

MINUTES

ELKHART COUNTY PLAT COMMITTEE MEETING

HELD ON THE 9th DAY OF MAY 2013 AT 8:30 A.M.

MEETING ROOM – DEPARTMENT OF PUBLIC SERVICES BUILDING

4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plat Committee was called to order by the Chairperson, Roger Miller, with the following members present: Blake Doriot, Jeff Burbrink, Roger Miller, Doug Miller and Tom Stump. Staff members present were: Chris Godlewski, Plan Director; Brian Mabry, Planning Manager; Mark Kanney, Planner; Duane Burrow, Planner; Kathy Wilson, Administrative Manager; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Edwards/D. Miller*) that the minutes of the last regular meeting of the Elkhart County Plat Committee held on the 11th day of April 2013 be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*D. Miller/Stump*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearing and the motion was carried unanimously.

**Blake Doriot stepped down from the Board at this time.*

4. The application for Primary approval of a one lot minor subdivision to be known as **FAIRLAWN FARMS MINOR**, for Fairlawn Farms Inc. represented by B. Doriot & Associates, on property located on the North side of CR 42, 2,170 ft. East of SR 15, common address of in Elkhart Township, zoned A-1, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #CR 42-130401-1*. Mr. Kanney said the only Technical Committee request needed is for Mr. Doriot to put the right-of-way width on the final plat.

Charles Buzzard, B. Doriot & Associates, P.O. Box 465, New Paris, represents this petition and agrees with all staff comments. Mr. Buzzard indicated that once this has been approved Fairlawn Farms will clear all the trees on the Southeast corner as per the Highway Department's request. Roger Miller asked where the entrance would be and Mr. Buzzard stated the entrance would be across from where the trees are now.

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

Motion: Action: Approve, **Moved by** Jeff Burbrink, **Seconded by** Tom Stump that in accordance with the Staff Analysis, the Plat Committee grant Primary approval of this one lot minor subdivision, provided the comments of the Technical Committee are made conditions of Primary approval.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Jeff Burbrink, Roger Miller, Doug Miller, Tom Stump

5. The application for Primary approval of a three lot minor subdivision, including a Replat of Lots 1 & 2 of Dock Lake Minor Subdivision, to be known as **ROCKY RIDGE SUBDIVISION**, for Phillip Eugene & Terry Marie Blosser (Owner) and Toni L. Wagner (Owner) represented by B. Doriot & Associates, on property located on the West side of CR 31, 585 ft. South of CR 131, common address of in Jefferson Township, zoned A-1, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #00CR 31-130401-1*. Mr. Burrow clarified that they would need two 3 to 1 lot width variances on their lots.

Charles Buzzard, B. Doriot & Associates, P.O. Box 465, New Paris, had a couple of things to clarify. Mr. Buzzard explained there will be a cross-access easement for this plat. He explained across Lot 3 there is an existing drive and a lane that also goes through that property. Mr. Buzzard said they took 1.34 acres from Lot 2 and attached it to the parent parcel along with the existing farm buildings. Mr. Buzzard submitted a plat of the property indicating the location of the 1.34 acres on Lot 2 and the cross access easement [attached to file as *Petitioner Exhibit #1*]. He showed Roger Miller where the 1.34 acres was located on the map.

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

Motion: Action: Approve, **Moved by** Doug Miller, **Seconded by** Tom Stump, that this request for Primary approval of a three lot minor subdivision, including a Replat of Lots 1 & 2 of Dock Lake Minor Subdivision, be granted by the Plat Committee in accordance with the Staff Analysis and with the following condition imposed:

1. Prior to the submission of the request for Secondary approval, the Board of Zoning Appeals shall grant the variances for the proposed lot configuration.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Jeff Burbrink, Roger Miller, Doug Miller, Tom Stump

6. The application for Primary approval of a two lot minor subdivision to be known as **M & L YODER MINOR SUBDIVISION**, for Freeman Yoder represented by Advanced Land Surveying, on property located on the East side of CR 37, .5 mile North of CR 10, common address of in York Township, zoned A-1, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #000CR 37-130401-1*. The only two comments left from the Technical Committee is the new driveway will require a curb cut permit, and if they disturb more than one acre, a SWPPP will be required. Mr. Kanney requested that the Primary be approved per the amended plan dated April 18, 2013. The amended plan added an agricultural right-to-farm statement and the finished grade of lots.

Ronnie Justice, Advanced Land Surveying, 17120 CR 46, New Paris, represented the M & L Yoder petition. Mr. Justice is aware that the driveway permit needs to be applied for and they will not disturb more than 1 acre. The new house will be built on Lot 2, and there is an existing home on Lot 1.

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

Motion: Action: Approved as amended, **Moved by** Jeff Burbrink, **Seconded by** Tom Stump that the Primary approval of a two lot minor subdivision be granted by the Plat Committee as it is in compliance with the Subdivision Control Ordinance and the Technical Committee.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Jeff Burbrink, Roger Miller, Doug Miller, Tom Stump

7. The application for Secondary approval of a six lot major subdivision known as **SAPPHIRE ESTATES** (formerly known as Sherck Estates), for R & B Sherck Land, Inc. represented by Brads-Ko Engineering & Surveying, Inc., on property located on the East side of CR 31, 1,758 ft. South of CR 10, common address of in Washington Township, zoned A-1, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #OCR 31-130415-1*. Mr. Kanney said that the only thing missing is the covenants regarding how to handle the wetland areas, and Gordon Lord is working on the covenants at this time. He recommended that the Plan Commission approve this petition subject to the covenants being in place before the Commissioners sign it.

Roger Miller asked how much of the property was wetlands. Mr. Kanney pointed out on the GIS map that there are a chain of three or four wetlands. He informed them that Adlai Schrock utilizes the wetlands for drainage and provides for protection, so if someone would buy that lot they would know that they cannot fill it in. Roger Miller needed clarified that with Mr. Kanney asking the Commission to grant the petition would that be part of the criteria that they would put into the Primary. Mr. Kanney stated that they made a suggestion that it be done, but he did not have the documents at this time. Mr. Kolbus clarified that the covenants were a condition of Primary, but it is not a condition in the Secondary phase. He said that they cannot impose conditions in Secondary, but if they want to work with it, informally, that is fine.

Gregg Shock, Brads-Ko Engineering, 1009 S. 9th St., Goshen, is representing R & B Sherck Land, Inc. for the request for the Secondary approval of the six lot major subdivision. He reiterated that it is now known as Sapphire Estates, but last month it came before the Plan Commission as Sherck Estates. He stated that they do have Primary approval and the 3 to 1 depth to width ratio was approved for Lots 3 and 4. There are two basic wetlands, the one on the curve is about five acres and the other in the back is about 3 acres and they are using them as amenities. Mr. Shock talked to Adlai Schrock this morning and they are putting together the covenants to restrict any restriction for water across any of the lots to the wetlands. The wetlands are to be maintained. Mr. Shock asked for approval of the Secondary today and they will have the covenants in place before the Commissioner's meeting. His intention is to get the covenants to Planning for review as soon as possible.

Roger Miller noticed that the lots are from 14 to 10 acres. Mr. Shock thought the lots average about 10 acres, the smallest is at the South end about four acres, the one in the back is about 19 acres, and the two in the wetland area are 8 to 10 acres.

Motion: Action: Approve, **Moved by** Doug Miller, **Seconded by** Tom Stump that the Plat Committee grant approval of a six lot major subdivision subject to the covenants being in place prior to the County Commissioner's meeting.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Jeff Burbrink, Roger Miller, Doug Miller, Tom Stump, Blake Doriot

8. The application for Secondary approval of a two lot major subdivision to be known as **TROYER AND NUSBAUM SUBDIVISION**, for Kermit Troyer and Valerie Nusbaum represented by Brads-Ko Engineering & Surveying, Inc., on property located on the East side of SR 13, 850 ft. North of CR 20 in Middlebury Township, zoned A-1, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #58782State Road 13-130415-1*. He advised that it is okay to approve this plat, but clarified

that it will not be signed by the County Commissioners until they approve the rezoning request.

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Tom Stump, that Secondary approval of this two lot major subdivision be granted as the Plat Committee finds that this subdivision meets the requirements of the Subdivision Control Ordinance and conditions of Primary approval (including rezoning).

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Jeff Burbrink, Roger Miller, Doug Miller, Tom Stump, Blake Doriot

9. The meeting was adjourned at 8:48 a.m.

Respectfully submitted,

Sandra Herrli
Recording Secretary