

**MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 11TH DAY OF MAY 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 Don Shuler replaced James W. Kolbus as Attorney for the Board.

**Roll Call.**

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

2. A motion was made and seconded (*Warner/Burbrink*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 13th day of April 2017, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Burbrink/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 21 lot Major Subdivision to be known as Prairieview Farm Phase Two Subdivision, for Place Realty, Inc. represented by Abonmarche Consultants, on property located on the West side of CR 5, 1,300 ft. North of CR 2, in Cleveland Township, zoned R-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #MA-0219-2017*.

Barry Pharis of Abonmarche Consultants, 1009 S. 9<sup>th</sup>, Goshen, was present representing the petitioner/owner. Andy Place, Jr., owner, was also present to answer questions. After the original approval in 2007, Mr. Pharis explained that the economy tanked in 2008 and stopped progress. Now with the economy being good, they wish to continue moving forward. He went on to say they met with Elkhart County Highway to ensure compliance of standards. He asked for guidance from the Board/staff on whether to meet and review with Elkhart County Surveyor or anyone else for recommendation letters to Planning to move forward with secondary filing.

Mr. Campanello questioned the two different areas indicated for septic on the site plan which Mr. Pharis noted the builder will chose the site for primary septic and reserve. When Mr. Campanello expressed that his concern was allowing room for expansion, Mr. Pharis further indicated in this case the developer is the builder, so they can work with the client on placement.

Regarding the notation that there is no seasonal high water, Mr. Warner inquired the depth of those borings. Mr. Pharis indicated the soil scientist typically goes eight feet for borings. Therefore, an indication of no seasonal high water means it is greater than eight feet.

In response Mr. Campanello questioned the minimum square footage for lots in Elkhart County, and Mr. Pharis indicated it is 15,000 in the R-1 zone.

There were no remonstrators present.

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

In terms of the drainage plan, Mr. Auvil noted a drainage area on the existing subdivision. Since it is right next to the proposed subdivision, he said the drainage will co-mingle with the existing drainage. He went on to say the common area needs to be determined for the combined drainage so it will include all of the lots of the proposed subdivision and two of the lots in the existing subdivision. He went on to say that they will all be co-owners of the drainage common area to ensure that the maintenance and care of the drainage area is shared by the new development. He indicated it would be ideal if everyone in the first phase would take ownership which is not likely. But at least the two lots in the existing subdivision that are adjacent to an existing drainage feature will agree that it does not make sense to have two separate retention areas, and it allows more volume and capacity the way Abonmarche has planned and show on their drawing. It was indicated there will be a drainage maintenance statement plus the deeds will show they own that certain portion or percentage of the common area.

When Mr. Miller questioned how fees are collected to maintain that area, Mr. Godlewski stated the Auditor assigns and collects that portion from each tax payer for their share of the common area when the plat is recorded as taxes. Mr. Miller further questioned who does the actual maintenance. Mr. Auvil indicated it is done a variety of ways such as through covenants, restrictions, and homeowners associations (HOA). In this case, Mr. Pharis indicated the plat will indicate the common area equally owned by all lot owners. He went on to say they are currently working with the owners of Lots 14 and 15 in the original section to get them included because the way it is set up now, those two lot owners are responsible 50 percent each on the original. Mr. Pharis suggested they will explain to those owners that having 1/23 or 1/21 of the entirety would be in their best interest. Being on the recorded plat, he noted the Auditor will pick that up for tax purposes. Everyone in this subdivision, as in other subdivisions, will receive two tax statements – one for their lot and one for the common area they share.

With regard to the maintenance of the common area, Mr. Pharis explained there is a homeowners association that will spell that out. He stated it is their intention to provide a copy of the HOA covenants for staff when they submit the plat. He pointed out that those documents are not recorded until after the plat is recorded, but it is cross-referenced back to the recorded plat. Seeing a lot of drainage issues, Mr. Auvil noted one way to address the problem is to put it back on the property owners, and this is a way to do that.

When Ms. Snyder inquired about a HOA currently in existence for the previously developed adjoining subdivision, Mr. Pharis confirmed that and noted the proposed development will be the next phase of that association. Mr. Godlewski noted this approach makes everyone responsible instead of that burden falling on fewer homeowners as was the situation in the past. Mr. Barker noted retention areas are permanent best-management practices. As far as overseeing the maintenance requirements, he said that will fall under the MS4. As long as they are dry bottom retention, he further indicated he does not have a problem with it.

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

**Motion: Action:** Approve, **Moved by** Steve Warner, **Seconded by** Steven Edwards that this request for Primary Approval of a 21 lot Major Subdivision to be known as Prairieview Farm Phase Two Subdivision be approved in accordance with the Staff Analysis and as presented.

**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 Primary Approval of a 75 lot Major Subdivision to be known as Jimtown Crossing, for Traco, LLC represented by Lang, Feeney & Associates, Inc., on property located on the South side of CR 20, 1,300 ft. West of CR 1, in Baugo 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-0678-2016*.

Terry Lang of Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, was present representing the petitioners. After hearing comments from staff, the County Commissioners, and the public, he explained that the plan for the subdivision has been redesigned, lots have been sized appropriately for the A-1 zoning, and reconfiguration has occurred regarding access to County Road 20 and no access on Mary Don because of the existing pavement not being sufficiently sized for further extension of that road. He noted the remainder of the stubs to the West and South will be tied in as required to address traffic flow and safety issues. He went on to say that they have met with each of the agencies to assure that the plan as modified meets everything all parties would like to see for the residential development to take place.

Retention will be set up as common areas as was discussed at the prior hearing and all basins are being proposed as dry. Regarding septics, he indicated all lots have been configured to have primary and secondary areas with ample room for each as well as adequate separation between wells and septics in the footprint and still have room for a shed that the larger lots will allow. He believes the Board and adjacent property owners can be happy with the proposal. When Mr. Miller inquired the size difference between the original request and this modified request, Mr. Lang stated they were originally R-1 with 15,000 sq. ft. and now they are all 20,000 sq. ft. which complies with A-1 zoning restriction. He added that approximately 17 lots were lost by doing this reconfiguration which was a huge expense for the developer.

Chad Dover, 30479 Dunhill Crossing, was present with a couple of questions. Noting Dunhill is mini drag strip, he inquired about any plans between subdivisions for stop signs. Additionally, he asked for direction from the Board and staff on possible steps they can take to get a stop sign on Dunhill because of the increased traffic. Lastly, he questioned if construction will be completed in phases or all at once and expressed concern that construction traffic and heavy equipment enter off of CR 20 and not running through the subdivisions. Regarding the stop sign, Mr. Lucchese noted the Commissioners would decide and talk to County Highway. If it gets recommended for approval and forwarded to the County Commissioners, they can talk about it at that time.

Randy Clay, 30552 Mary Don Lane, was present and noted concern with traffic congestion at the railroad crossing at Ash Road which he believes is an issue between Elkhart and St. Joseph counties. He questioned any plans from Elkhart County going forward with the bottle neck area and suggested out-of-the-box thinking to deal with trains, school traffic, workers leaving, and the severe back-up.

In response, Mr. Lang noted this project will be completed in phases with Phase I adjacent to CR 20 so construction traffic would not going through the busy neighborhood with the existing traffic issue. Noting Mr. Dover's concern about the stop sign, he indicated his company has no

control over that, which would be a County Highway issue. Addressing Mr. Clay's comment about the railroad crossing, he noted that is a long-term problem dating back at least 40 years. Until such time as the counties get together with an agreement for possibly an underpass or something, the problem will continue. With the cemetery adjacent, he noted it would be very difficult to plan anything for that location.

When Mr. Campanello questioned further about the project completion in phases, Mr. Lang stated that the drive off of CR 20 will be first. He guessed that the project will be completed either in thirds or quarters with possibly 20-25 lots per phase. If the economy keeps up as it is going presently, he stated that phases may be a little larger as it will be market-driven. Mr. Campanello gave a scenario of someone wanting to purchase and build on a lot way back in the Southwest corner of the subdivision, and Mr. Lang indicated that person would have to wait until those roads are constructed and that particular phase is developed.

When Mr. Burbrink questioned that there are three detention areas built into this project, Mr. Lang reported there are a total of five with two along CR 20, one large one in the middle, one along the East property line, and one along the West property line. Ms. Snyder questioned if all of the roads are required to be completed at the beginning of project or just as each phase is completed. Mr. Lang responded by saying the roads will be constructed in each phase as that phase is developed. He noted retention will also be constructed as each phase is completed.

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

Mr. Miller expressed appreciation of the developer's willingness to forego the additional lots to create this revision.

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

**Motion: Action:** Approve, **Moved by** Philip Barker, **Seconded by** Tom Stump that this request for Primary Approval of a 75 lot Major Subdivision to be known as Jimtown Crossing 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. The application for a Zone Map change from B-3 to B-2, for Terry Bender represented by TH Miller Carpentry, on property located on the Northeast corner of Market Street (CR 46) and Jefferson Street, 500 ft. East of SR 15, common address of 19191 CR 46 in Jackson Township, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0218-2017*.

Tim Miller, 68019 CR 23, New Paris, was present representing the petitioner as the remodeling contractor. He noted the petitioner owns the property but does not live at this property as it is a rental. He explained that the old garage/shed-type structure is in disarray, dangerous, and needs to be torn down. Mr. Miller added they would like to increase the size of the garage and place it closer to house with a covered walk-way from garage to house for the tenants and their vehicles which is the reason for the zone change request. Additionally, he noted there are no business intentions for this structure.

There were no remonstrators present.

A motion was made and seconded ( *Lucchese /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:** Approve, **Moved by** Roger Miller, **Seconded by** Steven Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone Map change from B-3 to B-2 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.

7. The application for a Zone Map change from A-1 to M-2, for Alan Robert Fuller Trustee/Lelah E. Fuller Trust represented by Marbach, Brady & Weaver, Inc., on property located on the North side of CR 6, 784 ft. East of CR 101, common address of 29089 CR 6 in Cleveland Township, was presented at this time.

Jason Auvil presented the Staff Report/Analysis, which is attached for review as *Case #RZ-0213-2017*, and noted the purpose of the petition was unclear, and there was an error in the public notice. Due to these reasons, the staff recommends tabling this rezoning petition. After the Staff Report was prepared, Mr. Auvil reported staff met with the petitioner and gained some clarification. He stated the petitioner is present to answer questions. He noted the public hearing will be open for any remonstrations today and any comments made will be noted in the file for the hearing next month before the Board.

He also noted from conversation with the petitioner and a misunderstanding of the zoning classification, he reported this petition will come back as an M-1 zone request instead of M-2. According to the petitioner, he stated this property is going to be reserved for RV manufacturing and storage of finished product.

Mr. Auvil submitted a signed, notarized petition and remonstrations letters from William Baker, 29281 CR 6; Jeffrey Herman, 52701 CR 101; Judy Marks, 52621 CR 101; Jessie and Lorraine Thrash, 52735 CR 101; and Eugene & Beverly Proctor, 52786 CR 101 [attached to file as *Staff Exhibit #1*]. Mr. Burbrink inquired if the letters were written based on the M-2 or M-1 zoning which Mr. Auvil indicated they were written in response to the M-2 zone request. Additionally, he anticipated that some of the questions will be resolved and concerns lessened with the M-1 change.

Mr. Burbrink asked that Mr. Auvil explain the basic difference between M-2 and M-1 zoning for those present in the audience. In response, Mr. Auvil stated the M-2 zoning district, which was previously proposed, is heavy manufacturing to accommodate moderately and heavily intense manufacturing use and to prevent encroachment to residential and lighter commercial uses that would eventually lead to land use conflicts. He went on to indicate permitted uses may include heavy truck traffic, noise, odor, and smoke. He clarified that M-1 is geared toward light manufacturing such as the prevalent manufacturing for the RV industry including large buildings for the manufacturing itself as well as, more appropriately, very large areas for storage of finished product.

He reiterated that everyone will receive public notice again and neighboring property owners within 300 feet of these properties (this one and the following hearing) will receive letters

again for the tabled hearing. He noted remonstrators are probably present for both this petition and the following hearing because of their close proximity to each other. He expressed everyone present today is more than welcome to come back to the next meeting, but comments made today will be part of the record for the upcoming meeting as well.

Mr. Campanello inquired about a possible plan in the past to keep encroachment of manufacturing past John Weaver Parkway as non-industrial. Mr. Godlewski reported there is no land-use map identifying parcels or zones for the county. If a comfortable buffer can be kept between associated land uses, Mr. Auvil noted he believes it could be a win-win for everyone. He expressed confidence that the petitioner will go out of their way to make sure that happens.

Debra Hughes of Marbach, Brady & Weaver, 3220 Southview Drive, Elkhart, was present presenting the prospective purchasers along with Mike Stump from Forest River. She explained that the petitioners are the current owners who are interested in selling the property which is two parcels adjacent to each other, both owned by the Fuller family. As the parcels are adjacent to properties within the Elkhart City, she noted Forest River would petition for annexation to obtain public utilities through the City of Elkhart.

If approved, Mr. Campanello questioned if it would come back to the Board as a DPUD, and Ms. Hughes reported if approved for rezoning at M-1, no PUD is needed. She explained there was confusion on their part with the new Zoning Ordinance regarding M-1 and M-2 rules, and after clarification by Mr. Auvil, they would like to revise the petition to M-1. She said it would be a typical Forest River future use as they have constructed 40 of the same buildings of 95,000 square feet with associated outside storage so they are a very consistent, well known property owner and property user. Mr. Campanello asked if a DPUD would provide better detail for the surrounding landowners so they know exactly what to expect is going to be done and would possibly include conditions and/or commitments.

Mike Stump of Forest River, 900 CR 1, Elkhart, responded to Mr. Campanello by stating he thinks the same can be accomplished with a detailed site plan including buffering and water storage. He further indicated he is more than willing to sit down with neighbors and remonstrators to discuss and work through the problems and concerns to help minimize the impact of the proposed facility. Ms. Hughes noted there is no future use in mind at this time for the property, but it would be kept as land available for future expansion. As such, there is no site plan that has been developed or even contemplated at this point. At this time, the request is just for proper zoning to complete the land purchase.

James Hall, 52879 CR 101, was present and stated he had no idea until a few days ago that this was even happening. He noted every property owner on CR 101 has lived there at least 25 years and encouraged staff and Board members to take a drive down this road to see this area. He stated it is not right to have this proposed manufacturing in their back yards. He suggested starting and stopping points for manufacturing and indicated this neighborhood thought they were at the end. He suggested if this is rezoned, the entire area should be rezoned so neighboring property owners could sell their properties for high prices because it is all along the Toll Road which is worth gold. He explained this neighborhood cannot replace their properties which is why they have all been there for many years. He went on to say that all of the neighbors know each other, and it is a tight community.

Charles Summers, 52595 CR 101, was also present in remonstrance. He referred to the *Elevate* website and submitted an aerial map he printed from it *[attached to file as Remonstrator Exhibit #1]*. He noted the two subject properties are indicated in yellow on the map. He made mention of properties

in pink.

Jeff Herman, 52701 CR 101, was present and expressed concern about the area of roadway at the Nappanee Extension (John Weaver Parkway) and CR 6 where it narrows down from four lanes to two lanes. He reported six fatalities at the bottle-neck and turning out from CR 101 is very difficult at all times of the day. He said police have issued hundreds of tickets in that area because it is like a speedway at the bottle-neck and dangerous. With an RV manufacturing industry, he questioned traffic flow and ingress/egress on both CR 101 and CR 6. He expressed the need for a buffer between industrial and agricultural, and he believes this is the perfect spot to maintain that buffer. While he is not opposed to growth with additional homes, he is not in favor of the increased truck traffic and lights all night long that would come with this rezoning. As a city fireman, he has knowledge that Heartland runs all night long with trucks, horns, and lights. He also noted the large RV storage lot on CR 5 that runs throughout the night and said he would not like CR 101 ever to be used for the industrial traffic as it is not designed for it.

Jesse Thrash, 52735 CR 101, was also present in remonstrance to this request. He stated he resides directly across from the subject property. From the upstairs window in his two story house, he also reported he can see Heartland traffic and lights during the night. He expressed concern that the same will occur at the subject property, and they will hear diesel truck traffic all night. He said they have lived there for 20+ years, as have the rest of the neighbors, and it is a beautiful place to live. He stated he believes it should stay zoned as it is as he would hate to see anything happen to destroy the area.

Also present in remonstrance was Judy Marks, 52621 CR 101. She also encouraged everyone to come and look at the area. She noted their children have been raised there, and she enjoys the wildlife in the area. She stated she owns 10 acres and reported that Pete Liegel already owns property behind her. Her concern is that very soon the neighborhood will be surrounded by manufacturing.

William Baker, 29281 CR 6, also spoke in remonstrance. He indicated his property on the large aerial photo. He noted they purchased the property because of the atmosphere and built their home there which cost a lot of money. He said it is a quiet neighborhood, and he would like it to remain that way. He reported they can already hear construction noise in the distance on quiet days, but feels another manufacturing complex will destroy the peace and quiet of the whole area. He also expressed concern about possible water contamination.

Additionally, Beverly Proctor, 52786 CR 101, spoke in remonstrance. She noted her home and land is a family homestead which dates back to the late 1800's which is priceless and irreplaceable. She added that the community does not need to be destroyed.

Jeff Herman returned to the podium to question exactly which property was being discussed at this time. Mr. Campanello noted additional adjoining property is the next hearing/petition.

Charles Summers came back up to add that he has lived on this street all of his life, having been born in the house now owned by Mrs. Proctor. Further, he added that his mother and grandfather lived there, and he now lives in his own house on that same street. Lastly, he said he would hate for his last trip down the road to be looking at trailer factories.

William Baker reappeared at the podium to suggest a traffic light be installed at CR 101 and CR 6 if this request is approved due to already heavy traffic in the area and the added traffic that this approval would involve.

The public hearing was left open.

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

**Motion: Action:** Table, **Moved by** Tom Stump, **Seconded by** Jeff Burbrink this request for a Zone Map change from A-1 to M-2 be **TABLED** until the June 8, 2017, Elkhart County Plan Commission meeting to allow for proper legal notice.

**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.

8. The application for a Zone Map change from A-1 to M-2, for Carmel Antoinette Fuller Trustee represented by Marbach, Brady & Weaver, Inc., on property located on the East side of CR 101, 1,774 ft. North of CR 6, was presented at this time.

Mr. Burbrink noted that remonstrators' comments from preceding petition/hearing would also apply to this request.

Public hearing left open.

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

**Motion: Action:** Table, **Moved by** Tom Stump, **Seconded by** Steven Edwards this request for a Zone Map change from A-1 to M-2 be **TABLED** until the June 8, 2017, Elkhart County Plan Commission meeting to allow for proper legal notice.

The motion was carried with a unanimous vote.

9. The application for a Zone Map change from GPUD M-2 and DPUD/CIUD M-2 to DPUD M-2 to be known as Indiana Transport D.P.U.D., for Sand Bar Investments Group, LLC and Fir Properties, LLC represented by Abonmarche Consultants, on property located on the Northwest corner of CR 26 and CR 7, was presented at this time.

Barry Pharis of Abonmarche Consultants requested the petition be withdrawn without prejudice at this time.

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

**Motion: Action:** Withdraw, **Moved by** Steve Warner, **Seconded by** Frank Lucchese that this request for a Zone Map change from GPUD M-2 and DPUD/CIUD M-2 to DPUD M-2 to be known as Indiana Transport D.P.U.D. be withdrawn without prejudice.

The motion was carried with a unanimous vote.

10. The application for Primary Approval of a Detailed Planned Unit Development to be known as Longboat Pointe D.P.U.D., for Daniel L. and Suzanne George, Carl Climer, and Calvin J. & J. Joyce Packard Rev Liv Trust (Lif Estate) represented by Progressive Engineering, Inc., on property located on the North side of SR 120, 2,158 ft. West of CR 21, in Washington 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-0002-2017*.

Brad Kramer, Progressive Engineering, 58640 SR 15, Goshen, was present representing the petitioners. He said they are looking at the 19 lots for residential homes and, because of the width of the lots, have provided them with the ability to obtain an auxiliary lot for accessory storage buildings on the 11 other remaining parcels. There are eight less of the auxiliary lots because they

are anticipating that not every homeowner will want one. He noted the highway plans have been approved, SWPPP has final comments and is submitted today, and the Parckard property is no longer part of this project as that parcel was taken out of this subdivision.

Mr. Barker noted the SWPPP has not been approved, and the project was stopped for disturbing ground without an approved SWPPP. Mr. Kramer reported he met with Jim Hess and Deb Jimison of the Soil & Water Conservation District on the previous afternoon, got the last three changes they wanted to see, made those changes, and submitted it to them for their approval prior to this meeting. Mr. Barker reminded Mr. Kramer that SWCD has 28 days to review, and no work should be done without an approval.

Mr. Campanello questioned if the work was just dirt being moved off the land, and Mr. Kramer reported it was taking out trees and tearing the woods out which constitutes moving dirt. When Mr. Campanello further asked if they had a construction entrance put in or any Rule 5 at that time, Mr. Kramer indicated that the SWPPP has not been approved yet. Mr. Barker added that it is easy to do correctly, just not expediently. Mr. Stump inquired about the rule for clearing land, and Mr. Barker confirmed that anything more than one acre needs a SWPPP permit.

Mr. Burbrink asked if retention areas will be owned by the collective group of lot owners. Mr. Kramer indicated two retention areas, the private drive back to the auxiliary lots, and the entry sign will be common areas owned 1/19 by each property owner. He also added that the 11 auxiliary lots can only be purchased by owners of one of the 19 lots in the subdivision. When Mr. Campanello questioned about the auxiliary lots being available to any of the 19 lot owners and not coinciding with the 19 lot numbers they are associated with on the plat, Mr. Kramer confirmed that was correct. Additionally, Mr. Kramer indicated those auxiliary lots will not have septic or wells, etc.

Robert Hanson, 20235 SR 120, was present with a question. He noted he is on the East side of the subject property. He questioned any kind of restrictions being placed on the accessory buildings such as height, size, and style. He also inquired about whether there will be anything around retention ponds for safety purposes.

In response, Jeff Chupp, 54567 CR 17, Developer, reported they submitted covenants and restrictions and noted the buildings will be similar in nature with each one approved by the Architectural Committee of the Home Owners' Association. Regarding the retention areas, he indicated the plat does require a fence around each retention area which is common area maintained by the HOA.

Regarding the clearing of the subject property, Mr. Campanello asked if anything was being pulled off of the site onto the road. Mr. Chupp reported no and further reported he had set up a preconstruction meeting with Jim Hess but did not communicate well with Progressive Engineering. He went on to say the excavator was at the site to meet with Mr. Hess, deliver some equipment, and start pulling some trees. He reported they disturbed less than one acre but he stopped them right away and assured that no other work will take place until the approval is received.

To finish addressing Mr. Hanson's concerns, Mr. Chupp stated the auxiliary buildings will sit behind the existing houses on SR 120 with very limited visibility from SR 120. He added that the suggested maximum size of approximately 36' x 64' (outside dimensions of the building), and the aesthetics will be determined largely by the first few homeowners' preferences which will set the theme.

Peggy McMillen, 20542 CR 8, was also present. She indicated she lives directly across the river from the subject property. She questioned how much of the subject property is floodplain.

She noted she has land in the flood plain and knows of the limitations they cause. Mr. Campanello said the drawings indicate base flood elevation, and the project is within the guidelines. She also questioned if they will put in a seawall. In response, Mr. Lucchese noted that is up to the land owners and the Department of Natural Resources.

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:** Approve, **Moved by** Tony Campanello, **Seconded by** Steven Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Primary Approval of a Detailed Planned Unit Development to be known as Longboat Pointe D.P.U.D. and primary major plat 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.

11. The application for Primary Approval of a 14 lot Major Subdivision to be known as Elkhart East Area B Phase 1 D.P.U.D., for Seahawk Corporation represented by Jones Petrie Rafinski, on property located on the West side of CR 17, 1,423 ft. South of CR 4, common address of 52491 CR 17 in Osolo Township, zoned DPUD, E-3, GPUD, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0220-2017*.

Ken Jones of Jones Petrie Rafinski, 200 Nibco Parkway, Elkhart, was present representing the petitioners. He noted their agreement with the staff recommendations.

When Mr. Stump asked if the petitioner owns all of this property, Mr. Jones indicated yes. Mr. Jones noted this was one of the numerous sections of the 1,400 acre Elkhart East development that was approved in 2000. Mr. Barker inquired about the DPUD designation without detail. Mr. Jones explained a few years ago, it was approved as DPUD E-3 after they followed the requirements of the Planning & Zoning Department process. Mr. Godlewski added that he believes detail was deferred until permit-time so each lot could be treated as its own development.

David Higley, 52506 CR 15, appeared as the adjoining home site property to the South. He questioned the use of the subject property as they just moved into their home in December 2016. He noted they have chickens, horses, and dogs and was concerned about a subdivision. He expressed concern about the possibility of complaints about his animals. Mr. Campanello explained it will be an industrial use.

Everett Lienhart, 22541 Lakeshore Drive, was also present. He indicated his property is directly across CR 15 from the subject property, and he owns eight acres. Due to impaired hearing, he reported he missed part of what was discussed at the meeting in 2014. He corrected a statement saying that Innovation Drive was approved in 2010, by saying it was requested then but it was turned down because CR 4 would not support heavy truck traffic. He also stated the corner of CR 4 and CR 15 is almost an impossibility for a semi to negotiate. Going back to the original E-3, he reported it said there would be no outlet to CR 15 and all traffic would access from CR 17.

Further, Mr. Lienhart said the E-3 designation said no outside storage and no manufacturing but assembly plants only. He questioned the purpose of a zoning agreement in the first place when

all of the details seem to be getting shoved under the rug. He expressed great concern about what is going on there now and the disregard toward Heaton Lake and the neighbors. He pled with the Board to deny Innovation Drive and outside storage.

In response, Mr. Jones stated he would be happy to meet with Mr. Lienhart to explain the changes and go over the plans. He noted the purpose of this hearing is to reinstate the primary approval of the subdivision and stated that the details of that ordinance survive.

Mr. Stump questioned when the Innovation Drive portion was approved with access to CR 15, which Mr. Jones reported was 2014. He further recalled that the GPUD which was approved in 2000, included a fairly complete and detailed traffic management plan that included access points onto CR 15. Mr. Stump agreed Mr. Lienhart is correct that the corner of CR 4 and CR 15 is difficult for semi trucks to negotiate from any direction.

A motion was made and seconded (*Edwards /Lucchese*) 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** Tony Campanello, **Seconded by** Lori Snyder that this request for Primary Approval of a 14 lot Major Subdivision to be known as Elkhart East Area B Phase 1 D.P.U.D. 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.

## 12. *Board of County Commissioners Approvals Following Plan Commission Recommendations*

Mr. Auvil reported that the Board of County Commissioners approved Hubbard Hills – Amendment to the DPUD at the April 17, 2017, meeting and the Thor Motor Coach rezoning petition was approved April 20, 2017, at the Bristol Town Council meeting without modification in accordance with all March 9, 2017, Plan Commission recommendations.

13. Chris Godlewski gave an update on the Subdivision Ordinance stating the next meeting will be June 6, 2017 at 9:30 a.m. He indicated he believes one week in advance he will have the most recent suggested changes to the Committee, the Plan Commission, and the County Commissioners for their information. He reported time was spent attempting to refine how they look at dedication of right-of-way in Administrative Subdivision, drainage in Minor and Administrative Subdivisions, and other various finer points. He noted some requirements were removed. Further, he indicated 12 points in the Subdivision Ordinance that would be changed. With the right-of-way dedication, he stated part of the goal of the committee was to honor their request of how to go about that process but also dedicating it as well. He stated they were attempting to find a balance and not go against some of the committee members' wishes with the dedication of Administrative Subdivisions. Mr. Godlewski indicated the notes will clearly illustrate what they are attempting to do. As suggested in the committee meetings, he indicated township meetings could be held to communicate the changes with the public followed by the public hearing process late summer.

14. There was discussion about the bike path project on CR 8.

15. The meeting was adjourned at 11:14 a.m.

Respectfully submitted,

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Deborah Britton, Recording Secretary

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Roger Miller, Chairman