

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 9TH DAY OF FEBRUARY 2017 AT 9:00 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 Plan Commission was called to order by the Chairman, Roger Miller. The following staff members were present: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Liz Gunden, Planner; Mae Kratzer, Planner; Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board. Mark Kanney, Planner, was absent.

Roll Call.

Present: Tony Campanello, Steven Edwards, Roger Miller, Steve Warner, Lori Snyder, Jeff Burbrink, Tom Stump, Frank Lucchese, Philip Barker.

2. A motion was made and seconded (*Burbrink/Snyder*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 12th day of January 2017, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Edwards/Lucchese*) 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 a Primary Approval of a 49 lot Major Subdivision to be known as *Fieldstone Estates*, for Liegl Holdings LLC represented by Progressive Engineering Inc., on property located on the West side of CR 19, 500 ft. South of CR 20, in Jefferson Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #MA-0343-2016*.

Brad Cramer, Progressive Engineering, 58640 SR 15, Goshen, was present representing Liegl Holdings LLC (seller), Big M, Inc (buyer) and Marvin L & Ruby Arlene Wittmer (seller). He reported after receiving the Health Department design criteria, the septic has changed from 900 sq. ft. to 1,800 sq. ft., and the number of lots have changed from 49 lots to 42 lots, which will fix the road frontage issue. Mr. Cramer indicated the design criteria changed the drainage and road plans that are already in process of being done. Mr. Miller questioned Mr. Cramer if he objected to the petition being tabled, which Mr. Cramer stated no, it needs to be looked at for compliance. Mr. Miller questioned the property not being owned by Big M. Mr. Cramer indicated negotiations are in process. Progressive Engineering wants to include the strip on the North end that runs out to the road. Mr. Cramer noted the other strip of land is an exchange. There will be 100 ft. from the South side exchanged for 100 ft. on the North side. Mr. Campanello questioned the petition being done without MS4 and road plans, along with the SWPPP. Mr. Cramer stated they all have changed once the lot sizes and configurations changed. Mr. Godlewski reported in the Tech committee meeting

those questions are asked of the developer or land owner, so they will be prepared for the following week Plan Commission hearing, to make all those comments and changes. He also stated in that time, the public agenda are set and if by chance they are not ready the agenda items are already set. Mr. Burbrink stated there are going to be so many changes to this petition; he is not sure any comments that are made will be valid. Mr. Miller noted the people came and spent their time.

Mike Anderson, P.O. Box 961, Elkhart, was present in remonstrance. He reported he is the A-1 farm adjacent to the West of this petition. He pointed out on the map that he is concerned with the high point of the land. Everything from there goes downhill across his property. When there is a significant amount of rain, there is a significant amount of run-off onto his land. He indicated anything that is done to the farm land is going to make the run-off worse and create more erosion on his land. Mr. Anderson is also concerned about the septic working properly because the ground is heavy, and with the increased water run-off, it will be polluted. Mr. Anderson requested assurance there will be plenty of retention volume to keep all the water captured, and kept on the land that is being developed. He noted the other concern is his heavy farm equipment to the West and the hunting and shooting on his land because of the potential of children wanting to explore and then get hurt. Mr. Anderson reported the shooting is managed so no projectile from his weapons will cross the property. He went on to say, if there are 100 trespassers next door, he does not want to get anybody involved with his farm equipment. He requested the proposed site be fenced off and reported there is a housing project on CR 15 where there is a high un-climbable fence to keep the children from the traffic on SR 115. He requested the Board to keep the children safe from his farm equipment and hunting.

Greg King, 58616 CR 19, Elkhart, was also present in remonstrance. He reported he lives right across the street from the proposed property. He questioned putting 49 wells in and the water table. Mr. King stated his house is only 15 years old and the well had to be drilled down 135 ft. to get to good water. Mr. Burbrink stated there has been a well study in the area, and it shows big irrigation wells do not pull the water table down far. He also noted if the wells go deeper, it is better for Mr. King than if it is shallow. Mr. King is also concerned about CR 19. He reported it is in bad shape and questioned what another 100 vehicles will do to it. Mr. Lucchese stated when houses get added, there are traffic counts done. As the counts increase, the road is moved up the ladder on the repaving list. Mr. King indicated CR 19 is so bad, he had to call the Elkhart County Highway Department the year before last because it tore up the front hub on his vehicle. He is also concerned about the little neighbor girl who lives right beside him. She raises honey-bees and if weed killer is sprayed, it will kill her bees. Mr. King requested for that to be taken into consideration.

Ruth Wagner, 58761 CR 19, Elkhart, was present in remonstrance. She noted there is one lot empty to the North of her otherwise this would boarder her property. Ms. Wagner reported she has horses and had to move the fence back away from the road as the populus started to grow. She stated kids were up by the road trying to reach through the fence to handle the horses. She noted she purchased her property with the understanding the area was set up for agricultural lots with three plus acres, so animals could be had. Ms. Wagner stated being a horse owner, she has broken both her legs. She knows accidents happen sometimes but not always due to the horse's fault, but because people are where they do not belong. She stated she is not the only one with horses. Her neighbors next door have two, and across the street they have four. She is also concerned about the drainage. She reported she has a lot of clay and had to have a mound system. She stated when her property was auctioned off, Mr. Liegel himself had a bore study done on the property, and told her

the majority of the property was totally unacceptable as far as drainage was concerned. If you built here, a mound system was recommended even in a development, along with a perimeter drain that would connect to a farmer's field. The only farmer that had a proper drainage area that could be connected to the tile was in the Northwest corner. She noted he may have been saying that at the time to bring down the price, she does not know. Ms. Wagner noted she has been trying to find the information from that study so it could be reviewed. Walking and riding her horses on the property, she would say the vast majority of it is clay. There is standing water out there frequently. When there is a heavy rain, her property gets areas of four to six inches of standing water. She indicated the gentleman who bought the lot to the North of her, which is not part of the development, was unable to build because he could not afford to put in a perimeter drain as recommended. Ms. Wagner reported one of Mr. Liegel's reasons for purchasing the property was to protect the farmland in the area from being overly developed and turned into subdivisions.

Connie Ritchie, 58650 CR 19, Elkhart is also present in remonstrance. She reported she has two driveways, one of which the subdivision driveway may be directly across from, and she hoped it would not be. Ms. Ritchie stated there is already a lot of traffic and it is dangerous. It is like a race track when the cars pass CR 20. She requested the Board be watchful of the clay soil. Ms. Ritchie reported she has issues all the time with standing water and lakes you can ice skate on in the winter. She stated the soil needs to be tested or there will be problems later for foundations and septic. She also noted she is concerned about her well water, too.

In response, Mr. Cramer stated the three lots on the original layout on the West side are not changing much. They are 12 acre lots which is half the property. He reported there is substantial retention being reserved for drainage to prevent the water escaping to the West. It is 150 ft. wide in an undevelopable wet area. The water will be channeled across the North and South side of the property down to the West retention. Mr. Cramer stated the easements will be put in for the perimeter drains between the lots. It will drain to the North and South swale, and tile to outlet the mound system perimeter drains. He noted the easements have been put in place on the revised site plan. Mr. Miller stated it looked like they were only building on half of the property and Mr. Cramer indicated yes. He reported there are 14 previous soil borings on the site. For this development, there have been 98 soil borings done, two for each lot. That is how the Health Department was able to get their design criteria which changed. There are still lots that were approved for conventional systems and other lots that will need mound systems that range from 1,500 sq. ft. to 1,800 sq. ft. per system, due to the increase of the lot size. Mr. Miller stated there are quite a few lots that are good sized. Mr. Burbrink stated it would be for people who would like to have horses or cattle. Mr. Cramer stated the lots are big because the land is undevelopable. Mr. Burbrink noted there could be cattle or horses. Mr. Cramer reported there are three 12 acres lots and at the end of each cul-de-sac, the lots are enlarged also. Mr. Stump questioned the placement of the conventional systems. Mr. Cramer indicated they will be along the middle of the four cul-de-sacs. Mr. Stump noted he did not see a soil type in that area on the map and questioned what soil type it is. Mr. Cramer stated it is the Riddles ROPA. There was further conversation about retention and drainage. Mr. Edwards questioned the fence being considered and Mr. Cramer stated no, it is a rough area to get to. Mr. Campanello questioned fencing around Fieldstone to the South.

Dennis Roberts, 58522 CR 19, Elkhart, was present in remonstrance. He reported he owns the property to the North. He has lived there all his life and knows the land and how the water basins flow. Mr. Roberts noted the majority of the drainage goes to the West to the Elkhart River

basin and part of it goes to the North to the St. Joseph River basin. Mr. Roberts questioned how much will flow to the North, because it would affect his property if it was too much. Mr. Stump questioned if a lot of the water goes over his property. Mr. Roberts stated it is towards the West and East side from the old farm property. He noted in the 1980's, there was a tile put in running up into it. He does not want this to be contaminated, too. Mr. Stump questioned where the tile runs. Mr. Roberts stated it runs from his farm to the North. On the East side of the woods, there is a tile that runs to the South into the farm and up towards the buildings. Mr. Stump questioned if it empties into a tile that is on the farm to the North. Mr. Roberts stated yes, it runs down to the woods and then towards the East and comes out on CR 19. Mr. Campanello questioned where the tile is. Mr. Roberts pointed it out on the map. Mr. Stump questioned Mr. Roberts if the tile had been cut in that area, and he stated he did not know. Mr. Barker stated any additional runoff that is created by this development will remain on site. It cannot runoff onto other properties. Mr. Stump questioned Mr. Barker on how that is determined, if it was by calculations, which Mr. Barker stated it is by the engineer and following up. He stated that is what the MS4 is all about. Mr. Stump brought up the subdivision on Greene Road that had the discrepancy on where the extra water was going and how much was being retained. Mr. Barker stated the water will be monitored.

Ruth Wagner, 58761 CR 19, Elkhart, questioned the ponds and if they will be stagnant. Ms. Wagner reported there is already an issue with mosquitoes due to standing water. She questioned if something will be done to keep the mosquito population down. She also questioned a fence around the ponds so the children will not drown.

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

Motion: Action: Table, **Moved by** Steven Edwards, **Seconded by** Jeff Burbrink, that this request for a Primary Approval of a 49 lot Major Subdivision to be known as *Fieldstone Estates* be tabled until the March 9, 2017 Plan Commission Hearing.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Steven Edwards, Tom Stump, Tony Campanello.

Mr. Miller reported to the audience that the agenda item has been tabled and the public hearing is open if they would like to come back March 9, 2017. The testimony they gave will be taken into account and recorded. They will not need to come back and speak again.

A remonstrator appeared wishing to speak after the petition had been tabled.

A motion was made and seconded (*Stump/Edwards*) that the petition be taken off the table, and the motion was carried with a unanimous vote.

Mike Lese, 58600 CR 19, Elkhart, was also present in remonstrance. He is concerned about the traffic, water table, and septic. Mr. Miller advised Mr. Lese there was already talk about the water table, water retention, septic, road conditions, tile and types of soil that are on the property. He also informed Mr. Lese that the number of lots changed from 49 lots to 42 lots. Mr. Lese reported his main concern with the subdivision is the potential pesticides because he has bees and that could kill them. He is also concerned about stray animals that will come over to his

property for food. He reported he has an autistic daughter and she does well with the farm. He does not want to lose this. Mr. Burbrink stated there is a set of standards for subdivisions; and if the plan meets the standards, the Board has to approve it.

A motion was made and seconded (*Burbrink/Stump*) to retable the petition as previously stated, and the motion was carried with a unanimous vote.

5. ***Board of County Commissioners Approvals Following Plan Commission Recommendations***

Mr. Auvil reported the following petitions were acted upon January 17, 2017, by the Board of County Commissioners.

1. *Vincent and Julia Robinson for a rezone map change from R-2 to A-1, approved.*
2. *Amendment to the Elkhart County Subdivision Control Ordinance for the Administrative Subdivision, denied.*
3. *Pamela Schultz for a rezone map change from R-1 to B-1, denied.*

There was further discussion about the action of the Board of County Commissioners.

6 Mr. Godlewski reported the findings from the committee meeting on the Subdivision Control Ordinance. He stated he will come up with a more formal memo on the findings of the meeting.

There was further discussion between the Board and Mr. Godlewski on drainage and sewer.

7. A motion was made and seconded (*Stump/Lucchese*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:03 a.m.

Respectfully submitted,

Andrea Wyatt, Recording Secretary

Roger Miller, Chairman