

**MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 8TH DAY OF APRIL 2021 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, Steve Warner. The following staff members were present: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Mae Kratzer, Planner; Danny Dean, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

**Roll Call.**

**Present:** Steve Warner, Steve Edwards, Tom Stump, Lori Snyder, Roger Miller, Phil Barker, Frank Lucchese, Jeff Burbrink.

**Absent:** Tony Campanello.

2. A motion was made and seconded (*Edwards/Stump*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 11th day of March 2021, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Stump/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 a zone map change from A-1 to M-2, for Jayco, Inc. represented by Jones Petrie Rafinski, on property located on the northeast corner of SR 13 & CR 4, in York Township, zoned A-1, was presented at this time.

Danny Dean presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0159-2021*.

Ken Jones Jr., Jones Petrie Rafinski, 300 Nipco Parkway Suite 250, Elkhart, was present representing the petitioner. He stated this is a typical straight rezoning which is appropriate for the site. He added the rezoning is strategic/purposeful and will allow Jayco to expand their operation. He explained Jayco has one of the largest manufacturing campus in the county on the south side of Middlebury, but they are running out of room there. He noted no definitive site plan has been developed, because they would like to confirm the zoning will be approved before investing any additional work into the site. He stressed they will adhere to all Elkhart County zoning requirements for the M-2 zoning in regards to buffering, care, and careful planning of the site/access points. He mentioned the number of buildings they put on the subject property will be determined by the size of the buildings, and they may develop in stages with potential for a transportation yard. He stated his role here was to bring this before the Board to see how they feel about it. He added he has already spoken to staff, and they agree with staff's recommendation. Mr. Warner asked if they have had any contact with INDOT. Mr. Jones responded he will contact INDOT to determine a definitive plan, if this receives a favorable recommendation from the Board. He went on to say they could start preliminary conversations with INDOT, but they will first want a definitive plan. He added they will work to mitigate traffic to the state highway, but they have not begun conversations with INDOT. Mr. Stump asked about sewer and water. Mr. Jones responded the Indiana Toll Road area including

the subject property is included in the Middlebury Gateway TIF, which was done years ago in cooperation with the Redevelopment Commission. He continued saying there is a sanitary sewer on the north side of the road that is currently operated by the Elkhart County Regional Sewage District that is connected to the White Pigeon Sewer system. He noted the Redevelopment Commission is currently studying the need to possibly extend that system, but he doesn't know exactly where they are at with that. He explained the goal is to determine how sewer and water utilities would be constructed, paid for, and supported at this interchange. He went on to say the first project was completed on the north side of the road, but it was designed to be extended to the south side. He stated there is a current agreement between the Indiana entity and the Michigan entity, and there is jointly owned fire suppression system that serves maybe four or five buildings in the area including areas north and south of CR 39. He added they could easily install a septic system on the subject property, if other studies and plans fall through. Mr. Lucchese noted others in the area also want a sewer system, so that will likely happen soon.

Jason Auvil stated he received an email from a Catherine Roebuck, 51813 E. County Line Road, Middlebury, stating she was in opposition of this request *[Attached to file as Staff Exhibit #1]*. He explained she is opposed to it, because she feels that this is a rural area. It goes on to say she enjoys the rural lifestyle, and it would be a mistake to turn this into a manufacturing corridor.

Mr. Miller asked for a show of hands for those present opposed to this request, and several hands were raised in the audience in addition to fifteen in the hallway.

Jim Byron, 228 W. High St., Elkhart, Attorney representing Joanna Armington, 15950 CR 4, Middlebury, came on against this request. Jim stated he has a petition with 108 signatures opposed to this request *[Attached to file as Remonstrator Exhibit #1]*. He stressed a lot of people are on vacation for spring break, or they likely would have gotten more signatures. Mr. Miller asked if the signatures are all from people in the area, and Mr. Bryon responded yes. He added there is a large amount of opposition to this request as demonstrated by a show of hands. He went on to say his client has lived on CR 4 for 16 years. He stated he drove through the area which is a very unique area on the way to Stone Lake, where part of the properties are in Elkhart County, and the rest are in LaGrange County. He then showed pictures and some assessed values of residences in the area. He continued by stating he believes the property values in the area will be effected by this request. He stressed they have to assume the worst, because the petitioner is unsure exactly what they will do on the property. He pointed out a few pictures of other M-1 zoned properties in the area. He then showed a zoning map of the area with the property classifications, which are mostly single-family residential. He noted the total assessed value between 30 residences shown is \$6,375,400. He stressed the petitioner stated they really don't know what they are going to do with the property, and he asked how staff can say it will not affect property values. He stated that allowing a very intense manufacturing use on the subject property is a big change, and he does not believe staff can make a judgement on the effect of neighboring property values. He then addressed possible growth/development and pointed out the road dead-ends into Stone Lake. He stated he believes it would be responsible to allow the industrial area to expand to the west and north where there is more potential/development. He then read the purpose of the M-2 zoning district from the staff report. He stated this use would encroach on the neighboring residential properties and lead to land use conflicts. He went on to say permitted used in the M-2 zone produce heavy truck traffic, noise, odor, and smoke. He again questioned how approval of this request would be consistent with the area. He request the Board to make a decision based on land use and make a negative recommendation.

Dan Swain, President of Stone Lake Conservation Club, 11850 W. 750 N., Middlebury, was present in remonstrance. He stressed Stone Lake is a rural place that they developed and spend tens of thousands of dollars a year to keep it as pristine as any lake in the state. He stressed this is an area where their children can grow, and grandchildren can play. He added they had an issue with LaGrange County causing dump truck traffic all summer long. He mentioned they are concerned about the impact this request could have on their lake, and he request they consider a negative recommendation.

Danny Groves, 10858 CR 4, Middlebury, was present against this request. He stated if the old owner of Jayco didn't own the subject property, it would already have been developed with houses. He added they caused a lot of problems with farming by renting it out to people and tearing up his property with their equipment. He went on to say the issue was never addressed nor did he receive an apology. He stated there is a very big concern about the traffic that this will create in the area, and three existing trailer holding lots have already brought a lot of traffic. He went on to say he doesn't want to be woke up at 4:00 a.m. in the morning by trucks and traffic. He stressed none of the neighboring property owners are in favor of this request, and he believes it would be a huge mistake.

Jeff Zavasky, 11976 W. 745 N, Middlebury, came on against this request and submitted a copy of the comprehensive land use plan *[Attached to file as Remonstrator Exhibit #2]* and the January 8, 2015 Plan Commission Meeting *[Attached to file as Remonstrator Exhibit #3]*. He stated back in 2015 there was a petition for a rezoning at CR 2 & County Line Rd., and the same concerns were heard by the Board regarding traffic, noise, air pollution, speed, and environmental concerns. He went on to say the neighbors brought all of the information before the Board, but unfortunately they weren't successful. He noted the power of the RV industry was successful, and their concerns were ignored. He stressed within two years their concerns were checked off one by one, excessive traffic, noise, air, a stream was filled in and flooded, properties were damaged, and sump-pumps failed. He continued saying the buffers do not work. He mentioned this is the same situation as that one in 2015. He stressed he moved to Stone Lake ten years ago from the City of Elkhart for the rural area, and this request is the opposite of what he anticipated in the area. He then addressed the submitted minutes and quoted Mr. Burbrink from the minutes, "the subject area can no longer be called residential, commented Mr. Burbrink, who said that the time to stop further industrial development was when area development was first proposed." He stressed the neighbors are here against this, and now is when industrial use is being first proposed in the area. He then asked the Board to look at the aerial at the existing commercial areas and the barriers between the commercial areas and them. He noted there is not one commercial, heavy-duty use on CR 4. He reiterated the area is residential and rural, which the land use plan states should be protected. He asked the Board to follow their own land use plan that they agreed upon, voted on, and adopted.

Brett Weddle, Goshen City Council President, Goshen City Redevelopment Commission member, Goshen City Traffic Commission member, and previous member of the Elkhart County Redevelopment Commission, was present against this request. He explained he is familiar with similar requests as they come before the City Council. He stated his problem with this request is there is no plan. He questioned why there isn't a plan they can present to the community of Stone Lake, if Jayco is such a community partner. He stressed they haven't even had the respect for the members of Stone Lake to present them with a plan. He explained he looks at the surrounding properties that will be affected by the request as well as the benefits for the community when he looks at a rezoning request for City Council. He added he does not believe City Council has ever had the number of

remonstrators present at this hearing for any of their requests. He asked Mr. Stump how he would feel if he went to his sanctuary every weekend, and there was heavy manufacturing adjacent to it. He then addressed Mr. Warren and his farming family. He stressed this is an agricultural, A-1, area, and agriculture is needed in the community as it supports the community. He noted manufacturing is also important, but agricultural areas need to be protected. He stated the people of Stone Lake are in a tough spot, because it is split between Elkhart and LaGrange County. He went on to say LaGrange County tends to laugh at them, and Elkhart County shrugged them off when they allowed the storage lot on CR 2. He stressed the storage lot negatively affected his property value, and he has property that floods from the stream they filled in. He added the RV haulers use the road they were not supposed to use, and they have run over his children at play signs. He stated the Board is inviting more issues into the area, and he believes a recommendation of denial should be given due to the lack of a plan. He asked how this request can be considered before seeing a plan. He request the Board take into account the number of people present and realize their decision will directly impact their lives.

Kent Miller, 11935 W. 710 N., Middlebury, was present in remonstrance. He stated he appreciates and supports Jayco for being a great community member, but he knows there is a place for manufacturing activities. He went on to say the subject property is not the place for manufacturing activities. He stressed manufacturing property is available to the west on CR 4 and north of the toll road. He noted they live on a quiet country road with little traffic, lots of walkers and joggers, and children playing in their front yards. He went on to say approval of this request will cause this land to be stripped of its natural beauty and instead covered with imposing factory buildings, asphalt parking lots, loud speakers blaring, back up beepers beeping, and noisy/early traffic. He stressed he remembers when the first factory was constructed on the corner of SR 13 & CR 2 just north of the subject property, and now the entire road is filled with manufacturing to East County Line Rd. He noted Stone Lake is buffered slightly from the manufacturing uses by the Toll Rd. Mr. Kent Miller stated traffic from the manufacturing area is not supposed to exit east towards the lake, but confused truckers continue to wind around their narrow lake-side roads past their cottages and homes. He stressed CR 2 started with one rezoning, but now the whole stretch is full of manufacturing. He continued saying it is critical to stop this rezoning now before CR 4 east becomes another CR 4 west and CR 2. He stated he believes the Staff report is not accurate, because the subject property does not meet the first finding of being in a city, town, or urban growth area. He stressed the subject property is in a residential/rural area with no other industrial uses on the east side of SR 13 south of the Toll Rd. Mr. Roger Miller stated they Board has already heard this, and he request Mr. Kent Miller speak on new information. Mr. Kent Miller went on to say finding #2 states the proposed use is in character with the current characteristics of the area, but no other industrial uses exist by the residential uses. He noted the subject property is the buffer between the current residential and commercial uses. He went on to say finding #3 states this is the most desirable use of the subject property, but he believes the property could be used for a residential or agricultural use. He then addressed finding #4 which notes the request will conserve property values, and he is unsure how that can be true. He noted he has been a relator in Elkhart and LaGrange County for the past 33 years, and he would consider himself an expert on property values. He added a number of homes in the area are worth between \$400,000 and \$1,000,000. He stressed allowing this rezoning will negatively impact the value of the properties in the area. He asked the Board if they found two houses to buy, one was next to a noisy factory complex and the other in a quiet residential area, given that choice which one would you

choose to purchase. He noted two years ago the Patch Work Quilt Country Inn located on CR 2 was a thriving business. He explained the property included a beautifully restored, historic over 100 year old barn that was used as an event center and wedding venue. However, he continued the county then allowed Grand Design RV to rezone the property directly to their south and east to manufacturing for Grand Design to construct a 20 foot tall factory building within feet of the Patch Work Quilt property lines. He added Patch Work Quilt contacted all of their bookings for weddings and events, and 100% of their bookings canceled after that disclosure. He went on to say their thriving business was suddenly worth nothing and the value of their property significantly dropped. He explained he is both the listing and selling agent for the mentioned property, and he reiterated allowing manufacturing in a rural area affects property value. He then addressed finding #5 which states this will represent responsible growth and development, and he asked how allowing a factory in the middle of a residential area is responsible. He stated the neighbors are opposed to the rezoning due to noise, traffic, lower property values, destruction of the current character of the neighborhood, and degradation of their quality of life. He asked how a price can be put on someone's quality of life. He then request the Board members think about where they live in their residential areas and how they would feel if a factory was going in down the road from their residence. He request they vote against this rezoning.

Joanna Armington, 10590 CR 4, Middlebury, was present in remonstrance. She stated she is present along with the other neighbors, because this is her home. She stressed the petitioner wants to construct a factory and bring in people who do not respect their community within 3 doors of her home. She pointed out she is very concerned for the children of the community, because they are used to going from one yard to the next. She went on to say they live in the country, and they cannot gate in their children without affecting the neighborhood. She mentioned she has a 41 acre farm behind her, and she loves space and the country. Mrs. Armington stated she thankfully saw a small sign on the subject property about this request, because it is the only notice of the hearing she received. She continued saying the petitioner did not send her a letter about their request. She request the Board take into consideration the families who would be affected by this operation.

Kelly Dean, 10715 CR 4, Middlebury, the owner of the property adjacent to the subject property was present against this request. He stated he is very concerned about the truck traffic, and it would end their walks down the road since it will no longer be quiet and peaceful. He went on to say Jayco didn't give them or the Board any respect by bringing a plan. He added he has seen semis turning from CR 4 and SR 13, which he believes this addition will increase accidents. He went on to say he has already had to contact the state in regards to traffic light timing. He request the Board not allow this operation in their neighborhood.

Herb Ulery, 11695 W. 710 N., Middlebury, was present in remonstrance. He stated he understands this is the Plan Commission, and they are concerned about everyone they serve. However, he continued he would like to request he be allowed to see an Environmental Impact Study and Storm Water Retention plan for the factory itself. He pointed out the site on CR 2 is like O'Hare Airport at night, which is way too bright. He added he does not even have to turn on his front porch light to his front yards. He stated the encroachment of the plant itself and the environment it brings decrease the neighboring property values.

Mr. Warner questioned if a representative from the church adjacent to the subject property as present.

Steve DeLucenay, 7465 N. 1200 W., Middlebury, was here in remonstrance. He stated a lot

of wrecks happen at the intersection of SR 13 and CR 4, where people have died. He went on to say he fears children will be hit, if more traffic is added to the area. He noted 2/3 of the residents at Stone Lake walk across the road for access to the lake or their garages. He stressed traffic has to be slowed down. He added there is a trailer park on the northeast corner of CR 4 & State Line Rd., where the children are always playing on the road.

Pastor and Dr. David Gardy of Living Stones Christian Fellowship, 11020 CR 4, Middlebury, was here in remonstrance and stated he lives next to the church in the parsonage. He stressed that their church is a corporation, so they may not have a large voice in the decision. He went on to say the Amish community on CR 4 is not represented at this hearing, and half a dozen to a dozen Amish families have moved into the area within the last few years. He pointed out a brand new Amish school is located west of SR 13. He stated the company next door to the school put in a parking area for their units and moved all of their brush/debris out to the road. He noted his concern is young children that ride their bikes to that school, because approval of this request will create an area that is very congested and dangerous for the children. He continued saying he has been a crisis trauma chaplain for eight years with the Elkhart County Sheriff's Department, and he has faced many death situations due to traffic on SR 13 and its surrounding roads. He asked that the Board to consider the lives of the residents and the impact on rural areas.

Kenneth Jones Jr., Jones Petrie Rafinski, came back up to answer questions and concerns. Mr. Jones stressed his firm takes the neighbors' concerns seriously, and he lives close to this neighborhood. He added he has friends who live on Stone Lake. He clarified that Jayco does not plan to use this property as a storage yard, and they will not develop it at all, if it isn't able to be a manufacturing site for them. He stated he has been in business with Jayco for 30 years and has seen development of similar sites adjacent to existing residential areas. He stressed Jayco shows a great deal of respect towards their residential neighbors in regards to how they develop the property, buffer, operate, and direct traffic. He went on to say they care about the community. He explained they used to come before the Board with a Planned Unit Development, but they are moving back towards straight rezonings. He noted they will submit a detailed plan that meets all of the standards included in the Zoning Ordinance, which he has seen becoming stricter. Mr. Jones responded he cannot speak to the effects of this operation on property values/quality of life, but he believes it will be Jayco's responsibility to protect that. He noted primary access to the property will be through SR 13 not CR 4. He explained a specific plan was not brought before the Board in order to check the view on zoning. He stated they would like to have a positive recommendation, and he believes Jayco will respect the neighbor's concerns from his previous experience with them. He pointed out the development on CR 2 is not Jayco's.

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

Mr. Miller stated he has driven past this area for years, and he has always wondered when they would develop it and the impact on the Stone Lake area. He went on to say he sees that this will really impact this area, and he doesn't know how they would keep down the noise. He mentioned he is personally in favor of having a plan for what will take place on the property especially in regards to access. Mr. Barker stated he would also like to see a plan, and he stressed this rezoning would allow for the area to be M-2. He continued saying it does not make sense to allow this without a DPUD. Mrs. Snyder commented this will impact the property values in a huge way. Mr. Warner

noted they will be seeing more manufacturing/residential conflicts in Elkhart County, and he is not sure the answer to this. He added he would want a plan on how they will buffer the property to control the lighting and noise. He continued saying he does not see a way to control the traffic. He is also in favor of a DPUD. Mr. Lucchese commented he believes a plant should be located on SR 13 closer to the Toll Rd., and he would only be interested in allowing manufacturing at this location with zero access to CR 4 and a large buffer. He added they would need to keep all of the existing trees and plants by the Toll Rd. Mr. Stump stated this is a unique area that is becoming smaller and smaller as the industrial area encroaches on it. He went on to say the best way to expand the industrial area is to go north of CR 2 in order to protect this area. He mentioned his grandfather and uncle both had cottages on Stone Lake, and approval of this request would change the area. Mr. Burbrink stated he has concerns that this will be a gateway property to expand industry to both the east and west, and the neighbors have a lot of reason to be concerned.

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

**Motion: Action: Deny, Moved by Miller, Seconded by 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-2 be denied.

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

**Yes:** Steve Warner, Steve Edwards, Tom Stump, Lori Snyder, Roger Miller, Phil Barker, Frank Lucchese, Jeff Burbrink.

5. The application for a zone map change from GPUD E-3 to M-2, for Seahawk Corporation & Finis Terra Inc. represented by Jones Petrie Rafinski, on property located on the east of CR 17, north of 80/90 Tollroad, in Washington Township, zoned GPUD, E-3, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0161-2021*.

Mr. Miller clarified this area has already been proposed as manufacturing, and Mrs. Kratzer responded yes.

Ken Jones Sr., Jones Petrie Rafinski, 300 Nipco Parkway Suite 250, Elkhart, was present representing the petitioner. He explained this is the next step of moving forward in the development of this section in the business park. He went on to say they currently have a project being funded by the Redevelopment Commission to construct the roadway connection from CR 17 through to CR 19 including the expansion of municipal sewer/water. He added the access point to the toll plaza will also be reoriented. He stressed the investment is very significant around \$67,000,000 along with a partnership with the county. He stated rezoning from a GPUD E-3 to M-2 was closely discussed with staff keeping in mind that this property will most likely be annexed into the city in the next five to ten years. He explained any extension of city utilities requires annexation, and they are currently working on that with the city. He noted after having discussions with both county and city staff it was decided to rezone to M-2, because of the location and its access to the Toll Road. He went on to say construction will likely begin in 2022, and developers are already interested in this site. Mr. Lucchese stated he believes once the road is constructed this area will really take off. Mr. Miller asked the plan for annexation. Mr. Jones responded the City of Elkhart has a long standing requirement for properties accessing sewer and water to agree with all annexation, if the city asked them to. He

explained west of CR 17 and south of CR 6 the annexation process has already begun, but it was delayed with changing of administration. He noted the City of Elkhart does a secondary review on all development in Elkhart East utilizing sewer and water to ensure it meets their standards. Mrs. Snyder brought up the 20/40 plan that would make the other side of the road all residential, and she asked how an M-2 zoning would affect that. Mr. Jones responded he was never aware of any plan for residential north of the subject property. Mrs. Snyder pointed out an area and clarified it is the 20/40 where she believes the dream is to have all residential next to it. Mr. Lucchese responded they did not include residential in the 20/40 plan, but he is not aware of it, if the City is wanting to include residential. Mrs. Snyder noted in the paper they mentioned having around 1,000 homes in the area. She then asked the need for an M-2 zone for distribution centers, because they would qualify under M-1. Mr. Jones responded he believes a distribution center with warehousing and trucking requires an M-2 zone either in the City of Elkhart or Elkhart County. Mr. Godlewski added a square footage limit applies to the M-1 zone. Mr. Jones stated companies currently interested in the property have buildings proposed at 8,000 sq. ft. or larger, which would entail a significant truck port and access more suited to an M-2 zone. He added a heavy manufacturing company may be interested in the site, but they have not had one yet.

Mr. Auvil submitted and read an email from James Bradley, 21071 Rebecca Ln., Bristol, in opposition to the request *[Attached to file as Staff Exhibit #1.]* The email states he believes this will destroy the neighborhood in terms of quality. He added the remonstrator is not in favor of having meetings during the day, because people who work can't make it to them.

Tim McCollough, 21125 Rebecca Ln., Bristol, was present in remonstrance. He stated he has been a general contractor for industrial and commercial projects for 35 years. He went on to say this request has not been approved, but they are working on the road, water, and sewer. He asked the reason for a public meeting, if this project is already being pursued. He added he can live with the E-3 zone, because it is more controlled and does not allow a 3<sup>rd</sup> shift. He pointed out the purpose of the E-3 zone is to allow for an office/business park, and he read parts of the Zoning Ordinance regarding the E-3 zone. He stressed E-3 and M-2 are different, and an 8,000 sq. ft. distribution facility would not be allowed in an E-3. He mentioned he understands M-1 and M-2 zones are needed, but he is unsure how the Board can debate the impact on property values. He stressed the industrial uses stop at the Toll Road, and he asked where any of the surrounding property is zoned M-2. He went on to say all of the surrounding properties are zoned E-3 or A-1. He mentioned rezoning the property to M-2 would affect their property values. He requested strong buffers be put in place, if this property is rezoned to M-2. He stressed ordinances exist to protect the quality of life for people.

Steve Bachman, 21090 CR 4, Bristol, was present in against this request and stated his wife and him own 11 acres on the northeast corner of this zone change. He explained about 20 years ago Elkhart East requested a blanket zone change, and they had to fight to not be included in that change. He asked the Board if they are going to try to force this change on them again. He also asked if there will be any access to the subject property on CR 4 between CR 17 and CR 19, which is a dead-end road. He went on to ask where the bike paths and the park are that were promised 20 years ago when the property was rezoned to E-3. He stated right in the middle of the proposed zone change is a low land, and he asked if the DNR has been consulted about this. He went on to question the need for a 5 million dollar tax paid road between the Toll Road and CR 4 that's already been approved when the only advantage to this is to give the petitioners more road frontage. He added the proposed road will not change any traffic on CR 6, which is what they were told. He requested that 5-6 ft. tall white pine



trees be planted along the property lines from CR 19 to his southwest property corner and south on CR 4 to the high tension lines before any roads or buildings are constructed. He went on to say the trees would provide a buffer. He then asked staff how they would feel if this happened next door to their homes. Mr. Stump request he point out his property on the aerial.

Dave Robinson, 21117 CR 4, Bristol, was present in remonstrance. He stated the wildlife is abundant in the area, and there is wetlands. He went on to say everyone who lives in the area wants to live in the country, and they do not want an industrial park. He added CR 4 is located ¼ mile south of the subject property with vacant land along with available land on CR 6. He request this area remain agricultural.

Al Pringle, 21023 Rebecca Lane, Bristol, was present in remonstrance. He stated that the dividing line between Elkhart and Bristol is CR 17, and he believes the subject property is in Bristol and not Elkhart. He added there is a major industrial development on the south side of CR 6 that is not filled. He stressed there is no industrial building of any kind north of the Toll Road. He went on to say CR 17 is not adequate for truck traffic, and he is unsure how the City of Elkhart can affect Bristol. He mentioned he has lived on his property for 50 years, and he enjoys the peace and quiet. He stated there is a lot of space not being used on the side south of CR 6 and west side of CR 17, so this development is not needed.

Ann Royer, 51985 CR 19 Bristol, was present in remonstrance. She stated that she is representing four different homes, and she has lived in the area since she was born. She stressed approval of this request would affect several homes in the area. She continued saying there is not a large amount of traffic on this road, and her parents had a small convenience store for years. She stated she doesn't want her home to become so loud that she can't hear her grandchildren out back due to traffic and businesses. She mentioned she can see light from the RV Hall of Fame and another commercial building across the Toll Rd., and she request the industrial area be kept on that side of the Toll Rd. She noted they have a deer processing business on their property, and their customers love it since it is so quiet. She stressed she does not want to worry about cars zooming down the road, and she likes their road in its current state. She stated businesses should stay on the south end and leave CR 19 alone.

Dave Alleshaski, 51902 Glen Dr., Elkhart, was present in remonstrance. He stated he saw in the Elkhart Truth that 5.5 million dollars was going to be spent to punch a new road in this natural area between CR 17 and CR 19. He stressed the community shouldn't have to provide the money through taxes. He went on to say he has lived on this road for 60 years, and development has been proposed in the area since the 70s. He noted wetlands are located just north of the subject property. He asked if an Environmental Study has been done to see the impact of M-2 uses in the area. He suggested everyone go to Middlebury, and see the industrial gateway that has been allowed there before making a decision on this development.

Ken Jones Sr. came back up to respond to the comments. He stated this was first brought to the Plan Commission between 1999 and 2000, and the dream was to bring a business park to this area. He went on to say the rezoning was approved in 2000, and it was one of the first projects approved under the E-3 zoning. He explained the reason for bringing it up as a straight rezoning to M-2 is because the City of Elkhart has no E-3 zone, and it is expected to be annexed. He added they wanted to ensure the concept of the project would not be hindered. He noted the development standards in place currently will be maintained in the M-2 zoning as a condition. He continued saying staff felt an M-2 zone was appropriate as long as the development standards were maintained, which will address

the buffering issue. He added multiple versions of the development standards applied to different areas of this development, and they are willing to accept those development standards as a condition of their recommendation to the County Commissioners. He noted Mr. Bachman was likely asked to be part of the mass rezoning, but it was all voluntary. He went on to say not all of the properties have been developed. He mentioned no curb cut will be installed onto CR 4, and the bike paths included in the master plan will continue. He explained 28 acres of wetland existing in the middle of area G that have recently been delineated by two experts. He went on to say they plan to protect it as a wetland, because it is connected to the Elkhart bog. He stressed they have even spoke to the parks department about using it as a park. Mr. Jones stated there will likely be outside storage in the development, but it will be controlled and meet the development standards. He noted he cannot speak on the requested white pine trees, but he will speak to the developer about it. He stressed they are committed to buffering and being a good neighbor. He mentioned all of the commitments have been followed in Elkhart East Area D. He reiterated this developer follows their commitments, and he will include any buffering he believes is needed. Mr. Miller mentioned a few properties along CR 19 that appear to be residences included in this development, and he asked if they are all aware of this request. Mr. Jones responded the mentioned residences are owned by Seahawk Corp. He added Elkhart County shares the traffic concerns on CR 19, and they are planning improvements on that road south to the Indiana Toll Rd. He added two traffic studies have been completed that show there will not be a significant increase in traffic along CR 19 northbound. He went on to say the traffic will travel south on CR 19, west on CR 17, or on the Indiana Toll Rd. He explained the new toll plaza is a groundbreaking development, because it will be accessed through this development. Mrs. Snyder clarified the purpose of rezoning this property from E-3 is to line up with the city. Mr. Jones responded the city does not have an E-3 zoning classification, and a traditional manufacturing setting exists on the north side of the Toll Road. He added he believes an E-3 rezoning requires a PUD. He explained they have worked with staff to find the least complicated way to advance projects, and a subdivision plat will also be submitted with the conditions attached. He went on to say straight rezonings are becoming more of the standard than the past where a DPUD was required. He reiterated E-3 requires a DPUD and M-2 does not. Mrs. Snyder noted the neighbors know this is zoned E-3, but an M-2 zoning in the area has not been requested. Mr. Jones stressed the commitment will be added with the development standards to find uses objectable in the M-2 zone. Mr. Miller suggested limiting the M-2 zoning to uses allowed in the E-3 zone. He asked if a large format food processor fits in an M-1/E-3 or an M-2. He added it is a challenge to see what the possible uses will look like. He mentioned a dairy foods processor was interested in the site that would have been huge, but it would not have fit in an M-1 or E-3. He request they be allowed to bring a list of allowable or excluded uses for approval. He added he has looked at the M-2 allowed uses, and the developer would never allow some of them. Mr. Miller expressed his concern is that the neighbors did not want uses allowed in the M-2 zone, that would now be allowed. Mr. Jones responded he believes the developer would agree, and they would like to work with staff and some of the Board members to produce a list of allowable or excluded uses. Mr. Miller stressed all M-2 uses would be allowed by approving this request. Mr. Jones responded the developer would not allow all uses, and he suggested they formalize what is/isn't allowed. Mrs. Snyder asked if the agreement carries on when the property sells. Attorney Kolbus explained it would need to be added as a commitment, which would carry on with the property. Mr. Miller suggested rezoning the property to M-2, but only allowing E-3 uses. Mr. Auvil stated whatever recommendation made should come with a commitment that they provide

a list of acceptable uses for the development to pass onto the Commissioners. Attorney Kolbus added the Commissioners can formalize the recommended commitment. Mr. Auvil noted the restrictions will also be cross-referenced on the major subdivision plat.

A motion was made and seconded (*Warner/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** Miller **Seconded by** Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from GPUD E-3 to M-2 be approved in accordance with the Staff Analysis with the following condition imposed:

1. Staff and the developer must go through the allowed uses in the E-3 and M-2 zones and make a list of uses not compatible with this development.

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

**Yes:** Steve Warner, Steve Edwards, Tom Stump, Lori Snyder, Roger Miller, Phil Barker, Frank Lucchese, Jeff Burbrink.

***\*\*It should be noted that Mr. Lucchese recused himself and stepped down at this time\*\****

6. The application for a zone map change from GPUD E-3 to M-2, for Seahawk Corporation represented by Jones Petrie Rafinski, on property located on the northeast corner of CR 4 & CR 15, in Osolo Township, zoned GPUD, E-3, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0162-2021*.

Ken Jones Sr., Jones Petrie Rafinski, 300 Nipco Parkway, Suite 250, Elkhart, was present representing the petitioner. He stated that this is close to the same request as the previous petition and will be developed in a similar manner. He noted there is no current or pending developmental plan on this property, but they wanted to complete the zoning. He went on to say as demand grows will be back with a subdivision plat very similar to area Elkhart East Area G. He noted this request will also be subject to the same uses as the previous request.

There were no remonstrators present.

A motion was made and seconded (*Edwards/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** Snyder, **Seconded by** Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from GPUD E-3 to M-2 be approved in accordance with the Staff Analysis with the following condition imposed:

1. Staff and the developer must go through the allowed uses in the E-3 and M-2 zones and make a list of uses not compatible with this development.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Steve Warner, Steve Edwards, Tom Stump, Lori Snyder, Roger Miller, Phil Barker, Jeff Burbrink.

7. The application for a zone map change from DPUD B-2/ GPUD B-2 to DPUD B-2 and for Primary approval of a 1-lot minor subdivision to be known as CATALDO DPUD, for Michael Cataldo represented by Jones Petrie Rafinski, on property located on the east side of CR 11, 1,095 ft. north of CR 106, common address of 53282 CR 11 in Osolo Township, zoned GPUD B-2, DPUD B-2, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0160-2021*.

No petitioner present.

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** Warner, **Seconded by** Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from DPUD B-2/ GPUD B-2 to DPUD B-2 and for Primary approval of a 1- lot minor subdivision to be known as CATALDO DPUD be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Steve Warner, Steve Edwards, Tom Stump, Lori Snyder, Roger Miller, Phil Barker, Jeff Burbrink.

8. The application for a zone map change from R-1 to DPUD B-3 and for Primary approval of a 1-lot minor subdivision to be known as NEXT MODULAR DPUD B-3, for M & H Rentals LLC represented by Abonmarche Consultants, on property located on the northeast corner of CR 17 and CR 28, common address of 60929 Miami Pl. in Concord Township, zoned R-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0166-2021*.

Crystal Welsh, Abonmarche Consultants, 1009 S. 9<sup>th</sup> St., Goshen, was present to represent the petitioner. She stated there have been some development concerns in the past, so working with Next Modular and the property owners they believe this is an acceptable use. She went on to say creating a modular home display area will be a good mix between the business uses and surrounding residences. She added they are working with the City of Goshen for when the property is annexed.

There were no remonstrators present.

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

Mr. Stump stated they are going to be putting in a display lot for mobile homes, and he questioned how the city's plan to annex the property affects what else they are going to do there. Mrs. Welsh responded the modular homes will be set up for customers to come and tour them, and the future plan is to add an office on the property. She explained the property needs water and sewer to

have an office there. She went on to say they will continue to utilize their existing office and meet the customers onsite to tour the homes. Mr. Stump clarified people will not live in the residences, and Mrs. Welsh responded that is correct.

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

**Motion: Action:** Approve, **Moved by** Snyder, **Seconded by** Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from R-1 to DPUD B-3 and for Primary approval of a 1-lot minor subdivision to be known as NEXT MODULAR DPUD B-3 be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Steve Warner, Steve Edwards, Tom Stump, Lori Snyder, Roger Miller, Phil Barker, Jeff Burbrink.

9. As a staff item Mr. Auvil presented the request from Aaron Wellington to extend his DPUD for another two years. He went on to say this has been done in the past, and staff recommends approval.

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

**Motion: Action:** Approve, **Moved by** Miller, **Seconded by** Edwards that this request to extend the DPUD for two years be approved.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Steve Warner, Steve Edwards, Tom Stump, Lori Snyder, Roger Miller, Phil Barker, Jeff Burbrink.

10. Mr. Auvil also submitted a staff item for Lavern & Sue Graber for a minor change to a site plan for Country Barn DPUD A-1. He explained the request was approved March 15, 2021, and it appears the request is to change the proposed accessory structure addition from 44'x60' (2,400 sq. ft.) to 44'x80' (3,520 sq. ft.). He went on to say the addition fits within the guidelines for a minor change, and staff recommends approval. Mr. Burbrink clarified the change will allow the addition to be 20 ft. longer.

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

**Motion: Action:** Approve, **Moved by** Miller, **Seconded by** Edwards that the Board approve the request as a minor change.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Steve Warner, Steve Edwards, Tom Stump, Lori Snyder, Roger Miller, Phil Barker, Jeff Burbrink.

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

Jason Auvil reported that on March 15, 2021 the Board of County Commissioners approved a zone map change from A-1 to M-1, the Country Barn DPUD M-1, Spring Forward Fahlbeck DPUD as well as a zone map change from A-1 to M-1 by SGL Holdings. He noted the Plan Commission recommended denial of the SGL Holdings request, but the Commissioners approved it with a

condition that the property only be used for storage of trailers. Also on March 15, 2021 the Board of County Commissioners denied the Star Property DPUD B-2 for Dollar General. On the March 18, 2021 Town of Bristol Council approved a zone map change from GPUD M-2 to M-2.

12. A motion was made and seconded (*Warner/Edward*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 11:34 A.M.

Respectfully submitted,

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Danielle Richards, Recording Secretary

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Steve Warner, Chairman