

**MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 14TH DAY OF MARCH 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, Philip Barker, Tom Stump, Frank Lucchese.

**Absent:** Lori Snyder, Jeff Burbrink.

2. A motion was made and seconded (*Edwards/Stump*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 14th day of February 2019, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Miller/Lucchese*) 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 A-4, for Delynn A. & Lavonne K. Martin H&W represented by Kindig and Sloat, PC, on property located on the North side of CR 32, ½ mile East of SR 19, in Harrison 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-0067-2019*.

Charlie Zercher, Kindig & Sloat, 102 Heritage Pkwy, Nappanee, was present representing the petitioner. He explained that Loren Sloat filed the petition and is an adjacent land owner. He stated the petitioner is in the process of putting together an IDEM permit. He added that the animal units will be about 1760 which are over the 1500 threshold. He explained that when the pigs are brought onto the property it will take about a semi-load and a half, then when it is time to remove the pigs there will be roughly 20 semi loads. He added that those 20 semi loads of full grown pigs will be in a three week time span. He mentioned that between weaned pigs to full grown hogs is a six month process. He stated that water runoff will be minimal. Mr. Campanello questioned if there was protection for the ditch. Mr. Zercher stated that he will let Mr. Martin answer that question.

Delynn Martin, 27630 CR 30, Elkhart was present as the petitioner. He stated that there are a lot of trees and brush between the barn and the ditch. He added that there is tile going around the building that would catch anything and would be tested to make sure it will not leave that area.

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.

Mr. Stump stated that the Board has approved another A-4 rezoning about a year ago. He wanted to know where it was located. Mr. Godlewski stated that it was in the Harrison township

area.

Tiffany Roland, Agronomic Solutions, LLC, 7070 S. 500 W., Topeka, was present. She stated that anyone within ½ mile will be notified for the IDEM permit [attached to file as *Petitioner Exhibit #1*]. Mr. Stump questioned if they would knife the manure in the ground during the winter. Ms. Roland stated that they are not allowed to knife in the ground during frozen or snow covered ground. Mr. Miller stated that there is a cattle barn North of the subject property that is spreading manure. Ms. Roland stated that there are limitations. She added that they have to take manure tests every year and soil tests every five years. Mr. Warner questioned about the management and distribution of the compost barn. Ms. Roland stated that the compost barn is all covered and has to be able to control the runoff.

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

**Motion: Action:** Approve, **Moved by** Tom Stump, **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 A-4 be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

5. The application for a Jurisdictional transfer from City of Nappanee to Elkhart County, for Beacon Health System, Inc. (Buyer) & Isis Inc Ind Corp (Seller) represented by City of Nappanee, on property located on the West side of SR 19, 1,495 ft. North of CR 52, in Locke Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0075-2019*.

Don Lehman, Plan Commission Administrator for City of Nappanee, was present. He stated that this does meet the land use plan and agrees with the Staff Analysis.

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.

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

**Motion: Action:** Approve, **Moved by** Tom Stump, **Seconded by** Frank Lucchese that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Jurisdictional transfer from City of Nappanee to Elkhart County be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

6. The application for an Amendment to an existing DPUD A-1 known as DOUBLE L WOODWORKING, LLC DPUD to add property to lot 1 (1A), remove lot 2 from the DPUD, and add a building, for Levi Lee & Laurene Yoder represented by Abonmarche Consultants, on property

located on the South side of CR 34, 2,000 ft. West of SR 13, common address of 12478 CR 34 in Clinton 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-0069-2019*.

Brad Mosness, Abonmarche Consultants, 1009 S. Ninth St., Goshen, was present representing the petitioner. He stated that this was previously rezoned back in 2013. He added that they would like to expand their business and do an addition of 12,000 square feet. He added that they are also amending the DPUD due to the petitioners wanting to remove the DPUD designation from the primary residence.

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** Roger Miller, **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 A-1 known as DOUBLE L WOODWORKING, LLC DPUD to add property to lot 1 (1A), remove lot 2 from the DPUD, and add a building be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

7. The application for a Zone map change from A-1 to DPUD A-1 and for Primary approval of a one lot minor subdivision to be known as STORI ENTERPRISES DPUD, for Steven & Lori Bontrager represented by Abonmarche Consultants, on property located on the North side of CR 36, 1,500 ft. West of CR 43, common address of 11339 CR 36 in Clinton 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-0071-2019*.

Brad Mosness, Abonmarche Consultants, 1009 S. Ninth St., Goshen, was present representing the petitioner. He stated that they currently work out of two different locations and would like to consolidate to one location. He added that the petitioner would like to create a 12,000 square foot building to accommodate the consolidation and there will be an easement reference on the subdivision plat. Mr. Miller questioned if the number of employees are increasing from what is current. Mr. Mosness explained that currently they have 10 employees; however, they would like the option to have up to 13 employees.

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.

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 DPUD A-1 and for Primary approval of a one lot minor subdivision to be known as STORI ENTERPRISES DPUD be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

8. The application for a Zone map change from R-1 & R-2 to a DPUD B-3 and for Primary approval of a one lot minor subdivision to be known as STORE SAFE DPUD B-3, for Lont Holdings Inc. Attn Alvin Miller represented by Marbach, Brady & Weaver, Inc. , on property located on the West side of Oakland Ave (CR 7), 500 ft. South of Mishawaka Rd. (CR 20), in Concord Township, zoned R-1 & R-2, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0060-2019*.

Debra Hughes, Marbach, Brady & Weaver, Inc., 3220 Southview Dr., was present representing the petitioner. She stated that the property was sold in 1993 by a tax sale and the owner has owned it for 26 years. She stated that this will be a very low intensity use. Mr. Campanello questioned the curb cut and the hill that comes down to the South. She stated that it is more than 500 feet away. She added that Elkhart County Highway department has approved the site access.

Dave Penrose, 27148 CR 20, was present in favor of the petition. He explained that the rear of his property touches the subject property. He stated that the wooded area is nice behind his property however, would love to see it be developed by the petitioner. He thinks it would be a good opportunity for his neighborhood.

Christopher Wells, 58018 CR 7, was present in remonstrance. He explained that his property is located across the street from the subject property. He stated that he is a retired Chicago police officer and moved into this area three years ago. He explained that his dream was to have a nice quiet house in the country without the hustle of the city. He added that having this across the street would affect him personally. He expressed his concerns about light pollution and increased traffic. His ultimate fear is that he will have to relocate if this petition gets approved.

Mark Grabill, 27112 CR 20, was present in remonstrance. He stated that he is confused because several months ago there was a Vacation of a right-of-way done and now this is going on. Mr. Campanello stated that it was back in September 2018. He stated that the Vacation was denied and wondered why this would be approved.

Ms. Hughes returned to the podium. She stated that the sign will be non-illuminated and is fairly small. She added that the business is expected to have on average about 10 cars and possibly one truck a day. She stated that the lighting has to be down casted and not shined outward. Ms. Hughes also explained that the Vacation was approved in September 2018. The gate would be programmed to not open after 9pm. The hours of service would be 6am-9pm.

Mr. Grabill returned to the podium. He stated that there are several other storage facilities in a five mile radius of the subject property.

A motion was made and seconded (*Campanello/Stump*) 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 R-1 & R-2 to a DPUD B-3 and for Primary approval of a one lot minor subdivision to be known as STORE SAFE DPUD B-3 be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

***\*\*It should be noted that Tony Campanello steps down\*\****

9. The application for a Zone map change from GPUD/DPUD/CIUD M-2 to DPUD M-2 and for Primary approval of a one lot minor subdivision to be known as RECYCLING WORKS INDUSTRIAL DPUD, for FIR Properties, LLC represented by Jones Petrie Rafinski, on property located on the West side of CR 7, 1,400 ft. North of CR 26, in Concord Township, zoned GPUD/DPUD/CIUD M-2, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0068-2019*.

Matt Schuster, Jones Petrie Rafinski, 200 Nibco Parkway, Elkhart, was present representing the petitioner. He stated that he would like to submit a minor change [*attached to file as Petitioners Exhibit #1*]. He stated that the minor change is for the long single building which will be two buildings.

Stanley Wogoman, 59462 CR 7, was present in remonstrance. He explained that he lives across the street just North of the subject property. He stated that he knows he will not stop the granting of the proposal but would like to request fencing and soundproofing.

Mr. Schuster returned to the podium. He stated that their buildings will be on the South side of the subject property. He added that it would be South of Mr. Wogoman's property. Mr. Miller questioned what the hours of operation would be. Mr. Schuster responded from 6 a.m. to 11 p.m. Mr. Warner stated that he would be concerned about the control of trash. Mr. Lucchese stated that there is an officer that patrols that now. Mr. Stump questioned how many properties in the area are owned by Elkhart County. Mr. Lucchese stated that the County owns most of them.

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** Steve Warner, **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 GPUD/DPUD/CIUD M-2 to DPUD M-2 and for Primary approval of a one lot minor subdivision to be known as RECYCLING WORKS INDUSTRIAL DPUD be approved in accordance with the Staff Analysis.

**Vote:** Motion passed (**summary:** Yes = 6, No = 0, Abstain = 1).

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

**Abstain:** Tony Campanello.

***\*\*It should be noted that Tony Campanello returned at this time\*\****

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

Jason Auvil reported that on February 20, 2019, the Elkhart County Commissioners reviewed and approved the zone map change for Concord Corners DPUD with its conditions. He added that they also approved a Zone map change from A-1 to M-1 for Edgar & Phyllis K. Miller with a condition and a Zone map change from A-1 to DPUD A-1 for Lake James Estates.

11. The application for Primary approval of a one lot minor subdivision to be known as SMOKEY MOON HIDEAWAY, for Mark W. & Betty S. Johnson represented by Progressive Engineering, Inc., on property located on the 750 ft. Southwest off of CR 26, 1,350 ft. East of CR 3, in Baugo Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #MI-0784-2018*.

Jason Auvil mentioned that the gentleman who wanted to appeal the approval of this plat is not present. He added that the gentleman felt like since he had to go to court that this should be harder for this petition as well. Mr. Auvil stated that he cannot speak for him and it is unfortunate that he is not present.

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

**Motion: Action:** Denied, **Moved by** Tony Campanello, **Seconded by** Frank Lucchese The appeal of the Plat Committee's approval was denied and the Board affirms the Plat Committee's decision.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

12. 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 10:24 a.m.

Respectfully submitted,

---

Kristi Miller, Recording Secretary

---

Steve Warner, Chairman