

**MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 9TH DAY OF JULY 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, Steven Edwards, Roger Miller, Steve Warner, Lori Snyder, Jeff Burbrink, Tom Stump, Frank Lucchese, Philip Barker.

2. A motion was made and seconded (*Lucchese/Snyder*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 11th day of June 2020, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Warner/Snyder*) 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 an amendment to the Elkhart County 2006 Comprehensive Land Use Plan to replace that portion of the plan for the Town of Middlebury area with the new "Middlebury 2030 Comprehensive Plan". The geographic area to which the proposed amendments to the text of the Elkhart County 2006 comprehensive Plan applies is all lands within the jurisdictional limits of the Town of Middlebury and the adjacent areas in the jurisdictional limits of the Elkhart County Redevelopment Commission's TIF districts (generally, on the west side of the Town of Middlebury along US 20 to the Welcome Sign which is before CR 35 and the former Hilltop Restaurant, and then north along SR 13 to the I-80/90 Toll Road interchange).

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0382-2020*.

Jason Auvil added that he helped with the land use plan by being on the committee. He mentioned that Mary Cripe with the Town of Middlebury is present in the audience and Donny Ritsema with MACOG should be present online.

Mary Cripe, Town of Middlebury, 418 N. Main St., Middlebury, was present. She stated that this process was started over a year ago. She explained that she was working with Sheri Howland, Director of Middlebury Chamber of Commerce, and learned that they needed the help from MACOG. She mentioned that they enlisted the help of Jason as well. She explained that they have had different input sessions. She stated the biggest things that come out of the update are traffic in the downtown area, housing, and fiber.

Donny Ritsema, MACOG, 227 W. Jefferson Blvd. room 1120, South Bend, IN, was present via WebEx. He mentioned that they were looking at the revision of the town center. He expressed that he thinks this is a great project. He explained that there was a survey which reached 150 people.

Mr. Stump questioned if there was a map of the additional area. Mr. Auvil stated that the document is in the packet that was sent out. Ms. Snyder stated that there were a couple maps in the back and she was not sure which it was. Mr. Ritsema explained that it is on page 27 which shows the city limits.

Mary Cripe returned to the podium. Mr. Stump stated that he was interested in the area along SR 13 which went all the way to the Toll Road. Ms. Cripe stated that is part of Redevelopment. She added that they are looking at different places where there is not sanitary sewer, but land is for sale. She mentioned that they are trying to work with the Redevelopment Commission and the Town of Middlebury Redevelopment Commission to get sanitary sewer out to those locations. She further added that they are trying to get sanitary sewer out west of town along US 20.

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** Tony Campanello, **Seconded by** Frank Lucchese that the Elkhart County Advisory Plan Commission recommend to the Board of County Commissioners that this request for the amendment to the Elkhart County 2006 Comprehensive Land Use Plan to replace that portion of the plan for the Town of Middlebury area with the new “Middlebury 2030 Comprehensive Plan” be approved in accordance with the Staff Analysis and as presented.

**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.

5. The application for a zone map change from R-1 to B-2, for **Bravo Romeo LLC (Buyer) and Millersburg Animal Clinic Inc. (Seller)** represented by Freedom Builders, on property located on the southeast side of SR 13 & Elm St., 260 ft. north of Walnut St., common address of 318 N. Benton St. in Clinton 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-0382-2020*.

Paul Hochstetler, Freedom Builders, 54824 CR 33, Middlebury, was present to represent the petitioner. He explained that Choice Tax Services will be the company moving into the building if it is approved. He mentioned that the company is currently doing business on East County Line Rd. He added that they have grown enough that they want to move into town. He stated that it is not a big business. Mr. Hochstetler explained that they have two employees currently. Mr. Hochstetler added that during peak tax season there will be a max of 10 cars and 5 buggies a day. When Mr. Miller questioned if it will be for small animals or large animals, Mr. Hochstetler said that it is accounting and tax services.

Bryan Yoder, 310 N. Benton St., Millersburg, IN was present in remonstrance. He explained that he lives right beside the subject property. He expressed concerns about what type of business will be placed on that property because he has four children. He stated that there is a lot of traffic already on the road. He mentioned that if it is small then it is fine, however; if it is something that would adversely affect his property value then he would not be in favor.

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

Mr. Campanello questioned staff on what could go in a B-2 zone. Mae Kratzer stated that it can be compatible with residential uses, services that are like getting your hair cut, dog grooming, and retail services. Ms. Snyder stated that with accounting services it goes by appointment only and there is not a lot of traffic for that service. Mr. Campanello questioned if a tattoo parlor could go in that zone, and Ms. Kratzer stated that without looking at the ordinance she believes that starts in a B-3 zone.

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

**Motion: Action:** Approve, **Moved by** Steve Warner, **Seconded by** Tony Campanello that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from R-1 to B-2 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 M-1/PUD M-1 to B-1/B-3, for *Elkhart Industrial Properties LLC, DuBois Holdings LLC, Joseph G. & Shirley A. Bieber, Nathan & Julie Steensma, Paula Hopkins, Nathaniel B. Roll Trust, Randall K. Rush Revocable Living Trust, LSE Investments Inc., Brian Adams, Margarito Cuatepotzo & Rosa I. Avila, George E. Vernasco & David Vernasco, Hielke L. Hylkema Revocable Living Trust, Steven L. & Shelly K. Depositar, TBT Properties LLC, Mark & Stacey Jones, Dwill Corporation, Donald L. Klotz, Larry R. Snow Charitable Remainder Trust, Donald L. & Barbara S. Klotz, Lincoln D. Bowers & Skylar Forseman, Rickis Self Lock Storage Inc., Curtis B. & Josephine H. Thews Attn. Prosperity Properties* represented by Elkhart County Plan Commission, on property located on the Along part of Old US 20, west of Sheridan Boulevard and east of Liberty Drive, common address of 30499 Old US 20, 30513 Old US 20, 30530 Old US 20, 30561 Old US 20, 30568 Old US 20, 30585 Old US 20, 30586 Old US 20, 30598 Old US 20, 30602 Old US 20, 30606 Old US 20, 30631 Old US 20, 30636 Old US 20, 30643 Karen Ave., 30651 Old US 20, 30671 Old US 20, 30677 Old US 20, 30690 Old US 20, 30705 Old US 20, 30723 Old US 20, 30743 Old US 20, 30753 Old US 20, 30759 Old US 20, 30765 Old US 20, 30801 Old US 20, 30855 Old US 20, 55578 Corwin St., 55616 Corwin St., 55628 Corwin St., 55658 Corwin St., 55686 Corwin St. in Cleveland Township, zoned M-1, PUD M-1, was presented at this time.

Chris Godlewski presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0396-2020*.

Mr. Miller questioned if we are trying to put these properties into compliance. Mr. Godlewski stated correct, and is a good way to look at it. When Mr. Miller questioned if this is going to have hearings, Mr. Godlewski stated that this is the hearing. He added that this will go to the County Commissioners for final say. Mr. Godlewski stated that Staff will mail out another correspondence to the 25 landowners once again letting them know about the County Plan Commission meeting. Ms. Snyder questioned if they have worked on this for the past year or two years. Mr. Godlewski stated that this rezoning strategy was worked on for at least a year. He mentioned that the Redevelopment

Commission back in 2014 had an incentive program for new businesses to do landscaping. He stated that Redevelopment offered to pay for it and the landowners declined. Mr. Campanello questioned if the zoning will change after ownership. Mr. Godlewski stated that whether they own it or sell it, it will automatically be B-3. However the current business can stay, even if it is not allowed in that zone, but could not expand that business.

Morgan Leach, 30636 Old US 20, Elkhart, was present in favor. She stated that she is the owner of Ricki's Self Lock Storage, Inc. She stated that she wants to understand what will change for her current business there. She questioned if the gist of this rezoning is to clean up the area. Ms. Snyder stated that it is to maintain or gain more business in the area. Ms. Leach explained that all 4,000 tires are off the property. She stated that she will be in favor of the rezoning if it will hold others to a higher standard. She added that she wanted to make sure that if they decided to purchase the land beside hers that they could still expand.

Steven Depositar, 30753 Old US 20, Elkhart, was present in remonstrance. He questioned what the current zoning of Walmart is. The Board stated that it shows that Walmart is zoned M-1. He stated that it doesn't seem to be highlighted in the properties on this petition. He questioned why Walmart is staying M-1. He stated that in 2008 they had the gateway plan, and disrupted his business. He explained that his tenant signed a long lease, they heard there was going to be a roundabout constructed, and the tenant would not renew his lease. He added that he had a billboard along that corridor which supplied revenue for his family, and was asked to take it down. He mentioned that his big concern is that they are able to manufacture products in M-1. When Mr. Miller questioned what he does at his business, Mr. Depositar explained that they are a sign manufacturer. He added that he leases part of that building out to a tenant that does home repairs. Mr. Campanello questioned sanitary sewer for his property. Mr. Depositar stated that he feels that if this rezoning happens infrastructure should be in place. He added that most sewer and water municipalities come from City. Mr. Depositar questioned if Walmart on CR 6 is in the city or county. The Board stated that it is the City. He stated that there needs to be a Comprehensive plan that puts the people first. He stated that they should include the people and a plan for the infrastructure.

Brian Adams, B & B Automotive, 30759 Old US 20, Elkhart, was present in remonstrance. He explained that Mr. Godlewski stated that there was an incentive back in 2014 for businesses to do landscaping. He added that he has been located there for over 20 years and did not receive anything about that incentive. He stated that he does auto repair at the location and is concerned about what will happen to his business. Mr. Miller stated that he will not be affected. Mr. Miller added that the businesses that are there can remain there, and the businesses can be sold as is but cannot change or be expanded.

Chris Godlewski returned to the podium. The business Ricky's Storage is going from the M-1 to B-3, which is the ideal zone for that property. He stated that the Walmart is zoned M-1. He added that the Taco Bell and gas station is also M-1. He explained those will not be changed because they are built out. Mr. Godlewski stated that it would be hard to solicit it out to Walmart due to being a large corporation. He mentioned that there will not be an annexation planned, and the City of Elkhart would have to annex a lot of residential land to get to this area. When Mr. Miller questioned if we have control over the annexation, Mr. Godlewski stated no, it's a landowner/city matter. He explained that the intersection of Corwin and Old 20 was at one point planned for a roundabout, however it did not work out. The bond has to do with the infrastructure in the right-of-way. Mr. Godlewski stated that there were questions about the sign being removed. He explained that when the road was

expanded for a second lane, the sign had to be removed because the road was purchased. He added that signs can still be placed in this area which are permitted by right.

Natasha Kauffman, Redevelopment Coordinator, 4230 Elkhart Rd., Goshen, was present. She stated that surveys were sent out this past winter, and only received five of them back. She explained that within that survey, it was asked if they wanted a copy of the 100+ page study. She further added that they could have provided their email, then they would have received a link to review that study. She mentioned that most of the returned surveys were favorable or neutral, with one having questions about how zoning affects their property. She stated that there was a vision session that was pushed back due to COVID. She added that it will form how the Redevelopment Commission will decide to engage residents in the area for other sorts of actions or improvements. She stated that the future of utilities in this location, which is an issue and top priority with the Redevelopment Commission. She explained that the City changed some of their policies on who gets service. She further explained a state mandate was changed so it made it so it was less benefit to providing utilities outside the annexed areas. She stated that it has been an ongoing conversation that the Redevelopment Commission has started to put more focus on January of this year. She mentioned that before COVID hit, there was a plan to meet with Elkhart City Mayor and other key individuals, which got delayed, and now is on the lower end on the list. She expressed that it is a frustration to us, because they wanted something mapped out on what utilities are needed in this area. She explained that it is one of the goals of the Redevelopment Commission for this TIF district and other TIF districts to figure out how to deal with that relationship with the City. She added that the administration has been responsive on figuring out that goal with them. Mr. Campanello questioned if the one building gets supplied with City water and sewer, Ms. Kauffman stated that is why the utilities are out there. Mr. Campanello questioned the direction of the sewer lines. Ms. Kauffman explained that they are on US 20. When Mr. Campanello questioned if the water and sewer lines run along US 20 to Walmart, Ms. Kauffman stated yes. She explained that physically those utilities are there, it depends on whether or not the City will allow new people to hook on. She stated that this is one of the discussions she is having with the City. Mr. Miller questioned how we informed the landowners. Mr. Godlewski stated that it started late winter with a survey, follow-up letter, public notice, and another notice between this meeting and the Commissioners.

Steven Depositar returned to the podium. He stated that he believes that the water and sewer came up Lexington Ave corridor. He mentioned that he also believes that it is a private sewer system. He added that there is not real infrastructure headed from the subject area to the City of Elkhart. He stated that there are efforts to be found with the way the landowners were notified. He added that he can go to MACOG and get landowners' information including a phone number. He stated that he believes this petition should have been handled better. He mentioned that he would like to be allowed to be more engaged in the processes. He expressed concerns about the roundabout still being a possibility.

Mr. Godlewski returned to the podium. He explained that back in 2010 the storm water/sewer was designed. He mentioned that Mr. Depositar mentioned concerns with the utilities and more efforts with secondary communication.

A motion was made and seconded (*Snyder/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** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from M-1/PUD M-1 to B-1/B-3 be approved in accordance with the Staff Analysis.

**Vote:** Motion passed (**summary:** Yes = 7, No = 2, Abstain = 0).

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

**No:** Philip Barker, Tom Stump.

7. The application for Primary approval of a 1-lot minor subdivision to be known as **Transport Indiana DPUD**, for Transport Indiana LLC represented by Abonmarche Consultants, on property located on the northwest corner of CR 26 and CR 7, common address of 27159 CR 26 in Concord Township, zoned DPUD M-2, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0398-2020*.

There were no remonstrators present.

A motion was made and seconded (*Lucchese/Barker*) 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** Tony Campanello that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Primary approval of a 1-lot minor subdivision to be known as Transport Indiana 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.

#### 8. ***Board of County Commissioners Approvals Following Plan Commission Recommendations***

Jason Auvil reported that on June 1, 2020, the Town Council of Middlebury approved a zone map change from R-1 to M-1 for the Town of Middlebury. He added that on June 2, 2020, the Town Council of Bristol approved a DPUD known as Bristol Park for Industry Phase 2H DPUD M-1. Mr. Auvil reported that on June 15, 2020, the Board of County Commissioners approved three zone map changes and a DPUD for Steel Master Roofing DPUD.

#### 9. ***Comprehensive plan***

Chris Godlewski stated that he has been looking at the Comprehensive Plan. He wants the Boards comments on different areas of what they want to update. He stated that scoring the plan, the plan was a basic guide. He explained that Comprehensive Plans in Indiana are resolutions not

Ordinances. He mentioned that in order to have a Zoning Ordinance the community must have a Comprehensive Plan. He added that with rezonings at the Plan Commission the Comprehensive Plan must be considered. He stated that there are three requirements that are mandatory. He explained those three requirements are a statement of objectives for the future of development of the jurisdiction, statement of policy for the land use development of the jurisdiction, and statement of policy for the development of public waste, public places, public lands, public structures, and public utilities. He stated that he wants the Board to look at different areas that should be updated. He stated that this would be for the unincorporated Elkhart County, not including the four towns. Ms. Snyder questioned examples like Wakarusa. Mr. Godlewski stated that Wakarusa's plan is from 2008, Middlebury is this year, Bristol will be later this year, and Millersburg will probably be early next year.

10. A motion was made and seconded (*Stump/Lucchese*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:37 a.m.

Respectfully submitted,

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Kristi Miller, Recording Secretary

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Roger Miller, Chairman