

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 10TH DAY OF OCTOBER 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, Zoning Administrator; Mae Kratzer, Planner; Doug Powers, Planner; Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Tony Campanello, Steve Warner, Lori Snyder, Jeff Burbrink, Tom Stump, Frank Lucchese, Philip Barker.

Absent: Steven Edwards, Roger Miller.

2. A motion was made and seconded (*Burbrink/Lucchese*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 12th day of September 2019, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Stump/Burbrink*) 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 R-4 to B-3, for Antonio Ledezma (Buyer) and David Markham & Rosanne Markham, Husband & Wife (Sellers) represented by Jaime Munoz, on property located on the Northeast side of US 33, 700 ft. North of CR 20, common address of 23919 US Highway 33 in Concord Township, zoned R-4, was presented at this time.

Doug Powers presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0634-2019*.

Jaime Munoz, 23919 US Highway 33, was present representing the petitioner.

Jill Grubert, 58899 CR 13, Elkhart, was present in remonstrance. She had questions about hours of operation and if there would be junk cars placed on the property. She also had concerns about loud music being played.

Jaime Munoz returned to the podium. He stated that business hours will be regular business hours, for example, 9am to 5pm. He added that the business will be a car dealership so no loud music would be played. He mentioned that nothing will be worked on outside. When Mr. Stump questioned that everything outside would be ready for sale, Mr. Munoz answered yes.

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

Mr. Stump questioned if there were restrictions on lot size in a B-3 zone. Mr. Godlewski stated that Mr. Stump was thinking of abandoned vehicle ordinance. Mr. Godlewski added that he is not sure about the ordinance applying to business zones but they do for residential.

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

Motion: Action: Approve, **Moved by** Lori Snyder, **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-4 to B-3 be approved in accordance with the Staff Analysis.

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

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Steve Warner, Tom Stump, Tony Campanello.

5. The application for a zone-map change from R-1 to A-1, for Elkhart 53897, LLC represented by Sophia Weaver, on property located on the West side of CR 7, 3,100 ft. North of Bristol St., common address of 53897 CR 7 in Osolo Township, zoned R-1, was presented at this time.

Doug Powers presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0605-2019*.

Tammy Stelter, 53897 CR 7, Elkhart was present representing the petitioner. She stated that the property was purchased to have two family horses.

There were no remonstrators present.

A motion was made and seconded (*Barker/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** Philip Barker that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone-map change from R-1 to A-1 be approved in accordance with the Staff Analysis.

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

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Steve Warner, Tom Stump, Tony Campanello.

6. The application for a zone map change from B-2 to B-3, for K & K Real Estate Holdings, LLC, on property located on the North side of Lake Dr., 300 ft. East of SR 19, common address of 26355 Lakewood Dr. in Osolo Township, zoned B-2, was presented at this time.

Chris Godlewski presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0611-2019*.

The petitioner was not present.

There were no remonstrators present.

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

Motion: Action: Table, **Moved by** Steve Warner, **Seconded by** Jeff Burbrink this request for a Zone Map change from B-2 to B-3 be **TABLED** until the November 14, 2019, Elkhart County Plan Commission meeting to allow for proper legal notice due to the absence of the petitioner.

7. The application for a zone-map change from R-2/B-2 to B-3, for K & K Real Estate Holdings, LLC represented by, on property located on the Southeast corner of SR 19 & Lakewood Dr., common address of 51466 SR 19 in Osolo Township, zoned R-2, B-2, B-3, was presented at this time.

Chris Godlewski presented the Staff Report / Staff Analysis, which is attached for review as

Case #RZ-0612-2019.

The petitioner was not present
There were no remonstrators present.

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

Motion: Action: Table, **Moved by** Tom Stump, **Seconded by** Jeff Burbrink this request for a Zone Map change from R-2/B-2 to B-3 be **TABLED** until the November 14, 2019, Elkhart County Plan Commission meeting to allow for proper legal notice due to the absence of the petitioner.

8. The application for a zone-map change from A-1 to GPUD B-3 to be known as SCHONSHECK DISTRIBUTION CENTER GPUD B-3, for Schonsheck, Inc. (Buyer), and David Blough Trustee Joy Blough Irrevocable Trust (Seller), and Indiana Michigan Power Company represented by Marbach, Brady & Weaver, Inc., on property located on the North side of CR 6, 2,160 ft. East of CR 19, common address of 20597 CR 6 in Washington Township, zoned A-1, was presented at this time.

Chris Godlewski presented the Staff Report / Staff Analysis, which is attached for review as *Case #GPUD-0625-2019.*

Chris Marbach, Marbach, Brady & Weaver, 3220 Southview Dr., Elkhart, was present representing the petitioner. He explained how a GPUD works and what the Staff review for a GPUD. He explained that loading and unloading activity will not be done along the street. He mentioned that the client knows that he will need a Class II buffer, and will have a commercial well and septic. He added that they spoke with the City of Elkhart and tried to get an extension of water and sewer from the RV Hall of Fame. He stated that the City of Elkhart said no. He stated that in the West corner is a retention area that is already there. He explained that this property will be used for the storage of units and for quality control. He added that the units that are stored on the property will be distributed to regional retailers. He clarified that there will be no vibration issues or manufacturing on the property. Mr. Marbach stated that the hours will be from 7:00 a.m. to 5:00 p.m., and have up to 40 employees in the beginning and most would be 80 employees. He stated that worst case scenario would be a 5.6% increase in traffic on CR 6. When Mr. Campanello questioned what the Elkhart County Highway Department thoughts were in the Tech Review, Mr. Marbach explained that they showed the traffic count to the Highway department. He added that their response was as long as the commercial driveway entrances and passing blisters were in the plans, then that is all that will be required. Mr. Campanello questioned the storage spaces and this property being a storage area for the units. Mr. Marbach replied that it will be a distribution center and the units will be stored there.

Chris Stager, President of the Economic Development Corporation in Elkhart County, was present in favor of the petition. He stated that this petition will help improve the quality of the products. He is asking the Board to recommend approval of this petition.

Rod Laughman, 20820 CR 6, was present in remonstrance. He stated that there is plenty of vacant land on CR 17 and feels that this should be placed in a commercial area. He added that this should not be placed in an agricultural area. He expressed his concern about motorhomes traveling on CR 6 causing an increase in traffic.

Thomas Teall, 21155 Rebecca Lane, was present in remonstrance. He stated that this is an extension of commercial activity in an agricultural area and it should not be in this area.

Joann Miller, 20860 CR 6, was present in remonstrance. She stated that there are currently semis, dump trucks, motorcycles and many other vehicles going down that road every day. She added that

the road is narrow and is concerned about the increase in traffic. Mr. Burbrink questioned if a subdivision went in instead, would she be against that traffic. Ms. Miller responded no, because it would not be motorhomes and RV's pulling in and out.

Donna Rex, 20884 CR 6, was present in remonstrance. She explained that she cannot back out of her property due to traffic and their speed. She expressed concern about semis, RVs, and travel trailers traveling down that road.

Tim Irons, 905 Mottville Rd., was present in remonstrance. He stated that he thinks taking farmland and replacing it with commercial is a horrible idea.

Mr. Marbach returned to the podium. He stated that the most discussed issue was traffic on CR 6 and he agreed that it is a narrower road. He stated that all of the deliveries will be sporadic throughout the day. When Mr. Campanello questioned which way does the most traffic travel from, Mr. Marbach stated that he is not sure if they are aware.

Kevin Schonscheck, Schonscheck, Inc., 50555 Pontiac Trail, Wixsom, MI, was present as the buyer of the subject property. He stated that the vehicles will be coming from the manufacturer. He added that it depends on which manufacturer they will be coming from. Mr. Campanello expressed his concerns about traffic, how the drivers speed, and the roads infrastructure.

Pete Letherman, 3414 CR 6, Elkhart, was present in remonstrance. He had questions about if the storage area will be hard surfaced. He added that he wanted sewer and water to be addressed.

Mr. Marbach returned to the podium. He stated that he explained that the sewer and water will not be extended to the location, it will be well and septic. When Mr. Campanello stated that he is going to have to have a separate well for the fire sprinklers, Mr. Marbach responded yes. Mr. Marbach explained that it will be a hard surface and dust free for the storage area.

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

Mr. Campanello stated that this will set a precedent of having more commercial in the area. Ms. Snyder stated that it is not manufacturing. She added that she would have been against it being M-1 or M-2. She stated that being along the toll road and CR 6 is compliant with the Comprehensive Plan.

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 A-1 to GPUD B-3 to be known as SCHONSHECK DISTRIBUTION CENTER GPUD B-3 be approved in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 5, No = 2, Abstain = 0).

Yes: Frank Lucchese, Lori Snyder, Philip Barker, Steve Warner, Tom Stump.

No: Jeff Burbrink, Tony Campanello.

9. The application for a zone-map change from DPUD R-1 to DPUD A-1 and for Primary approval of a 1-lot minor subdivision to be known as MIDDLEBURY SCHOOLS EQUESTRIAN CENTER DPUD, for Middlebury Community Schools (Buyer) and Crystal Valley Investments, LLC (Seller) represented by Progressive Engineering, Inc., on property located on the East side of Northridge Dr., 1,747 ft. North of CR 16 (Wayne St.), in Middlebury Township, zoned DPUD R-1,

was presented at this time.

Chris Godlewski presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0641-2019*.

Brad Cramer, Progressive Engineering, 58640 SR 15, Goshen, was present representing the petitioner. He stated that the school is wanting to offer classes to help with mental health with the horses.

Jane Allen, Superintendent for Middlebury Schools, was present. She explained that they plan to build a barn that will include classrooms, office, and restrooms. She stated that this will be a mental health center using miniature horses and donkeys for therapy for Middlebury Schools.

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

Ms. Snyder stated that she thinks it is an awesome idea. Mr. Burbrink questioned how it will be staffed or if there will be a care taker there. Ms. Allen responded that they will have a therapist and an assistant all the time. She explained that assistants will come and go all day long and the evenings. She added that students do not have the availability to obtain help when needed during the day. She mentioned that this is their intent to offer this service to those students during the school day. She added that this will be utilized from Kindergarteners to 12th grade. The animals will be taken care of during the day with help from the students.

Cori Cripe, Middlebury Schools, Equine Therapist, 56853 Northridge Dr., was present. She stated that she is a school counselor for the Middlebury school district and has certification for equine therapy. She explained that the animals will be cared for by herself, and assistance from the students. Mr. Burbrink questioned FFA and to talk to neighbors about not throwing clippings over fence. Ms. Cripe said that she wants to maintain communication with the neighbors.

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

Motion: Action: Approve, **Moved by** Steve Warner, **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 DPUD R-1 to DPUD A-1 and for Primary approval of a 1-lot minor subdivision to be known as MIDDLEBURY SCHOOLS EQUESTRIAN CENTER DPUD be approved in accordance with the Staff Analysis.

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

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Steve Warner, Tom Stump, Tony Campanello.

10. The application for a zone-map change from R-1 to DPUD B-2 and for Primary approval of a 1-lot minor subdivision to be known as ARROW INDUSTRIAL SURPLUS DPUD, for Daniel Wingard represented by Progressive Engineering, Inc., on property located on the Southeast side of SR 15, 2,650 ft. North of Vistula St., in Washington Township, zoned R-1, was presented at this time.

Chris Godlewski presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0640-2019*.

Brad Cramer, Progressive Engineering, 58640 SR 15, Goshen, was present representing the petitioner. He stated that the petitioner is here and will help explain the use.

Daniel Wingard, 15776 CR 108, Bristol, was present as the petitioner. He stated that they bring in

obsolete or excess equipment or parts. He stated that they have this business so that the parts do not go to the scrap yard or hopper. When Mr. Campanello questioned if there would be any outside storage, Mr. Wingard responded that maybe a little, possibly bracking. Mr. Wingard explained that there would be possibly twenty employees. He mentioned that there will be no manufacturing, but some equipment would be disassembled.

Tim Irons, 905 Mottville Rd., was present in remonstrance. He stated that he lives across the street of the subject property. He explained that previously the subject property came to a hearing to be rezoned and it was denied at that time. He mentioned that there are other industrial properties elsewhere. He expressed that this property should be used as a buffer from the commercial area on Commerce Dr., which is North of the subject property.

Mae Kratzer submitted a letter of remonstrance into record [*attached to file as Remonstrators Exhibit # 1*].

Richard and Beverly Ridenour, 708 Mottville Rd., Bristol, was present in remonstrance. He stated that his property is adjoined with the subject property. He stated that he is concerned about traffic since it is already backed up on SR 15. He expressed concerns about lighting, noise, and property values. He stated he hopes the Board will consider recommending denial.

Mr. Wingard returned to the podium. He stated that there would be roughly less than ten trucks a day that would come to the property. He explained that there will not be manufacturing done on the property. He mentioned that there are city water and sewer on the property.

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

Mr. Campanello explained that the subject property was voted against for M-1 a few years back. Ms. Snyder questioned if anyone knew what the Town of Bristol is saying about this petition. Mr. Godlewski stated that this hearing precedes their hearing for final decision. Mr. Campanello stated that he was present at the November 2017 hearing about the M-1 zoning for the subject property. He added that it was shut down and was not a close 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-1 to DPUD B-2 and for Primary approval of a 1-lot minor subdivision to be known as ARROW INDUSTRIAL SURPLUS DPUD be approved in accordance with the Staff Analysis.

Vote: Motion failed (**summary:** Yes = 2, No = 5, Abstain = 0).

Yes: Frank Lucchese, Tony Campanello.

No: Jeff Burbrink, Lori Snyder, Philip Barker, Steve Warner, Tom Stump.

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

Motion: Action: Denied, **Moved by** Jeff Burbrink, **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 R-1 to DPUD B-2 and for Primary approval of a 1-lot minor subdivision to be known as ARROW INDUSTRIAL SURPLUS DPUD be Denied.

Vote: Motion passed (**summary:** Yes = 5, No = 2, Abstain = 0).

Yes: Jeff Burbrink, Lori Snyder, Philip Barker, Steve Warner, Tom Stump.

No: Frank Lucchese, Tony Campanello.

11. The application for a zone-map change from A-1 to DPUD A-1 and for Primary approval of a 1-lot minor subdivision to be known as A. J. YODER A-1 DPUD MINOR SUBDIVISION, for Anthony L. Yoder & Mary Lou Yoder Husband & Wife represented by B. Doriot & Associates, Inc., on property located on the West side of East County Line Rd., 2,150 ft. South of CR 38, in Clinton Township, zoned A-1, was presented at this time.

Chris Godlewski presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0644-2019*.

Blake Doriot, B. Doriot & Associates, Inc., P.O. Box 465, New Paris, was present representing the petitioner. He stated that there was no history with the building that is on the property. He stated that the owners bought the property through a sale and wants to have a small water-based wood finishing business in the building. He stated that they do not have to have the high powered ventilation system. He added that they have talked to the neighbors. He explained that there will be 3 employees and those employees would arrive by buggy, driver, or bicycle. He stated they are going to use the existing structure. When Mr. Warner questioned the possibility of an expansion, Mr. Doriot answered that they have no way to expand on the property.

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** Jeff Burbrink 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 1-lot minor subdivision to be known as A. J. YODER A-1 DPUD MINOR SUBDIVISION be approved in accordance with the Staff Analysis.

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

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Steve Warner, Tom Stump, Tony Campanello.

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

Chris Godlewski reported that on September 16, 2019, the Elkhart County Commissioners approved a Secondary approval for a 22-lot major subdivision to be known as Prairieview Farms – Phase II.

13. ***2020 Planning Calendar***

Mae Kratzer explained that she needs a motion to approve the 2020 Planning Calendar. She explained that there has been a revised copy given to each of the Board members. When Ms. Snyder questioned if it was different from what was emailed to them, Ms. Kratzer responded yes.

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

Motion: Action: Approve, **Moved by** Frank Lucchese, **Seconded by** Jeff Burbrink 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.

14. ***Zoning Ordinance Discussion***

Chris Godlewski passed out the updated Zoning Ordinance. He explained that they are not making big changes. Mr. Warner stated that he saw that the solar panels are being addressed in the update of the Zoning Ordinance. Mr. Godlewski went throughout the updated Zoning Ordinance packet explaining the differences with the Board.

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 that the zoning ordinance update be set for public hearing. The motion was carried with a unanimous vote.

15. A motion was made and seconded (*Lucchese/Burbrink*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 11:19 a.m.

Respectfully submitted,

Kristi Miller, Recording Secretary

Steve Warner, Chairman