

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 8TH DAY OF OCTOBER 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 Tom Stump. The following staff members were present: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; 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 (*Barker/Snyder*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 10th day of September 2020, be approved as submitted. The motion was carried with a unanimous vote.

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.

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.

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.

4. The application for a zone map change from A-1, R-1, and GPUD M-2 to M-2, for *Seahawk Corp & Almac Realty, Inc.* represented by Jones Petrie Rafinski, on property located on the southwest corner of SR 120 & CR 21, in Washington Township, was presented at this time.

Doug Powers presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0701-2020*.

Ken Jones, Sr., Jones Pietrie Rafinski, 300 Nibco Parkway Elkhart, was present representing the petition. He indicated the owner and JPR had not realized the GPUD had expired. In discussion with staff, it was decided because of a well-supported land use to go straight to rezoning and get it completed. This project was developed as a rail park, is the only site available on the east side of Elkhart, and supports local economy and the Town of Bristol. This is completely in the Town of Bristol except for a small square that is next to the substation. Going forward there is anticipation of building out the roadway system and would continue to work with the Town of Bristol as in the past to keep working this out. Mr. Jones reported they have, pre-negotiated all this with Norfolk Southern and Grand Elk making sure we can get all the state highways connected without going through the downtown area as is currently the case. All this is in play, and this is a large dream that seems to be coming together little-by-little. He indicated complete agreement with the staff recommendation.

Mr. Stump asked if this is fully in the town of Bristol. Ken responded that this is all in the Town of Bristol, with the exception of the very west side there is a small area that is not, therefore, the town of Bristol would have the final say on this petition with exception of the small area to the west which would be the County Commissioners, making this a Parallel tract.

Jeff Beachy, 802 West Vistula Street, Bristol Town Council President. He has worked with JPR on Industrial Park and extensively on the alternate route through town. As a council member, he supports this rezoning request with one exception. His only concern is the northern-most section of the project. This area is the gateway to Bristol, as you come into this area from CR 17. There is residential on north side along the river as well as along east border. Also a little further into town, there is a church and golf course. There is nothing else industrial in this area, and because of this, his request would be for that one particular square parcel on the north side of tracks to remain GPUD so they have some controls in place as to what goes in there. Besides that, he fully supports M-2 industrial growth on south side of the tracks. Mr. Beachy submitted a letter. *[Attached to file as Exhibit #1]*

Dave Dulaney, 53984 CR 21, was present in remonstrance. Seventeen years ago when this was first brought up, it was understood that the current dead-end road would be brought through a different way. There is still 150-200 remaining acres of undeveloped industrial property south of the tracks, and nothing has been built there. Therefore he questioned why it is necessary to rezone the current subject property when there is land to develop in the current industrial area south of his residence. He noted that the nearest sewer is assumed to be at golf course. He stated his area is zoned county and suggested building up south side of tracks and working way outward.

In response, Mr. Jones recognized residential land uses to the east of CR 21, and noted they have no plans to accessing or improving that road at all. The developer had designated a buffer west of CR 21 out of respect for property owners that have lived there for years and that is reasonable. He is unsure how they would split the request at this time because rezoning is proposed for entire area. Although with Town of Bristol, having final say on this, could possibly place developmental controls on this site, possibly making it mixed-use. If this is approved today as M-2, it would need to later be rezone for anything that isn't M-2. This isn't impossible due to a lot of things that are in play that take significant amounts of time, for example crossing the railway is a yearlong process in itself. It is Mr. Jones' understanding that the developers' thought process is the area north of tracks along SR 120 would be the last piece to be developed. However, it is critical to the overall management of the industrial traffic in Bristol for that connection to happen. Sewer and water end where the road does now. The sewer and water is designed to be extended all the way down to the road that courses north, and then on across the rail, and finally tying back to the water system that was built for ADEC. There is a master plan for utilities build-out that was worked on with the town over time. Also, a master plan for the roadway build-out that has also been part of the overall plan. There hasn't been pressure for these plans until recently and Mr. Jones thinks it is due to running out of land as well as many companies that need rail service and will not relocate without it. There are some aggressive timelines attached to some of the prospects that are being considered, therefore delaying the entire rezoning for a filing would push into January. If the county would consider giving the recommendation, by the time it goes to Bristol Town Council, it could have time to be worked on regarding the best plan for the area north of the railway, in which Mr. Beachy was referring to, would be. If Plan Commission gives a positive recommendation, they will have to work with Bristol for approval. He and Mr. Beachy feel very comfortable that this can happen.

Mr. Stump mentioned concern about the north side of railroad tracks. He would like to see some type

of landscaping plan along SR 120 and CR 21, wanting development to look good to people driving past it. He would feel better knowing there was some sort of plan or agreement in place for landscaping in that area. Mr. Burbrink agreed with this.

Mr. Jones explained that the project started as GPUD because they were willing to apply development controls, as opposed to straight rezoning. He believes Al Ludwig would feel strongly about how road frontage was treated. Al had pointed out a strip of land that contains nice trees that were not to be touched. Someone in audience suggested it is a 50 ft. strip. Mr. Jones stated he doesn't see any reason why they wouldn't want to preserve that, and that by the time it got to Town of Bristol there could be a plan that everyone could be comfortable with.

Attorney James Kolbus noted approval could contain a commitment that they could work out a landscaping or buffering plan that could be approved as part of their rezoning. Motion for approval could include approval with a commitment to be worked out between the town and the developer. Jason Auvil noted the cleanest way for this to happen is that this property will need to be subdivided, and as part of the subdivision, the town and the developer could work out covenants and restrictions. That would then bind the development of this property to that document instead of putting these commitments on this rezoning. Recommendation would be for covenants and restrictions for entire property. Mr. Jones agreed with Mr. Auvil's recommendation and believes it is an appropriate way to manage it.

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** Tom Stump, **Seconded by** Frank Lucchese that the Advisory Plan Commission recommend to the Town of Bristol that this request for a zone map change from A-1, R-1, and GPUD M-2 to M-2 be approved 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, Steven Edwards, Tom Stump.

No: Tony Campanello.

5. The application for a zone map change from A-1 to a GPUD B-3 to be known as TACO BELL GPUD, for *TB Middlebury, LLC (Buyer) & Larry W. Yoder (Seller)* represented by MLS Engineering, on property located on the northeast side of US 20, 1,350 ft. west of SR 13 (Main St.), common address of 122 US Highway 20 in Middlebury Township, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #GPUD-0699-2020*.

Bob Gaffner, MLS Engineering, 10060 Bent Creek Blvd, Ft. Wayne, IN, was present representing petitioners. He stated they worked extensively and have begun the process with Town of Middlebury and INDOT as far as reconstruction plans with Highway 20, also with residential areas for access with pedestrian foot paths and sidewalks to the north and northeast. They worked with all applicable jurisdictions in development of this project and are willing to satisfy all those type of developments.

Mr. Stump noted Town of Middlebury will have final say on this.

There were no remonstrators present.

A motion was made and seconded (*Lucchese /Campanello*) 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 Town of Middlebury that this request for a zone map change from A-1 to a GPUD B-3 to be known as TACO BELL GPUD 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 an Amendment to an existing DPUD M-2 known as **BRISTOL PARK FOR INDUSTRY PHASE IV DPUD M-2** to allow for a building addition, new truck dock, parking and storm water improvements, for Lippert Components represented by Jones Petrie Rafinski, on property located on the southwest corner of CR 4 & CR 29 (Blakesley Pkwy.), common address of 2020 Blakesley Pkwy in Washington Township was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0700-2020*.

Ken Jones, Sr., Jones Pietrie Rafinski, 300 Nibco Parkway Elkhart, was present representing this petition, who noted this is a continuation of a successful development after Lippert acquired it. Originally this building was 200,000 square feet with the subject of this request being an Amendment to DPUD for adding 398,000 square feet. This will basically take up the balance of the available development land. 100% of everything they need to do can be done on-site, including manage storm water. It is connected to municipal utilities in the Town of Bristol. Proposed use of this may add 100 employees with a lot of robotics and automations in this building. They are very happy with the Staff Analysis and ask that the Board give their recommendation for approval.

There were no remonstrators present.

A motion was made and seconded (*Snyder/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** Lori Snyder, **Seconded by** Tony Campanello, that the Advisory Plan Commission recommend to the Town of Bristol that this request for an Amendment to an existing DPUD M-2 known as BRISTOL PARK FOR INDUSTRY PHASE IV DPUD M-2 to allow for a building addition, new truck dock, parking and storm water improvements 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. The application for a zone map change from PUD B-3 to DPUD B-3 and for primary approval of a 2-lot minor subdivision to be known as **TRESTLE TERRACE DPUD**, for Friends of the Middlebury Parks represented by Jones Petrie Rafinski, on property located on the north side of Pleasant St., 180 ft. west of SR 13 (Main St.), common address of 104 Pleasant St. in Middlebury Township was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0702-2020*.

Ken Jones, Sr., Jones Pietrie Rafinski, 300 Nibco Parkway Elkhart, was present representing this petition. He stated this development is in support of the Pumpkin Vine Nature Trail; this is a facility that is absolutely needed; and something that Town of Middlebury and Friends of the Middlebury Parks have been interested in for quite some time. Mr. Jones noted they have a cooperative property owner, and the facility will be top-notch and something to be proud of. He asked that the Staff recommendation be supported.

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** Lori Snyder, **Seconded by** Frank Lucchese, that the Advisory Plan Commission recommend to the Town of Middlebury that this request for a zone map change from PUD B-3 to DPUD B-3 and primary approval of a 2-lot minor subdivision to be known as TRESTLE TERRACE 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, Steven Edwards, Tom Stump, Tony Campanello.

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

Jason Auvil reported that on September 21, 2020, the Board of County Commissioners approved the following 4 items: secondary approval of a 5-lot major subdivision to be known as Sunset Springs DPUD, a zone map change from A-1 to GPUD to be known as Project Cardinal GPUD B-3, a zone map change from A-1 to DPUD M-1 to be known as Hochstetler CR 38 DPUD M-1, and a zone map change A-1 to DPUD A-1 to be known as Kado CR 26 A-1 DPUD. The Board of County Commissioners denied a vacation request from Brenda S. & Lena F. Banks, however this will be seen next month due to them getting with a neighbor and including that neighbor's property as well.

9. ***2021 Planning Calendar:***

Presented by Chris Godlewski. He stated the only difference is November Plan Commission will be on a Wednesday due to the Veterans Day holiday being on that Thursday. He stated approval is needed so the calendar can be sent for print.

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Frank Lucchese, that the Board approve the proposed 2021 Planning Calendar.

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.

10. New Employee: Chris Godlewski introduced Ilona Roberts to the Plan Commission, replacing Kristi Miller.

11. A motion was made and seconded (*Lucchese /Campanello*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 9:54 a.m.

Respectfully submitted,

Ilona Roberts, Recording Secretary

Roger Miller, Chairman