

**MINUTES**  
**ELKHART COUNTY PLAT COMMITTEE MEETING**  
**HELD ON THE 14TH DAY OF SEPTEMBER 2017 AT 8:30 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 Plat Committee 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:** Steven Edwards, Roger Miller, Jeff Burbrink, Tom Stump, Philip Barker.

2. A motion was made and seconded (*Edwards/Stump*) that the minutes of the last regular meeting of the Elkhart County Plat Committee, held on the 10th day of August 2017, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Edwards/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 two lot minor subdivision to be known as BERKEY MINOR SUBDIVISION, for Philip Berkey represented by Abonmarche Consultants, on property located on the South side of CR 32, 2,000 ft. West of CR 17, common address of 22582 CR 32 in Harrison Township, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #MI-0605-2017*.

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 Primary approval of a two lot minor subdivision to be known as BERKEY MINOR SUBDIVISION be approved in accordance with the Staff Analysis.

5. The application for Primary approval of a REPLAT OF LOT 1 OF BONAFIDE MINOR, for Erik J. and Jennifer L. Crisp & Spring Valley Development, LTD represented by B. Doriot & Associates, Inc., on property located on the South side of E. Warren St. (CR 16), 850 ft. West of CR 116, common address of 609 E. Warren St. (CR 16) in Middlebury Township, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #MI-0625-2017*.

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

**Motion: Action:** Approve, **Moved by** Roger Miller **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Primary

approval of a REPLAT OF LOT 1 OF BONAFIDE MINOR be approved in accordance with the Staff Analysis.

6. The application for Primary approval of a 3 lot minor subdivision to be known as EAGLES LANDING, for Boyd P. & Krista L. Smith represented by Progressive Engineering, Inc., on property located on the South side of CR 42, ½ mile East of SR 15, common address of 18200 CR 42 in Elkhart Township, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #MI-0622-2017*.

Mr. Stump questioned if this property has been heard before. Mr. Godlewski mentioned that there was a variance. Mr. Miller stated that they are using the garage as a residence. Mr. Edwards questioned if there was going to be a new drive way.

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

**Motion: Action:** Approve, **Moved by** Roger Miller **Seconded by** Philip Barker that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Primary approval of a 3 lot minor subdivision to be known as EAGLES LANDING be approved in accordance with the Staff Analysis.

7. The application for Primary approval of a 2 lot minor subdivision to be known as FINCH FIELD, for Marvin R. Yoder, Trustee, and Emma Sue Yoder, Trustee of the Yoder Family Revocable Living Trust represented by Progressive Engineering, Inc., on property located on the North side of CR 50, 774 ft. East of County Line Rd., common address of 30875 CR 50 in Locke Township, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #MI-0599-2017*.

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

**Motion: Action:** Approve, **Moved by** Steven Edwards **Seconded by** Roger Miller that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Primary approval of a 2 lot minor subdivision to be known as FINCH FIELD be approved in accordance with the Staff Analysis.

8. The application for Primary approval of a 1 lot minor subdivision to be known as HIGH POINT MEADOWS, for Orlin D. & Betty Yoder represented by Progressive Engineering, Inc., on property located on the North side of CR 54, 1,800 ft. East of CR 11, in Union Township, zoned A-1, was presented at this time.

Matt Shively presented the Staff Report / Staff Analysis, which is attached for review as *Case #MI-0582-2017*.

Mr. Burbrink questioned what the road access is. Mr. Shively stated the road access is CR 54 to the access easement at the back. Mr. Miller questioned if there should be concerns about the written agreement for the access easement. Mr. Kolbus answered no, unless it is in the ordinance.

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 Primary approval of a 1 lot minor subdivision to be known as HIGH POINT MEADOWS be approved in accordance with the Staff Analysis.

9. The application for Primary approval of a two lot minor subdivision to be known as NICKELS LOOP, for Thomas M. Nickel Investments, LLC represented by Progressive Engineering, Inc., on property located on the Northeast corner of CR 18 and CR 19, common address of 57440 CR 19 in Jefferson Township, zoned A-1, was presented at this time.

Matt Shively presented the Staff Report / Staff Analysis, which is attached for review as *Case #MI-0510-2017*.

Mr. Miller questioned drainage problems. Mr. Barker explained that there is a drainage way that runs North of US 20 that runs down Emerald Chase to the Southwest side of the property. Mr Stump questioned the owners' responsibility to keep the drainage open. Mr. Barker stated that the owners will have to keep it open, since it's the only outlet for drainage. Mr. Stump questioned if there is just an understanding that the property owners have to keep the drainage open. Mr. Barker stated that the drainage cannot be blocked. Mr. Stump asked Mr. Kolbus if there is law about not blocking drainage. Mr. Kolbus answered that there is a water rights law in Indiana. He continued by stating that the ones that are getting flooded would have to take action. There was further discussion amongst the Board about drainage and ordinances in the County.

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 a two lot minor subdivision to be known as NICKELS LOOP be approved in accordance with the Staff Analysis.

10. The application for Secondary 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, 1,450 ft. North of CR 2, in Cleveland 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-0615-2017*.

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

**Motion: Action:** Approve, **Moved by** Roger Miller **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Secondary approval of a 21 lot major subdivision to be known as PRAIRIEVIEW FARM PHASE TWO SUBDIVISION be approved in accordance with the Staff Analysis.

11. The application for Primary approval of a two lot minor subdivision to be known as LW33 RENTALS LLC MINOR, for LW33 Rentals, LLC represented by B. Doriot & Associates, Inc., on property located on the North side of Old US 33, South side of Larue St., 440 ft. West of Shore Ave., common address of 28761 US 33 in Baugo Township, zoned B-2 B-3, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case*

#MI-0423-2017.

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

**Motion: Action:** Approve, **Moved by** Steven Edwards **Seconded by** Philip Barker that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Primary approval of a two lot minor subdivision to be known as LW33 RENTALS LLC MINOR be approved in accordance with the Staff Analysis

12. The application for Primary approval of a three lot minor subdivision to be known as CARRIAGE BROOK SECOND, for Amity Development, LLC represented by B. Doriot & Associates, Inc., on property located on the Southeast corner of N. Wabash St. & Walnut St., 710 ft. East of SR 13, common address of 302 N. Wabash St. in Clinton Township, zoned M-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #MI-0424-2017*.

Mr. Burbrink stated that variances are needed. Mr. Doriot answered from the audience that the variance has already been submitted. Mr. Auvil stated that the staff supports those variances.

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 Primary approval of a three lot minor subdivision to be known as CARRIAGE BROOK SECOND be approved in accordance with the Staff Analysis.

13. The meeting was adjourned at 8:51 a.m.

Respectfully submitted,

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Kristi Shaffer, Recording Secretary