

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 9TH DAY OF MAY 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 11th day of April 2019, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Edwards/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 the vacation of an east/west unnamed right-of-way, for Randall W. Jones Jr. and Robbins Gerald & Sharon Robbins Trustee Individual Trust ½ Int Each, on property located on the, common address of in Osolo Township, zoned R-1, was presented at this time.

Chris Godlewski presented the Staff Report / Staff Analysis, which is attached for review as *Case #VRW-0224-2019*.

Larry Meteivier, Elkhart City Attorney, 229 S. Second St., Elkhart, was present representing the petitioner. He stated that this was established back in 1973. He stated that he is asking for a favorable recommendation to the Commissioners.

Randall Jones, 54090 Forest Grove Ave, was present in favor. He stated that he believes that the unmaintained right of way is not necessary. He added that if there would be a road there, it would be right next to his fence.

Blake Doriot, B. Doriot & Associates, P.O. Box 465, New Paris, was present in favor. He explained that he was involved in the platting of the property to the East. He added that he just wanted to make sure that the access on Nottingham remains open. He mentioned other than that he has no objections to this petition.

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** Steve Warner, **Seconded by** Lori Snyder that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the

vacation of an east/west unnamed right-of-way 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 Primary approval of a 27-lot major subdivision to be known as HORIZON PLACE SECTION 2, for ESPM Development, Inc. represented by B. Doriot & Associates, Inc., on property located on the East end of Matthew Dr., 166 ft. East of Amber Dr., South of US 6, East of CR 19, in Jackson Township, zoned A-1, was presented at this time.

Duane Burrows presented the Staff Report / Staff Analysis, which is attached for review as *Case #MA-0221-2019*.

Blake Doriot, B. Doriot & Associates, P.O. Box 465, New Paris, was present representing the petitioner. He stated that this is the second section of the subdivision. He explained that in 2007 there was the first section of the subdivision which was a major development. Mr. Doriot stated that these will be entry level homes that would range in price from \$200,000 to \$250,000 that hopefully first time owners will be able to afford. He explained the first phase and the second phase and emphasized the condition of the retention ponds. Mr. Doriot used a site plan and photographs explaining those previous items [*attached to file as Petitioners Exhibits 1-3*]. Mr. Campanello questioned the size of the lots. Mr. Doriot responded that all of the lots will be 20,000 square feet or larger. When Ms. Snyder questioned the price, Mr. Doriot answered that the lowest would be \$200,000.

Shawn Bornman, Choice Homes, P.O. Box 12, New Paris, was present as the petitioner. He stated that with the economy doing good, housing is on the rise. He explained that a lot of people that he has been selling to are factory employees, teachers, and nurses. He added that they are seeking to purchase in Elkhart County. He stated that they are moving out of Kosciusko County to be closer to their jobs. He added that the need and desire for housing is high. Mr. Campanello questioned if Mr. Bornman thought 20,000 square feet was big enough to raise a family. Mr. Bornman stated yes.

There were no remonstrators present.

A motion was made and seconded (*Snyder/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** Tony Campanello, **Seconded by** Frank Lucchese that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Primary approval of a 27-lot major subdivision to be known as HORIZON PLACE SECTION 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 Secondary approval of a 27-lot major subdivision to be known as HORIZON PLACE SECTION 2, for ESPM Development, Inc. represented by B. Doriot & Associates, Inc., on property located on the East end of Matthew Dr., 166 ft. East of Amber Dr.,

South of US 6, East of CR 19, in Jackson Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #MA-0222-2019*.

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

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Frank Lucchese.

This motion and approval was heard in conjunction with the primary that was heard in the previous petition approval.

7. The application for a zone map change from PUD R-2/PUD R-3 to R-1, for Aniceto Portillo & Anabel Campos represented by Luis & Crystal Portillo, on property located on the South side of CR 45, 994 ft. Southeast of Old CR 17, common address of 60287 Marie Ct in Concord Township, zoned PUD R-2, PUD R-3, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0230-2019*.

Crystal Portillo, 2921 Indiana Dr., was present as the petitioner. She stated that they want to put single family residences on each of the lots. Mr. Campanello questioned what will be done with the existing building on the other lot. Ms. Portillo stated that house was bought by another person and they are remodeling it.

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** Philip Barker that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from PUD B-2/PUD B-3 to R-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.

8. ***Two Year Extension of a GPUD known as Pecan Plantation Limited***

Jason Auvil stated that there is a request from Pecan Plantation Limited to extend the GPUD B-2 for two years. He mentioned that this is the second time they have requested for an extension. He added that the GPUD was approved on July 18, 2005.

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

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Frank Lucchese.

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. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil reported that on April 8, 2019, the Elkhart County Commissioners approved a Zone map change from GPUD/DPUD/CIUD M-2 to DPUD M-2 and Primary approval known as Recycling Works Industrial DPUD. He added that on April 15, 2019, The Elkhart County Commissioners approved a jurisdictional transfer, a Zone map change from A-1 to A-4, an Amendment to an existing DPUD known as Double L Woodworking, LLC DPUD, two DPUD's known as Stori Enterprises DPUD and Store Safe DPUD B-3, and a Secondary approval of a five lot major subdivision known as Replat of lot 3A in Replat of Lots 2 & 3 in Heritage Trails.

10. The application for a zone map change from R-1 to M-1, for Look Trailers (Buyer) & Harbour Trust & Investment Management Company FBO Thomas A. Keene Rev. Trust 2/12/2004 (Seller) represented by Lang, Feeney & Associates, Inc., on property located on the South side of CR 8 & East of CR 21, in Washington Township, zoned R-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0227-2019*.

Bernard Feeney, Lang, Feeney & Associates, Inc., 715 S. Michigan St., was present representing the petitioner. Mr. Feeney passed out a packet to the Board members. The packet included a site plan, letter of support from the Town of Bristol, and a letter from a competitor located across the street [*attached to file as Petitioner's Exhibit #1*]. He stated that the purpose of the expansion is to allow storage of trailers. He added that they manufacture the trailers at the neighboring property to the East. Mr. Feeney explained that the trailers will be moved from the factory to the storage area with a small tractor. He mentioned that the trailers will be stored on the property from the manufacturing process to the shipping period and the storage area will be grass. He stated that there will be a 200 ft. barrier to the West, and 100 ft. barrier along the river. Mr. Campanello questioned if there were plans on trying to move down to the undisturbed area. Mr. Feeney responded no. When Mr. Barker questioned if there was a topo done, Mr. Feeney responded they used what was given on the website.

Matt Arnold, 51882 Westgate Dr., was present as the petitioner. He stated that over a year ago the Board approved a similar plan with the exact same setup. Mr. Barker stated that the parcel to the North is flat. He added that this parcel is not flat and there are 14 feet of difference running to the West. There was conversation amongst the Board about the drainage on the property.

Jason Auvil stated that a fax was received for a remonstrator, Randy Godshalk, 7127 Indianapolis Blvd., Hammond, IN [*attached to file as Remonstrator Exhibit # 1*]. Mr. Auvil read that he has objections for the petition for multiple reasons. He added that some of those reasons are environmental concerns, habitat and wildlife, and property value concerns. Mr. Warner questioned who he was representing. Mr. Auvil stated that his mother lives nearby and they are concerned about the petition. He added that the mothers address is in Bristol at 19512 CR 8. Mr. Barker explained that they are the parcel located immediately West of the subject property.

Scott Reveal, 19520 CR 6, Bristol, was present in remonstrance. He stated that he is concerned about his property values. Mr. Campanello explained that with M-1 being across the street from him currently there should not be any issues with that.

Mr. Feeney returned to the podium. He stated that there should be no affect on the adjacent residential property values. He added that he spoke with Mr. Godshalk's mother previously, and she wanted to speak to her children first before writing a letter of support. He stated that she has not written that letter. He stated that there will be no environmental issues.

Mr. Arnold returned to the podium. He stated that on this parcel there will be no manufacturing and will be no noise issues. He explained that nothing will be moved before 7:00 a.m. and will be done by 2:30 a.m.

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

Mr. Barker stated that since this is a straight rezoning, that if the use changes in the future, anything can be put in there. Mr. Campanello stated that the Board can make a commitment and require a site plan showing more detail. He added that we can rezone it with a condition and commitment.

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

Motion: Action: Approve, **Moved by** Tony Campanello, **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 R-1 to M-1 be approved in accordance with the Staff Analysis with the following condition imposed:

1. Site plan will be brought in for review by the Elkhart County Surveyor following commitment imposed:

1. Site plan reflects that the property will be for storage only

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.

11. The application for an amendment to an existing DPUD M-2 known as D & M SALES DPUD for a building addition, for Devon R. & Mattie M. Miller represented by JH Construction, on property located on the North side of CR 22, 3,000 ft. East of CR 35, common address of 13487 CR 22 in Middlebury 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-0226-2019*.

James Hochstetler, JH Construction, 7165 W. 650 N., Shipshewana, was present representing the petitioner. He stated that this is a family owned business, and they want to expand. He added that the business is a plywood sales business with some manufacturing. The expansion will be used for warehousing and will not be used for manufacturing. He added that they will have a retention pond located to the North. He reiterated that it is a family business and his children work 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** Roger Miller, **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 M-2 known as D & M SALES DPUD for a building addition 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.

12. The application for an amendment to an existing DPUD M-1 known as BRISTOL PARK FOR INDUSTRY PHASE 2E DPUD M-1 for a building addition, for Alliance Sheets, LLC represented by Marbach, Brady & Weaver, Inc., on property located on the South side of Commerce Dr., East of SR 15, common address of 1725 Commerce Dr. in Washington Township, zoned DPUD M-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0202-2019*.

Chris Marbach, Marbach, Brady & Weaver, 3220 Southview Dr., Elkhart, was present representing the petitioner. He stated that this is a building addition, which will be 45,000 square feet. He added that the exterior will match the existing building.

There were no remonstrators present.

A motion was made and seconded (*Edwards/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** Roger Miller, **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 M-1 known as BRISTOL PARK FOR INDUSTRY PHASE 2E DPUD M-1 for a building addition 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.

13. *Two Year Extension of a GPUD known as Pecan Plantation Limited*

It should be noted this was heard previously as item # 8 on page 3.

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

It should be noted this was heard previously as item # 9 on page 4.

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

Respectfully submitted,

Kristi Miller, Recording Secretary

Steve Warner, Chairman