

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 10TH DAY OF SEPTEMBER 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, 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, Steve Warner, Lori Snyder, Jeff Burbrink, Tom Stump, Frank Lucchese, Philip Barker.

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 November 2020, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Warner/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 an east/west unnamed county right-of-way, for Douglas C. & Terri L. Briner represented by Lang, Feeney & Associates, Inc., on property located on the north side of lots 607-609 in Sunset Park First, north side of Wolf Ave., 350 ft. west of CR 1, in Baugo Township, zoned R-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #VRW-0577-2020*.

Terry Lang, Lang Feeney & Associates, 715 S. Michigan St. South Bend, was present representing the petitioner. He explained that the Briner's are present in the audience as well. He mentioned that they have lived at the property for 35 years. He stated that they are in the process of doing some landscaping and fixing up the landscaping along the alley. Mr. Lang further explained that the alley has not been improved. Mr. Campanello questioned if a portion has been vacated by the subject property. Mr. Lang responded that yes, some have been vacated further west as well. Mr. Stump stated that usually one property gets half and the other owner gets the other half of the vacated right-of-way. Mr. Stump questioned if the petitioners are getting the whole right-of-way. Mr. Lang stated that they are requesting that, and the development to the north was constructed about 15 years ago.

Roger Dickson, 30023 Wolf Ave., was present in favor. He stated that he is located to the east of the subject property. He mentioned that other vacations were done to the west of the subject property. He explained that the Briner's have done such a great job maintaining their property.

There were no remonstrators present.

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

Mr. Stump stated that it is not a good policy to vacate the alley. He explained that he thinks the alley should be split between the two adjoining properties. Mr. Kolbus explained that if it in a different platted subdivision it would stay in the subdivision that it is in. He further explained that Mr. Lang mentioned that the subdivision to the north is separate to the one to the south.

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

Motion: Action: Approve, **Moved by** Lori Snyder, **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 an east/west unnamed county right-of-way 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.

5. The application for the vacation of a portion of an east/west unnamed county right-of-way, for Audie L. & Gertrude K. Brown on property located on the north side of lot 619 and the east half of lot 620 in Sunset Park First, north side of Wolf Ave., 1,050 ft. west of CR 1, common address of in Baugo Township, zoned R-1, was presented at this time.

Doug Powers presented the Staff Report / Staff Analysis, which is attached for review as *Case #VRW-0544-2020*.

Gertrude Brown, 30187 Wolf Ave, was present as the petitioner. She stated that she has lived there for over 30 years. She mentioned that she wants to put up a fence since the properties behind her are having residences built. She explained that her husband built a shed that is half way in the alley.

There were no remonstrators present.

A motion was made and seconded (*Edwards/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** Steven Edwards, **Seconded by** Lori Snyder that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the vacation of a portion of an east/west unnamed county right-of-way 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 A-1 to M-1, for Caleb Eugene Miller & Kayla Rose Miller, H & W & Spencer Conrad Miller 1/2 Int. represented by Abonmarche Consultants, on property located on the south side of CR 2, 1,660 ft. west of SR 13, common address of 11240 CR 2 in York Township, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0600-2020*.

Crystal Welsh, Abonmarche Consultants, 1009 S. Ninth St., Goshen, was present representing the petitioner. She stated that manufacturing has blossomed in the area. She mentioned that it will allow a strong company to grow and prosper in the area. She mentioned that Grand Design and Nuway Construction are present today on WebEx, if any questions would arise for them. When Mr. Miller questioned if sewer has been ran down there from White Pigeon, Ms. Welsh responded yes they do have that service.

There were no remonstrators present.

A motion was made and seconded (*Snyder/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** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to M-1 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. The application for a zone map change from M-2 to A-1, for Beth A. Miller (Land Contract Purchaser) & AMMF Trustee Corporation, Trustee for Amish Mutual Mortgage Fund (Land Contract Holder) represented by Edward R. Miller & Nancy E. Miller, H & W, on property located on the north side of CR 56, 988 ft. east of CR 100, common address of 30283 CR 56 in Locke Township, zoned M-2, was presented at this time.

Doug Powers presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0589-2020*.

Edward Miller 30251 CR 56, was present representing the petitioner. He stated that the petitioner is his daughter and he resides to the east of her property. He explained that she is refinancing and the bank wants the property zoned for residential use.

There were no remonstrators present.

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

Mr. Campanello questioned Staff if there is any M-1 work being done on the property currently. The Staff stated it was for past use.

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 M-2 to A-1 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. *Schonshek DPUD site plan amendment to extend the drive to CR 19*

Jason Auvil stated that he needs the Board to decide if this amendment is a major or minor change. Their approved site plan showed a drive towards CR 19, that stops 600 feet short. He added that the developer is requesting to construct that drive all the way to CR 19. He mentioned that County Highway is okay with the extension, but has conditions. He stated that Staff believes this is a minor change but needs the Board to make that decision. He explained that one of the conditions is intersection improvements. Mr. Auvil added that Chris Marbach is in the audience if any questions arise. Mr. Campanello questioned how the use was advertised by the petitioner in the minutes.

Chris Marbach, Marbach, Brady & Weaver, 3220 Southview Dr., was present. He explained that the original submission was shown that the driveway would go all the way to CR 19. He added that during tech review it was revealed that the intersection of 19 and 6 could not handle the traffic. He mentioned that they removed the 600 feet of the road to satisfy the Highway Department. Mr. Campanello questioned if the County will be upgrading CR 4 for sure. Mr. Lucchese states yes and the contract will be signed Monday. Mr. Stump questioned what the plans are for truck traffic north of CR 4. Mr. Lucchese stated that it has not been discussed yet, however the utilities are being upgraded. When Ms. Snyder questioned if all they need to decide is if it is a minor or major change, Mr. Auvil responded yes. He added that if it is declared a minor then an updated site plan will be needed for the file, if it is a major change then they would need to come for a public hearing. When Mr. Campanello questioned if the roundabout will be designed for semi traffic, Mr. Lucchese stated yes. Mr. Barker stated that making this a major change is not applicable. He added that he believes it is a minor change. He stated that the big change is with the Highway Department. Mr. Campanello questioned if he believes the neighbors should know about it. Ms. Snyder stated that this was part of the plan, however it is being pushed sooner.

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 that this request be considered as a minor change.

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

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

No: Roger Miller, Tony Campanello.

10. The application for a zone map change from A-1 to M-1, for Thor Industries, on property located on the west side of the intersection of CR 23 and Industrial Dr., 1,300 ft. west of SR 15, in Washington Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0581-2020*.

Troy James, Thor Industries, 601 E Beardsley, Elkhart, was present as the petitioner. He stated that they currently have a site locations just to the East of the subject property. He mentioned that there are currently no set plans, however just planning for future for Thor Motor Coach.

There were no remonstrators present.

A motion was made and seconded (*Miller/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** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to M-1 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.

9. The application for a zone map change from PUD M-1/M-1 to M-1, for JB Martin Properties, LLC represented by, on property located on the north side of CR 42, 650 ft. west of SR 19, common address of 28125 CR 42 in Olive Township, zoned PUD M-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0541-2020*.

John D. Martin, 25389 SR 119, Goshen was present as the petitioner. He explained several years ago they had the PUD removed from the front parcel. He added that they want just the straight M-1 zone for the parcel to the North.

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** Steven Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from PUD M-1/M-1 to M-1 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.

10. The application for a zone map change from A-1 to a GPUD B-2 to be known as STAR PROPERTY DG GPUD B-2, for Star Property Real Estate Company, LLC represented by Zaremba Group, LLC, on property located on the east side of SR 13, 1,280 ft. south of CR 32, 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 #GPUD-0618-2020*.

Mr. Campanello questioned if a Dollar General will be placed on the property. Mr. Auvil stated yes. Mr. Campanello questioned what the difference is between the Dollar General and a small country store.

Whitney Pizzala, AR Engineering, LLC, 5725 Venture Park Dr., Kalamazoo, was present representing the petitioner. She explained that Tom Cowen is also present with Zaremba Group, LLC. She mentioned that Zaremba is the developing company for the project. She added that they are

seeking approval for this petition. She explained that there will be parking on the north side, and in front of the building. She explained septic and well plans, and improvements to landscaping. She stated that it is not uncommon to see these stores mixed in with agricultural, residential and business zones.

Tom Cowen, Zaremba Group, LLC, was present representing the petitioner. He explained that Zaremba has been around for quite a few years and has roughly 42 employees. He explained that Dollar General likes to go in a tight market that cannot get a big grocer. He added that they do hire from the local area and their pricing structure is very competitive. When Ms. Snyder questioned how many employees there will be, Mr. Cowen responded that generally between 5 and 10 employees. He explained that it is a normal size store so he believes it will be closer to 10 employees. He added that some will be part time and some full time. Mr. Warner questioned adequate room for semis to get off the road quickly and efficiently. Ms. Pizzala stated that the semi will fully maneuver on the site. When Mr. Warner stated that it will not be backing in off the road, Ms. Pizzala stated correct. Mr. Cowen explained that a semi is usually on site once a week and the smaller trucks are more frequent. Mr. Miller questioned why not look into closer to the Town of Millersburg to place the Dollar General. Mr. Cowen stated that a lot of components play into the locations. He explained a seller, buyer, and perfect site for the right price are a few of those components. He added that this particular area models the best for them.

There were no remonstrators present.

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

Mr. Stump mentioned that it's a 90 Degree intersection of two state roads. He added that this was done before down by New Paris. Ms. Snyder questioned if it is all residential in the surrounding area. Ms. Kratzer stated that it is all consistent to what is shown on the map. Mr. Warner stated that on the Southwest corner there is a chicken barn. Mr. Miller mentioned that there are a lot of small Amish stores in the area. Mr. Warner explained the biggest business down the road is Helena Chemical. Mr. Auvil explained that although there are a lot of Amish stores nearby, the primary use for those properties are residential.

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

Motion: Action: Approve, **Moved by** Lori Snyder, **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 a GPUD B-2 to be known as STAR PROPERTY DG GPUD B-2 be denied in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 5, No = 4, Abstain = 0).

Yes: Jeff Burbrink, Lori Snyder, Roger Miller, Steve Warner, Steven Edwards.

No: Frank Lucchese, Philip Barker, Tom Stump, Tony Campanello.

11. The application for an Amendment to an existing DPUD M-2 known as RECYCLING WORKS INDUSTRIAL DPUD for an addition to an existing building, for Fir Properties, LLC represented by Jones Petrie Rafinski, on property located on the west side of CR 7, 1,400 ft. north of CR 26, common address of 59697 CR 7 in Concord Township, zoned DPUD M-2, was presented at

this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0597-2020*.

Matt Schuster, Jones Petrie Rafinski, 300 Nibco Pkwy Suite 250, was present representing the petitioner. He mentioned that a year or so ago they came to the Plan Commission with the previous DPUD. He stated that this amendment is for an additional building that would be 100 feet by 99 feet for additional room for a tipping floor for the existing grinder. He explained the 100 feet by 600 feet building that they are looking to construct as well would have a truck dock at the west end. Mr. Miller stated that when the DPUD was first brought to the Board there was a remonstrator. Mr. Lucchese stated that the Commissioners have bought that house. He added that the County owns every home along the road there.

There were no remonstrators present.

A motion was made and seconded (*miller stump /*) 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 Advisory Plan Commission recommend to the Board of County Commissioners that this request for an Amendment to an existing DPUD M-2 known as RECYCLING WORKS INDUSTRIAL DPUD for an addition to an existing building 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.

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

Jason Auvil reported that on August 3, 2020, the Board of County Commissioners approved a secondary for Falcons Nest at Barrington Section A. He added that on August 12, 2020, the Millersburg Town Council approved a rezoning. He mentioned that on August 17, 2020, the Board of County Commissioners approved the Town of Middlebury's Comprehensive Plan and a rezoning for the Northwest Gateway area along US 20.

13. *Schonshek DPUD site plan amendment to extend the drive to CR 19*

It should be noted this was heard previously as item # 8 on page 4.

14. *The Elkhart County Advisory Plan Commission's Executive Committee findings for the job performance evaluation and compensation of an individual employee as part of the Planning and Development Department's 2021 budget process.*

Mr. Miller stated that the Executive Committee met and looked at the job performance for Chris's position. He added that they looked at comparable salaries and decided to do a salary increase.

He explained that they looked at cost cutting measures, efficiency improvements, team communication, and analysis for work procedures. Mr. Warner added his extensive ongoing education. Mr. Kolbus stated that there needs to be a vote to approve the report to HR. Mr. Warner mentioned that Chris's report was extremely good and helpful.

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Tom Stump that the Advisory Plan Commission approved the Executive Committee report. The motion was carried with a unanimous vote.

15. 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 10:16 a.m.

Respectfully submitted,

Kristi Shaffer, Recording Secretary

Roger Miller, Chairman