

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 14TH DAY OF MAY 13, 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, Tony Campanello, Phil Barker, Jeff Burbrink.

Absent: Frank Luchesse.

2. A motion was made and seconded (*Edwards/Snyder*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 8th day of April 2021, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Edwards/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 the vacation of the south portion of a county right-of-way known as ATLAS DRIVE., for Seahawk Corporation represented by T-E Incorporated, on property located on the south side of Innovation Dr., 1,600 ft. east of CR 15, in Osolo Township, was presented at this time.

Mrs. Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #VRW-0291-2021*.

Whitney Pizzala with AR Engineering, 5725 Venture Park Dr. Ste A, Kalamazoo, MI 49009, was present representing the owner. She explained they are working with Seahawk to construct a building. She then pointed out the area that they would like to vacate, which is partially located in the proposed building.

There were no remonstrators present.

A motion was made and seconded (*Edwards/Barker*) 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, **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the vacation of the south portion of a county right-of-way known as ATLAS DRIVE be approved in accordance with the Staff Analysis.

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

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

5. The application for primary approval of a 6-lot major subdivision to be known as LONE WILLOW COURT, for Full Concept Builders LLC represented by Marbach, Brady, & Weaver, Inc., on property located on the west side of CR 23, 1,000 ft. north of CR 104, in Washington Township, zoned A-1, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #MA-0293-2021*.

Chris Marbach, Marbach, Brady, and Weaver, 3220 Southview Dr., Elkhart, IN 46514, was present representing the petitioner. He explained they plan to split the property into 6 lots all over an acre. He noted access is through an easement granted by the state of Indiana and the Toll Rd. Commission. He pointed out the property used for access. He noted the owner has spent a year getting approval to use the driveway easement.

There were no remonstrators present.

A motion was made and seconded (*Barker /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** Steve Warner, **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for primary approval of a 6-lot major subdivision to be known as LONE WILLOW COURT be approved in accordance with the Staff Analysis.

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

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

6. The application for a zone map change from A-1 to M-2, for Keystone RV Company represented by Jones Petrie Rafinski, on property located on the northwest corner of SR 13 & CR 4, common address of 51761 SR 13 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-0289-2021*.

Kenneth Jones, Sr. Jones, Petrie, Rafinski, 325 S. Lafayette Blvd, South Bend, IN 46601, stated the site has been vacant for years and used to be a storage area. He explained it is difficult to see the site from CR 4. He stated the site plan shows the building can be completely located within the center of the site with parking on the outside. He added there will not be any smoke or odor produced by this operation, but there will be an increase in traffic. He stated they can take care of wastewater and water on their site. But they are aware of a possible extension of public services in the area. He noted the soils are excellent. He noted there is some evidence of past residential use on the property with a small garage, but he does not remember seeing a residence on the property or farming operations for the last 20 years. Mr. Warner asked if there will be access to SR 13, and Mr. Jones responded he does not believe that access would be viable. He noted access off of CR 4 would be much safer. He noted they would like to have the best site. Mr. Campanello asked if water is available on the property. Mr. Jones responded no municipal water, but there is a privately owned fire protection system available that has been extended once. He added the Redevelopment

Commission may be looking at that topic also. Mr. Jones restates that they can provide fire protection without any issues.

Bruce Hamilton, 52215 SR 13, was present opposed to this request. He stated they are against more commercial building in this area. He noted his neighbor was rezoned for RV repair, which has now turned into a used RV lot. He stressed both roads are tight, and congestion will increase. He went on to say they have put a lot into their bed and breakfast, and he believes this will hinder their business. He stressed the continual growth of RV buildings causes a large amount of security lighting. He stated they used to promote being able to see the stars at night from their property, which is no longer possible. He added they spent over \$11,000.00 to install a berm in front of their residence. He noted their barrier to the toll road is disappearing. He added the litter in the area is crazy, and it is driven by the RV industry. He stated a lot of the trash he picks up has Jayco on it. He noted a lot of the neighbors are opposed to this request. He mentioned there is a lot of land in Elkhart County. Mrs. Snyder request he point out his property on the aerial, and he pointed out the general location possibly on the bottom of the aerial. He noted they have two residences and 4 acres of land.

Phil Geise, 53644 Reid Ct., from Jayco apologized for any trash on the subject property. He pointed out this is a Keystone property, and Jayco is located 20 miles to the south. He also stated he was here a couple weeks ago and heard the same thing.

Mr. Jones came back on and stated everyone is watching the industry grow, and this site is a natural growth of the existing industrial complex. He went on to say the impact he is experiencing has already occurred. He stated more light is probably produced by the high massed structures at the Indiana Toll Road then from the RV industry. He added he lives four miles north of the toll road and hears it all night. He noted traffic is already present on SR 13. Mr. Campanello asked if any road work will be completed at the intersection. Mr. Jones responded it is possible, but they are subject to the Elkhart County Highway standards. He stressed the entire site will be developed to Elkhart County standards.

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

Mr. Stump stated he believes he was on the Plan Commission when the DPUD for RV repair was approved. He request staff make sure the business is meeting the parameters established. Mr. Godleski stated staff will look into it. Mr. Barker noted the commission had a discussion on development east of SR 13, and it was established that SR 13 would be the cutoff of development. He noted it is a logical expansion, but he would like to see a DPUD on the property. Mrs. Snyder agreed SR 13 is a natural cutoff. Mr. Campanello asked if the request has to come back for any construction and Mr. Barker responded not for a straight rezoning. Mr. Campanello request a site plan, and Mr. Barker responded the Board could require a DPUD if they would like a site plan.

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

Motion: Action: Approve, **Moved by** Steve Edwards, **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-2 be approved in accordance with the Staff Analysis.

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

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

7. The application for a zone map change from A-1 to M-1, for Jayco, Inc. represented by Jones Petrie Rafinski, on property located on the west side of SR 13, 300 ft. north of CR 20, common address of 58873 SR 13 in Middlebury 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-0290-2021*.

Kenneth Jones Sr., Jones, Petrie, Rafinski, 325 S. Lafayette Blvd., South Bend, IN 46601, was present for this request. He explained the property will be used for employee parking, which will support their expansion. He stressed Jayco is very concerned about their impact on neighboring property owners. He then displayed a site plan on the message board and explained it. He noted they will install a landscape buffer. He added he has worked with Jayco for several years on the development of this campus. He pointed out access will be internal not off of SR 13.

There were no remonstrators present.

A motion was made and seconded (*Barker/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** Roger Miller, **Seconded by** Steve 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 = 8).

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

8. The application for a zone map change from DPUD R-1 to DPUD B-2, and for primary approval of a 1-lot minor subdivision to be known as RIVER LAUNCH DPUD, for the Board of Commissioners of the County of Elkhart represented by AR Engineering, on property located on the north side of River Launch Ct, north of SR 120, common address of 54811 River Launch Ct. in Washington Township, zoned B-2, DPUD R-1, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0158-2021*.

Natasha Kauffman, Redevelopment Coordinator for Elkhart County, 4230 Elkhart Rd., was present for this request. She explained both parcels were acquired when they expanded the 6 Span Bridge, and they would like the space to be useful until the bridge actually expands in 50 to 100 years. she noted this became an idea with the Redevelopment Commission in 2017. She went on to say they made an appropriation at the county level. She noted they will have an ADA accessible kayak launch. She added people already utilize the boat launch in the area. She added the parks department plans to do a count this summer for the existing boat launch. She reiterated this area will be overflow parking for the boat launch and a kayak launch. Mr. Miller asked if a buffer is planned between the residential property. Mrs. Kauffman responded they have an existing buffer, but they did not want to block the neighbor's view of the river. Mr. Warner asked if DNR has been consulted, and he questioned if a property to the west was considered for a separate launch. Mrs. Kauffman explained the reason for this area is for the ADA accessibility. She noted kayakers currently use the existing

boat launch. She continued saying people in the community have been talking about this launch for a while. She added their engineer Tom Rushlow is currently working with DNR for the permit process. She mentioned they are also working with AEP. She added they hope to have interruptive signage to add to the education piece and environmentalism.

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** Tom Stump, **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from DPUD R-1 to DPUD B-2, and for primary approval of a 1-lot minor subdivision to be known as RIVER LAUNCH DPUD be approved in accordance with the Staff Analysis.

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

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

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

Jason Auvil reported that on April 5, 2021, the Elkhart County Commissioners approved the vacation for Long Boat Court. He noted the town of Bristol approved the secondary for an 8-lot major subdivision known as Earthway Railpark Phase 4 at the April 15, 202, town meeting. He added on April 19, 2021, the Commissioners approved a zone map change from A-1 to M-1, Country Barn DPUD A-1, and Spring Forward Fahlbeck DPUD. At the April 19, 2021, Town of Middlebury Meeting a zone map change from GPUD B-3 to DPUD B-3 was approved.

10. Mr. Godlewski presented a staff item for fees for open records request with a formal adoption next month. Mr. Auvil explained he prepares zoning affidavits and zoning verifications. He continued saying banks feel B-2 is commercial and require verifications for homes. He noted he has averaged close to 100 documents a year over the past few years, but this year he is already at 101 requests. He explained a lot of commercial properties are changing hands, and several title companies send in requests when these properties sell. He noted they generally take one to two hours. He stated they always ask what fees are charged, and he recommended that out of town companies be charged a fee. He added he does not recommend a fee for the Elkhart County companies. Mr. Stump asked if that can be separated out through a fee structure. Mr. Auvil stated he has asked other jurisdictions, and he would suggest between \$25 and \$50. Mr. Auvil noted a part time planning tech spends around ¼ of her time a week completing these requests. He stated it is a big deal. Mr. Stump suggested a fee of \$50 to \$100. He then asked if the Planning Department was self-sufficient. Mr. Godlewski responded the department is close to being self-sufficient, 70 % of the income per the expenditure. Mr. Stump explained this is a good example of where a user fee can be charged to produce money to support the department. He suggested a different fee structure. Mr. Miller suggested \$25 for in county. Attorney Kolbus said he will look into it. Mr. Warner agreed. Mrs. Snyder stated her vote

is not for Elkhart County citizens to pay \$25. Mr. Stump noted the county will be facing a possible deficit, and they pay for a large amount of things. Mr. Godlewski noted in 2012 we recouped about 33 % of our fees per the revenue, currently it is about 70 %, he also states this is economy driven. Fees have generally been the same. Mr. Miller stated he does not believe \$100 is excessive. Mr. Warner request other county comparables. Mr. Godleski responded \$25 to \$50 on the low end to hundreds on the high end. Mr. Auvil responded this is different than requesting zoning over the phone. Mr. Campanello asked why a letter is not part of the title from previous closings. Mr. Barker stated the letter may not be updated. Mr. Stump added not everything is included on the title/deed. Mr. Campanello asked if any changes made are recorded, and Mr. Godlewski noted it is a commissioners record. Mr. Stump stated he is in favor for out of county fees, depending on what Attorney Kolbus finds.

11. Mr. Godlewski presented a Bristol Sign Ordinance from 1991, which the county was not aware of until this previous Monday. He noted the town of Bristol would like their Sign Ordinance to be part of the County Zoning Ordinance. He stated they will check on the standards. Mr. Stump explained the process would be up to Attorney Kolbus and noted approval would be through the town and commissioners. Mr. Stump stated it seems to be an issue in Goshen, but he does not anticipate it will be here. Mr. Godlewski stated county would defer to the town. Attorney Kolbus noted when the Bristol standards are ready a meeting can be set. Mr. Miller pointed out it may not be up to date from 1991. Mr. Warner noted the most recent discussion was light level of signs. Mr. Auvil stated they plan to add a new article to the Zoning Ordinance where each town could put their development standards. Mr. Godlewski noted comprehensive plans. Mr. Campanello clarified the commission votes on comprehensive plans for towns.

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

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Tom Stump that the Board approve the request from staff to set up a public hearing in regards to adding the Bristol Sign Ordinance to the Elkhart County Zoning Ordinance once the Town of Bristol is ready.

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

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

12. Mr. Godlewski presented a staff item to redo the Elkhart County Comprehensive Plan. Affordable housing, lack of land to develop, and the preservation of farm land are some issues it will address. He explained the current plan is expiring. He went on to say they plan to do individual interviews of the Plan Commission staff and other stake holders. Staff gathered data and metrics will then be studied, because it is time for the next step since the plan is expiring. He explained some options are to hire consultants, staff can partner with MACOG, a combination of both options, or MACOG can be hired. He stressed outside help is needed along with the public participation. He believes MACOG would do the public outreach portion, and they would like to begin this year into next year. He states they will secure funds through TIF, grants, and the commissioners. Mr. Campanello suggested approaching the board of industry. Mr. Stump suggested they pick a consultant locally and does not want a cookie cutter system from MACOG. He noted a lot of the plans from Goshen are not the way he would do it. Mr. Godlewski stated he would prefer MACOG,

since they have completed comp plans in this community. He explained MACOG would complete the public engagement portion. Mr. Miller noted several public and business people invested a lot of time into the current plan. Mr. Campanello stressed he does not want someone from out of state to come into the county and be paid. He suggested the staff would be able to complete this. He added MACOG is great but has cookie cutter ideas. Mr. Stump stressed this is the country not the city. Mr. Godlewski noted this will be a taylor made plan. Mr. Godlewski stressed it cannot all be done internal in addition to the day to day work. He noted this does not have to be rushed. Mr. Auvil stated MACOG has done Bristol and Wakarusa's plans, which are not cookie cutter. He added they do a good job of facilitating, and he has been impressed with how they operate. Attorney Kolbus noted their role could be limited to the data collection, and staff could put the plan together. Mr. Auvil stated he sees them as facilitators, because branding is extremely important. Mr. Godlewski mentioned the fear is that a consultant will drive the process, but staff is integral in that. He stressed staff will play a pivotal role. Mr. Warner stated the key is that people working on the plan know Elkhart County and its vastness. Mr. Godlewski stressed staff has to be involved. He asked if this is the time to move forward with revising the plan. Mrs. Snyder said it sounds like a good plan. Mr. Godlewski mentioned this is not on a hard schedule. Mr. Warner mentioned affordable housing and tiny homes. Mr. Godlewski responded, staff has received calls about tiny homes, but the Zoning Ordinance has a minimum square footage requirement. Attorney Kolbus asked if the minimum square footage is from the state building code. Mr. Auvil stated he has talked with Kevin the Building Commissioner. He said a tiny home is possible if it can be proven by an engineer that it meets the residential standards. He added a Developmental Variance would still be needed. He stated he believes the largest obstacle is meeting building code. Mr. Stump asked where they would be located. Mr. Miller noted where his son lives they have an ordinance allowing it. Mr. Godlewski noted South Bend constructed some tiny homes. Staff will come back in July with an outline. Mr. Burbrink stated a lot of the current plan was done in-house, and Laura Coyne was very involved with the outreach. Mr. Godlewski stated it is a short plan that was right for the time. He added staff is now thinking 60 to 80 pages with charts, graphs, and pictures. Mr. Warner questioned solar farms coming up and how it fits in the ordinance. Mr. Godlewski stated the Zoning Ordinance only addresses small scale solar arrays, but utilities will be considered. Mr. Warner explained the mention of solar farms. Mr. Burbrink noted the University of Pennsylvania is doing a program on solar farms and will try to send the URL to everyone. He noted they have a series on it.

13. 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 10:21 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Laura Gilbert, Recording Secretary

Steve Warner, Chairman