

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 8TH DAY OF MARCH 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 Secretary, Roger Miller. 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, Tom Stump, Frank Lucchese, Philip Barker.

Absent: Jeff Burbrink.

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

3. A motion was made and seconded (*Edwards/Snyder*) 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 Edgar W. & Phyllis K. Miller represented by Jones Petrie Rafinski, on property located on the North side of CR 4, 2,200 ft. West of CR 39, in York 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-0039-2018*.

Hans Musser, Jones Petrie Rafinski, 200 Nibco Parkway, Elkhart, was present representing the petitioner. He stated that they agree with the staff analysis and recommendation.

Rick Tribble, 12330 CR 4, was present in remonstrance. He stated that in 1996, before he built his home, he was told that manufacturing would stop at CR 39. He added that after he purchased his land from the petitioner, the petitioner tried to rezone the same subject property to M-1 for Four Seasons mobile home factory. He explained that the Board denied the rezoning request due to decreased home values and the country setting for the homeowners. He stated that the subject property is very low, often flooded, and sits really close to the water table which would make proper drainage and water retention an issue. He added that he has a picture of the land that was recently taken that will show the drainage and retention issue [*attached to file as Remonstrators Exhibit #1*]. He mentioned that the land between CR 39 and CR 35 is mostly residential and small farm land. He explained that his concerns about this petition is added noise, lighting, loss of air quality, loss of land value, loss of wildlife, and additional traffic.

Edward Overholt, 12340 CR 4, was present in remonstrance. He stated that he had a letter from a neighbor in remonstrance as well [*attached to file as Remonstrance Exhibit #2*]. Mr. Overholt stressed his concerns about increased traffic and the road currently being dangerous.

Jeff Hershberger, 12897 CR 4, was present in remonstrance. He stated that he owns land on

both sides of the road. He added that with the current truck traffic there is a lot of debris that causes flat tires.

Debra New, 12269 CR 4, was present in remonstrance. She added that while trucks travel down the road her belongings rattle on the wall.

Daniel Ganger, 50571 SR 13, was present in remonstrance. He mentioned that the property he owns was purchased from the petitioner and is part of the Edgar Miller PUD. He stated that there is history on the petitioner which shows that he does not follow through with requirement.

Ken Jones, Jones Petrie Rafinski, 200 Nibco Parkway, added that he believes that the rezoning petition for Four Seasons mobile home factory was withdrawn. He stressed that all of the Elkhart County requirements will be met. Mr. Campanello stated that in his opinion, the changes to the road should be done before the rezoning takes place. He added that the road needs to have a study and should be approved to be safe for the families that are residing on that road.

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

Mr. Barker stated that he is familiar with the area and there is a ditch in the area that he does not want messed with. He added that also with a PUD the Board would know what was going to happen on that land. When Mr. Stump questioned which way the ditch runs, Mr. Barker answered that it drains to the West.

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

Motion: Action: Denied, **Moved by** Tony Campanello, **Seconded by** Philip Barker 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 denied.

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

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

5. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil reported that on February 05, 2018, the Middlebury Town Council approved a Zone map change from M-1 to R-1. He added that on February 19, 2018, at the Board of County Commissioners meeting, the petition for a Zone map change from A-1 to M-1 was approved.

6. A motion was made and seconded (*Miller/Edwards*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 9:44 a.m.

Respectfully submitted,

Kristi Shaffer, Recording Secretary

Jeff Burbrink, Chairman