

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 11TH DAY OF FEBRUARY 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; 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/Stump*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 14th day of January 2021, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Edwards/Stump*) 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-1, for Steve W. Ruple & Renae L. Ruple represented by Abonmarche Consultants, on property located on the south side of CR 2, 1,000 ft. west of SR 13, common address of 11134 CR 2 in York Township, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0011-2021*.

Crystal Welsh, Abonmarch Consultants, 1009 S. 9th St., Goshen, was present to represent the petitioner. She stated that this request is to allow Grand Design RV to continue to expand and succeed in the area. She stated this petition is not only compatible, but also helps support the success of the community.

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** 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 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.

5. The application for a zone map change from GPUD R-3/R-4 to DPUD R-4 and for Primary approval of a 1-lot minor subdivision to be known as **GREENCROFT MIDDLEBURY PHASE IIA**

DPUD R-4, for Greencroft Middlebury Inc. represented by Abonmarche Consultants, on property located on the west side of Greencroft Parkway, 590 ft. south of Wayne St., east of US 20, in Middlebury Township, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0012-2021*.

Crystal Welsh, Abonmarch Consultants, 1009 S. 9th St., Goshen, was present to represent the petitioner. She stated the intention is for Greencroft Middlebury to continue to expand their services to the community. She wanted to bring attention to a modification to the original plans. This came about when working with the Town of Middlebury, as well as the fire department. They asked for a different location for the drive, allowing for emergency vehicles to get closer to the building for fire access. The developer has agreed to that change.

Tim DeLuca, Director of Greencroft Middlebury, 701 Windridge Dr., Middlebury, was present as the petitioner. He stated that currently they run a small assisted living out of one of their independent living duplexes. This gives them only 4 assisted living beds, and is not sufficient enough for the need of community. This improvement will gain them around 12 to 20 beds, serving the greater Middlebury area. He stated that this has been the plan for a while, and that Greencroft is excited to finally be able to serve the community in this way.

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** Miller, **Seconded by** Stump that the Advisory Plan Commission recommend to the Town of Middlebury that this request for a zone map change from GPUD R-3/R-4 to DPUD R-4 and for Primary approval of a 1-lot minor subdivision to be known as **GREENCROFT MIDDLEBURY PHASE IIA DPUD R-4** 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 DPUD A-1 and for Primary approval of a 2-lot minor subdivision to be known as **COUNTRY BARN DPUD A-1**, for Lavern Graber & Sue Graber represented by Hand to Plow Surveying, on property located on the southeast corner of CR 16 and CR 116, common address of 11742 CR 16 in Middlebury Township, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0013-2021*.

Clayton Evans, Hand to the Plow Surveying, 5678 W 350 S, Albion, was present representing the petitioner. He stated that the land owner currently owns the whole parcel, and he is asking for a property line between the residence and the business. He also stated at this time there are no proposed improvements.

There were no remonstrators present.

A motion was made and seconded (*Edwards/Burbrink*) 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** 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 DPUD A-1 and for Primary approval of a 2-lot minor subdivision to be known as **COUNTRY BARN DPUD 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.

7. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil presented approval of one staff item. The Commissioners approved a zone map change R-1 to A-1 to allow the construction of an Agricultural building.

8. Staff Items

Chris Godlewski shared about Deb Britton's retirement after 33 years of service. He also talked about the citizen planner training webinar that is being offered. He asked that those wanting to attend are to email him in the next two weeks. He also took this time to inform everyone this meeting will be held at the Administration Building on 2nd Street in Goshen beginning in April. This is due to the need for upgrades in technology when it comes to the virtual part of the meeting.

9. The application for a zone map change from GPUD B-2 to DPUD B-2 and for Primary approval of a 1-lot minor subdivision to be known as **STAR PROPERTY DG DPUD B-2**, for Star Property Real Estate Company LLC represented by AR Engineering, LLC, on property located on the east side of SR 13, 1,200 ft. south of CR 32, in Clinton Township, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0014-2021*.

Tom Callen, Zaremba Group LLC, 14600 Detroit Ave, Lakewood, Ohio, was present representing the petitioner. He stated that Dollar General is a company that continues to invest and serve the local communities. They have proposed to do a small 9,100 square foot store in this location. He stated that they do not anticipate a lot of outside traffic coming into this area, and that it would employ roughly 10 local residents. He explained that this will be a general store, therefore they do have food as well as non-food items. They have name brand and national brand items with competitive prices. He stated that Dollar General has taken great strides to put safety first when it comes to the facility and traffic issues. They primarily only have one full size semi-truck delivery per week, as well as several smaller box trucks on a more regular basis. He stated that the seller in this case has elected to no longer pursue agricultural, and that they are purchasing a small portion of the twenty-seven acre parcel. He also stated he couldn't answer if property values would go up or down, but a million dollar investment into the community is pretty substantial. Mr. Callen stated that the engineer from AR Engineering LLC was with him to answer any questions the board may have.

Mr. Edwards asked the engineer where the site would be. He mentioned that there seemed to be some differences on the site plans to where the building would be located.

Whitney Pizzala, AR Engineering LLC, 5725 Venture Park Dr., Suite A, Kalamazoo, MI, responded to Mr. Edwards's questions stating they did move the site of the building to the south some so that it would not be directly across from a residence, making the second drawing that was submitted more accurate.

Joyce Miller, 11879 CR 32, Goshen, was present in remonstrance. She stated that she is confused as to if we are approving just the Dollar General or if we are approving the go ahead for other businesses to come in as well. She went on to say that she is concerned about starting a little village in the middle of the country. She is concerned with ground-water and what this will do to contaminate the water. She also stated she is concerned about air and noise pollution that comes with the trucks coming in and out. She added that this would add a lot of traffic, as well as bright lights. It is just 5 miles north of Millersburg as well as 5 miles south of Middlebury. Therefore, she doesn't see the need for this addition to the community. She stated that just like a hog house isn't welcome in the middle of a town, this too doesn't fit in the middle of an agriculture area. She is afraid that it wouldn't stop with the Dollar General, next might be a gas station or place to eat. She wanted to add that she was here in 2018 due to the former owners wanting to put a lumber yard into this area. She stated she is very disappointed in the current owner as he was on the side to not develop it at that time.

Tom Callen responded that he couldn't guarantee that there wouldn't be added noise and light to the area. However, he could guarantee that they do not run 24 hours and conduct normal business hours. He stressed that they are familiar with the local community. They come in to the community to be a part of it and not to hinder it. He explained that the lighting package is created so that the lights will stay on the property. To answer Mrs. Miller's question regarding approval of more than the Dollar General, he stated they are here to just approve the 1.8 acres for Dollar General only.

Mr. Stump stated that Mrs. Miller was also concerned about water and pollution. Mr. Callen assured that there would not be a problem with chemicals and they follow all guidelines and codes on this.

Mr. Stump also wanted to know the ordinance for lighting in this case. Mr. Auvil stated that the ordinance says that light needs to stay on the property. Stump wondered if this is something that would be checked out. Mr. Auvil as well as Mr. Campanello stated that if there was a complaint then it is something that could be checked out. Ms. Pizzala also stated that in the building plans is the photometric plan. They are proposing 2 light poles, wall packs that are facing downward, foot candles along the property line that are at zero by the time they hit the road. She also stated that they do go off at night when the store is closed and employees leave, as well as the sign lights.

Mr. Campanello asked where the closest Dollar General store, as well as another store close to it would be to this location. Others answered that there is a Dollar General on SR 13, 5 miles south in Millersburg, as well as 2 Dollar Generals located 5-6 miles north in Middlebury. It was also noted that there are several small mom and pop stores scattered throughout this area as well.

Mr. Auvil was asked to explain what the white line separating the parcel was. He explained that it must have been split recently. He explained that when the petition was first submitted that it was twenty-seven acre lot, therefore this must have been split more recently.

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

Mr. Stump made the observation that this would be on a state road and is more than adequate

for truck deliveries. Mr. Auvil stated in response that even though it is labeled a state road it has sixty-six feet wide right-of-way which is actually a standard county road. Mr. Warner stated that the issue is when a truck cannot get completely off the side of the road and is holding up traffic. He feels like Mrs. Miller has a good point in wondering what more would come with this approval. Mr. Warner also feels like this would change the layout and atmosphere of this area. His other concern is that it would pull away from other stores in the area as well as Millersburg and Middlebury, which are areas that need to be revitalized. Mr. Burbrink added to this stating that that stretch of road has a lot of Amish buggies traveling it, and this entrance would add some unnecessary danger. Mr. Stump stated he doesn't think this stretch of road could be called a county road, he believes that it is a well-built road. Mr. Barker stated that it is the same as SR 119 in meaning it is the same right-of-way, built around the same time. Mr. Barker also stated that he would rather see a PUD done on the whole twenty-seven acres so that they know what would happen to the rest of it.

Ms. Snyder noted the 3-4 other Dollar Generals within 5 miles of this one. Mr. Campanello stated that if there is concern of buggy accidents that it may be better for them to not have to travel so far for groceries. Mr. Stump also added that a few years ago they permitted a warehouse for plastic fence in an agricultural area. He stated he didn't see the difference between that petition and this one.

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

Motion: Action: Denied, Moved by Warner, Seconded by Snyder that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from GPUD B-2 to DPUD B-2 and for Primary approval of a 1-lot minor subdivision to be known as **STAR PROPERTY DG DPUD B-2** be denied in accordance with the Staff Analysis.

Vote: Motion passed (summary: Yes = 6, No = 3, Abstain = 0).

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

No: Frank Lucchese, Tom Stump, Tony Campanello.

10. The application for a zone map change from A-1 to DPUD A-1 and for Primary approval of a 3-lot minor subdivision to be known as **SPRING FORWARD FAHLBECK DPUD**, for Fahlbeck Properties Inc. represented by Progressive Engineering Inc., on property located on the west side of CR 35, 835 ft. north of US 20, common address of 56865 CR 35 in Middlebury Township, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0922-2020*.

Stephanie Floyd, Progressive Engineering, Inc., 58640 SR 15, Goshen, was present to represent the petitioner. She stated they are wanting to separate the current uses of the property to define it better. This would help bring in revenue to the property so that improvements could be done on it.

Jarvis Hunt, 56819 CR 35, Middlebury, was present in remonstrance. He stated that one of the buildings is currently being leased out to a lawn care company which comes and goes until 9:00 pm. He was concerned that the building did not have any restrooms, due to the lawn care workers constantly going behind the building on his property. He stated that he does not want to see this get subdivided any more than it already is because the property is not being taken care of as is.

Mike Fahlbeck, 27160 CR 48 Nappanee, was present as the petitioner. In response to Mr. Hunt's concerns he stated that the reason he wants to go through this DPUD is so he can take the

correct steps in order to improve the property. He stated that he wants to put a lot of money into these lots to improvement them, which will then bring in more tax money for Middlebury. Mr. Warner asked if these would continue to be rental properties. Mr. Fahlbeck responded by saying that at this point they will be. However, his goal is to renovate the house so he can sell it, and then use the money to upgrade the other structures. One of those upgrades would be water and sewer which would take care of the complaint of Mr. Hunt. Mr. Burbrink asked if there was any thought in lining up the driveway to be more parallel with the school entrance making it a little safer for traffic. Mr. Fahlbeck responded saying he would be willing to do what was recommended.

Stephanie Floyd added that the plan is to also put a buffering of 2 rows of trees to the north because they do realize it is close to Mr. Hunt's front door.

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

Mr. Stump asked what the benefit is in subdividing this property. Mr. Auvil stated that by subdividing this out and making the DPUD, that he can then pull the correct permits. It may also allow him to do the upgrades needed, or sell off assets.

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

Motion: Action: Approve, **Moved by** Campanello, **Seconded by** Snyder that the Advisory Plan Commission recommend to the Town of Middlebury that this request for a zone map change from A-1 to DPUD A-1 and for Primary approval of a 3-lot minor subdivision to be known as ***SPRING FORWARD FAHLBECK DPUD*** be approved in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 8, No = 1, Abstain = 0).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Steven Edwards, Tony Campanello.

No: Tom Stump.

10. A motion was made and seconded (*Edwards/miller*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:22 a.m.

Respectfully submitted,

Iлона Roberts, Recording Secretary

Steve Warner, Chairman