

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 8TH DAY OF FEBRUARY 2018 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, Jeff Burbrink. The following staff members were present: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Mae Kratzer, Planner; Matt Shively, Planner; Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board.

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 (*Edwards/Lucchese*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 11th day of January 2018, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Warner/Miller*) 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 an 11 lot major subdivision to be known as RIVER SHORE WOODS, for Spartin Development, LLC represented by Abonmarche Consultants, on property located on the Northeast corner of River Shore Ln. and CR 16, 3,500 ft. East of CR 1, in Baugo Township, zoned R-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #MA-0004-2018*.

Brad Mosness, 1009 S. Ninth St., Goshen, was present representing the petitioner. He explained that he is proposing an 11 lot single family residential subdivision. He added that the homes will face River Shore Lane and they are proposing a non-access easement along CR 16 and the Eastern boundary line of the subdivision. He explained that the homes will be serviced by individual septic systems. Ms. Snyder questioned what the square footage of the residences will be. Mr. Mosness answered that they will be about 1,700 to 2,200 square feet. When Mr. Campanello questioned the size of the lots, Mr. Mosness answered over 30,000 square feet.

There were no remonstrators present.

A motion was made and seconded (*Edwards/Burbrink*) that the public hearing be closed, and the motion was carried with a unanimous vote.

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

Motion: Action: Approve, **Moved by** Steven Edwards, **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Primary approval of an 11 lot major subdivision to be known as RIVER SHORE WOODS be approved in accordance with the Staff Analysis.

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.

5. The application for a Zone Map Change from PUD B-1 & PUD B-2 to M-1, for MBC, LLC represented by Pinnacle Properties, on property located on the Northwest corner of CR 1 & Old US 20, 4,953 ft. East of Ash Rd., common address of 30013 Old US 20 in Cleveland Township, zoned PUD B-1, PUD B-2, was presented at this time.

Matt Shively presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0005-2018*.

It should be noted that the petitioner was absent.

Charles Horswell, 30121 Old US 20, was present in remonstrance. He stated that he is also present in remonstrance for the Conservation Club. He mentioned that he is the Treasurer of the Conservation Club that is located across the street from the subject property. He read a letter from David Douglas, President of the Conservation Club, which has concerns about Cobus Creek [*attached to file as Remonstrators Exhibit # 1*]. Mr. Horswell also read from a letter that was written from himself and his wife [*attached to file as Remonstrators Exhibit # 2*]. In the letter he stressed his concerns for traffic, noise, lighting, air pollution, water runoff, and ground water pollution. He submitted a petition for remonstrance against this rezoning [*attached to file as Remonstrators Exhibit # 3*]. Mr. Horswell also submitted a petition for remonstrance against this rezoning from the Elkhart Conservation Club [*attached to file as Remonstrators Exhibit # 4*]. He stressed in depth his concerns about contamination into Cobus Creek. He stated that Cobus Creek is a cold water creek which is ideal for raising brown trout. When Mr. Stump questioned if Cobus Creek runs to the East or the South, Mr. Horswell answered that he believes it moves to the South. He briefly spoke about ground pollution in St. Joseph County. He explained that a gentleman was dumping chemicals from barrels he received from factories into the ground which caused major ground pollution and contamination in the septic systems. When Mr. Campanello questioned the use of the subject property being storage of RV units, Mr. Horswell answered that he was told that by one of the planners. Mr. Horswell stated that he is asking for the 100 foot buffer and that the berm will be left in place.

Susan Stuckman, 55730 Merle St., Elkhart, was present in remonstrance. She stated that she is the Secretary of the Conservation club. She mentioned that there is a narrowing of the river by the subject property. Ms. Stuckman presented the Cobus Creek watershed diagnostic study map [*attached to file as Remonstrators Exhibit #5*]. She explained that the mouth of the watershed narrows at Nick's Golf Club and creates a tornado shape into the river. She stressed that the subject property should not be rezoned to M-1 and that there are properties in the County that are already zoned M-1.

Mr. Miller questioned if this petition should be tabled. Mr. Kolbus answered that traditionally it gets tabled then the petitioner would be notified that if they are not present the following month then the Board will act in their absence. He added that notifying the petitioner is not required and the Board has the right to hear it and decide on it currently. Mr. Stump questioned what the requirement of the berm is between M-1 and the residential zone to the West. Mr. Auvil responded stating that the requirement is 50 feet and it is a class 3 buffer. When Mr. Stump questioned the height of the berm, Mr. Auvil answered that on average its 6 feet. When Mr. Stump questioned if they can require a 100 foot buffer, Mr. Kolbus answered that is correct and would be a commitment. Mr. Burbrink questioned if they can make requirements on the lighting. Mr.

Campanello noted that is when a DPUD comes into play. Mr. Auvil stated that the seller does not have a potential buyer. He added that a DPUD would come into play when there is a buyer in place but a GPUD M-1 could help minimize the effects for the neighboring properties. Mr. Barker stated that he does not like the straight rezoning. Ms. Snyder questioned if outside storage was allowed on the existing DPUD. Mr. Auvil stated that the DPUD was limited to the driving range.

A motion was made and seconded (*Campanello/Edwards*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation: **Motion:** , **Action:** Denied, **Moved by** Tony Campanello, **Seconded by** Steve Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone Map Change from PUD B-1 & PUD B-2 to M-1 be approved in accordance with the Staff Analysis.

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.

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

Jason Auvil reported that on January 16, 2018, at the Board of County Commissioners meeting, the petition for Primary approval of a 5 lot major subdivision to be known as Robin's Ridge was approved. He added that four zone map changes, an Amendment to an existing DPUD, and a Secondary approval of a 30 lot major subdivision to be known as Kennedy Manor Fourth were approved as well.

Mr. Auvil explained that the planners are working on an update on the Zoning Ordinance. He added that he hopes to have a rough draft for the Board in March.

7. A motion was made and seconded (*Edwards/Miller*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 9:47a.m.

Respectfully submitted,

Kristi Shaffer, Recording Secretary

Jeff Burbrink, Chairman