

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 11TH DAY OF JUNE 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, Lori Snyder, Jeff Burbrink, Tom Stump, Frank Lucchese, Philip Barker.

Absent: Steve Warner.

2. A motion was made and seconded (*Edwards/Snyder*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 14th day of May 2020, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Lucchese/Edwards*) 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 county right-of-way known as NURSERY DRIVE, for Jeremiah J. Matthews represented by Progressive Engineering Inc., on property located on the north/south portion of Nursery Dr., 390 ft. north of CR 16, 360 ft. west of CR 13, in Concord Township, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #VRW-0274-2020*.

Stephanie Floyd, Progressive Engineering, 58640 SR 15, Goshen, IN, was present representing the petitioner. She stated that this was brought to the Board previously and was denied. She explained that they were asking for the full width of right-of-way. She added that when they went to the Commissioners meeting they recommended that they split the difference, which satisfied the neighbors.

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** Jeff Burbrink, **Seconded by** Steven Edwards 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 county right-of-way known as NURSERY DRIVE 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, Steven Edwards, Tom Stump, Tony Campanello.

5. The application for a zone map change from B-3 to M-1, for Robert W. & Kathy S. Wilkinson on property located on the northwest corner of Phillips St. and CR 3, common address of 29029 Phillips Street in Cleveland Township, was presented at this time.

Doug Powers presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0265-2020*.

Robert Wilkinson, 29029 Phillips Street, Elkhart, was present as the petitioner. He stated that he needs the rezoning to obtain a building permit. When Mr. Miller questioned how long they have been at the location, Mr. Wilkinson stated since 2001.

Delores Ferris, 28958 CR 12, Elkhart, was present in remonstrance. She stated that she does not want it rezoned to manufacturing. She explained that there is plenty of truck traffic currently. She added that the roads are not good and are in need of repair. She mentioned that she wants to see it left as B-3.

A motion was made and seconded (*Campanello/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** Tony Campanello, **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 B-3 to 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, Steven Edwards, Tom Stump, Tony Campanello.

6. The application for a zone map change from A-1 to DPUD A-1 and for Primary approval of a 5-lot major subdivision to be known as SUNSET SPRINGS DPUD A-1, for Mark A. & Jill D. Dewitt represented by B. Doriot & Associates, Inc., on property located on the east side of CR 21, 2,600 ft. north of CR 50, common address of 69700 CR 21 in Jackson Township, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0304-2020*.

Blake Doriot, B. Doriot & Associates, P.O. Box 465, New Paris, IN, was present representing the petitioner. He stated the petitioners are present in the audience. He explained that there are two reasons for the DPUD. He added that they want a private drive for access and petitioner will maintain ownership as he will build a residence on Lot 5. He stated that there is a barn on Lot 2 which will be retained by Mr. Dewitt or one of the other three lots. He stated that there will be more research on the soil boring findings. He explained that the petitioner has lived there for more than 20 years and states that the soil is sandy. He mentioned that all sites have been approved by the Health Department.

Mark Dewitt, 69700 CR 21, New Paris, was present as the petitioner. He stated that they are questioning the test because they had INDOT test the material. It was passed for structural backfill,

which is pure sand. He stated that they had their septic system for 20 years with no problems.

Kenneth Krull, 70004 CR 21, New Paris, was present in favor of the petition. He stated that he lives at the end of the drive on lot 5. He stated that he has no problem with the request. He mentioned that another neighbor has no problem either.

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** Steven Edwards, **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 DPUD A-1 and for Primary approval of a 5-lot major subdivision to be known as SUNSET SPRINGS DPUD A-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, Steven Edwards, Tom Stump, Tony Campanello.

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

Jason Auvil reported that on May 18, 2020, the Board of County Commissioners approved two DPUD's known as Crossroads Family Ranch DPUD and CDFI DPUD.

Chris Godlewski stated that next month the Northwest gateway rezoning will be on the agenda. He is unsure of how the attendance will be. He mentioned that there will also be a hearing for the Middlebury Comprehensive Plan. Mr. Stump questioned about the rezoning last month for the Pumpkin vine. Mr. Godlewski stated that the Town did approve it. He added that the remonstrators were present for that meeting.

8. A motion was made and seconded (*Edwards/Lucchese*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 9:24 a.m.

Respectfully submitted,

Kristi Miller, Recording Secretary

Roger Miller, Chairman