

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 11TH DAY OF OCTOBER 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 Vice Chairman, Steve Warner. 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 (*Miller/Snyder*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 13th day of September 2018, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Stump/Miller*) 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 B-1 to B-3, for Larry Hummel (Land Contract Holder) & Amcorp (Land Contract Purchaser) represented by Amcorp, on property located on the Northwest corner of US 33 and Belden Ave, East of Ash Rd., common address of 30895 Old US Highway 33 in Baugo Township, zoned B-1, was presented at this time.

Matt Shively presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0581-2018*.

Jason Walker, 55855 Breden Rise Lane, Mishawaka, was present as the petitioner. He stated that he owns the car lot business next door which is the property to the West. He explained that he bought the subject property in hopes to use it for extra room for parking for his business.

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** Steven Edwards, **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 B-1 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, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Steven Edwards, Tom Stump, Tony Campanello.

5. The application for a Zone map change from R-2 to B-2, for First State Bank of Middlebury represented by First State Bank of Middlebury, on property located on the Northwest corner of Berry St. & Brown St., 315 ft. West of SR 13, common address of 200 W. Berry St. in Middlebury Township, zoned R-2, was presented at this time.

Matt Shively presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0589-2018*.

Sam Hoover, 508 Caprice Dr., Middlebury, was present as the petitioner. Mr. Miller questioned if this is an extension of the current bank that is across the street. Mr. Hoover stated that the bank purchased the subject property with the intention of putting a parking lot on the parcel. He added that the bank parking lot is currently used for employees. He mentioned that he feels this will enhance the downtown area with additional parking and is hoping to get 22-23 parking spots.

There were no remonstrators present.

A motion was made and seconded (*Edwards/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** Tom Stump, **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 to B-2 be approved in accordance with the Staff Analysis.

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.

6. The application for an Amendment to an existing DPUD known as ELKHART EAST AREA D PHASE III to be known as TRP INTERNATIONAL DPUD, for Marteli Holding, LLC represented by Jones Petrie Rafinski, on property located on the South side of cul-de-sac corner of Challenger Dr. and Columbia Dr., South of CR 6, common address of 22420 Challenger Dr. in Osolo Township, zoned DPUD E-3, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0594-2018*.

Matt Schuster, Jones Petrie Rafinski, 200 Nibco Parkway, was present representing the petitioners. He stated that they are looking to build a 108,300 square foot facility. He added that TRP supplies a light to medium duty trailer industry. He mentioned that this facility will primarily be used for warehousing, distribution, with some light manufacturing. He explained that on the South side of the subject property there is a 50 foot no build landscape blocker that is full of trees and on the West side there is 25 feet of the mature trees that are going to stay. He submitted three pictures showing the tree lines [*attached to file as Petitioner Exhibit's #1*]. He added that the facility will be connected to the City water and sewer system. When Mr. Miller questioned how old the industrial park has been on site, Mr. Schuster answered that the original approval was done in 2000.

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** Steve Warner, **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an Amendment to an existing DPUD known as ELKHART EAST AREA D PHASE III to be known as TRP INTERNATIONAL DPUD be approved in accordance with the Staff Analysis.

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.

7. The application For an Amendment to an existing DPUD known as SYLVAN WOODS DPUD to add a ground mounted solar array., for John & Lisa Nussbaum represented by Solar Energy Systems, LLC, on property located on the Northwest corner of Whispering Hills Dr. and CR 16, 2,800 ft. West of CR 23, common address of 56467 Whispering Hill Dr. in Jefferson Township, zoned DPUD A-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0645-2018*.

Betsy Salyer, Solar Energy System, 8015 W. 1350 N., Nappanee, was present representing the petitioner. She stated that they are proposing to place a ground mounted solar system in the Northwest corner of the subject property. Mr. Miller questioned what size the solar panels will be. Ms. Salyer stated that it will be 33'x13' and 15 feet in height. When Mr. Stump questioned where the house is located on the property, Ms. Salyer answered in the middle of the parcel facing East towards Whispering Hill Dr. Mr. Stump questioned if it will be visible from the road or neighboring properties. Ms. Salyer responded that the homeowner will answer that question.

John Nusbaum, 56467 Whispering Hill Dr., was present as the home owner. He responded to Mr. Stumps question stating that there are existing trees that will be surrounded by the solar system. He stated that on CR 16 it will not be visible. He explained that the landowners to the West are the one that could possibly see the solar system.

Scott York, 56412 Sylvan Meadows lane, was present in remonstrance. He stated that he is the landowner adjacent to the subject property to the West. He stressed his concern of having to look at the solar system every day. He explained that he is also concerned about the suns reflection of the solar system.

James Carusillo, 19580 CR 16, was present in remonstrance. He explained that his property is located across the street and one parcel West from the subject property. He stated his concern is the possibility of the trees being cut down in the future then the solar system will be visible. When Mr. Campanello questioned if there were other neighbors that are opposed to this petition, Mr. Carusillo answered yes.

Mr. Nusbaum returned to the podium. He stated that he wants the trees to remain. He explained that he loves the nature that is out there and wants the area around the retention pond to reforest.

Ms. Salyer returned to the podium. When Mr. Warner questioned what the P400 solar optimizers are, Ms. Salyer answered that the optimizers are on the back of the panels and they help

monitor what the system is doing. She stated that the panels will be faced directly South and should not affect the property to the West. She explained that they exhausted all options and the homeowners' roof did not have enough room to support the panels. Mr. Stump questioned if there are any covenants in the subdivision. Ms. Salyer stated that she spoke with the Homeowners Association President and they stated that there is no issue with the installation of the solar panels but would like to see a site plan.

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

Mr. Kolbus spoke to Ms. Salyer and Mr. York about emailing the pictures to the recording secretary due to showing the board the pictures on their smart devices. Mr. Auvil stated that if the subject property was three acres or more the solar system would be allowed by right.

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

Motion: Action: Denied, **Moved by** Tony Campanello, **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request For an Amendment to an existing DPUD known as SYLVAN WOODS DPUD to add a ground mounted solar array be denied.

Vote: Motion failed (**summary:** Yes = 3, No = 5, Abstain = 0).

Yes: Steven Edwards, Tom Stump, Tony Campanello.

No: Frank Lucchese, Lori Snyder, Philip Barker, Roger Miller, Steve Warner.

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

Motion: Action: Approve, **Moved by** Lori Snyder, **Seconded by** Steve Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request For an Amendment to an existing DPUD known as SYLVAN WOODS DPUD to add a ground mounted solar array be approved in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 5, No = 3, Abstain = 0).

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

No: Steven Edwards, Tom Stump, Tony Campanello.

8. The application for a Zone map change from GPUD M-1 to DPUD M-1 and for Primary approval of a two lot minor subdivision to be known as WEST 78 INDUSTRIAL PARK DPUD, for West 78 LLC C/O Dale L. Weaver represented by Abonmarche Consultants, Inc., on property located on the Northwest corner of CR 26 & SR 19, common address of 28227 CR 26 in Baugo Township, zoned GPUD M-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0597-2018*.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, was present representing the petitioner. He stated that the first lot will be for a light industrial building, and the other half will have some drainage improvements. He stated that the approval from this meeting will allow the petitioner to continue to work with Elkhart County Surveyor for drainage, and the Elkhart County Highway department for a passing blister. When Mr. Campanello

questioned if the Hydrogeology exploratory process was done yet, Mr. McMorrow answered no, it has not. Mr. Campanello questioned if they approve this petition and that process is not approved for a well then what happens. Mr. McMorrow stated that if it is not approved then they would have to build on site ponds and utilize that to provide protection. He added that the possibility is very low.

Judy & Steve Gongwer, 28239 CR 26, Elkhart, was present in remonstrance. She stated that she has attended the past three Redevelopment meetings. She mentioned that they have lived at their residence since September of 1988. She added that at one of the Redevelopment meetings someone stated that their concern was the ground not being able to handle being more than Agricultural use. She explained that they have a young couple that wants to milk cows and have done a lot of work to their barn. Mr. Gongwer stated that he was told there will be drainage issues along CR 7 and CR 26. He added that Mike Yoder stated that they were going to run an underground culvert. Mr. Gongwer stated that there was also talk about creating a ditch along CR 26. Mr. Miller questioned how big the ditch would be. Mr. Gongwer stated that he is unsure. Mr. Stump asked Mr. Barker if he knew what the plans are for the drainage. Mr. Barker explained that the South portion of the property along CR 26 is wet land. He explained that they want to establish a county regulated drain from the jail over to SR 19. He added that the drainage improvements will be a huge project. Mr. Barker stated that this plan got the process going for the proper drainage for the neighborhood. When Mr. Campanello questioned how long the pipes have been under the Gongwer's property, Mr. Gongwer stated since 1981. Mr. Miller stated that they are talking about two different issues and feels that this plan has nothing to do with the drainage. Mr. Barker stated that it has plenty to do with drainage. When Mr. Stump questioned if the petition was denied would the Elkhart County Surveyors still work on the drainage, Mr. Barker stated yes. Mr. Stump questioned how this petition affects the drainage project. Mr. Barker stated that they are counting on the developer to pay for part of the drainage. Ms. Gongwer stated that they are unaware of who is going to be placed on the property. Mr. Stump explained that this meeting is just a recommendation to the Commissioners and they make the final decision no matter how the Board votes.

Mr. McMorrow returned to the podium. He stated that he appreciates the Gongwer's. Mr. Miller questioned the amount of retention ponds on the proposal, Mr. McMorrow would not only serve the run off but for additional retention.

Brian Ramer, 64568 CR 11, was present speaking on behalf of his son who is in remonstrance. His son is the young couple that was spoken about previously. He expressed his concerns about his son investing money into Mr. and Mrs. Gongwers' property then having to pull away from it.

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** Steve Warner, **Seconded by** Lori Snyder that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone map change from GPUD M-1 to DPUD M-1 and for Primary approval of a two lot minor subdivision to be known as WEST 78 INDUSTRIAL PARK DPUD be approved in accordance with the Staff Analysis.

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

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

No: Tony Campanello.

9. Northwest Gateway TIF District and Bond Issue:

Craig Buche, 130 N. Main St., Goshen was present. He stated that the documents with a map of the Northwest Gateway TIF District were submitted into the Plan Commission packets. He explained that on the map there are two areas that are shown that will be added to the Northwest Gateway TIF District and will be annexed into the City of Elkhart. He added that in the ten year plan CR 6 going West to the St. Joseph County line will be expanded per the Elkhart County Highway Department. He stated that the plans are to capture the TIF revenue and use that for the CR 6 expansion. He mentioned that the estimated cost is between 15 and 16 million dollars. He added that 10-11 million of that is for the CR 6 project, and the rest would be used for the intersection of Old US 20 and Corwin, and other projects such as sidewalks, bike pathways, pedestrian trails and other improvements on Old US 33. There was talk amongst the board about how the TIF district works.

Natasha Kauffman, 4230 Elkhart Rd., Elkhart, was present. She stated that initially it was suggested that these parcels become their own TIF however, it would not be sustainable. She explained that Redevelopment Committee decided that they should absorb it into another TIF.

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

Motion: Action: Approve, **Moved by** Tom Stump, **Seconded by** Steven Edwards that the Advisory Plan Commission approves the written order which is consistent with the Comprehensive Plan. The motion was carried with a unanimous vote.

10. ***2018 Planning Calendar***

Jason Auvil explained that the Plan staff has prepared the 2019 Planning Calendar. He stated that he handed that out to the Board members at the beginning of the meeting [*attached to minutes as Staff Exhibit # 1*]. He stated that it is in standard format and has the standard days. Mr. Auvil stated that there needs to be a vote for approval.

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

Motion: Action: Approve, **Moved by** Tom Stump, **Seconded by** Steven Edwards that the Advisory Plan Commission recommend to the Board of County commissioners that the Planning Calendar be approved. The motion was carried with a unanimous vote.

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

Jason Auvil reported that on September 17, 2018, the Board of County Commissioners approved a Vacation of Moore Ave., a Vacation of Nelson Ave., a Zone Map Change from PUD R-4 (expired) to B-2, and a Zone map change from A-1 to DPUD A-1 to be known as Goldenrod Corporate Office DPUD.

12.

Chris Godlewski spoke to the Board members about a Plan Commission initiated rezoning. When Ms. Snyder questioned if the Planning staff has spoken to anyone yet, Mr. Godlewski responded not yet. Mr. Stump questioned if that idea came from the Redevelopment Commission, Mr. Godlewski stated that it's a proactive long term planning effort. He added that there are pink slips on the wall in the meeting room explaining that we have WIFI access. He stated that it prompts the next question if the board wants to receive their meeting packets electronically.

13. 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 10:40 a.m.

Respectfully submitted,

Kristi Shaffer, Recording Secretary

Jeff Burbrink, Chairman