

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 9TH DAY OF APRIL 2009 AT 9:00 A.M.
MEETING ROOM – 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 Secretary, Jeff Burbrink, with the following members present: Steve Warner, Blake Doriot, Meg Wolgamood, and Roger Miller. Staff members present were: Robert Watkins, Plan Director; Mark Kanney, Planning Manager; Duane Burrow, Senior Planner; Robert Nemeth, Planner; Dan Piehl, Planner; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Doriot/Warner*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 12th day of March 2009 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*Miller/Doriot*) that the legal advertisements, having been published on the 27th day of April 2009 in the Goshen News and on the 30th day of April 2009 in the Elkhart Truth, be approved as read. The motion was carried with a unanimous vote.

4. A motion was made and seconded (*Doriot/Wolgamood*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. With a unanimous vote, the motion was carried.

5. The applications for a zone map change from M-2 to a Detailed Planned Unit Development-M-2 of a Detailed Planned Unit Development known as **G.L. CLARK PARK DPUD M-2**, to be known as **G.L. CLARK PARK DPUD M-2**, and for Secondary approval of a Detailed Planned Unit Development known as **G.L. CLARK PARK DPUD M-2**, for G.L. Clark, Inc. represented by Progressive Engineering, on property located on the East side of SR 19, 2,565 ft. South of CR 40, common address of 66540 SR 19 in Harrison Township, were presented at this time.

* (*It is noted that Tom Lantz arrived for the meeting at this time.*)

Mr. Burrow submitted a packet of information to the Board [*attached to file as Staff Exhibit #1*], which includes copies of the signed Letter of Review and Consideration from the Wakarusa Technical Review Committee, the Technical Review of Storm Water Drainage from Jim Emans, town engineer, the existing site plan for Phase One, the development plan for Phase II, and the plat. He explained that the Letter of Review and Consideration was not a requirement at the time this request was submitted, but it will become a requirement for an application in the future. Based on the information in the letters, he said all of the necessary corrections to satisfy the Town of Wakarusa's requirements for making improvements to the site have been made. The letter from the town's engineer indicated they just need some corrections and recalculations, and he said Brad Cramer has indicated that that has been taken care of at this point in time.

According to Mr. Burrow, the major issue would be on Phase Two, which is drainage issues associated with this development. There was a correction made, but he said it was after the requirement for submittal ten days prior to the public hearing so Mr. Cramer will address that issue.

Mr. Burrow then presented the Staff Report/Staff Analysis for the zone map change, which is attached for review as *Case #20091252*. The recommended condition of requiring all dedicated

rights-of-way being brought up to the town's street standards should there be any subdivision of this DPUD is noted on the Site Plan / Support Drawing, but he said the staff would like it to actually show up on the ordinance so future purchasers of this property have due notice that they would be required to have that cul-de-sac dedicated and brought up to the town requirements at that time.

Also presented was the Staff Report/Staff Analysis for Secondary approval of the DPUD, which is attached as *Case #20091253*.

Present on behalf of this request was Brad Cramer of Progressive Engineering, 58640 SR 15, Goshen. He explained that Phase I of this project is to fence in the vacant area on the northeast corner of the property. The purpose for the fencing is to store in that open area the unsightly raw material laying around the property south of the road prior to any further development. He further explained that the owner wanted to sell off the buildings and split the property up, but when he learned he had to bring his road up to county standards, he decided to pursue a DPUD instead.

Mr. Cramer said they are also asking for a minor change from what was submitted. The drainage features in Phase II involves three retention ponds for the three proposed new building areas and they want to attach the construction of those ponds to the construction of the buildings. The reason for this is so the owner would not have to create three retention areas prior to any buildings because there is a possibility he may not even build some of the proposed buildings. There are three existing structures on the property now with room for three additional structures, and he said the south side of the entrance road in the center (of the property) is where the owner wants to construct a building at this time.

Currently, Mr. Cramer said they are attempting to clean up the property prior to the issuance of any building permits; then at that time they will obtain a permit for one building and construct the retention area that is affected by that building. They will separate the other two retention areas and tie their construction in with the future building permits for structures on the southwest and northeast corners (of the property).

He also reported that InDOT has already issued a driveway permit, which has been modified and brought up to a major commercial drive. A traffic study was done with the proposed six buildings on site, and he said the owner was required to disconnect the north driveway from the remaining buildings so it only affects the storage building on the north end, which lies within the railroad right-of-way.

Mr. Cramer then clarified that the north 100 ft. in the outlined area on the site plan is the vacated railroad. The petitioner owns both parcels, but he is not including that railroad property in this development; however, he said there will be a drainage easement across some of that which is part of this development. There are storage units in that north building, and the surrounding area includes Forest River to south, the retention area to the east, and the old Come and Dine Railroad to the north.

Mr. Doriot asked if the north retention area in the railroad right-of-way is a detention area with an overflow that lets it drain down and Mr. Cramer said yes. He said there is an existing catch basin there that will be left at its current elevation, and the pond will be created below that. Basically, he said the east two-thirds of the property eventually drains to that pond.

After further clarification of the fenced area for the storage of material, Mrs. Wolgamood asked if all of the material would be moved into that area and if it would be visible, or if the fence would be for security purposes. Mr. Cramer said there will be screening within the chain link fencing to hide the material from public view. That is the corridor coming into town on SR 19 so it is part of the clean-up of the corridor. When the size of the fenced area was questioned, Mr.

Cramer pointed out that it will be the northeast sixth of the property so it is larger than an acre.

Mrs. Wolgamood said the Letter of Review and Consideration from the Wakarusa Review Committee indicates one or more of the buildings might be utilizing a well and/or septic system. She asked if that is being done currently or if that's a new one in the future. Mr. Cramer said the smaller building on the north side of access road is currently using an existing well and they will be required to connect to city water. City water is already on site and extended to the building, and he said the owner is aware of that requirement.

Mrs. Wolgamood then asked if the Surveyor's office approves the drainage and Mr. Cramer said it is actually approved by Jim Emans, the town engineer. Mr. Doriot said they have gone through the drainage with Mr. Emans and he believes they are aware this will be done in stages. However, Mr. Cramer reiterated that they wish to have that changed because there is no reason to construct a retention area on the northeast corner if a building is not constructed there.

There were no remonstrators present.

A motion was made and seconded (*Doriot/Wolgamood*) 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, a motion was made and seconded (*Doriot/Warner*) that the Advisory Plan Commission recommend to the Town Council of Wakarusa that this request be approved in accordance with the Staff Analysis and comments from the Town of Wakarusa with the following conditions imposed:

1. That any subdivision of this DPUD in the future will require an amendment to the Site Plan / Support Drawing and DPUD with all dedicated rights-of-way being improved to the Town of Wakarusa Street Standards, along with the intersection at SR 19 being improved to the Indiana Department of Transportation Standards.
2. The Boards' action supports the Town of Wakarusa imposing additional conditions to support their policies.

The motion further reflects that the Board determined the following:

1. The developer is permitted to stage the retention,
2. All of the stored materials on site will be moved and fenced as presented.

The motion was carried with a unanimous roll call vote.

A motion was then made and seconded (*Doriot/Wolgamood*) that Secondary approval of this Detailed Planned Unit Development be approved by the Advisory Plan Commission in accordance with the Staff Analysis with the following condition imposed:

1. Should the Town of Wakarusa deny or dismiss the DPUD (map change) request associated with this Development Plan (PUD Plat), the PUD Plat is denied or dismissed as well.

With a unanimous roll call vote, the motion was carried.

6. The application for an amendment to the ***Elkhart County 2006 Comprehensive Land Use Plan***; more specifically by incorporating the ***Syracuse Land Use Plan***, for Elkhart County Advisory Plan Commission, located on all that land situated in Jackson and Benton Townships in Elkhart County, Indiana, described as Bounded on the West by County Road 127, Bounded on the South by the Elkhart-Kosciusko County Line, Bounded on the East by State Road 13, and Bounded on the North by US 6. ALSO: The South Half of the South Half of Section 25, Township 35 North, Range 6 East, Jackson Township, Elkhart County, Indiana. ALSO: The South Half of the South Half of Section 30, Township 35 North, Range 7 East, Benton Township, Elkhart County, Indiana. ALSO: The Southwest Quarter of the Southwest Quarter of Section 29, Township 35 North, Range

7 East, Benton Township, Elkhart County, Indiana. ALSO: The West Half of the West Half of Section 32, Township 35 North, Range 7 East, Elkhart County, Indiana. ALSO: The Northeast Quarter of the Northwest Quarter of Section 32, Township 35 North, Range 7 East, Elkhart County, Indiana, was presented at this time.

Mr. Kanney submitted and presented to the Board a Staff Report/Staff Analysis *[attached for review as Staff Exhibit #1]*. He clarified that the land designated as agricultural on the future land use plan is the white area surrounding the proposed land uses. He also clarified that the strip of land the staff is suggesting to be zoned residential with agricultural zoning designated beyond that area is everything north of US 6.

Present on behalf of this request was Ken Jones of Wightman Petrie, Inc., 4703 Chester Drive, Elkhart, representing the Town of Syracuse. He noted that the town manager, Henry DeJulia, and town council president, Cassie Cowen, are also present. He said they have no issue with the staff's recommendation, and if the Board agrees, they will change the map to designate that first 500 ft. as residential. He also reported that they went to the Kosciusko County Area Plan Commission as required and they deferred everything north of the county line to Elkhart County. According to Mr. Jones, they are happy to accept any change the Board makes to the plan today.

When Mr. Lantz asked if the landowners know anything about this proposal, Mr. Jones said some do, but the Town of Syracuse did not directly notify them. He then explained that they are not planning to change their use or zoning, they are only master planning the land uses as they show on the map.

Mr. Kolbus advised that any rezoning would require notice and public hearing and this is just a conceptual plan. Mr. Jones said the only rezoning the town is involved in is the property they own, which he pointed out on the map. That DPUD has just been filed and will be presented to the Plan Commission in May.

As the township trustee, Mr. Lantz said Jackson Township has only heard that the county had a plan in the southern part of the township and it was basically considered agricultural. He then described the areas of their jurisdiction and where they currently have industrial property. In checking with the Sewer Conservancy District, he said they are only at two-thirds capacity so it could be increased because they have the land to do it. He proposed to leave Jackson Township off the map at this point in time; however, if they do see some growth, he feels it might be appropriate to include them in the future.

For clarification, Mr. Doriot asked if he is referring to everything west of the township line and Mr. Lantz said yes. He feels that would still leave the door open for Syracuse to have some growth and they would still have access to US 6.

With regards to Jackson Township, Mr. Jones explained that the Town of Syracuse considers CR 29 to be another one of their entry points and they are looking at the transportation link as one of the attracting components. In master planning the town's utilities and their area of urban service, the town feels comfortable that at some point in time they have the capacity to service this area along with the other area that is partially developed.

He then referred to the larger version of the map in the Board's packets, which he said is the complete map for the Town of Syracuse. He explained that their currently zoned land use for industrial is a small area (highlighted in purple) within the town boundary. The other area they show is master planned, but he said it is not zoned. If you think about how the other towns in Elkhart County depend upon manufacturing and other land uses, other than residential, to help support their essential services, the Town of Syracuse is extremely limited. The reason the land

was master planned in this area was specifically related to rail corridor and not the highway corridor. He said their ability to grow in any direction is hampered by the lake community to the east, agricultural to the west, the existing land uses to the south and west, and the fact there is no good transportation link anywhere in the town or its immediate area other than north of town fully in Elkhart County.

When planning this, Mr. Jones said the previous town manager was trying to make some attempt to expand the land uses planned for industrial over the next 20 or 30 years to make sure the town could pay their bills. With the changes in the tax laws, where residential land is now going to be protected at a one percent cap, Mr. Jones said this will become even more important for the Town of Syracuse to consider as their ability to pay their bills will be affected by their limitations in growth.

When Mr. Lantz asked where the tax money goes, Mr. Jones said the tax money not allocated by a reimbursement agreement with the Redevelopment Commission goes to Elkhart County until it is annexed. The town will get their portion when it is annexed, and Elkhart County, the townships and the schools will continue to get their portions. There is no way that he sees for this land to be transferred into Kosciusko, it will always be Elkhart County, although he said it might be within the Town of Syracuse. When that happens, the town will be obligated to provide the balance of services they provide to their town citizens; however, he indicated that annexation will be quite some time in the future.

Mr. Jones also asked the Board to keep in mind that the town has suffered in advance of everyone else in the loss of jobs. Mr. DeJulia interjected from the audience that they have lost 565 out of 1325 manufacturing jobs, which equates to 40 percent.

Mr. Lantz said the Milford/Syracuse road is a good freeway back and forth, and if everything happened in New Paris the way they would like, it would be a short trip between Syracuse and New Paris. He pointed out that they already have the sewer set-up for growth and they have the same access to the tracks.

Mr. Jones said the town understands their view, but they're asking for an opportunity to remain competitive as well. He then pointed out that the town has no legal standing to make any demands so this will be up to the Elkhart County Plan Commission and County Commissioners. The town feels this is a good fit, and he feels it is responsible planning to understand that if the town is going to enable municipal utilities to be extended into the area, that they have the ability to grow that benefit for the town over time to the extent possible that utilities would support, which is what this map represents. They agree with the recommendation of the staff with anything north of US 6, but he said they would like to keep the rest in the plan.

Mr. Doriot talked to a couple of landowners in the area and he said they were very cautious about this plan as they were concerned their property was going to be rezoned.

Mr. Jones feels it is important to understand that in the areas designated for future residential and future industrial, the land use will not change unless there is a rezoning that is not in compliance with the comprehensive plan. If agricultural continues, Mr. Jones said it will never have any impact.

Mr. Lantz commented that Elkhart County has a comprehensive plan so why change the plan, but Mr. Doriot said this is the movement towards their urban growth areas. According to Mr. Jones, the reason the town is taking this position is because they want to work in partnership with Elkhart County in extending municipal utilities into the corridor. They want to make sure they would enable continuing development in that area that they would have some benefit from in over

the next 20 to 30 years. What the town would not want to see happen is a residential development in the industrial area planned to the west. If they flip the residential and industrial uses, he said the benefit of the transportation route is taken away; therefore, they feel the uses shown in the way they are protects the town's ability to grow in the way they would like to see.

Mr. DeJulia, the town manager, briefly addressed the Board. He said he has talked with Elkhart County's Economic Development Director and she is supportive of their project. He said they are interested in creating jobs, which is also what Elkhart County is trying to do.

Mr. Doriot said competition and growth in certain areas will bring growth. He's not totally supportive of this project, but if they're sure they want to grow, he said they will grow.

What Mr. Miller likes about the plan is that someone planning to build a home along that industrial line would know prior to building that home that their property is adjacent to property that is planned to be industrial in the future.

Mr. Jones said there is a benefit to the group of property owners in the area to the west. By including this area in the plan, he said the town is saying they are willing to partner with those property owners. If it is not included in the Syracuse Comprehensive Plan, they may have to move their partnership to some other property in some other area. Mr. Doriot agreed that it does increase the market value of that land.

Mr. Jones added that this is also making sure the county and property owners know that this is where the town is willing to partner and provide the benefit that only they can in that part of the county.

Mr. Watkins then reminded the Board that they asked the town to come with a land use plan for this area. This is a plan that indicates to the county and the town what the acceptable land uses are in the area, but it does not mean it will be developed that way. He said the zoning still has to be changed, and the Board's decision today is if this is an acceptable plan and acceptable land uses in this area. If they are not acceptable uses to Elkhart County, he said they need to tell the town what the uses should be because they asked them for the plan.

There were no remonstrators present.

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

During discussion, Mrs. Wolgamood commented that Syracuse and Nappanee both have unique situations as they are adjacent to or partway into another county already. New Paris also has a unique situation as they have a conservancy district and the railroad lines that run north and south have been there for years. She thinks a lot of that area is already zoned manufacturing so they are steps ahead of Syracuse in their marketing of property that is adjacent to railroads. Now that they have amended this particular plan, she said she does not have an issue with it. She then pointed out that this is a comprehensive plan which she feels should be looked at every five to ten years.

If some type of use is presented in the industrial area that is good, Mr. Doriot said he will probably vote against it because he sees the current plan as a guideline, as does Mrs. Wolgamood. He feels the public needs to see it as a guideline as well and not as a plan.

Mr. Burbrink agreed saying this is a way to plan for growth in the future.

Mr. Lantz then expressed a concern about industrial leapfrogging. He indicated that he could be supportive if they could keep development south of US 6, and develop to the north and east so it is designed to fill-up the east quadrant before they move west. He said he doesn't want to see anything in Jackson Township at this point and he asked if there is any way they can designate how the area grows out.

Mr. Kolbus said this is only a policy and suggestion, it has no authority. Mr. Doriot added that the Board does have the ability to deny a zoning request for a use they do not feel is acceptable.

In further discussion, Mr. Lantz said if he is bringing 500 jobs to this area, he's going to look at Syracuse and New Paris. If it's not available in Syracuse, he may go to New Paris because it's better ground, they have the conservancy district, and it is in the county's plan. However, Mr. Watkins reiterated that this is a plan and sewer is not even available yet. The land is still agricultural, and for anything to happen, it would have to come before the Plan Commission to be rezoned. The decision that needs to be made today is if industrial is an acceptable use or if that area should always be agricultural, residential or some other use.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Wolgamood/Warner*) that the Advisory Plan Commission recommend to the Board of County Commissioners that the Elkhart County 2006 Comprehensive Land Use Plan be amended by adopting the Town of Syracuse Master Plan as it relates to Elkhart County as presented by the staff and in accordance with the Staff Analysis. A roll call vote was taken and the motion was carried with Mr. Lantz voting in opposition.

7. A Declaratory Resolution for the establishment of a Middlebury TIF District known as ***Elroy Drive Industrial Park TIF District*** was presented by Mr. Kanney at this time. He explained that this project is in conjunction with a TIF inside the Town of Middlebury, and what they are being asked to do is to agree that the project is consistent with the Comprehensive Plan. This is for an area that the Board has looked at previously, the KLT Industrial Park, which they agreed to rezone in 2007 based on sewer and water being available. According to Mr. Kanney, the TIF would provide that sewer and water.

Craig Buche, Middlebury town attorney, 130 N. Main St., Goshen, was present on behalf of this request. In making this request, he said he was asked why they don't use the County Redevelopment Commission. He explained that the town did work with them on the first two TIF districts that were created in the town, but when they did a bond issue later to tie those TIF revenues for funding purposes, the Bond Council required the town to set up it's own Redevelopment Commission to pass those revenues for purposes of paying on that bond issue. Therefore, if the town is going to do a TIF district, it now has to do it through its own Redevelopment Commission and the County would no longer have the ability to create a TIF district for the town.

In working with the town's Redevelopment Commission, Mr. Buche said they have been reviewing this project for over a year, but the economic situation has changed since then. The timing and terms of the need for this probably has been delayed, but he said the type of projects the town intends to pursue has not.

In this request, Mr. Buche said the Town of Middlebury is seeking approval of the Declaratory Resolution, and as a part of that, to make a finding that this does conform to the development plan for the Town of Middlebury. The area of the TIF district has been outlined in black on the aerial map (Exhibit C-2), and that would include the KLT Industrial Park subdivision as well as a part of the MDC Industrial Park immediately to the north. He said the reason the town Redevelopment Commission included a portion of that is because there is some undeveloped area there which could be used for future development.

Mr. Buche went on to explain that the TIF methodology allows an area to be designated as a TIF district or tax increment finance. When new development occurs in that area, he said that new growth and new assessed value generates revenue, which is typically referred to as TIF revenue.

That is then paid to the TIF district for purposes of making improvements in that area.

In this case, he said the Redevelopment Commission in conjunction with the Town of Middlebury proposes to make a number of public improvements. In approximately the center of the TIF district and to the north there is a current road which provides the access, the Industrial Parkway running east and west. There is a sewer line along that roadway that will need to be improved and increased in size for capacity purposes in order to provide service in this area to the south. He also said that sewer line runs to the west into a lift station that will eventually need to be improved and increased in its capacity in size in order to serve this growing area on the south side of the Town of Middlebury.

In addition, Mr. Buche said there is a water line which runs through the Jayco complex to the north and a separate water line that serves the industrial park to the south. The Town of Middlebury has identified a need to connect those at some point to provide a loop so better water service is provided. This will increase the quality as well as pressure and its service ability to that area if there are losses of service because of a break.

Eventually, Mr. Buche said the town believes that greater water storage will be needed in this area as well to serve the Jayco complex and continued growth to the south of that in the KLT Industrial Park, as well as west of SR 13. The total cost is estimated at approximately 2.5 million dollars for the water, sewer, engineering, and legal costs. The town will contribute to those projects as they have in the past by facilitating those with finances through its revenues through the water and sewer utility, and he said they probably will do some type of financing ultimately with the expectation that the TIF revenues would then be used to pledge and to pay off a portion of those costs.

In looking at the Comprehensive Plan and the Development Plan in the Town of Middlebury, Mr. Buche said they believe that this project does conform. This area is currently zoned M-1 and the surrounding area is already commercial and industrial development. This has been accomplished through an orderly process with inter-jurisdictional involvement between the County Plan Commission and the Town of Middlebury previously to set-up this area. He said the KLT Industrial Park and most of the other industrial parks in this area have been developed with In-lieu of Annexation agreements with the expectation that they would be annexed, that they would receive municipal services, that they are in the urban growth area, and then ultimately being annexed to the Town of Middlebury. He then reported that the KLT Industrial Park was annexed and became a part of the Town of Middlebury in January 2009.

According to Mr. Buche, SR 13 access is provided through an existing roadway so no additional traffic conflicts are intended or expected to be created. This is along a commercial corridor and seems to be in conformance and is consistent with the comprehensive plan.

Mr. Doriot questioned the length of the TIF and Mr. Buche said TIF districts are no longer perpetual as there was a statutory limit put on all TIF districts in 1993. The legislation two years ago restricted the length to 25 years, which would be the maximum length the TIF district could run.

Mr. Doriot also asked if this would capture all of the taxes or if the school would receive theirs out of this area. Mr. Buche said it would be the same as the traditional TIF where the base values would continue to flow to the town, library, the schools, and the township. He said it's only the assessed value of the new growth that would be allocated to the TIF district.

Mr. Buche said it's important to point out that the Redevelopment Commission is cautious in these areas. They believe this is an appropriate use of the TIF and that the growth here will not

occur without the TIF district to provide this funding. In other words, if these improvements don't occur, the ability to do any further development will be limited. As an example, he said the town's north side has already reached capacity with their water so they cannot provide any further service and grow to the north because of inadequate water pressure.

When asked if this area will be annexed, Mr. Buche said it has been annexed.

It was then noted that no one was present to speak in opposition to this request.

Mr. Kolbus pointed out that neither the Chairman or Vice-Chairman is present and he asked how that will affect the signing of the document. He indicated the Secretary could sign in both positions as the Chairman Pro Tempore as indicated in their rules and Mr. Buche said he could prepare a new signature page with the one signature and submit that later.

Mrs. Wolgamood moved that the Advisory Plan Commission accept Declaratory Resolution No. 2009-01 for the Elroy Drive Industrial Park Economic Development Area (*see attached*), and finds that this project conforms with the Elkhart County Comprehensive Plan and the Town of Middlebury Development Plan as presented. Mr. Warner seconded the motion, which carried with a unanimous vote.

8. There were no audience items.

9. At this time, Mr. Nemeth distributed results of the survey he presented to the Board in March regarding electronic message boards. Attached is a draft ordinance that he created based on the findings of the survey, and an article from the American Planning Association. He said portions of the article are consistent with the Board's previous discussion. He then went on to review the survey in detail with the Board, and he indicated that he hoped to contact the zoning consultant to see if he has a draft ordinance.

Mr. Miller recalled that they were going to have someone from a sign company show examples of illuminated signs. Mr. Nemeth said he would attempt to contact someone over the next month to see if they can bring an example to show the different levels rather than just numbers on a page.

Mr. Miller said he did some timing on an existing sign north of Middlebury and he felt that ten seconds gave him enough time to clearly see a message and then drive by it before it switched to another message.

Mr. Lantz suggested they also look at the size of the sign. When asked if he was talking about a portion of the sign, he clarified only the portion that is lit.

When Mr. Burbrink asked if his intent is to look only at signs out by the road rather than those in a window, Mr. Nemeth said that is correct.

The concept of an incidental sign versus a sign that its objective is to communicate off-site, according to Mr. Burrow, is that incidental signs will be those not intended for people driving down the street to see or be distracted.

Mr. Burbrink wondered if there would be a different standard for a sign installed on property adjacent to residential verses one that is surrounded by commercial property. He feels there would be less chance for irritation when surrounded by commercial uses rather than in a residential area.

Mr. Nemeth said he would note today's comments from the Board and bring something back next month for further review.

10. Mr. Burrow reported that they've had a request to establish a used cars sales event at the Farmer's Market (American Countryside). Generally, he said the staff has taken the position with support of the Plan Commission that they would need to rezone the site to be able to establish used car sales even on a temporary basis. He indicated that some of the car lots did get approval letters for a previous event, but he said they don't even permit car sales in an E-3 zone which is the zoning of that property. He is of the opinion that they should not allow this use for even a weekend because that is not the intent of that zoning district. If that's the general consensus, he said the staff will abide by that.

When asked if this is different from what they do at the airport or mall, Mr. Burrow said the airport is within the city's jurisdiction and the mall is zoned B-3, which allows used car lots. American Countryside is a PUD under an E-3 zone, which doesn't even have a permitted use for the sale of cars. He doesn't feel it's appropriate to start any kind of used cars sales at the farmer's market because he is concerned it would branch out from there.

Mr. Burrow went on to say that one of the issues with the present ordinance is the lack of enforcement and he hopes there will be more regulations on those types of uses with the new zoning ordinance. If they allow used car sales for three-days, he said they would essentially be granting a Use Variance for that site. That needs to go through a process, and if the Plan Commission wants to grant those types of approvals, he said that should be so specified.

Mrs. Wolgamood agreed saying there has been a huge effort for a long period of time on American Countryside; however, she did acknowledge there are economic problems at this time. She suggested they bring something before the Plan Commission and County Commissioners asking for an amendment to the site plan.

Mr. Burrow said he has less of a problem with this in a B-3 zone if they can demonstrate they're going to do it safely because that is a permitted use. Mr. Doriot agreed there needs to be some sort of demonstration.

It was then the consensus of the Board that even a temporary use should go through a process in order to be approved.

11. Mr. Watkins gave a brief update on the two-day zoning ordinance sessions held earlier in the week. There were 11 sessions with an excess of 100 people attending in the two days with a lot of interesting discussion. He said a survey was taken of the general consensus about zoning in the county and how they should be going forward with this ordinance. The consultant will tabulate the surveys and Mr. Watkins said a news release is being sent out today making those survey forms available for the next two weeks. Those surveys will then be forwarded to the consultant. He has also sent the Amish community a supply of the survey forms, and he asked that they send back addresses of interested parties so he can keep them informed.

When asked if the results of the survey will be broken down by groups, Mr. Watkins said there will probably be similar work done for each zoning district. The process they went through was just in general of what zoning in Elkhart County should be like, which he felt was a good approach. As pointed out by the consultant in the meetings, he said there could be 20 or 30 districts when the ordinance is done and how we look at each of those districts could vary.

In further discussion, Mr. Doriot said the consultant will present a draft that the Board will review, but it will be nothing like the final ordinance. Like the subdivision ordinance, Mr. Watkins said they will start with a full-blown ordinance and then it will be whittled down to what is acceptable for the County. What will vary is the degree of structure that's included in it depending

on how the surveys come out.

Mr. Watkins said he suspects the consultants will start writing in a few weeks after the surveys are all forwarded to them to tally. He said there will be at least three drafts with a steering committee that is still to be decided reviewing draft 1 to determine if they are on the right path. If so, they will move forward with version 2, which will be given out in a wider distribution. However, he said everything will be available on the consultant's website and possibly the Planning Department's website as well as on paper.

12. The meeting was adjourned at 10:36 a.m.

Respectfully submitted,

Kathleen L. Wilson, Recording Secretary

Jeff Burbrink, Secretary