

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 12TH DAY OF AUGUST 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: Phil Barker, Steve Warner, Lori Snyder, Tom Stump, Jeff Burbrink, Roger Miller, Tony Campanello, Frank Lucchese.

Absent: Steve Edwards.

2. A motion was made and seconded (*Miller/Lucchese*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 8th day of July 2021, be approved with the following correction: on the middle of page 21 and the top of page 22, Mr. Warner not Mr. Capanello spoke. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Campanello/Snyder*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. The motion was carried with a unanimous vote.

4. The application for a zone map change from GPUD E-3 to B-3, for Finis Terra Inc An in Corp., Terry E. Floyd, and Seahawk Corporation represented by McBride Dale Associates, Inc., on property located on the Northwest corner of CR 6 & CR 17, in York Township, zoned GPUD E-3, was presented at this time.

Mrs. Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0563-2021*.

Robert Sweet, McBride Dale Clarion, 5721 Dragon Way, Suite 300, was present for this request and stated he felt that this project would be complimentary to the other businesses in the area. Mr. Miller asked Mr. Sweet to describe Casey's the business. Mr. Sweet explained the access points and how the building will be designed. He noted, sidewalks will be installed along CR 6. He went on to say, there will be 3 tanks for gas and 2 tanks for diesel. Mr. Snyder asked about lighting and hours of operation. Mr. Sweet commented that it is a 24/7 facility and, there will be no truck stop parking. Mr. Barker inquired about the storm water location. Mr. Sweet presented details in regards to storm water collection. Mr. Stump questioned how Mr. Barker felt about a straight rezoning. Mr. Barker replied he didn't like the idea of a straight rezoning.

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: Approved, **Moved by** Jeff Burbrink, **Seconded by** Tony Campanello that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from GPUD E-3 to B-3 be approved in accordance with the Staff Analysis.

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

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

5. The application for a zone map change from A-1 to M-1, for HC LLC represented by Abonmarche Consultants, on property located on the north side of CR 4, 1,900 ft. east of CR 33, in York Township, zoned A-1, was presented at this time.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0569-2021*.

Mr. Snyder indicated on the map which area was being talked about. Mr. Miller inquired about the manufacturing in the area. Mr. Dean indicated its location outside of what the map showed. He described what zones were in that area.

Jeffery Schaffer, Abonmarche Consultants, 1009 S. Ninth St., Goshen, was present for this request and zoning handed out a map of the northern part of York Township. [Attached to file as *Petitioner Exhibit #1*] Mr. Schaffer educated the panel on the intention of this site. He also clarified about the expectation to push the excess top soil toward CR 4 for a natural berm. Mr. Schaffer also explained about the natural buffers on the south and east sides. He stated he appreciated the staff, and the report. Mr. Barker asked about the storm water runoff. Mr. Schaffer acknowledged Mr. Barker's question and explained the out flow of detention ponds and assumption that it's impervious. Mr. Miller asked Mr. Barker where the drainage ditch goes. Mr. Barker responded the ditch is a part of a bigger system.

Mr. Dean submitted a written letter from Mrs. Eash. [Attached to staff file as *Exhibit #1*] Mr. Dean summarized the letter, Mrs. Darlene Eash is worried about the traffic. Mr. Barker expressed that the drainage is an issue. Mrs. Snyder inquired how long has the surrounding area been an M-1 zoning. Mr. Stump answered it has been an M-1 zone for at least 40 years. Mr. Burbrink stated that traffic will be an issue.

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: Approved, **Moved by:** Tom Stump, **Seconded by:** Tony Campanello that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to M-1 be approved in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 5, No = 3).

Yes: Steve Warner, Tom Stump, Jeff Burbrink, Tony Campanello, Frank Lucchese.

No: Phil Barker, Lori Snyder, Roger Miller.

6. The application for a zone map change from A-3 to M-1 & A-1, for John & Denise Hochstetler

Trust Agreement represented by Jones Petrie Rafinski, on property located on the north side of CR 20, 2,000 ft. west of CR 37, common address of 13369 CR46 in Middlebury Township, zoned A-3, was presented at this time.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0557-2021*.

Ken Jones, Sr., Jones Petrie Rafinski, 200 Nibco Pkwy. Elkhart, was present for this request and stated representatives from Jayco are also present. He noted Jayco sent out notices to the neighbors and invited them to the open house, only the Elkhart County Parks Department came. Mr. Jones stated they have talked to the Town of Middlebury about utilizing municipal utilities. Mr. Jones remarked that they will submit a subdivision plan for multiple buildings up to 5 on 100 acres of land, and they are not sure when they will break ground. The park had mentioned drainage issue near the Pumpkin Vine trails. Mr. Jones stated they are aware of the drainage issues and are putting a plan in place to help alleviate it.

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** Roger Miller, **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-3 to M-1 & A-1 be approved in accordance with the Staff Analysis.

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

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

7. The application for an amendment to an existing DPUD M-1 known as **R & S LAND MANGEMENT** to be known as **WYLAND MARINE DPUD** to allow for a new storage building, for Wyland LLC represented by Progressive Engineering Inc., on property located on the on west side of the easement, north of US 33, 2,000 ft. west of CR 3, in Baugo Township, zoned DPUDM-1, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0558-2021*.

Stephanie Floyd, ICCPI LLC, 58640 SR 15, Goshen, was present representing the petitioner. She stated they would like to add a second facility for Wyland Marine for storage only. There will be less than 1 acre of land disturbed.

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** Roger Miller **Seconded by** Phil Barker that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an

amendment to an existing DPUD M-1 known as **R & S LAND MANGEMENT** to be known as **WYLAND MARINE DPUD** to allow for a new storage building be approved in accordance with the Staff Analysis.

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

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

8. The application for an amendment to an existing DPUD E-3 known as **ELKHART EAST AREA D PHASE 1 AMENDMENT** to allow for an addition to an existing building, for Almac-Sotebeer Inc., on property located on the North side of Elkhart East Blvd., 500 ft. east of Discovery Dr. common address of 22285 Elkhart East Blvd. in Osolo Township, zoned DPUD E-3, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0534-2021*.

Stephanie Floyd, ICCP LLC, 58640 SR 15, Goshen, was present representing the petitioner. Mr. Burbrink inquired about the size of the addition. Mr. Auvil responded 4,000 square feet. Mrs. Floyd stated the contractor did not know he was supposed to be here, so she will represent the petitioner. She explained they are looking to do an addition for the outside of the building for storage.

There were no remonstrators present.

A motion was made and seconded (*Lucchese/Miller*) 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: Tony Campanello, **Seconded by** Roger Miller that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to an existing DPUD E-3 known as **ELKHART EAST AREA D PHASE 1 AMENDMENT** to allow 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 = 8).

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

9. The application for a zone map change from GPUD R-1, R-4, & B-1 to DPUD R-4 and for primary approval of a 139-lot major subdivision to be known as **FALCON'S NEST AT BARRINGTON SECTIONS 4-8**, for New Paris Development Company represented by Innovative Communities Inc., on property located on the north side of CR 46, 1,850 ft. west of CR 25, common address of 18561 CR 46 in Jackson Township, zoned GPUD R-1, GPUD R-4, GPUD B-1, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0562-2021*.

Mr. Barker questioned if the drainage issue was resolved with Katie Niblock, from Highway. Mr. Auvil was unsure, but the maximum number of lots is 139. He added Highway and MS4 can determine if there need to be less lots for drainage purposes. Mr. Campenello asked the minimum

square footage.

Tim Saylor, 697 Bungalow Dr. Nappanee, Innovative Communities stated the lots will be smaller to promote more affordable housing. Mr. Saylor also stated there will be sidewalks, good soil, sanitary sewer available, and addressed drainage. Mr. Saylor also commented in regards to the drainage. He stated that he sent revised calculations to Katie Niblock, and it will be addressed in the secondary approval. Mr. Saylor indicated are currently 2 access points on CR 25 to distribute the flow, of traffic and, the new lots warrant a passing blister at the southern entrance. Mr. Warner questioned if they would be full width turn lanes. Mr. Saylor stated it would be a full length passing blister. Mrs. Snyder asked if there will only be 1 builder for the development. Mr. Saylor stated Miller-Silver development group for Miller Brothers Builder is purchasing the property and will build the majority of the homes. He added they are trying to make them as affordable as possible.

William Weaver, 18440 CR 46, was present in remonstrance and stated he has been in the area since his childhood. He also commented there is a reason why they moved out to the country. Mr. Weaver voiced that they are not building what they said they would be building. He stressed traffic has been an issue; there has been 4 or 5 accidents per year. Mr. Weaver stated he does not allow his children to ride their bikes due to the dangerous traffic. Mr. Weaver also specified there had been 2 accidents in the last week. The drainage has been an issue, it has ruined his parent's basement twice. He went on to say the county put in a new culvert in his front yard, which has helped. He noted the purposed building area flood a lot. He asked how will the drainage be addressed? Mr. Weaver stated he does not want his basement to flood. He added the developer has not held up to what they said the base housing standard would be. He stressed they see cookie cutter houses, now the city is coming to them.

Chris Shively, 68513 CR 25, the southwest corner of CR 25 & CR46, was present against the request and stated the homes are extremely small. Mr. Shively also stated at one time they had advertised for retail south of the development and questioned if it changed to residential.

Mr. Saylor stated the current traffic counts determine the improvements needed, and they meet the Highway ordinance requirements. He addresses the drainage noted 29 acres to the south drain to the subject's property. He explained property will be designed to accommodate the run-off site from that acreage, Mr. Campanello asked how deep will the retention pond be. Mr. Saylor responded, approximately 5 ft; they will not utilize any infiltration, which is estimated to be 10 inches every hour. Mr. Miller asked about the water table. Mr. Saylor responded it is not within 10 ft. of surface Mr. Miller stated the promise was that all houses could have basements. Mr. Saylor responded this development is market driven, and Granite Ridge built to a different price point. He noted 50 % of homes have basements in the last 3 phases. He stressed the new development will be done by Miller Brothers Builders, which has a great reputation. He added the current houses are being listed at \$300,000.00. Mr. Saylor commented he cannot speak to what was previously promised. Mr. Burbrink asked about possible apartments in the area. Mr. Saylor commented. Only, single family attached housing is being proposed. Mr. Miller stated that originally the development was proposed as a community with retail, jobs, and apartments. Mr. Campanello remarked the lots appear too small and questioned the resale value. Mr. Stump mentioned sewer is available. Mr. Saylor pointed out the existing lot sizes. Mr. Stump remarked the lots are small where he lives, and people can only buy what they can afford with the housing crisis. He added he would rather see smaller housing than apartments. Mrs. Snyder concurred that smaller lots with no basements are needed to make houses more affordable. Mr. Burbrink agreed that we need more affordable housing.

A motion was made and seconded (*Stump/Miller*) 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: Approved **Moved by** Roger Miller **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 GPUD R-1, R-4, & B-1 to DPUD R-4 and for primary approval of a 139-lot major subdivision to be known as **FALCON'S NEST AT BARRINGTON SECTIONS 4-8** be approved in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 7, No = 1).

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

No: Tony Campanello.

10. The application for a zone map change from A-1/DPUD B-3 to DPUD R-1 and for primary approval of a 1-lot minor subdivision to be known as **EARLY LEARNING CENTER AT HUBBARD HILL DPUD R-1**, for Hubbard Hill Estates Inc. represented by Abonmarche Consultants, on property located on the southwest corner of CR 24 (Charlotte Ave.) & SR 19, common address of 28091 CR 24 in Baugo Township, zoned A-1, & DPUD B-3, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0568-2021*.

Crystal Welsh, Abonmarch Consultants, 303 River Race Dr., was present representing the petitioners. She stated they are working on receiving approval of the DPUD with the county and annexing into the city of Elkhart at the same time, so they can start building before it is annexed. She added Hubbard Hill wants a childcare facility for affordable child care and multigenerational learning. She noted Brad Mosness has worked with MS4 to have their drainage plans approved.

There were no remonstrators present.

A motion was made and seconded (*Lucchese/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: Approved, **Moved by** Jeff Burbrink, **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/DPUD B-3 to DPUD R-1 and for a primary approval of a 1-lot minor subdivision to be known as **EARLY LEARNING CENTER AT HUBBARD HILL DPUD R-1** be approved in accordance with the Staff Analysis.

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

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

11. The application for a zone map change from M-2 and GPUD E-3 to DPUD M-2 and for

primary approval of a 1-lot minor subdivision to be known as **PROJECT WINNIE DPUD**, for Seahawk Corp represented by Ambrose Services, LLC, on property located on the west side of CR 19, north of the Toll Road. , common address of 52357 CR 19 in Washington Township, zoned M-1 & GPUD-E-3, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0571-2021*.

Mike Hoffman, Beers/Mallors, LLP. 110 W. Berry St. Suite 1100, Fort Wayne, was present representing the applicant. Scott Sanders VP of Ambrose Property Group, 8888 Keystone Crossing, Suite 1150. Mr. Hoffman stated the proposed development fits nicely with the Elkhart County Comprehensive Plan. He explained the request is for approval for 90,000 sq ft and 120 ft. tall building. He noted approval of the DPUD would allow deviations from the Zoning Ordinance. He also request staff approval be allowed to grant changes to the DPUD.

Mr. Sanders stated Project Winnie is under a nondisclosure agreement, and this was a multi-state/market search. He continued saying this site was chosen and a project of this size is almost unprecedented. He explained the proposed warehouse would be used for distribution and utilize robotics technology. He added there would also be a large employment base of over 1,000 employees, who would park on the north side. He continued truck traffic would be on the west side. He noted traffic, sound, light, and utility studies were completed to be responsible surrounded by the hall of fame and vacant properties. Mr. Sanders stated this will bring development to the area, and there will be a major electric substation installed for AEP. He stressed it is believed this will bring suppliers to the area; and the plan is to begin construction October 1st.

Mr. Hoffman stated all the legal requirements for the DPUD have been met. He stressed this project will not hurt the neighboring properties in any way, because many of them have been developed the same way.

Chris Stagger, EDC, was present in favor of this request and stated the infrastructure will help with future developments. He added it diversifies jobs in the county.

There were no remonstrators present.

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

Mr. Lucchese stated this project will bring more development to the area. Mrs. Snyder also commented that they would connect to city water/sewer.

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

Motion: Action: Approved, **Moved by** Roger Miller, **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 and GPUD E-3 to DPUD M-2 and for primary approval of a 1-lot minor subdivision to be known as PROJECT WINNIE DPUD be approved in accordance with the Staff Analysis.

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

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

12. The application for an amendment to the Elkhart County 2006 Comprehensive Land Use Plan

to replace that portion of the plan for the Town of Millersburg area with the new Millersburg Comprehensive Plan 2021 for The Town of Millersburg on property located in the the jurisdictional limits of the Town of Millersburg, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review. He added all towns in Elkhart Coutny will have recent Comprehensive Plans in 2022, and this plan was emailed to the board members.

Rick Ferris, Triad Associates, 805 Lincolnway South, Ligonier, was representing the Town of Millersurg. Mr. Ferris stated that several local people were involved in putting the plan together, and it covers the town's future goals, capital improvements, leadership, and community involvement.

There were no remonstrators present.

A motion was made and seconded (*Burbrink/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, **Second by** Frank Lucchese that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to the Elkhart County 2006 Comprehensive Land Use Plan to replace that portion of the plan for the Town of Millersburg area with the new Millersburg Comprehensive Plan 2021. Be approved in accordance with the Staff Analysis.

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

Jason Auvil reported the approvals from the July 6, 2021, Elkhart County Commissioners meeting, approval of the July 15, 2021, Bristol Town Council meeting, and the July 19, 2021, Elkhart County Commissioner's meeting.

14. Mr. Godlewski came onto request Mr. Auvil be appointed as 2nd Hearing Officer Alternate, in case that Ann Prough and Roger Miller are unavailable, which may be the case in September.

15. Mr. Godlewski mentioned there will be a staff item next month for the 2002 budgets.

Motion for approval to appoint Mr. Auvil as the second Hearing Officer Alternate. Made by Jeff Burbrink seconded by Tom Stump.

16. A motion was made and seconded (*Burbrink/Snyder*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:51 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Steve Warner, Chairman