

**MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 8<sup>TH</sup> DAY OF SEPTEMBER 2011 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 Chairperson, Mike Yoder, with the following members present: Tom Holt, Roger Miller, Dennis Sharkey, Jeff Burbrink, and Blake Doriot. Staff members present were: Chris Godlewski, Plan Director; Mark Kanney, Planning Manager; Duane Burrow, Senior Planner; Robert Nemeth, Planner; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Holt/Doriot*) that the legal advertisements, having been published on the 27<sup>th</sup> day of August 2011 in the Goshen News and the 28<sup>st</sup> day of August 2011 in the Elkhart Truth, be approved as read. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Sharkey/Miller*) 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.

4. A motion was made and seconded (*Doriot/Miller*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 11<sup>th</sup> day of August 2011 be approved as submitted and the motion was carried unanimously.

5. The application for an amendment to an existing site plan/support drawing for **COUNTRY WOODSHOP DPUD**, for Premier Hardwoods, LP and M & N Bontrager, LP represented by Brads-Ko Engineering & Surveying, on property located on the East side of CR 43, 692 ft. North of CR 34, common address of 62870 CR 43 in Clinton Township, zoned DPUD-M-1 & A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #62870CR 43-110801-1*. It was clarified that they are proposing a third building for refinishing and additional storage space. Most of the building will be on the DPUD portion of the property, but a small portion will be on the undeveloped property. With a DPUD, he said you tie the project to the site plan, which is the reason for this amendment. Mr. Nemeth then reported that he received no negative comments from the neighbors after notice of this public hearing was sent.

Photos of the existing shop, the area between the shop and house where they are proposing to construct a new building, and the sign at the entrance were displayed. These photos are in the file for review. It was also clarified that the petitioners now own the house on the A-1 parcel to the south of the subject property.

Mr. Burbrink questioned the distance of the proposed building from the house. Mr. Doriot said it is 57 ft. from the building to the property line so it would be at least twice that distance and Mr. Nemeth agreed.

Present on behalf of this request was Barry Pharis of Brads-Ko Engineering & Surveying, 1009 S. 9<sup>th</sup> St., Goshen. He noted that Noah Bontrager and Marcus and Allan Bontrager, his two sons who are also involved with the business, are also present.

After displaying a site plan, Mr. Pharis explained that his firm represented Mr. and Mrs. Bontrager in 2003 in a DPUD/GPUD. The DPUD was for expansion of the woodworking shop and the GPUD for a future building, which they anticipated to be either warehousing or refinishing. He further explained that the manufacturing of tables is done at this site, and for the last eight years, they have been transported to a shop in LaGrange County where they are refinished. After the refinishing was done, Mr. Pharis said about 80 percent of those tables were directly shipped and the other 20 percent came back to this manufacturing site for later delivery or shipment. Combining the manufacturing and refinishing at one location will dramatically reduce the traffic flow to the site. In addition, it will also allow the Bontragers to offer cross-training to all of their employees, will simplify management by proximity, and will allow for economies of scale in all areas of operation of the business.

Mr. Pharis reported that the refinishing operations have significantly increased safety records with the switch from oil-based to solvent-based materials, and by having each spray booth include automatic as well as manual fire suppression. Refinishing permits are granted and inspected by IDEM for air quality and OSHA for safety. The eight years of operations of Country Woodshop has exceeded every standard set by both agencies and has passed every inspection. Additionally, he said a consultant has been hired who advises them of any changes to the ordinances that affect this business. This includes industry actions and activities that promote further safety and performs independent inspections to increase safety, productivity and quality.

In conclusion, Mr. Pharis said the petitioners have not requested nor will they accept tax abatement from Elkhart County. The original DPUD ordinance limited this business to 15 employees; however, he said the GPUD narrative report submitted at the time said the total number of employees would increase to 20 at the time they added the third building. All employees either bike to work, ride a horse and carriage, or are brought by van. There are no retail sales so they have no customers coming to the site. Mr. Pharis said there is ample parking for IDEM and OSHA inspections, the occasional service representative for the equipment on site, as well as the occasional visit from a dealer as they have a dealer network set-up throughout the country. Mr. Pharis said they have no objections to the conditions recommended by the staff.

Mr. Burbrink asked if a portion of the barn encroaches the property to the north, but Mr. Pharis said it has been surveyed and does not encroach any structure.

There were no remonstrators present.

A motion was made and seconded (*Sharkey/Doriot*) 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/Sharkey*) that the Advisory Plan Commission recommend to the Board of County Commissioners that this request be approved in accordance with the Staff Analysis. The motion was carried with a unanimous roll call vote.

6. The application for a zone map change from R-2 to B-3 for **Judy Slabaugh-Spriggle** on property located on the East side of CR 17, 208 ft. North of Suburban Drive, 498 ft. South of SR 120 in Washington Township, was presented at this time.

Mr. Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #54576CR 17-110729-1*. He then indicated that the Site Plan / Support Drawing, the Ordinance and the Plat are available for review.

The petitioner, Judy Slabaugh-Spriggle, 22313 SR 120, Elkhart, was present on behalf of

this request. This property, according to the petitioner, is the only one on CR 17 that is not zoned for business. The properties adjoining to the side and rear are zoned B-2, and if this property is residential, she said the use does conflict with those business uses. In preparation of selling the entire property, she does not want a portion of it to remain residential. The adjacent property is on Suburban Drive, which she said this would be a part of. She then described the uses of the surrounding properties. She thought the prior owner had asked for an easement through the property to enter in the back and she said she would be willing to close the CR 17 entrance for the safety of the resident who leases the property.

After reviewing documents from the file, Mr. Yoder said it appears there is an easement coming through the B-2 DPUD for future access. Mr. Doriot explained that it comes down and cuts over to the back of the subject property.

When Pheasant Ridge rezoned from R-1 to B-2, the petitioner said they were required to close their entrance, which works out very well and there is just one less entrance on CR 17.

Mr. Yoder felt it would be okay if this were a DPUD proposal that would utilize the easement. Mr. Doriot said they can do this conditionally now, but Mr. Kolbus asked how they could put a condition on this if the petitioner doesn't really don't know what she wants to do with the property right now. He did advise, however, that the Board could impose certain restrictions through the commitment process without having to go through the DPUD process if there was a definite plan.

When Mr. Holt asked the petitioner if she owned the B-2 DPUD properties, she said yes as well as the Dairy Queen property on the corner. Discussion then followed on the possibility of including this property with the existing DPUD.

If this property was leased, Ms. Slabaugh-Spriggle asked how she would know what it could be used for. She was advised by Mr. Burbrink that if approved as a straight rezoning as requested, there is a list of permitted uses; however, if rezoned to a Detailed Planned Unit Development, the uses would be limited to what the Board approves.

When Mr. Sharkey expressed his concern with a straight B-3 zone, Ms. Slabaugh-Spriggle said the property is small and would be more appropriate for an office with low activity. She said it would be impossible for it to be used for a high traffic business and added that this is not the safest location for a residential use.

Mr. Burbrink asked if the staff has discussed a DPUD with her and the petitioner replied no. Mr. Doriot said the petitioner has numerous questions and he's not sure those were asked when this application was filed. If denied, he feels at a minimum she should be able to talk with the staff in more depth to figure out what she wants to do on this property.

Mr. Miller then suggested they table the request, but Mr. Yoder felt it should be denied because the proposed method is not the right path.

Ms. Slabaugh-Spriggle said she realizes the CR 17 entrance would have to be closed and that access would have to come from the back. If she sells all of her properties and leaves the subject property as residential, she is concerned a new owner of the subject property couldn't use the access easement. However, Mr. Doriot said she owns the easement on the original PUD, so with proper guidance, that could be accomplished with separate ownership in the PUD.

For clarification, Mr. Burrow said the petitioner has been advised by the staff and other consultants over the last five or six years to apply for a DPUD. He said the petitioner also owns the property to the south that opens up to Suburban Drive. He pointed out that she signed the plat and documents that established the PUD to the north and she is aware that they intended for all of the

properties to not access directly onto CR 17. The County has spent an inordinate amount of money reducing curb cuts on CR 17 and he said other straight rezoning requests on CR 17 have been denied for that reason. The two homes north of the river on the east side of CR 17 were denied based on the fact that the County Commissioners along with the Highway Department did not want to encourage additional traffic on the CR 17 corridor.

Ms. Slabaugh-Spriggle asked if it would be best for her to know what she wants to use the property for before she proceeds and the Board said at least a range of uses would help.

There were no remonstrators present.

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

The Board was advised by Mr. Kolbus that should they make a recommendation of denial to the Commissioners on the current proposal, the petitioner has a right to go forward. If denied by the Commissioners, the petitioner could submit an application, at any time, with significant changes such as a DPUD, GPUD, or another B-3 with a number of commitments.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Holt/Miller*) that in accordance with the Staff Analysis, the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from R-2 to B-3 be denied. With a unanimous roll call vote, the motion was carried.

7. Present on behalf of the *Northwest Gateway Project* was Ken Jones of Wightman-Petrie, Inc., 4703 Chester Drive, Elkhart. He explained that the project has not yet been released from the committee to the Redevelopment Commission for approval, and because changes continue to occur, he has nothing to distribute to the Board at this time. He did say that the project has made good progress and they are in the final stages of assembling a plan that will eventually come before the Plan Commission for review. They probably won't be asking the Board to approve the document at that time, but he said they will be looking for their input.

Mr. Jones said they are not sure at this time whether the plan will recommend an overlay zone or if it will just be a guidance tool. He indicated that they will work that out with the staff as there are some components in the plan that the Plan Commission may have some opinions on. Specifically, he said there are some recommendations for future land use changes. The staff has not fully reviewed the plan at this time and has not offered their definitive written recommendations yet, but he hopes they will be bringing something conclusive to the Plan Commission at their October meeting.

Mr. Sharkey asked if these plans are similar to the original plans and drawings previously presented to the Plan Commission. Mr. Jones said yes, but in more significant detail as it relates to some proposed changes in land use for some of the redeveloping properties. Also, he said it more specifically deals with the initiating corridor project along Old US 20. The committee is still working through those details and he said a third option is to be considered in the next week or so.

When Mr. Sharkey asked if St. Joe County is assisting in this project, Mr. Jones said it is their obligation to improve Ash Road and the intersection. He said they are not involved in any kind of land use discussion west of the county line, but they are working on a design project for construction.

8. At this time, Mr. Kolbus presented a proposed *Amendment to the Rules of Procedure*. He recalled that they talked about the changes in the state law a couple of months ago, and one of the

unfunded mandates they had was to pass a rule verifying that citizen members are either residents of the unincorporated area of the county, or a resident of the county and own land in the unincorporated area. He said this proposal is a simple certification process to verify they meet one of the two residency requirements, but they can do something more formal if the Board would like. He then asked that the Board amend the rules to incorporate 2.01 D. and Exhibit D.

Mr. Doriot moved to adopt the amendment to the Plan Commission Rules of Procedure by incorporating in Article 2 Membership, Officers, Staff, and Committees, 2.01 D. and Exhibit D (*see attached*). Mr. Holt seconded the motion, which carried with a unanimous roll call vote.

9. A brief discussion then followed regarding the vacant position on the Plan Commission. Mr. Yoder explained that the commissioners are trying to find a commercial developer to give a development perspective on the Board. They have had two candidates, but he said neither one accepted. He then indicated that they do have a third candidate they are working with now.

10. A motion to adjourn the meeting was made by Mr. Doriot and seconded by Mr. Sharkey. With a unanimous vote, the meeting was adjourned at 9:43 a.m.

Respectfully submitted,

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Kathleen L. Wilson, Recording Secretary

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Mike Yoder, Chairman