

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 12TH DAY OF APRIL 2018 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, 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: Tony Campanello, Steven Edwards, Roger Miller, Steve Warner, Lori Snyder, Jeff Burbrink, Frank Lucchese, Philip Barker.

Absent: Tom Stump.

2. A motion was made and seconded (*Miller/Snyder*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 8th day of March 2018, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Warner/Edwards*) 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 a Zone map change from A-1 to M-1, for Kibby Excavating, Inc. represented by Jones Petrie Rafinski, on property located on the North side of CR 40, 520 ft. East of Corrie Dr., 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 #RZ-0122-2018*.

Matt Schuster, Jones Petrie Rafinski, 200 Nibco Parkway, was present representing the petitioner. He stated that they want to rezone the parcel. He added that the subject property will become annexed into the City of Goshen which will become part of an existing PUD.

There were no remonstrators present.

A motion was made and seconded (*Campanello/Edwards*) 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** Roger Miller, **Seconded by** Frank Lucchese 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 carried by unanimous roll call vote (**summary:** Yes = 8).

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

Steven Edwards, Tony Campanello.

5. The application for a Zone map change from R-2 and B-2 to B-3, for RBS Properties, LLC represented by Architects Incorporated, on property located on the Northeast corner of SR 19 and Lakeview Dr., 1,935 ft. North of CR 4, common address of 26323 Lakeview Dr. in Osolo Township, zoned R-2, B-2, B-3, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as Case #RZ-0110-2018.

Jim Greggs, Architects Incorporated, 1220 Baldwin St., was present representing the petitioner. He stated that there are three different zonings on the subject property and the land owner wants to get it all the same zone for future development.

Steven Leshner, 51474 C St., Elkhart, was present in remonstrance. He explained that the intersection of the subject property is a disaster. He stated that he feels that the traffic should turn into the subject property off of either Lakeview Drive or Lakewood Drive. Mr. Lucchese questioned Mr. Godlewski about closing off the other two curb cuts off of Cassopolis Street. Mr. Godlewski responded that would be up to INDOT.

Jim Greggs, Architects Incorporated, returned to the podium. When Mr. Campanello questioned if there will be any road studies done, Mr. Greggs answered yes. Mr. Burbrink stated that he encourages that there be inward lighting.

A motion was made and seconded (*Campanello/Edwards*) 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** Steven Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone map change from R-2 and B-2 to B-3 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, Steven Edwards, Tony Campanello.

6. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil reported that on March 19, 2018 at the Board of County Commissioners meeting, the petition for a Zone map change for MBC, LLC, was approved with the following commitments imposed:

1. No access to Old US 20
2. A 75 ft. setback must be provided on the West side of this property
3. A Class III buffering is required
4. All site plan reviews must go through the DPUD review process

7. Staff Item Terra Subdivision Sec. 2 - Jason Auvil reported a request from Terra Subdivision Sec. 2 for a two year extension of the primary plat. Mr. Auvil explained that primary plats are good for two years if nothing has been done with them.

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

Motion: Action: Approve, **Moved by** Frank Lucchese, **Seconded by** Steven Edwards to approve the two year extension. The motion was carried with a unanimous vote.

8. Chris Godlewski explained the proposed Subdivision Ordinance modifications. He submitted the document explaining those modifications [*attached to minutes as Staff Exhibit #1*].

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

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Lori Snyder to send for public hearing in May. The motion was carried with a unanimous vote.

9. The application for a Zone map change from A-1 to M-1, for Keystone RV Company represented by Jones Petrie Rafinski, on property located on the West side of US 33, 450 ft. North of CR 40, common address of 65885 US Highway 33 in Elkhart Township, zoned A-1, was presented at this time.

Matt Shively presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0123-2018*.

Mr. Kolbus questioned if there was discussion about adding a commitment for the areas on the map that shows some land to be not disturbed. Mr. Shively stated that it was not discussed, but the commercial setbacks would not allow them to build in those areas.

Matt Schuster, Jones Petrie Rafinski, 200 Nibco Parkway, was present representing the petitioner. He stated that they will be doing landscape berms along the residential parcels. He explained that this project will be following the county and city requirements. He added that the property will be annexed into the City of Goshen. Mr. Barker stated that there is drainage on the property. Mr. Schuster stated that the drainage runs to the North and there are additional retention ponds there.

There were no remonstrators present.

A motion was made and seconded (*Lucchese /Edwards*) 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** Steven Edwards 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, with the following commitment imposed:

1. No access easement shall be granted on CR 40.

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

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

Steven Edwards, Tony Campanello.

10. The application for a Zone map change from A-1 to B-2, for M & H Rentals, LLC (Lessor) and Trevor C. Riegsecker (Lessee), on property located on the Northwest corner of CR 121 & SR 15, common address of 19047 CR 121 in Elkhart Township, zoned A-1, was presented at this time.

Matt Shively presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0108-2018*.

Trevor Riegsecker, 18336 Dennis Ave, was present as the petitioner. He stated that he wants to rezone the subject property to get the property legal.

William J. Long, P.O. Box 239 Goshen, was present in remonstrance. He submitted a plat of Trailwood Subdivision showing he owned the property North of the subject property [*Attached to file as Remonstrator Exhibit # 1*]. He stated that his only concern is the possibility of the house being torn down and a filling station being put in its place.

Roland Hilty, 16019 CR 46, was present in remonstrance. He submitted a drawing of the property he owns that shows the updating he will do [*Attached to file as Remonstrator Exhibit # 2*]. He stated that he wants to update his property since it was left in rough shape. He explained the site plan that was submitted with the petition shows a new fence going around the shed and he is concerned of the possibility of pigs on the property.

Mr. Riegsecker returned to the podium to address the concerns. He stated that he does want to have a couple 4-H pigs for his son and he is aware that he needs to go in front of the Board of Zoning Appeals for a Special Use.

A motion was made and seconded (*Miller /Snyder*) 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** Roger Miller, **Seconded by** Steven Edwards 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-2 be approved in accordance with the Staff Analysis, with the following conditions imposed:

1. Approved in accordance with the site plan submitted (3/2/2018).
2. A Developmental Variance must be acquired for the proposed structure.

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

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

11. The application for a Zone map change from R-1 to GPUD B-3, for M & H Rentals, LLC represented by Danch, Harner & Associates, on property located on the Northeast corner of CR 28 and CR 17, Southeast corner of Mohawk Dr. and CR 17, and West side and East side of Miami Place, in Concord Township, zoned R-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #GPUD-0082-2018*.

There were no remonstrators present.

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

Motion: Action: Table, **Moved by** Roger Miller, **Seconded by** Jeff Burbrink that this request for a Zone Map change from R-1 to GPUD B-3 be **TABLED** until the May 10, 2018, Elkhart County Plan Commission meeting to allow for proper legal notice.

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

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

12. The application for a Zone map change from M-1 to GPUD M-1, for Wagner Land Development represented by Progressive Engineering, Inc., on property located on the Northwest corner of Commerce Dr. & CR 29, common address of 52395 CR 29 in Washington Township, zoned M-1, was presented at this time.

Matt Shively presented the Staff Report / Staff Analysis, which is attached for review as *Case #GPUD-0043-2018*.

Mr. Miller questioned if staff was aware of the new bypass around Bristol and if they are being careful about what is being done with the nearby land. Mr. Shively responded yes, and it will not affect this petition.

Stephanie Floyd, Progressive Engineering, 58640 SR 15, Goshen, was present representing the petitioner. She stated that they brought in updated plans showing the designs for lot 1 and lot 2. She added that there are no designs for lot three.

There were no remonstrators present.

A motion was made and seconded (*Miller/Edwards*) 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** Lori Snyder, **Seconded by** Tony Campanello that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone map change from M-1 to GPUD M-1 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, Steven Edwards, Tony Campanello.

13. Mr. Kolbus stated that he and Mr. Godlewski were monitoring the new state laws, and there were no changes that affected Planning, Zoning, or Building. Mr. Godlewski stated that staff is updating the Comprehensive Plan since it was adopted in January 2006. He explained that the existing Comprehensive Plan is only 6 pages long, however the update may lengthen it to 12 pages. He added that the Plan Commission will appoint a committee and go through the public hearings. He stated that it should take about a year and a half to complete. When Mr. Campanello questioned why the towns do not adopt our Comprehensive Plan. Mr. Godlewski responded that they do,

however Wakarusa and Middlebury felt compelled to create their own vision for their town. When Mr. Miller questioned if the staff is involved with the new bypass, Mr. Godlewski answered not at this point.

14. The application for a Zone map change from GPUD B-3 to GPUD M-1, for West 78 LLC C/O Dale L. Weaver represented by Abonmarche Consultants, on property located on the Northwest corner of CR 26 and SR 19, common address of 28227 CR 26 in Baugo Township, zoned GPUD B-3, was presented at this time.

Matt Shively presented the Staff Report / Staff Analysis, which is attached for review as *Case #GPUD-0119-2018*.

Brian McMorrow, Abonmarche Consultants, 750 Linconlway East, South Bend, was present representing the petitioner.

Judy Gongwer, 28239 CR 26, Elkhart, was present in remonstrance. She stated that they own a dairy farm that is adjacent to the Southwest side of the subject property. She mentioned that Mike Yoder stopped by their residence and spoke to her husband. She added that Mr. Yoder stated there was an unregulated ditch. Mr. Barker explained that they are working with the subject property over to CR 7. He added that they are working on getting a regulated drain that would service properties from CR 7 to Baugo Creek.

Brian McMorrow, Abonmarche Consultants, returned to the podium. He stated that he wants to assure Ms. Gongwer that she will be involved with plans as they develop.

A motion was made and seconded (*Lucchese/Snyder*) 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** Roger Miller, **Seconded by** Tony Campanello that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone map change from GPUD B-3 to GPUD M-1 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, Steven Edwards, Tony Campanello.

15. The application for an Amendment to a DPUD M-2 to be known as G.L. CLARK PARK DPUD M-2, for G. L. Clark, Inc. represented by Progressive Engineering, Inc., on property located on the East side of SR 19, ½ mile South of CR 40, common address of 66540 SR 19 in Harrison Township, zoned DPUD M-2, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0042-2018*.

Stephanie Floyd, Progressive Engineering, was present representing the petitioner. She stated that the reason for the amendment is for a new building. She added that the Town of Wakarusa wants a fence constructed to hide his outside storage.

There were no remonstrators present.

A motion was made and seconded (*Barker/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** Steve Warner, **Seconded by** Frank Lucchese that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an Amendment to a DPUD M-2 to be known as G.L. CLARK PARK DPUD 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, Steven Edwards, Tony Campanello.

16. The application for a Zone map change from GPUD M-2 to DPUD M-2, for Transport Indiana, LLC represented by Abonmarche Consultants, on property located on the Northwest corner of CR 26 and CR 7, in Concord Township, zoned GPUD M-2, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0038-2018*.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, was present representing the petitioner. He stated that the existing curb cut off of CR 26 will be utilized. Mr. Edwards questioned if there any planned structures on the subject property. Mr. McMorrow answered that it is a storage yard for RV's and no planned structure other than a guard house at the driveway. Mr. Campanello stated that the drainage is pretty long.

Melvin Hines, 59811 CR 7, was present in remonstrance. He stated that he has concerns about drainage going onto his property. He added that his residence is located adjacent to the subject property to the North.

Mr. McMorrow, Abonmarche Consultants, returned to the podium. He stated that there is a natural tilt down to Mr. Hines' property. He stated that they will be raising that part of the property and redirecting it to the southwest corner into a retention pond.

A motion was made and seconded (*Burbrink/Edwards*) 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** Roger Miller, **Seconded by** Tony Campanello that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone map change from GPUD M-2 to DPUD 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, Steven Edwards, Tony Campanello.

17. The application for a Zone map change from A-1 to DPUD A-1 and Primary approval of a two lot minor subdivision to be known as MECHANICAL MAN DPUD, for Fredrick L. & Debra J. Graber represented by Abonmarche Consultants, on property located on the West side of SR 15, 2,550 ft. South of US 20, common address of 57465 SR 15 in Jefferson Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0117-2018*.

Brad Mosness, Abonmarche Consultants, 1009 S. Ninth St., Goshen, was present representing the petitioner. He stated that last year the land owner purchased the property and they reside in the residence. He added that they want to move their business, Mechanical Man, to this location. He explained that they currently have 10 employees and want up to 15 employees. He mentioned that most employees have company vehicles and would go to the job sites after loading up their vehicles with supplies. Mr. Mosness added that they are asking for fewer parking spaces due to less employee traffic. Mr. Burbrink questioned if there are any businesses along the West side of SR 15. Mr. Mosness stated that North of the subject property there are businesses and on the West side of the road is a gas station.

Fred Graber, 57465 SR 15, Goshen, was present. He stated that they need to relocate due to running out of space. He added that the business has been in this area for 21 years and they want to be an asset to the community. Mr. Burbrink stated that lighting is a concern due to being in a semi-residential area. Mr. Graber explained that the DPUD addresses the lighting. He added that the lighting that will be used is straight down lighting. Mr. Burbrink questioned if there will be signage. Mr. Graber stated they requested in the DPUD for a monument sign, and they have to go through INDOT for that. When Ms. Snyder questioned if deliveries will be made by semi-trucks, Mr. Graber answered that most deliveries arrive on straight trucks

There were no remonstrators present.

A motion was made and seconded (*Lucchese/Warner*) 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** Roger Miller, **Seconded by** Frank Lucchese that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone map change from A-1 to DPUD A-1 and Primary approval of a two lot minor subdivision to be known as MECHANICAL MAN DPUD 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, Steven Edwards, Tony Campanello.

18. The application for a Zone map change from PUD R-1 to DPUD A-1, for Stephen P. & Kathleen Hollenberg, Douglas S. Sr. & Patricia H. Graham, Rodney E. & Jennifer A. Hohman, Bruce A. & Debra A. Van Dyke, and Matthew & Cynthia L. Smith, on property located on the East

side of Brittany Trail, North of Fair Oaks Ct. & West of CR 15, common address of 53467 Brittany Trl, 53526 Brittany Trl, 53494 Brittany Trl, 53411 CR 15, 53523 CR 15 in Osolo Township, zoned PUD R-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0139-2018*.

Stephen Hollenberg, 53467 Brittany Trail, was present as the petitioner. He stated that they want to sell their property, but the sale is contingent on being able to put up a personal storage building. He mentioned that his neighbors decided to get their properties rezoned as well to become legal.

Glen Duncan, R & R Property Leasing, Inc., 1966 Moyer Ave, was present in favor of this petition. He mentioned that MORryde leases the property to the North adjacent of the subject properties. He added that they are in favor of this rezoning.

There were no remonstrators present.

A motion was made and seconded (*Edwards/Burbink*) 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 Burbink, **Seconded by** Steven Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone map change from PUD R-1 to DPUD A-1 be approved in accordance with the Staff Analysis.

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

Yes: Frank Lucchese, Jeff Burbink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Steven Edwards, Tony Campanello.

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

It should be noted this was heard previously as item # 6 on page 2.

20. ***Primary Plat Extension for Terra Subdivision Sec. 2***

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

21. A motion was made and seconded (*Snyder/Burbink*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 11:40 a.m.

Respectfully submitted,

Kristi Shaffer, Recording Secretary

Jeff Burbrink, Chairman