED** until the September 14, 2017, Elkhart County Plat Commission meeting. The motion was passed with a unanimous vote.

7. The application for Primary approval of a two lot minor subdivision to be known as REPLAT OF LOT 12 CLAYRIDGE SQUARE SEVENTH, for Darrell E.Schwartz & Cheryl K. Schwartz Ten In Com Ea ½ Int represented by Abonmarche Consultants, on property located on the Southwest side of Nelson’s Parkway, 998 ft. West of SR 19, in Olive Township, zoned M-1, PUD, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #MI-0524-2017*.

Mr. Stump questioned access to the back lots.

Barry Pharis, Abonmarche Consultants, 1009 S. Ninth St., Goshen, was present representing the petitioners. He stated his client owns the 12 acre parcel, and there is direct access on Nelson’s Parkway and an easement that goes down the parcel. The South that is part of Claybridge Square, was purchased by John Martin. Mr. Pharis stated that the petitioner wanted to partition the subject property. However, John Martin agreed to purchase the part to have access to Nelson’s Parkway from his property, which only has access to CR 42. He continued that Darrell Schwartz and John Martin went to the Town of Wakarusa. Mr. Pharis mentioned that he spoke to Jeff Troxell about what they wanted to do. He stated that Mr. Troxell stated that they did not have to go Technical Committee or Town Council. Mr. Pharis stated that Mr. Troxell also stated that they did not have to do either of those things and that they understood and supported this petition. Mr. Pharis continued stating that John Martin will be purchasing a portion so he can have access to Nelson’s Parkway. Darrell Schwartz will own 3+ acres that also has access to the highway and Nelson’s Parkway. Mr. Stump questioned what piece he was referring to, and if they were dividing that into two pieces. Mr. Pharis answered yes.

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

Motion: Action: Approve, **Moved by** Tom Stump, **Seconded by** Roger Miller that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Primary approval of a two lot minor subdivision to be known as REPLAT OF LOT 12 CLAYRIDGE SQUARE SEVENTH be approved in accordance with the Staff Analysis.

8. The meeting was adjourned at 8:49 A.M.

Respectfully submitted,

Kristi Shaffer, Recording Secretary