

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

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

4. The application for the vacation of a portion of an east/west county right-of-way known as **LONGBOAT COURT**, for Henry Schrock & Pheasant Ridge Dev. represented by Progressive Engineering Inc., on property located on the north side of Longboat Court, 740 ft. northwest of SR 120, in Washington Township, zoned, was presented at this time.

Danny Dean presented the Staff Report / Staff Analysis, which is attached for review as *Case #VRW-0086-2021*.

Stephanie Floyd, Progressive Engineering, Inc., 58640 SR 15, Goshen, was present representing the petitioner. She stated that this was an odd shape property and they are trying to get the best land use from it. She pointed out from conversations with the County it is better that this bump out be vacated so that it is less maintenance. She continued by saying that giving the land back to the homeowners is what seems to be best.

There were no remonstrators present.

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

Mr. Stump asked Mr. Barker what he thought of this from a Surveying stand point. Mr. Barker responded saying he doesn't have any concerns with this and highway didn't see a problem with it as either.

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

Motion: Action: Approve, **Moved by** Miller, **Seconded by** Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the vacation of a portion of an east/west county right-of-way known as **LONGBOAT COURT** 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 Primary approval of an 8-lot major subdivision to be known as **EARTHWAY RAIL PARK PHASE IV**, for Almac Realty Inc. (Seller) & Seahawk Corp. (Buyer) represented by Jones Petrie Rafinski, on property located on the southwest corner of SR 120 and CR 21, in Washington Township, zoned GPUD, M-2, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #MA-0091-2021*.

Kenneth Jones Jr., Jones Petrie Rafinski, 325 South Lafayette St., South Bend, was present to represent the petitioner. He stated they are in support of the Staff Analysis and also have support from the Bristol Town Council President. He stated that the owner and developer is present if there are any questions.

Amber Raeder, 20159 SR 120, Bristol, was present in remonstrance. She stated she has concerns and questions about the exit and entrance intended for SR 120. She added being on the river there is no space to move back, and she does not wish to lose any of her yard. Her biggest concern are traffic and safety in front of the homes.

Mr. Jones responded to these concerns. He stated they have performed a full traffic impact study pursuant to INDOT and they have approved that study. He also added the current plan shows a cul-de-sac ending, the road as well as a separate access road coming off SR 120 that does not cross that railroad. He stated easements were left to connect them in the future just in case it is something that is needed. However, currently they have no plans to connect these roads, and they may never connect. They understand the concern of the homeowner, but state that right now they do not foresee any more traffic accessing SR 120 directly.

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

Mr. Burbrink mentioned that it is better to have that driveway directly across from the residence. When it is off set is when accidents can multiply greatly.

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

Motion: Action: Approve, **Moved by** Stump, **Seconded by** Campanello that the Advisory Plan Commission recommend to the Town of Bristol that this request for Primary approval of an 8-lot major subdivision to be known as **EARTHWAY RAIL PARK PHASE IV** 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 DPUD B-2 to M-1, for LEJN, LLC, on property located on the west side of SR 13, 1,550 ft. south of CR 12, common address of 55323 SR 13 in Middlebury Township, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0025-2021*.

Loren Beachy, 54911 SR 13, Middlebury was present as the petitioner. He stated that he currently has an office and auction yard with some heavy equipment. His plan is to use this parcel for over flow parking, where they would then shuttle people to and from the auction. He stated they would also like to put up a sign to point people to the auction.

Jason Auvil stated the Town of Middlebury has written a letter to support this request. *[Attached to file as Staff Exhibit #1]* He stated they feel as though this company brings a lot to the community. The letter also states that their hope is, due to this being an entry way into the Town of Middlebury, that the property owner place some sort of landscaping or fencing along SR 13. This would improve the appearance and give a more welcoming entrance to the Town of Middlebury.

Mr. Campanello asked why there was no site plan or anything to protect the other land owners. Mr. Auvil responded this is a straight rezoning and it is not required.

Clara Morse-Fry, 54895 SR 13, Middlebury, was present in remonstrance. She stated that her property is adjacent to Mr. Beachy's property. She would like to see a long term plan of what they want to do. She mentioned that every few months they come in for more rezoning's. She is concerned about the trees being cut down and how they are making the property look. She stated there is a lot of clutter and junk laying around and it looks awful, especially because it is right after the welcome to Middlebury sign. She explained Mr. Beachy is increasing the number of auctions, one of them being a car auction. Therefore, they have a lot of cars sitting on their land ready to be auctioned off. She also explained they came to the board to store large equipment and pre-built buildings they claimed it wouldn't add any pedestrian traffic at that time. She explained that this is not the case, and there are sometimes three to four hundred people at these auctions. She added they take place on both the north and south sides of CR 12. She also went on to explain that Mr. Beachy burns a lot of things and on a few occasions trash has blown over to her property. She also explained that Mr. Beachy has been drilling into and using her fence posts without permission. She then talked about leaving cow carcasses to rot along the property line. She continued saying brought it up, because it shows they are not taking care of things or being responsible.

Loren Beachy came back up to respond to these concerns and questions. He stated they have never had an auction on the south side of CR 12. He also wanted to address the appearance, because of the way the parcels are zoned, they are allowed to have the equipment on those parcels. He went on to say he understands they don't look the best, but he explained they are looking at ways to improve the appearance in the future. He also noted most of the other complaints that were given are on his personal property which is zoned A-1 and feels it is not relevant to the rezoning in question.

Mr. Stump asked Mr. Beachy about the open burning and cow carcass. Mr. Beachy responded stating that was on their personal property, and they had been cited for these things and are in the process of correcting them. Mr. Burbrink stated that it would be a good thing to start burying the animal carcasses.

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

Mr. Campanello raised the concern that with the rezoning there is nothing that protects the land owners without having a GPUD in place.

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

Motion: Action: Denied, Moved by Campanello, **Seconded by** Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map

change from DPUD B-2 to M-1 be denied. **Vote:** Motion passed (**summary:** Yes = 7, No = 2, Abstain = 0).

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

No: Lori Snyder, Roger Miller.

7. The application for a zone map change from A-1 to M-1, for Loren D. Beachy & Regina Beachy, Husband & Wife represented by Advanced Land Surveying of Northern Indiana, Inc., on property located on the west side of SR 13, 430 ft. north of CR 12, in York Township, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0075-2021*.

Loren Beachy, 54911 SR 13, Middlebury was present as the petitioner. He stated that his personal property is right next to the subject property. He explained he is wanting to add it to the business property, so it straightens up the property line.

Jason Auvil stated the Town of Middlebury has written a letter to support this request. *[Attached to file as Staff Exhibit #1]* He mentioned they again hope for some sort of landscaping or fencing to be placed along SR 13. This would improve the appearance and give a more welcoming entrance to the Town of Middlebury.

Clara Morse-Fry, 54895 SR 13, Middlebury, was present in remonstrance. She stated she believes that the property should be cleaned up before it gets rezoned. She wondered if Mr. Beachy has already done things before getting permission.

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

Ms. Snyder stated that approval would clean up the zoning, as it is just a small piece and he owns both sides of it.

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

Motion: Action: Approve, **Moved by** Lori Snyder, **Seconded by** Steve Warner 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 = 7, No = 2, Abstain = 0).

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

No: Philip Barker, Tom Stump.

8. The application for an Amendment to an existing DPUD A-1 and for Primary approval of a 2-lot minor subdivision to be known as **PREMIER HARDWOODS, LP, DPUD**, for Karl E. Bontrager & Jeanetta K. Bontrager, Husband & Wife & Premier Hardwoods LP represented by Abonmarche Consultants, on property located on the west side of CR 43, 2,400 ft. north of CR 34, common address of 62551 CR 43 in Clinton Township, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0080-2021*.

Crystal Welsh, Abonmarche Consultants, 1009 S. 9th Street, Goshen, was present to represent

the petitioner. She stated the intent is to divide the lot so that a second home can be built for a family member. She added this petition has gone through tech review.

There were no remonstrators present.

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

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

Motion: Action: Approve, **Moved by** Campanello, **Seconded by** Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an Amendment to an existing DPUD A-1 and for primary approval of a 2-lot minor subdivision to be known as **PREMIER HARDWOODS, LP, DPUD** be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

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

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

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0079-2021*.

Bob Gaffer, MLS Engineering LLC, 10060 Bent Creek Blvd, Fort Wayne, was present to represent the petitioner. He mentioned that the main thing they are working on right now is with INDOT to coordinate a left turn lane and lane changes. They are also working with the Town of Middlebury to eliminate the need for septic and well on site. He stated the sanitary sewer will run up and connect to Bambi Court where there is already an existing sewer system. They are also working to provide sidewalks for the surrounding residences as per request of the Town of Middlebury.

Neil Bowman, Sturges Property Group, 202 W. Berry Street Suite 500, Fort Wayne, was present representing the petitioner. He stated in 2018 they were approached by the applicant to find a different location for their downtown Taco Bell location. He explained part of that process was for him to go to the Town of Middlebury to find a more ideal site.

There were no remonstrators present.

A motion was made and seconded (*Campanello/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** Warner that the Advisory Plan Commission recommend to the Town of Middlebury that this request for a zone map change from GPUD B-3 to DPUD B-3 and for Primary approval of a 1-lot minor subdivision to be known as **TACO BELL DPUD** be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

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

10. The application for a zone map change from A-1 to DPUD B-3 and for primary approval of a 1-lot minor subdivision to be known as **COUNTY ROAD 10 MINI-STORAGE UNITS**, for Giada Holdings LLC represented by Progressive Engineering Inc., on property located on the north side of CR 10, 350 ft. east of CR 3, in Cleveland Township, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0085-2021*.

Stephanie Floyd, Progressive Engineering Inc., 58640 SR 15, Goshen, was present representing the petitioner. She clarified the correct parcel on the map and stated they are looking to construct mini storage units and possible future retail space. She added she believes this is an ideal land usage for this site, because a home cannot be put on the subject parcel due to previous history on this parcel. Corey White, 215 Prairie Street, Elkhart, IN was present as the petitioner. He stated he just wanted to be available to answer any questions the Board may have. Mr. White then showed on the areal where he would like to develop these storage units.

Barb Freeman, 2569 CR 10 W, Elkhart, was present in remonstrance. She stated that she has a concern about the added traffic this may cause, including safety. She explained that her other concern is what approval will do to property values.

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

Steve Warner asked if there was any thoughts of a turn lane. Stephanie Floyd responded stating they conducted a traffic survey, and the average numbers of cars was 6 per week. Based on these findings Highway did not find it necessary for a turn lane.

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

Motion: Action: Approve, **Moved by** Warner, **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 B-3 and for primary approval of a 1-lot minor subdivision to be known as **COUNTY ROAD 10 MINI-STORAGE UNITS** 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.

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

Jason Auvil reported that on February 15, 2021 the Board of County Commissioners approved a zone map change from A-1/GPUD M-2 to M-2, as well as a zone map change from R-2/ R-4 to A-1. Also on February 15, 2021 the Town of Middlebury Council approved a zone map change from M-2 to B-3.

12. ***Change in the Rules of Procedure***

Jim Kolbus stated that the Rules of Procedure state that the meeting is to be held at the Public Service Building. Therefore this needs to be amended in order to meet at the Administration Building.

A motion was made and seconded (*Snyder/Miller*) that the Rules of Procedure be amended

for an address change from the Public Service Building at 4230 Elkhart Road Goshen, to the Administration Building at 117 N. 2nd Street, Goshen, Meeting Rooms 104, 106, & 108.

13. A motion was made and seconded (*Edwards/Campanello*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:12 a.m.

Respectfully submitted,

Iona Roberts, Recording Secretary

Steve Warner, Chairman