

**MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 9TH DAY OF APRIL 2020 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, Roger Miller. 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:** Steven Edwards, Roger Miller, Lori Snyder, Tom Stump, Philip Barker.

**Absent:** Tony Campanello, Steve Warner, Jeff Burbrink, Frank Lucchese.

2. A motion was made and seconded (*Barker/Stump*) that the revised minutes of the Elkhart County Plan Commission, held on the 13th day of February 2020, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Barker/Stump*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 9th day of April 2020, be approved as submitted. The motion was carried with a unanimous vote.

4. A motion was made and seconded (*Stump/Barker*) 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.

5. The application for a zone map change from A-1 to DPUD A-1 and for Primary approval of a 3-lot minor subdivision to be known as CROSSROADS FAMILY RANCH DPUD, for Ronnie L. Bethke & Joyce Bethke, Husband & Wife represented by Lang, Feeney & Associates, Inc., on property located on the north side of CR 1, 3,600 ft. west of Edwardsburg Rd. (CR 5), in Cleveland 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-0104-2020*.

The petitioner was not present

Jason Auvil submitted an email in remonstrance [*Attached to file as Remonstrator Exhibit #1*]. Mr. Auvil explained that Mr. Tabacchi is concerned about the drive on the west side of the property would be too close to the 90 degree turn onto CR 1. He added that he wants to be assured that only three residences will be constructed. When Mr. Stump questioned if the new development will be served by a parallel driveway, Mr. Auvil responded yes.

Michael Englehart, 29887 CR 1, Granger, was present in remonstrance. He stated that he is also concerned by the driveway. Mr. Englehart mentioned that the proposed driveway is 14 feet from his property. He added that he is requesting the drive to be moved over a little bit to the west. He added that his other concern is that they will store their excavating equipment on site due to owning an excavating business. He stated that he has pictures showing that they have already started

excavating along with a letter of remonstrance [*Attached to file as Remonstrator Exhibit #2*].

Phil barker stated that this drive is nothing more than an access easement. Mr. Stump questioned the remonstrators concern about the property owner's construction equipment being part of the DPUD. Mr. Auvil replied that it is not part of the DPUD. Mr. Kolbus stated that if it is being used for the construction of the residences it can be there but cannot be stored there afterward. Mr. Stump questioned if a Special Use will be needed. Mr. Auvil stated yes or amend the DPUD. Ms. Snyder questioned Mr. Engleharts comment about the drive being 14 feet away. Mr. Englehart stated that the edge of the driveway is 14 feet away from his property line. When Mr. Stump questioned about the driveway needing to be paved, Mr. Auvil answered no, and there are no requirements. Mr. Burbrink questioned if Mr. Auvil can show those that are attending virtually where exactly the driveway will go with the mouse. Mr. Auvil explained where the driveway was going to be placed.

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

**\*\*Chris Godlewski noted for the record that Tony Campanello, Steve Warner, Jeff Burbrink, and Frank Lucchese were now present\*\***

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 A-1 to DPUD A-1 and for Primary approval of a 3-lot minor subdivision to be known as CROSSROADS FAMILY RANCH DPUD be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).

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

6. The application for a zone map change from CIUD M-2/A-1 to DPUD M-2 and for Primary approval of a 1-lot minor subdivision to be known as CDFI DPUD, for Culver Duck Farms, Inc. represented by Hand to the Plow Surveying, on property located on the north side of CR 10, 2,000 ft. east of CR 39, common address of 12215 CR 10 in York Township, zoned CIUD 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-0137-2020*.

Scott Ziegler, Hand to Plow Surveying, 5678 W. 350 S., Albion, was present representing the petitioner. He explained that they want to build a new office building. He added that no storm water will leave the site. Mr. Stump questioned where the new construction is being placed. Mr. Ziegler stated that it will be is the southwest portion of the property. When Mr. Stump questioned where the sewage treatment plant is, Mr. Ziegler stated south of the road and west to the property. Mr. Ziegler stated that it is an IDEM approved facility. Mr. Stump questioned if they own the surrounding properties. Mr. Ziegler stated that they own the properties to the east, west, and north. He added that they have over 300 acres in the immediate area.

There were no remonstrators present.

A motion was made and seconded (*Stump/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** 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 CIUD M-2/A-1 to DPUD M-2 and for Primary approval of a 1-lot minor subdivision to be known as CDFI DPUD be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).

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

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

Jason Auvil reported that on March 2, 2020, the Town Council of Middlebury approved a zone map change from M-2 to M-1. He added that on March 16, 2020, the Board of County Commissioners approved a vacation, a zone map change from R-1 to A-1, a DPUD known as Schonsheck Distribution center DPUD B-3, an Amendment to a DPUD known as Premier Hardwoods, LP, DPUD, and a secondary for Norton's Bluff. He stated that on March 19, 2020 the Town Council of Bristol approved DPUD known as Bristol Park for Industry Phase 2H DPUD.

**8. *Revised BZA petitions***

Jason Auvil explained that the BZA petitions are being revised by Staff. He added that the forms that were being used are outdated. He explained that next week the Board of Zoning Appeals will look at the petitions and the following month they will have it as in item on the agenda.

**9. *Bristol Park for Industry***

Jason Auvil mentioned that there were questions about landscaping buffers being implemented for the Bristol Park for Industry DPUD. He stated that he researched and found that the north and east properties have no landscaping requirements, and the property to the south required landscaping. He explained that the south portion of CR 29 has become a cul-de-sac. He added that since the road has ended as a cul-de-sac and there are industrial properties on each side, makes the requirement no longer valid. Mr. Stump questioned the landscaping requirements on the east side, Mr. Auvil responded none are required.

**10. *Hearing Officer***

Chris Godlewski explained that the hearing officer and the alternate to the hearing officer cannot attend next week's meeting. He stated that the Board needs to do a motion to appoint Roger Miller to be the Hearing Officer next Wednesday April 15, 2020.

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

**Motion: Action:** Approve, **Moved by** Tom Stump, **Seconded by** Lori Snyder that the Advisory Plan Commission approves Roger Miller as Hearing Officer for the April 15, 2020 hearing.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).

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

11. A motion was made and seconded (*Stump/Miller*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 9:55 a.m.

Respectfully submitted,

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Kristi Miller, Recording Secretary

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Roger Miller, Chairman