

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 12TH DAY OF AUGUST 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: Tony Campanello, Roger Miller, Steve Warner, Lori Snyder, Jeff Burbrink, Tom Stump, Frank Lucchese, Philip Barker.

Absent: Steven Edwards.

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

3. A motion was made and seconded (*Snyder/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 a portion of a north/south unnamed county right-of-way, for **Brenda S. & Lena F. Banks** represented by Pam Banks, on property located on the north/south alley between Shore Ave. and Best Ave., 1,245 ft. north of Old US 33, common address of in Baugo Township, zoned R-2, was presented at this time.

Doug Powers presented the Staff Report / Staff Analysis, which is attached for review as *Case #VRW-0498-2020*.

Doug Powers stated that the Board can ask him any questions. Mr. Miller questioned if the petition is for only half of the right-of-way. Mr. Powers stated that is correct and is the reason for the recommendation of denial. When Mr. Miller questioned if they have the right to ask for the whole right-of-way to be vacated, Mr. Powers explained that the whole right-of-way can be vacated.

Pam Banks, 56610 Shore Ave, Elkhart, was present on behalf of this request. She stated that the alley is not being maintained or used. Ms. Snyder questioned if the neighbors were talked to about this petition. She stated that one of the gentlemen is at the meeting. Mr. Campanello questioned if she spoke with the Planning Department about asking for the whole alley to be vacated. Ms. Banks responded that they did not because no one wanted to go in on the fee.

Theresa Ervin, 56590 Shore Ave, Elkhart, was present in favor of the petition. She stated that she is also looking into petitioning for a vacation. She explained that the alley is not being maintained or used. She suggested that the whole alley be vacated not just a portion.

Billy Lemons, 56609 Best Ave, Elkhart, was present in remonstrance. He explained that he has lived at his residence for 18 years. He mentioned that he has used the alley and has kept it maintained. He stated that the alley is his only way he can access the back of his property. He stated that there is a mound on the northern part of the alley. He added that mound makes it harder to maintain that area. He explained that Asplundh came and cut down trees around the power line but

never came back to remove the large debris in the northern section of the alley. Mr. Campanello stated that it sounds like the alley needs to remain open for power lines.

Ms. Banks returned to the podium. She stated that they have not lived there as long as Mr. Lemons, but they do help with maintaining their portion. She mentioned that the survey shows that the trees are not in the alley. She explained that they want a fence and will not put it directly on the line and will not be close to any others fence. She mentioned that Asplundh did not cut down trees in the entire alley.

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

Mr. Campanello questioned how they can vote to vacate an alley if there are utilities located there. He wondered if they need permission from the utility company. Mr. Powers stated that if there is a utility easement then it would not be allowed. Mr. Campanello questioned if there would need to be a gate on the fence to allow the utility company to access the area. Mr. Powers stated he did not see an easement located there. Mr. Barker stated that the better idea would be to vacate the entire alley, split it between the two parties, and create an easement or maintenance agreement. Mr. Stump suggested that they do not usually vacate without all parties involvement or agreement. Mr. Barker explained that in the last couple of months, the Board has approved vacations of half of the right-of-way. Mr. Auvil explained that the one that was approved was an actual road with more width and was a dead end street.

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

Motion: Action: Denied, **Moved by** Roger Miller, **Seconded by** Tony Campanello that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the vacation of a portion of a north/south unnamed county right-of-way be denied in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 7, No = 1, Abstain = 0).

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

No: Steve Warner.

5. The application for Primary approval of a 4-lot major subdivision to be known as **SOUTH PRAIRIE GATE**, for Thomas J. Wagler & Jeri L. Wagler, H&W represented by Progressive Engineering, Inc., on property located on the east side of CR 9, north of Mishawaka Rd., & west side of Roys Ave., north of Mishawaka Rd., in Concord Township, zoned R-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #MA-0480-2020*.

Stephanie Floyd, Progressive Engineering, 58640 SR 15, Goshen, was present representing the petitioner. She stated that the landowner is looking to add four, two bedroom small residences on site. When Mr. Miller noted that the area has similar existing residences, Ms. Floyd responded yes.

Mike McGuire, 57747 Roys Avenue, Elkhart, was present in favor of the petition. He questioned where the access will be located. Mr. Campanello stated that there will be two residences off of Roys Ave and two residences off of Prairie St. When Mr. McGuire questioned if these houses will be hooked up to city sewer, Mr. Campanello stated it looks like they will each have a septic

system and well. Mr. Stump noted that if sewer was available, they would be required to hook on. 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** Roger Miller that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Primary approval of a 4-lot major subdivision to be known as SOUTH PRAIRIE GATE be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

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

****It should be noted that Steven Edwards is present at this time****

6. The application for a zone map change from A-1 to a GPUD B-3 to be known as **PROJECT CARDINAL GPUD B-3**, for Schrock Investments represented by Marbach, Brady & Weaver, Inc., on property located on the northeast corner of CR 9 and the Indiana Toll Road, common address of 52396 CR 9 in Osolo 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-0491-2020*.

Chris Marbach, Marbach, Brady & Weaver, 3220 Southview Dr., Elkhart, was present representing Schrock Investments. He mentioned that Schrock Investments are also present in the audience. Mr. Marbach explained that this will be a pre-delivery inspection facility for dealers. He added that this will have an internal connection to Total Value RV for servicing units. He wanted to make sure that this fits into the departments plans before they go for the DPUD. He added that this will be sold to Lazy Days RV. He explained that they are asking for two entrances on CR 9. He mentioned that there will be no requests for dimensional variances. He further explained that they will comply with B-3 zoning. Mr. Marbach noted that the buffers meet requirements for nearby residential areas. He stated that there will be a slight variance in the buffer standards. He explained they are wanting a Class I buffer along the roadway, so it will be easier to see traffic. He mentioned that there will be a standard buffer along the sides and rear. Mr. Campanello questioned the area that states future storage area with the road having traffic onto CR 9. Mr. Marbach stated no, the plan is for all the vehicles to go up town. Mr. Marbach explained that there is 400 feet of the property that is contiguous with the City of Elkhart. He noted that the 400 feet is not enough to require annexation, therefore, City of Elkhart will not give sewer access. Mr. Marbach explained that Lazy Days RV was just named one of the top 50 RV dealers for the 6th consecutive year in the country. He mentioned that their locations are Florida, Tucson, Arizona, Minneapolis, Knoxville, and Denver, Colorado. He stated that they have over 3,000 different brands/vehicles that they ship all over the country. Mr. Marbach explained that there will be a message board sign in the middle of the property. There will be three signs total, which will replace 6 existing billboards on the property. Mr. Stump questioned if they will be along the toll road. Mr. Marbach stated yes, they will be along the toll road. He stated that he is requesting approval of staff's favorable recommendation. Mr. Campanello expressed that

the future storage is what scares him, and the possible amount of traffic going onto Johnson Street is worrisome. Mr. Marbach noted that there is a phased plan in place for this project, and will not be completed all at once. Ms. Snyder mentioned that this is a perfect place for it and will greatly improve that area along the Toll Road. When Mr. Campanello questioned how many parking spaces, Mr. Marbach responded 1,500. When Ms. Snyder questioned if both entries will have two lanes, Mr. Marbach responded yes.

Mary Olsen, Elkhart City Plan Commission member, was present in favor of the petition. She stated that this dealer group has high integrity. She mentioned that Schrock, the current owner, has produced many smiles, and comes as a stranger, but leaves as a friend. She explained that she cannot encourage the Board enough to approve the petition. She mentioned that it is a compliment to the nearby campground, downtown entertainment center, and the Shipshewana area. She expressed that they are pleased to have them in the City. When Mr. Campanello questioned if the City of Elkhart is looking to annex the property, Ms. Olsen stated not that she heard.

Randy Crussemeyer, 52327 CR 9, Elkhart, was present in remonstrance. He stated that he lives directly across from the proposed entrance for this petition. He explained that there is a lot of traffic on the road going 50-60 mph. He noted that he has lived there for 30 years and have had 5-6 vehicles that have ended up on his property. He questioned how sound will be prevented with the front buffer zone being Class I. Mr. Crussemeyer believes that Elkhart County is large enough to find another location for this project. He expressed that he feels there is too much traffic on CR 9 for this project. He stated that he does not understand what the variance on the buffer means.

Mr. Marbach returned to the podium. He stated that prior to the DPUD submission, they will need to submit to the Elkhart County Highway for proposed driveway plans, and if an intersection needs improvement. Mr. Marbach mentioned that there are three classes of buffers in the Zoning Ordinance. He noted and read the Ordinance buffer requirements for each of the three types of buffers. Mr. Campanello noted additional traffic safety with buffer requirements.

A motion was made and seconded (*Campanello /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** Steve Warner, **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 A-1 to a GPUD B-3 to be known as PROJECT CARDINAL GPUD B-3 be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8)

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

7. The application for a zone map change from A-1 to DPUD M-1 and for Primary approval of a 1-lot minor subdivision to be known as **HOCHSTETLER COUNTY ROAD 38 DPUD M-1**, for Hochstetler Concrete, LLC (Buyer), & Rock Run Real Estate, LLC (Seller) represented by Marbach, Brady & Weaver, Inc., on property located on the south side of CR 38, 1,150 ft. west of CR 43, 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-0493-2020*.

Chris Marbach, Marbach, Brady & Weaver, 3220 Southview Dr., Elkhart, was present representing Hochstetler Concrete. He mentioned that David Hochstetler is present in the audience. He explained that the petitioner would like a new facility so he can store all of his equipment inside the building all year-round. He stated about 12% of the property becomes the buffer and 21% becomes retention. He mentioned that the petitioner plans on owning the facility. He explained that he typically uses one-ton trucks with 24 ft. gooseneck trailers for hauling equipment. He further explained that traffic will enter off of CR 38 and parking will all be concrete. He added that potential work hours are from 7 a.m. to 5 p.m. with one person that staffs the office part-time. He stated eventually there will be a possible full-time office employee. He stated that their not asking for any dimensional variances. He mentioned that there will be no sanitary sewer service available at this time for the property. Mr. Marbach added that there will be a perimeter drain from the nearby ball fields. When Mr. Campanello questioned amount of retention, Mr. Marbach noted existing contours on property. He explained that drainage is currently scarring nearby farm fields. He stated that the reason it is so large is due to that one of the requirements is that they need to store 200% of the additional water coming through the property. When Mr. Barker questioned if they thought to tie into their perimeter drain, Mr. Marbach stated that they could be open to that suggestion. He expressed that it is a nice clean site, and he showed drawings of what the pole buildings would look like with several garage doors. Mr. Warner questioned possible semi-traffic. Mr. Marbach noted no semis in business, and no deliveries to site.

David Hochstetler, 65613 CR 43, Millersburg, was present as the petitioner. He stated that rebar is picked up. He mentioned that deliveries are not on a regular basis or scheduled. He explained that he cannot say there will never be a semi delivery and could happen once a year.

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** Tony Campanello, **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 DPUD M-1 and for Primary approval of a 1-lot minor subdivision to be known as HOCHSTETLER COUNTY ROAD 38 DPUD M-1 be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

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

8. 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 **KADO COUNTY ROAD 26 A-1 DPUD**, for Kado, Alan L., Trustee of Alan L. Kado Trust ½ Int., & Diana M. Kado, Trustee, Diana M. Kado Trust ½ Int. represented by B. Doriot & Associates, Inc., on property located on the north side of CR 26, 1,520 ft. east of CR 11, common address of 24715 CR 26 in Concord 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-0495-2020*.

Charles Buzzard, B. Doriot & Associates, 23583 CR 23, Goshen, was present representing

the petitioner. He stated that they have been working on establishing an easement with the adjoining property owner. He explained that they will not apply for the secondary or go before the Commissioners prior to completion of these items.

Alan Kado, 24715 CR 26, Elkhart, was present as the petitioner. He noted that the soil borings have been completed. He explained that they want to develop for future use for their family.

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** 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 A-1 to DPUD A-1 and for Primary approval of a 3-lot minor subdivision to be known as KADO COUNTY ROAD 26 A-1 DPUD be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

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

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

Jason Auvil reported that on July 7, 2020, the Town Council of Wakarusa approved a Secondary for Camden Park Section Three. He added that on July 20, 2020, the Board of County Commissioners approved a vacation for Nursery Drive, two Zone map changes, and Secondary approval for Winding River Estates.

10. ***2021 Planning & Development Budget***

Chris Godlewski distributed copies of the budget to Board members. He went over the budget with the Board.

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

Motion: Action: Approve, **Moved by** Frank Lucchese, **Seconded by** Roger Miller that the Advisory Plan Commission approves the 2021 Planning & Development budget.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

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

11. ***Comprehensive plan***

Chris Godlewski gave an update on the Comprehensive Plan. He suggested Staff complete data research/collection for an updated plan. Board agreed with approach.

12. *Updated PC forms & applications*

Jason Auvil explained to the Board that the new forms that are user friendly. He noted that the original documents have not been touched in about 20 years. He mentioned that he can send everyone copies of the updated forms and applications via email. He added that he needs approval of changes because documents are exhibits in the Rules of Procedures. Ms. Snyder said she would like to see the copies and thinks it is good to bring everything up to date in the 21st century.

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 approves the forms and application changes and updates to the Rules of Procedures.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

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

13. A motion was made and seconded (*Lucchese/Miller*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:32 a.m.

Respectfully submitted,

Kristi Miller, Recording Secretary

Roger Miller, Chairman