

**MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 11TH DAY OF APRIL 2019 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, 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/Stump*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 14th day of March 2019, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Stump/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 DPUD A-1 to A-1, for Mennonite Disabilities Committee, Inc. represented by Timothy Saylor, on property located on the Southwest corner of CR 36 and CR 41, common address of 11642 CR 36 in Clinton Township, zoned DPUD A-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0123-2019*.

Tim Saylor, Mennonite Disabilities, 1514 College Ave, Goshen, was present representing the petitioner. He stated that they want to get the property back to the previous zoning, which is A-1. He added that there have been no changes to the property.

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** Lori Snyder, **Seconded by** Steve Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone map change from DPUD A-1 to A-1 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-1, for Bruno Cataldo & Marisa Cataldo H&W, on property located on the Northwest corner of CR 16 and Jones Ave, 400 ft. West of Nappanee St., common address of 28074 CR 16 in Baugo Township, zoned R-2, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0145-2019*.

Bruno Cataldo, 53342 Trenton Ln, Bristol, was present as the petitioner. He stated that he is planning on tearing down the house and creating a parking lot for his business. He stated that his business location becomes very congested when busy and this will alleviate the traffic and create more parking spots.

There were no remonstrators present.

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** Tony Campanello, **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 R-2 to B-1 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 a Zone map change from A-1 to GPUD M-1 to be known as US 20 DISTRIBUTION CENTER GPUD M-1, for Schonsheck, Inc. (buyer) and Elcona Country Club, Inc. (seller) represented by Marbach, Brady & Weaver, Inc., on property located on the North side of US 20, 3,000 ft. East of CR 21, 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 #GPUD-0151-2019*.

Chris Marbach, Marbach, Brady & Weaver, 3220 Southview Dr, Elkhart, was present representing the petitioner. He stated that the whole hatched area will not be bought and used for this petition. He stated that they will not have access to CR 16. Mr. Miller questioned if they are purchasing that part of the property. Mr. Marbach stated that they will not be purchasing the Northwest corner. He stated that the company wanting to move in on this property wants to stay anonymous. He added that if they could tell the Board what the company is, it would be a recognizable company. He explained that they want to move into Elkhart County to establish a presence here since they are not here currently. He stated that they plan on accepting widgets on wheels, parking them onsite, and bringing them into their building for inspections. He added that while they are also there the company may do some final customizations to the widgets, then ship them out to retailers. He explained that 90% of the work will be done inside of the building; the other 10% will be the widgets being parked outside. He mentioned that there will be no exterior lights, no heavy equipment, and nothing to cause vibrations. He stressed that it will be low impact and light industrial use. Mr. Campanello questioned the size of the widgets and how many would be parked outside at one time. Mr. Marbach explained that being parked outside would vary depending

on the demand. When Mr. Campanello questioned how big the widgets are, Mr. Marbach explained that the parking stalls are 40x15 feet and the widgets would fit in each spot. Ms. Snyder questioned if it will be gravel or cement. Mr. Marbach answered that they are still working out those details. He stressed that this is just for the GPUD to be approved and will have to come back to submit the DPUD at a later time. He added that there will be no variances needed. He stated that their access point and drive will be off of US 20. Mr. Campanello questioned the mechanics of the drive located off of US 20. Mr. Marbach explained that there will be a drive off of US 20. He added that there is a current curb cut and that may need to be widened. Mr. Marbach explained that there are twin natural gas pipelines running through the property. He stated that between the employee vehicles and the deliveries it would equal to be about a 0.6% increase in traffic on US 20 per day. He explained that the subject property slopes from North to South. He mentioned that during Tech Review there were concerns about the water drainage. He added that they plan on preventing the drainage from moving South across US 20. They are planning on storing the water onsite. He elucidated that the developer is aware that this project will need a class 3 buffer. He explained how the buffer will work with the line of sight. Mr. Miller wanted a recap of the wetlands in the area. Mr. Marbach stated that there are wetlands in the center of their plan which is left alone. Mr. Stump questioned if the property will be fenced. Mr. Marbach stated that there will be a fence all the way around the property and will be at least 55 feet off the property line. When Mr. Stump questioned if it will be a chain link fence, Mr. Marbach responded yes. Mr. Stump questioned where exactly the widgets will be parked. Mr. Marbach answered that the parking spots will be filled from South to North. He added that the Northern part would be used at peak times. Mr. Campanello questioned excavation and it hindering the neighboring properties water table. MR. Marbach responded that they will not be doing deep or drastic cuts.

Doug Graham, 53523 CR 15, Elkhart, was present in favor. He mentioned that he is an Elkhart County Councilman. He explained that he understands the need for good clean development in Elkhart County. He stated that this reminds him of a similar development done near his residence. He expressed that he understands how the local neighbors feel currently. He mentioned that he wanted to alleviate the fears of the surrounding neighbors of the subject property.

Jason Auvil returned to the podium. He explained that the office and Staff have received numerous calls and letters in remonstrance. He announced that he wanted to read and submit the following letters into the record. He mentioned the following letters were received from Geoffrey & Ali Barden, 20000 Turquoise Lane, Randall Barden, 19518 CR 16, several packets of information from Linda Clark, 19620 CR 16, and John Nausbaum, 56467 Whispering Hill Dr. [*attached to file as Remonstrator Exhibits #1-8*].

James Carusillo, 19580 CR 16, was present in remonstrance. He explained that to the North, South and East of the subject property is either residential or agricultural land. He added that West is Elcona Country Club and more residential and agricultural land. He mentioned this does not meet some of the standards in the Comprehensive Plan. He stated that he feels this is leapfrogging because there are no manufacturing businesses for miles. He submitted a map showing how there are no businesses in a two mile radius from the subject property [*attached to file as Remonstrator Exhibit # 9*]. He explained the map, the highlighted area is the subject property, the red line is the two mile radius, and the blue line is a three mile radius. He mentioned that the Tech report stated that there will be 80 employees and will have a septic system.

Linda Clark, 19620 CR 16, Elkhart, was present in remonstrance. She submitted two documents to each of the Board members [*attached to file as Remonstrator Exhibit # 10 & 11*]. She added that within the document are zoning maps. She explained that all the people surrounding are zoned A-1. She read the definition of agriculture. Ms. Clark also read through her documents to the Board that she had previously submitted. She expressed her concern about the school busses with children being picked up and dropped off across from the subject property on US 20. She mentioned that the subdivisions to the South of the subject property were built up before Elkhart defined ponding soils. She added that the water does not percolate down into the soil. She explained that another concern is the increased amount of water.

Winnie Gillingham, 57256 Jefferson Parkway, Bristol, was present in remonstrance. She stated that since new residences were built she has water on her property. She added that those new homes were built on a hill and their water drains onto her property. She explained that she was not able to mow her field for two years because of the water issue.

April Wyingarden, 56797 CR 23, Bristol, was present in remonstrance. She stated that they own a big portion of wetlands to the East. She added that she is a real estate broker, and is concerned about property values. She expressed concerns about the busses. She explained that it is a chore driving on US 20 to Northridge High School. She mentioned that she is also concerned about the wildlife.

Marte Barbaro, 57028 Jefferson Parkway, Bristol, was present in remonstrance. He explained that they live on the corner of Jefferson Parkway and US 20. He added that they did not have the choice for the expansion of US 20. He stated that when they did the expansion they tore down maybe 15 pine trees. He mentioned that now they can see the traffic. He explained that while doing his dishes he can see the field. He added that when they sit outside they can see the field. He does not want to see widgets. He explained that there is an Amish house adjacent to the subject property. That house has farm animals such as pigs. He expressed that they moved to the country to enjoy the land and see the stars. He does not want to see lights and RV's. He mentioned that there is a no outlet sign for his road however people fly down there all the time. He explained that they have seen all kinds of equipment going down his road to turn around. He added that no one has stated what the South side buffer will be and is concerned what it will look like for them.

Mark Brown, 19616 US 20, Bristol, was present in remonstrance. He stated that there are semi's now that use Jefferson Parkway as a turn around. He added that there have been several accidents on US 20. He questioned what will be used to load and unload the widgets, and what time of day will it be happening. He expressed concerns about the possibility of diesel fumes being spewed into the air. He added that depending on the sunlight hitting the mirrors or windshields will cause reflection.

Craig Erikson, 19668 CR 16, Bristol was present in remonstrance. He stated that his residence is on the North side adjacent from the subject property. He stated his concern is the possibility of selling the other land with access to CR 16.

Matthew Kramer, 19824 CR 16, Bristol, was present as remonstrance. He stated that he is concerned about the zoning changing and the possibility of being sold in the future. He questioned what would happen when the economy slides again.

Pat Blakesley, 19620 CR 16, was present in remonstrance. He stated that the North piece of land is relatively flat. He explained that it is a top of a hill. He stated that the buffering will have minimal effect.

Ethan Miller, 57061 Jefferson Parkway, Bristol, was present in remonstrance. He expressed concerns about trash and the height of the buildings.

Jason Bontrager, 56288 Sylvan Meadows Ln, Bristol, was present in remonstrance. He stated that he is a former owner of Jayco. He explained that he is a huge supporter of business and growth in and around Elkhart County. He added that there is a place for residential and a place for manufacturing. He feels that this is not the place for manufacturing. He is concerned about the light pollution and the possibility of obtaining an easement onto CR 16 in the future.

Chris Marbach returned to the podium. He explained that the topos show that the property goes downhill towards the South. He mentioned that there will be a buffer along the front. He stated that this will not be a straight M-1 use. He added that since it will be a GPUD M-1 and in the future a DPUD M-1, the property would have to be amended if changes would occur. He mentioned that they are projecting about 156 trips a day in and out of the site. Mr. Marbach stated that the hours of operation will be from 7am to 5pm and should alleviate the night fears. Mr. Campanello questioned if it would be cheaper to purchase flat land due to the amount of excavation that will need to be done. Mr. Marbach stated that they are aware of the cost and they have looked into other properties in Elkhart County.

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

Mr. Campanello stated that he is concerned about changing the zoning from A-1. He added that it is something out of the norm for the area. Mr. Lucchese stated that there is nothing around the subject property that is zoned M-1 and that is a concern to him. Mr. Miller stated that he appreciates that availability on US 20. He added that there is a lot of land along CR 17 that could be developed. He added another concern is that there are no utilities in the area either. Mr. Barker stated that they have been dealing with the water problems out there for a few years. He added that they are going to have to put compacted stone on there that will change the run off. He mentioned that they are also going to put units on the property that have roofs so it will act like one big roof on the property. He explained that he cannot see how they can control the storm water on the site.

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

**Motion: Action: Denied, Moved by Steve Warner, 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 GPUD M-1 to be known as US 20 DISTRIBUTION CENTER 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, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Steven Edwards, Tom Stump, Tony Campanello.

7. The application for an amendment to an existing DPUD E-3 known as RV/MH HALL OF FAME EVENT CENTER for future building and parking, for RV/MH Hall of Fame represented by Jones Petrie Rafinski, on property located on the North side of Executive Pkwy, 2,300 ft. East of CR 17, North of CR 6, common address of 21565 Executive Pkwy in Washington 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-0149-2019*.

Ken Jones, Jones Petrie Rafinski, 200 Nibco Pkwy, was present presenting the petitioner. He stated that this project will have significant paving in the area, utilities, drainage features, and the 20,000 square foot event center.

There were no remonstrators present.

A motion was made and seconded (*Lucchese/Miller*) 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** Frank Lucchese, **Seconded by** Tony Campanello that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to an existing DPUD E-3 known as RV/MH HALL OF FAME EVENT CENTER for future building and parking 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.

8. The application for an amendment to an existing DPUD B-2 known as DUTCH CORP. DPUD to remove part of lot 1 from the DPUD, for Essenhaus, Inc. represented by Abonmarche Consultants, on property located on the Southeast corner of US 20 & CR 16, common address of 240 US Highway 20 in Middlebury Township, zoned DPUD, A-1, B-2, B-3, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0142-2019*.

Brad Mosness, Abonmarche Consultants, 1009 S. Ninth St., was present representing the petitioner. He stated that this will be for a new branch for 1<sup>st</sup> Source Bank. He stated that they want to relocate to make their presence known in the area. Mr. Mosness stated that 1<sup>st</sup> Source Bank wants to speak as well.

John Bedient, 28905 Westwynd Dr., Elkhart, Senior Vice President for 1<sup>st</sup> Source Bank, was present as the petitioner. He stated that this will allow drive up service, night drop, and drive up ATM for customers. He stated that the access roads to reach them currently will stay the same. He added that greenery and landscape will be done. They are even providing horse and buggy parking. He added that this will be good for the Town of Middlebury and for the bank as well.

Dale Fahlbeck, 23139 Heaton Vista, Elkhart, was present in remonstrance. He stated that he has managed the current heritage square property in Middlebury since it was purchased. He added that he is against the use of the access road that will access the new 1<sup>st</sup> Source Bank. He stated that he does not feel that it would be safe using that access road. He added that he does not have an issue with the rezoning or 1<sup>st</sup> Source Bank.

A motion was made and seconded (*Edwards/Miller*) 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 an amendment to an existing DPUD B-2 known as DUTCH CORP. DPUD to remove part of lot 1 from the 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.

9. The application for a Zone map change from PUD M-2/A-1 to DPUD M-2 and for Primary approval of a 1-lot minor subdivision to be known as JOMAR MACHINING DPUD, for Merlin Ray & Miriam A. Schlabach and Detweiler Real Estate LLC represented by Abonmarche Consultants, on property located on the North side of CR 22, 2,100 ft. West of CR 37, common address of 13393 CR 22 in Middlebury Township, zoned DPUD M-2, A-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0150-2019*.

Brad Mosness, Abonmarche Consultants, 1009 S. Ninth St., Goshen, was present representing the petitioner. He stated that they would like to expand, and this will allow them to do so.

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.

Jason Auvil wanted to note that on Item #4 they manufacture grinding equipment not wood material.

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 PUD M-2/A-1 to DPUD M-2 and for Primary approval of a 1-lot minor subdivision to be known as JOMAR MACHINING 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.

#### **10. Board of County Commissioners Approvals Following Plan Commission Recommendations**

Jason Auvil reported that on March 18, 2019, the Elkhart County Commissioners approved a Secondary approval for Replat of Lots 36, 38, 40, & 42 Jackson Terrace Phase 3, three rezonings for D & J Realty, LLC, D-ACT-Z, LLC, and A.F. & J.R. LLC, and a DPUD for ENA Properties

DPUD M-1. Mr. Auvil added that the Commissioners also accepted the withdrawal of a rezoning for Joshua Welker & Kathy Welker and a DPUD known as Canyon Cove DPUD.

11. A motion was made and seconded (*Lucchese/Edwards*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:55 a.m.

Respectfully submitted,

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Kristi Miller, Recording Secretary

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Steve Warner, Chairman