

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 8TH DAY OF JUNE 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 James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Tony Campanello, Roger Miller, Steve Warner, Jeff Burbrink, Tom Stump, Frank Lucchese, Philip Barker.

Absent: Steven Edwards, Lori Snyder.

2. A motion was made and seconded (*Burbrink / Lucchese*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 11th day of May 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.

****It should be noted that Lori Snyder arrives****

4. The application for the Vacation of an East/West and North/South Alley Right-of-way, for The Peoples Bible Church, Inc. and Larry Lee & Sharon Louise Erb represented by B. Doriot & Associates, Inc., on property located on the East/West alley between US 33 & CR 44 & North/South alley South off of CR 44, 150 ft. East of US 33, common address of in Benton Township, zoned B-2, B-3, R-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #VRW-0312-2017*.

Blake Doriot, B. Doriot & Associates, P.O. Box 465, New Paris, was present representing Peoples Bible Church. Mr. Doriot stated he submitted letters to staff about utilities, and maintaining the utilities. He continued by stating that everybody has been letting them maintain the utilities anyway because half the power poles are not on the alley way. He noted the Southeast corner of the aerial was platted in approximately 1840. The Erbs owned the old fire station there, and the vacation will give them access to their property. It will be split down the middle with the proper vacation of the alley ways. Additionally, Mr. Doriot expressed agreement with the staff comments.

There were no remonstrators present.

A motion was made and seconded (*Burbrink / 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** Jeff Burbrink, **Seconded by** Steve Warner that the Advisory

Plan Commission recommend to the Board of County Commissioners that this request for the Vacation of an East/West and North/South Alley Right-of-way be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Tom Stump, Tony Campanello.

5. The application for Primary approval of a 32 lot major subdivision to be known as SANDY CREEK SECTION TWO, for Niblock Excavating, Inc. represented by Lang, Feeney & Associates, Inc., on property located on the East side of West County Line Road, ¼ mile North of CR 2, in Cleveland 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-0289-2017*.

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, was present representing Niblock Excavating, Inc. Mr. Lang noted section 1 was finalized, the economy died, and the primary expired. He stated they are here to activate the primary, follow up with secondary, and construction is anticipated to start as soon as possible. Mr. Miller asked about the East section and the irregular shapes. Mr. Lang stated it is because of the creek. Additionally, he pointed out the lots along the West side have property lines that run to the center of the creek. Mr. Campanello noted that they are good sized lots. Ms. Snyder questioned the price range of the homes, and Mr. Lang stated that they will be very comparable to Stoney Brook Shores and Sandy Creek, at approximately \$250,000 and up.

Ken Nichols, 50593 Cobus Ridge Lane, Elkhart, questioned irregular property lines, noting his property line is squared off. He also inquired who retains ownership of wetland property.

Mr. Lang responded saying when Section 1 was platted, the jagged portion platted was all tied to one lot in the Southeast corner. Although it was suggested some lots be extended to form a straight line across all the lots, the developer decided to have the wet land area tied to one lot. He reported it is the same in lower portion; with it tied to the South lot.

A motion was made and seconded (*Stump/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** Tom Stump, **Seconded by** Jeff Burbrink that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Primary approval of a 32 lot major subdivision to be known as SANDY CREEK SECTION TWO be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Tom Stump, Tony Campanello.

6. Staff Item Elkhart East Area F- Jason Auvil reported a request from Elkhart East Area F for

an extension of five years to develop the development and to avoid expiration. Ms. Snyder questioned if this has been done before. Mr. Campanello explained why there is a two year period. He continued stating that this is a good developer, and they can farm the property until sold. Mr. Auvil stated that it is market force driven, so they don't have to wait for five years to develop and are actively seeking buyers. Additionally he explained that the original approval was back in 2016. He noted that the property is at the corner of CR 17 and CR 6, just West of Pheasant Ridge. Mr. Campanello noted all of the road work is completed. When Mr. Miller questioned similar approvals previously, Mr. Auvil said this is market-driven, and not out of the ordinary. He continued saying that developers do not like sitting on vacant land. When Mr. Miller expressed concern about consistency with approvals, Mr. Auvil further explained that everyone gets two years when primary is submitted, but anyone can request additional five years.

Motion: Action: Approve, **Moved by** Tom Stump, **Seconded by** Steve Warner to approve the five year extension.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Tom Stump, Tony Campanello.

7. *Board of County Commissioners Approvals Following Plan Commission Recommendations*

Jason Auvil reported the Wakarusa Town Council on May 2, 2017, approved a Zone Map change for Thor from A-1 to M-2. On May 15, 2017 at the Elkhart County Commissioners meeting, the petition for a Vacation of Right-of-Way known as Via Mia Fiore was approved.

8. Subdivision Committee Update –Mr. Godlewski gave a handout with the summary, general theme, and agenda from the committee. He mentioned he believed he sent out an electronic copy to the Plan Commission a couple weeks ago. In the handout, he noted the proposed changes are highlighted. Mr. Godlewski noted discussions about the temporary turnaround cul-de-sac, the storm water common area agreement, the filing deadline before Tech Corrections, and Administrative Subdivisions. He stated there will be Township Hall meetings this summer with public question/answer sessions. Mr. Burbrink noted the main item with the dedication of Right-of-Way is if there is a three acre lot with additional dedication, and the remainder of the lot becomes less than three acres. He stated the group felt strongly that it be looked at as a three acre lot. Mr. Kolbus mentioned that it will stay legal conforming. Ms. Snyder noted the drainage issues need to be addressed by the county because of recent problems. Mr. Lucchese mentioned that the Commissioners are dealing with these problems later on; but it needs to be dealt with in the beginning. Mr. Godlewski reported hoping to get the process completed by late summer or early fall. Additionally, he said Zoning Ordinance updates will take place later in the Fall of 2017. The process will be similar to last year. Mr. Auvil gave an example as handicap accessible ramps on the front of the house will be exempt from the setback. Those updates will be assigned to Duane Burrow, who starts back next week. He will be working two days a week on a contractual position through the end of the year to help fill the gap with the loss of Mark. Mr. Burbrink asked if the board needs to vote to pass that subdivision ordinance passing onto the public meetings. Mr. Kolbus

stated that he did not think they are ready yet. Mr. Godlewski mentioned the committee was supposed to affirm the proposed changes and move it up the ladder; instead there was an implied consensus. He suggested the board acknowledge moving this to a public review.

Motion: Action: Approve, **Moved by** Jeff Burbrink, **Seconded by** Lori Snyder to move the proposed Subdivision Ordinance changes forward to a public review. Motion was passed with a unanimous vote.

9. The application for a Zone Map change from A-1 to M-1, 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, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0213-2017*.

Debra Hughes, Marbach, Brady, & Weaver, 3220 Southview Drive, Elkhart, was present representing the petitioner, Fuller Trust. She indicated there is a purchase agreement based on Board approval of an M-1 rezoning. When Ms. Snyder asked about possible discussion of extension of city utilities, Ms. Hughes said there has been no conversation yet, but that is the intention. Under certain agreements, it was noted the city has begun to extend again.

Chris Marbach, Marbach, Brady, & Weaver 3220 Southview Drive, Elkhart, referred back to Comprehensive Plan, which he submitted [*attached to file as Petitioner's Exhibit #1*]. He reported the property is adjacent to city property, city utilities, and on a transportation network, which is exactly what the Comprehensive Plan indicates. Mr. Marbach stated buffer standards were created within the Zoning Ordinance that shows M-1 requirements for buffering. In this case, a Class 3 buffer, is required which is the largest one designated. He pointed out that the site plan will ultimately come before this Board. He continued by stating he cannot envision a piece that fits better adjacent to the City than the subject property that Marbach, Brady & Weaver has done in a long time. This is a prime case, and he noted staff made a positive recommendation because of those things.

Judy Marks, 52621 CR 101, was present and indicated she resides directly across the street from the subject property. If approved, she suggested a compromise with property on CR 101 to stay A-1 and property on CR 6 be rezoned. She noted her neighbor, Putney, could not be present; but two sides of that property border this property. She went on to say that the Proctors have a field that would be affected as the only access for their farm revenue would be buffered so they would not be able to farm on their property.

Charles Sommers, 52595 CR 101, was present in remonstrance. He stated the John Weaver Parkway was created, with a lot of money being spent, and miles of property (288 acres) are still there, not being used. The property has been for sale for years and would not affect anyone if purchased for manufacturing. While he has no problem with Mr. Liegel being a neighbor, he does not want a trailer factory on it.

James Hall, 52879 CR 101, was also present, and suggested a border line is needed. He mentioned he hoped someone drove down their road recently. He stated he lives in an oasis, and there is not a spot like that left without factories.

Linda Vlaeminck, 29224 CR 6W was also present in remonstrance. She reported her home diagonal to Alan's parents' property, and traffic is a concern to her. Further to the East, CR 6 can

accommodate traffic, but not at this location. When their house was built in 1979, she stated CR 101 was a dirt road. Many homes are there, and it's very quiet. She mentioned that she can see the Toll Road but cannot hear it. Her family owns 80 acres on the South side of CR 6. Although she could not attend the first meeting, she said she strongly objects to this request and urged the board to reconsider. As she works for Lippert Components, she is very aware of the industry and the needs of expanding, but she does not want it there.

Also present in remonstrance was Jesse Thrash, 52735 CR 101. He lives right across the street. He feels that there is a buffer there now, which should remain. He mentioned he sees lights from CR 5 at night. He stated he is concerned with lights, noise, and blowing trash. He noted that they would be putting an industrial facility between two homes. He reported there is also wildlife there. He mentioned that he has lived there for 20 some years, and believes this request is a terrible idea.

In response, speaking on behalf of Pete Liegel was Mike Stump, 56635 CR 13, Elkhart. He reported they attempted to set up a discussion with neighbors, but it did not happen. If approved, he indicated they are willing to sit down with neighbors to attempt to find common ground. He mentioned that this is a logical expansion area and that they have no desire to use CR 101 for traffic. He went on to say that any traffic will use CR 6, and they are willing to make concessions beyond what the County requires. Additionally, he stated there are no immediate plans to develop the property especially with Elkhart County's employment issue at this time. It is an investment property for down the road.

Jeff Herman, 52701 CR 101, was also present in remonstrance. He said his concern is about CR 6 access, where the four lanes drop to two. He mentioned there have been several fatal accidents there. He feels the subject property is the buffer. He stated that there are not enough houses and not enough people for the jobs in the area. He thinks that would be a beautiful area for houses not for industrial use. Mr. Warner noted Forest River's offer to work with neighbors.

Also in response, Chris Marbach noted the concession to not use CR 101 is adequate as it is not sufficient for traffic use. As a reminder there will be a site plan review, and county highway will address traffic concerns. There are standards for the buffers, and the owner is willing to make concessions for the neighbors. Referring to the Comprehensive Plan, Mr. Campanello questioned again how Mr. Marbach feels that his plans follow it. Marbach stated #1, managed growth should be in and near city limits, and he mentioned that they are right against the city limits, against an existing industrial park, and city utilities. Goal # 2, this is not out in the country, but on the border of the city where development should grow to use city utilities. He continued with # 3, which goes back to transportation. He believes that CR 6 will be widened. He does not know when the development of the property will take place. The coordinated approach for growth is all of the utilities, transportation, and existing infrastructures that are there. Also, interjurisdictional activity is part of goal # 3, having involvement with the city. The city would have a review of the site plan. Mr. Campanello asked about mechanisms that Mr. Marbach has, to make sure that the land owner does what he says he is going to do. Mr. Marbach mentioned that they will have the minutes from this meeting which the staff can review when a site plan is submitted. Mr. Campanello noted that this is a perfect property for a DPUD. Mr Marbach questioned the advantages of a DPUD in Mr. Campanello's mind. Mr. Campanello said that they can impose conditions and commitments to assist neighbors. Mr. Marbach mentioned that the DPUD would be identical to a straight site plan submittal for approval. He continued stating they are asking for the lightest use in the manufacturing district that they can request. A PUD can take uses out of an M-2, but there is not much to take out

of an M-1. Mr. Marbach mentioned that Forest River wants to be a good neighbor, they want to put in buffers, and they understand that they are going up next to a residential area. At the request of Mr. Lucchese, Mr. Marbach explained the buffers. Mr. Auvil reminded the Board that conditions and commitments can be placed on a rezoning. Mr. Campanello expressed a desire to do so as he feels there are too many remonstrators present to just pass this just because of the Comprehensive Plan. Mr. Miller reads from the Comprehensive Plan, mentioning an exception to this policy of converting undeveloped land to more intense zoning is if it affects the neighbors, schools, and environmental aspects. He mentioned he does like the Comprehensive Plan because it speaks to both sides of the issue. Mr. Stump reminded everyone of an approval similar to this as the old McIntosh Greenhouse property several years ago. There were several remonstrators present then, and it was rezoned to a PUD being next to a residential subdivision. Mr. Burbrink asked about access to a property that was mentioned prior. Judy Marks stated from the audience that the property is owned by Gene Proctor and that it fronts CR 101.

Judy Marks, stepped back up, and questioned at what point a rezoning does not touch up to something.

Chris Marbach, stated that he has driven CR 101, and believes there is no grade change, which would allow access from CR 101 for the property Ms. Marks is referring to.

Mr. Barker believed this should remain an A-1 buffer for the property Northwest on CR 101. He stated that doing a PUD is a mixed use type of thing, and it is a compromise that could work.

Mike Stump, returned to the podium and stated that new ordinance is more restricted than it was. Buffering is already in the new Zoning Ordinance. He does not understand why there are discussions about a PUD when the requirements are already there for an M-1. About the property Barker was referring to, Mr. Stump stated that there was a discussion the day prior. That part of the property could be used as a farm field/buffer to accommodate the neighbors. Mr. Barker stated if it is not designated, such as in a PUD, someone else could purchase that property and use it as M-1. Mr. Stump stated he could have that recorded as a restriction on the deed. Mr. Stump mentioned that the one strip could stay A-1 or be used only for A-1, whatever is appropriate for the situation. Mr. Barker states that he appreciated the offer to do that; however, he'd rather have a buffer in place. Ms. Snyder stated that in terms of doing research before, there is quite a bit of land available out there. With the Aeroplex facility right down the road which is ready to go she questioned if this specific location works best. Mr. Stump noted years ago they attempted to purchase some other property and were told owner would not sell to a company like Forest River. He continued by stating that farther South, there is some contamination. They are very risk-adverse and will not purchase anywhere near contamination. Mr. Stump noted another example of a DPUD in middle of nowhere, is in New Paris for a fence company. Mr. Campanello stated that it was for storage not manufacturing. Mr. Stump argued that the Board needs to be consistent in their voting.

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

For clarification, Mr. Miller asked if they move to approve as M-1, if the Board can place commitments. Mr. Kolbus responded yes that run with the land. Mr. Burbrink noted this is the property to the south.

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

Motion: Action: Approve, **Moved by** Jeff Burbrink, **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone Map change from A-1 to M-1 be approved in accordance with the Staff Analysis and as represented during the hearing.

Vote: Motion passed (**summary:** Yes = 7, No = 1, Abstain = 0).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Tom Stump.

No: Tony Campanello.

10. The application for a Zone Map change from A-1 to M-1, 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, in Cleveland Township, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0212-2017*.

Debra Hughes, Marbach, Brady & Weaver, 3220 Southview Drive, Elkhart, was present representing the potential purchaser. She noted Forest River is a very well-known local entity. If developed, it would be a very similar use as they operate on a consistent model. Making reference to another location where Forest River has developed, she reported neighbors objected when approved but now neighbors are happy with the Forest River development.

Jesse Thrash, 52735 CR 101, was present in remonstrance, and reported he lives across CR 101 from this subject property. He expressed disbelief about placing an industrial building in between two homes. Ms. Snyder questioned the parcel between those remaining A-1. Mr. Thrash said he would purchase the property to keep it A-1. He said he understands the owners should be able to sell, but he does not want manufacturing there. Lastly, he asked members to consider how they would feel if they lived there.

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

Mr. Campanello stated if it is rezoned M-1, there is no plan such as a PUD. He continued by stating that it does conform to the Comprehensive Plan. He does not have a problem with it going there, but he does not have a plan to go by. Mr. Barker said he does not like straight rezoning. If they have an M-1 DPUD the only restriction will be the buffer, which is in place with the Ordinance. He would like to see the portion in between the houses to stay A-1, and rezone the portion to the East M-1. Mr. Burbrink noted that is talking about 5-6 acres, and it will be hard to find someone to farm land that size. Mr. Barker suggested someone may buy it to build a house. Mr. Campanello noted that is creating unusable land for the owner. Mr. Barker was in favor of that. Mr. Miller noted RV storage at the old McIntosh Nursery property is right next to a subdivision, but Mr. Campanello argues that it is right on US 33. Mr. Miller stated that there were 30 people affected as opposed to five people being affected here. Chris Godlewski added that if the North part ends up as a PUD that would be a separate zoning lot than the south lots. He continued that you cannot cross uses, or integrate the two parcels.

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 a Zone Map change from A-1 to M-1 be approved in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 6, No = 2, Abstain = 0).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Roger Miller, Steve Warner, Tom Stump.

No: Philip Barker, Tony Campanello.

11. The application for a Zone map change from M-1 PUD to M-2, for Philip R. & Sharon L. Wogoman represented by Andrew Helfrich, on property located on the Southwest corner of US 33 and Current Drive, 1,050 ft. South of CR 138, common address of 65725 US 33 in Elkhart Township, zoned M-1 PUD, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0299-2017*.

Glen Killoren, Barnes & Thornberg, was present representing the petitioners Phil & Sharon Wogoman, and the President of Eagle Ready Mix was also present. Mr. Killoren stated this is a use that has been going on since the 1990's, so this is more of a corrective action.

There were no remonstrators present.

A motion was made and seconded (*Stump / Burbrink*) 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** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone map change from M-1 PUD to M-2 be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Tom Stump, Tony Campanello.

*****It should be noted that Lori Snyder steps down*****

12. The application for a Zone map change from R-1 to B-3, for Paul W. & Nancy S. Dishong represented by Marbach, Brady & Weaver, Inc., on property located on the Northeast corner of CR 9 and Windsor Ave, common address of 52726 CR 9 in Osolo Township, zoned R-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0304-2017*.

Chris Marbach, Marbach, Brady & Weaver, 3220 Southview Drive, Elkhart, was present representing the petitioners. He submitted a packet [*attached to file as Petitioner's Exhibit #1*]. The subject property has businesses, city limits and city utilities across the street. He continued saying it has been on the market for at least four years on and off as a residential property, and they cannot sell it. He stated that they are requesting B-3, but willing to negotiate to a lesser use. As they do not have a buyer, they cannot present a PUD. They are willing to accept B-2 if the board feels that is too intense. Mr. Marbach referenced the Comprehensive Plan. There is a house and shed on subject property. Mr. Lucchese asked if the owner has talked to the Little League about buying the

property, since they previously wanted to expand. Mr. Marbach stated he was unsure but reiterated that it has been on the market.

Ms. Kratzer presented a letter from Gary Sickels, 52704 CR 9, against the petition. The letter stated that he is worried about traffic and noise. [attached to file as Staff Exhibit #1]

Paul Dishong, 52726 CR 9, is the property owner. He feels there should be a flashing light in that intersection due to the traffic. He continued that he counted in 15 minutes there were 100 cars that went past his house. There is a motorcycle distributor that has bike traffic off of Windsor, and they also have the little league behind them. He mentioned that they have had runaways that run into his house he also reported cars have driven across their yard, and people come to the house when the Little League gates are locked. They have had human feces in their back yard. A neighbor, Dennis Wenger, has a garage with a Special Use permit for detailing automobiles. He explained that it has been a paint shop for truck caps, a body shop for a used car dealer, a garage for illegals and he keeps renting it out. Mr. Dishong explained that the subject property has been for sale off and on since 1994, and no one looked at it until the present realtor. He stated that he is frustrated.

Lisa Dinati, 14311 Southold Drive, Granger, was also present and stated she grew up at subject property. She reported a dentist at the corner of CR 6 and CR 9, a greenhouse used to be down the road, and a garage business by the subject property. There are issues with the little league and from the people that attend there. She mentioned that it would be nice to have it rezoned, so they can sell it. Ms. Dinati stated that it is time to rezone the properties in that area due to houses deteriorating. She thinks getting the subject property rezoned will help other properties around them sell as well. She would love for the Little League to purchase it and expand but is thinking it is too expensive for them. However, her parents cannot lower the price because they need to move on and live their lives, too.

There were no remonstrators present.

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

Mr. Kolbus noted if they would like to grant it, they can grant up to B-3. Mr. Stump felt this is a perfect example of something that should be up zoned and does not understand how staff can recommend denial. He indicated they should give property owners some relief. He continued that he travels up there a couple of times a month, and it is all business so there is no reason for it not to be rezoned. Chris Godlewski stated that speaking for the staff, this is a residential area and the rezoning is not meant to change the whole neighborhood. Mr. Stump questioned how staff can look at this area as residential when there are businesses up and down CR 9.

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

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone map change from R-1 to B-2 be approved as amended by the Board based on the following Findings and Conclusions:

1. The requested Zoning Map Amendment does comply with the Comprehensive Plan.
2. The request is in character with current conditions, structures and uses on the subject property and in its surroundings.
3. The most desirable use of the subject property is residential.
4. The request does conserve property values.

5. The proposed rezoning does promote responsible growth and development.

Vote: Motion passed (**summary:** Yes = 7, No = 0, Abstain = 1).

Yes: Frank Lucchese, Jeff Burbrink, Philip Barker, Roger Miller, Steve Warner, Tom Stump, Tony Campanello.

Abstain: Lori Snyder.

*****It should be noted that Ms. Snyder returned at this time*****

13. The application for a Zone map change from A-1 to B-3, for Lee M. Garner & Jamie L. Miller represented by, on property located on the North side of US 20, 1,800 ft. East of SR 15, common address of 18153 US 20 in Jefferson Township, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as Case #RZ-0306-2017.

Brett Garner, 68699 CR 33, Goshen, was present on behalf of his son. Mr. Garner stated they want to put a service garage in with a small car lot that could hold 20-30 cars. They would have one mechanic, and the business hours would be 8 a.m. – 5 p.m. Mr. Stump questioned zoning of properties to the West which is A-1, and then there is a ditch or creek, and then a gas station that is B-3, which Mr. Godlewski confirmed. Mr. Stump further questioned if across the street was the asphalt plant. Mr. Godlewski stated it is a storage lot, and the asphalt plant is gone.

There were no remonstrators present.

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

Mr. Stump asked about contact with the property owner to the West. Mr. Miller further questioned if that house is even occupied. Mr. Garner stated that he does not know anything about that property.

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

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Roger Miller that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone map change from A-1 to B-3 be approved based on the following Findings and Conclusions of the Board:

1. The requested Zoning Map Amendment does comply with the Comprehensive Plan.
2. The request is in character with current conditions, structures and uses on the subject property and in its surroundings.
3. The most desirable use of the subject property is residential or agricultural.
4. The request does conserve property values.
5. The proposed rezoning does promote responsible growth and development.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Tom Stump, Tony Campanello.

14. The application for a Zone map change from GPUD E-3 to DPUD E-3 and for Primary Approval of a 5-lot major subdivision to be known as ELKHART EAST AREA 'B' PHASE 2, for Seahawk Corporation & Tooling Inc, An In Corp. represented by Jones Petrie Rafinski, on property

located on the West side of CR 17, 1,497 ft. South of CR 4, in Osolo Township, zoned E-3 GPUD, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0309-2017*.

Matt Schuster, Jones Petrie Rafinski, 200 Nibco, Pkwy, Suite 200, Elkhart, was present representing Seahawk & Tooling, Inc. Rob Letherman was also present.

Mr. Burbrink questioned what part is being rezoned. Mr. Schuster stated that there are two lots in the southern end and two lots in the northern end.

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.

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

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone map change from GPUD E-3 to DPUD E-3 and for Primary Approval of a 5-lot major subdivision to be known as ELKHART EAST AREA 'B' PHASE 2 be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Tom Stump, Tony Campanello.

15. South Benton TIF amendment: Craig Buche, Elkhart County Attorney office, 130 N. Main, Goshen, presented handout [*attached to Minutes as Petitioner Exhibit #1*]. Mr. Buche explained he handed out a color copy of the GIS showing the area of real estate involved, and a copy of the proposed order that is being requested for approval. Mr. Buche stated that this is a continuation of a project with the town of Syracuse that has been in place for ten years. The stage they are in is trying to accomplish the local agreement with the town; and purpose is to transfer the area to the town of Syracuse with an annexation. He continued that the request is a switch from one TIF district to another. Mr. Buche mentioned the Zoning continues "as is", and the Planning and Development standards continue "as is", along with the restrictions continue "as is". Mr. Miller questioned why Syracuse does not annex it. Mr. Buche responded that since it is in Elkhart County, the town of Syracuse could not annex it without Elkhart County's permission. Mr. Campanello questioned how much money has been spent on the property through the years. Mr. Buche stated that he does not know if the county has spent any money in that area, the actual advancement was made by the town to put in water. This project allows them to get some of their money back.

A motion was made and seconded (*Miller/Stump*) to approve the written order.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Tom Stump, Tony Campanello.

16. Staff item for Ludwig Investments, Inc., represented by Jones Petrie Rafinski, is requesting

approval of a five year extension to the preliminary plat for a major subdivision known as Elkhart East Area F, D.P.U.D., approved May 12, 2016. It should be noted this issue was previously heard as item # 6 on page 2.

17. ***Board of County Commissioners Approvals Following Plan Commission Recommendations***

It should be noted this was heard previously as item # 7 on page 3.

18. A motion was made and seconded (*Warner/Stump*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 11:22 a.m.

Respectfully submitted,

Deborah Britton, Recording Secretary

Kristi Shaffer, Transcriptionist

Roger Miller, Chairman