

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 14TH DAY OF OCTOBER 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 Edwards, Steve Warner, Lori Snyder, Tom Stump, Jeff Burbrink, Roger Miller, Tony Campanello, Frank Lucchese.

2. A motion was made and seconded (*Burbrink/Warner*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 9th day of September 2021, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Miller/Burbrink*) 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 primary approval of a 31-lot major subdivision to be known as **TERRA SUBDIVISION SECTION 2**, for Jeremy & Michelle Bachman Rebetz LLC represented by Surveying and Mapping LLC, on property located on the south end of Tasha Dr., 750 ft. south of State Line Rd., in York Township, zoned A-1, was presented at this time.

Mrs. Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #MA-0734-2021*.

Chris Marbach, Surveying And Mapping LLC, 3220 Southview Dr. Elkhart, was present representing the petitioner. He reaffirmed what staff presented. He explained the developer had a delay due to expenses and would now like approval from the committee to continue with the project. Mrs. Snyder asked when the project would be started. Mr. Marbach stated they have things in progress to start this year.

There were no remonstrators present.

A motion was made and seconded (*Lucchese/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: Approved, **Moved by:** Lori Snyder, **Seconded by:** Steve Edwards that this request for primary approval of a 31-lot major subdivision to be known as **TERRA SUBDIVISION SECTION 2** be approved in accordance with the Staff Analysis.

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

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

Miller, Tony Campanello, Frank Lucchese.

5. The application for primary approval of a 33-lot major subdivision to be known as **WOODFIELD TRACE**, for Spartin Development LLC represented by Abonmarche Consultants, on property located on the east end of Bernice Dr., 500 ft. east of CR 3, in Baugo Township, zoned A-1, was presented at this time.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #MA-0738-2021*.

Crystal Welsh, Abonmarch Consultants, 303 River Race Dr. Goshen, was present to represent the petitioner. She noted the developer for this project was also present. She stated this project would help combat the lack of housing in the community as these homes will be single family residential units. She added this would be a great asset in the continued efforts to have more housing in the area.

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: Approved, **Moved by:** Steve Edwards, **Seconded by:** Phil Barker that this request for primary approval of a 33-lot major subdivision to be known as **WOODFIELD TRACE** be approved in accordance with the Staff Analysis.

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

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

6. The application for a zone map change from R-2 and PUD M-1 to B-3, for Perry Automotive represented by Surveying and Mapping LLC, on property located on the west side of SR 19, 850 ft. south of CR 20 (Mishawaka Rd.), common address of 57923 State Road 19 in Baugo Township, zoned PUD M-1, was presented at this time.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0733-2021*.

Chris Marbach, Surveying And Mapping LLC, 3220 Southview Dr. Elkhart, was present representing the petitioner. He explained Perry Automotive purchased the property in 2015, their business was started, and they were unaware that it was zoned a PUD M-1 and R-2. He continued to say the land owner wanted to split the parcel into two parts to sell the north half to the landscaping company. He explained that this is what has brought up the zoning issue. He stressed they are not changing any land uses just bringing it the zoning back to compliance. He also went on to say they will be bringing back a re-plat to split the property if this rezoning is approved.

Mr. Dean submitted and read an email from Virgil Wesco, 55015 Currant Rd., Mishawaka, in support of the request [*Attached to file as Staff Exhibit #1*]. The email states he would be in support of the B-3 zoning.

A motion was made and seconded (*Snyder/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: Approved, **Moved by:** Roger Miller, **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 R-2 and PUD M-1 to B-3 be approved in accordance with the Staff Analysis.

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

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

7. The application for a zone map change from GPUD E-3 to A-1, for Borger Pletcher Development represented by Homeward Bound Animal Welfare Group Inc., on property located on the East side of CR 17, 3,000 ft south of CR 6, common address of 53536 CR 17 in Washington 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-0739-2021*.

Jenn Schwartz, 53713 CR 35, Middlebury, was present representing Homeward Bound Animal Welfare Group Inc. Roger Miller questioned Mrs. Schwartz how long she has lived on the subject property. Mrs. Schwartz responded she doesn't own in the property at this time. She explained that you would like to purchase one of the parcels. The owner was not present today. Mrs. Schwartz went on to say that she would like the property to go back to its original zoning, A-1 and to use the original building. She also stated nothing would change with the original buildings or the layout of the property.

"Meg" Margarete Wolgamood, 53470 Pinebrook Dr. Bristol, was present in remonstrance. She stated that her husband and her self are property owners adjacent to this property. She went on to say she would like to address the staff report in regards to the adjacent zoning and land use table. She explained of the subject property north is not only a DPUD with a definite plan in place, but also R-1 PUD which is where they live. She stressed that the existing surrounding land uses are residential, although they are in an agricultural zone. She went on to say that residential uses are permitted in an agriculture zone. She continued to say the staff report stated that an A-1 zone congregates farms, modestly scaled agriculture operations, agribusinesses, large lot single family detached dwellings, and other compatible and supporting uses. She questioned the Board, is a pet rescue operation with outside pens and runs as specified on the site plan that was submitted in the application a compatible use with the existing surrounding residential uses? She went on to say the staff analysis said the purpose of the rezoning request is to allow residential and agricultural uses by right that are currently legal conforming status. She stated there have been no agricultural uses on the property in over 20 years. She went on to say in October 2000 the Board of County Commissioners changed the zoning from A-1 to a GPUD to allow input from the neighboring property owners when a DPUD was filed. She stressed that allowed the neighbors to have direct input with the DPUD to the north. However, she continued with a straight agricultural rezoning classification, there would be no process by which any of the neighbors would have an input or be heard. She stated in conclusion the staff has recommend approval based on 5 state statutes. She then stated with number one, the requested zone map amendment will not comply with the comprehensive plan, because the comprehensive plan states that existing residential uses should be supported and protected from conflicting land use. She continued saying by maintaining the existing GPUD E-3, which requires a DPUD to be filed, allows

for further input from the neighboring property owners. Next she addressed number 2, the request is not in character with current conditions as was previously stated, because there is no existing agricultural uses on site. She explained there is a barn located on the site, however, it is not in use. She stressed the adjacent properties are residential in nature, and the existing A-1 zonings to the east and to the west are all original zoning classifications. She noted the purposed use is not residential. She moved on to number 3, the most desirable use of the property would be continuation of the GPUD E-3 to allow the possibility of a DPUD to be filed, which would make way for conditions to be placed to protect surrounding residential properties. She addressed number 4, the request would not conserve neighboring property values, and she listed numerous agricultural uses that would be highly offensive with odor and noise to the existing residential area. She finished with number 5, the purposed rezoning does not promote responsible growth and development. She stated rezoning this property would open the door to numerous uses without the benefit of limiting curb cuts, requiring state sewer, buffering, drainage, etc. She went on to say the DPUD would accomplish that. Mrs. Wolgamood in her conclusion respectfully request that the Board pass this onto the County Board of Commissioners with a recommendation of denial.

Mrs. Schwartz stated the animals would not be outside after hours, because the plan is to refurbish the barn with indoor runs. She went on to say the dogs would be allowed to go outside, certain times of the day, there would never be any dogs kept outside. She concurred that she would not want to hear dogs barking at all hours of the night. She added here are plans in place for waste to be taken away on a weekly basis. Mr. Warner asked the total number of animals that would be cared for. Mrs. Schwartz stated the facility has space for 60 runs, and that would not be all great danes, as other breeds would also be welcomed. She continued to say the barn is 18,000.00 square feet. Mr. Miller asked if the runs would be enclosed? Mrs. Schwartz stated there would be indoor/outdoor runs that would be enclosed. Mrs. Snyder asked if this was part of the Humane Society? Mrs. Schwartz stated that this is a private organization that has been around for over 13 years. Mr. Warner asked how would they address the concerns for curb cuts and city sewer? Mrs. Schwartz remarked it has curb cuts now, and the drive is private. She continued to say they do approximately 20 adoptions a week, and the adoptions are done on Tuesdays and Thursdays at 7 pm and on Sundays at 1 pm. She explained the traffic would consist of around 10 people coming and going, and it would not be a high traffic operation. Mr. Miller asked if she is buying all of the property or one parcel. Mrs. Schwartz stated she was not looking at buying all the properties just the parcel with the barn. She continued to say the runs would be on the side closest to CR 17. Mr. Warner asked if the kennel code ordinance would be followed. Mrs. Schwartz continued to say she talked to the Indiana State Veterinarian, and they would be in compliance with all the states rules and regulations. Mr. Campanello asked staff if they have to get a Special Use permit if this is approved. Mrs. Kratzer stated kennels are permitted by right in an A-1 zone with 3 acres. Mr. Stump asked staff if the curb cuts were regulated by the county. Mr. Godlewski stated that is County Highway's jurisdiction. Mr. Stump stated that the curb cuts are limited on the property, and Mr. Godlewski concurred. Mr. Burbrink questioned the site plan that is a hand written sketch. Mrs. Schwartz replied that area would be for a proposed fence line that would be built. Mr. Burbrink also questioned the set back of the proposed fence. Mrs. Schwartz continued to say the fence would run along the tree line, nowhere near the property line. Mrs. Snyder asked what type of fence it would be. Mrs. Schwartz stated it would be 5 ft. commercial grade chain link fence. Mr. Miller questioned if it would be a free run for the dogs. Mrs. Schwartz responded yes.

Lawrence Hill, 53471 Pine Brook Dr., Bristol, was present in remonstrance and stated his

property is a part of the Pheasant Ridge community. He concurred with everything Mrs. Wolgamood stated earlier. Mr. Hill is not in favor of the use that is proposed.

Robert Ramsby, 53585 Folkstone Ct., Bristol, was present in remonstrance and stated his property is a part of the Pheasant Ridge community. He expressed concern regarding the noise factor, and he stated he has a dog, if another dog barks 2 blocks away, she barks. He stated he can see it as a “sing fest” (with up to 60 dogs on the property). He continued to say he loves animals, if this were to go in somewhere else, he would probably volunteer. He repeated his concern with the noise level, and how it would affect the value of his home. Mr. Ramsby is not in favor of the rezoning of this property.

Robert Kauffman, 2265 W. Wagner Rd. Buchanan, MI, was present in favor for this project. He stated he serves as the Zoning Administrator for his township. Mr. Kauffman stated in the last 10 years they have added 2 kennels like the one being presented today to his township. He went on to say they had similar situations with residential areas being next to the rescues. He added there was a lot of opposition when the plan was first presented. He also stated that by using a model like Homeward Bound Rescue it has been a seamless integration into their township. He encouraged people to be open minded.

Mrs. Schwartz stated she would like to address the issue in regards to the barking. She explained the kennels will have solid panels for better cleaning and decreased barking, because the dogs would not be able to visually see each other. She continued to say the barking should be less with just the panels in place. She added the dogs will be exercised on a regular basis, a tired dog is a happy dog.

Mr. Stump questioned, what the rest of the property be used for. He asked how would that be controlled, this is a residential area and how would this affect what goes on this property. Mr. Godlewski stated a A-1 zoning is more appropriate for their homes rather than a GPUD E-3 making it a better fit. Mrs. Snyder stated if it went to a straight A-1 zoning according to the ordinance, single family dwellings, duplexes, and double wides are permitted. She continued to say a lot of time went into the GPUD E-3, and there were a lot of people that got to come and put their input in. Mr. Campanello stated there has been a plan for this area on CR 17 for a long time and the way they did the GPUD in 2000 there was a reason for that. Mr. Campanello continued to say he would make a motion for denial based on Mrs. Wolgamood articulated the reasons why. Mr. Miller stated it does concern property values. Mr. Warner stated if they purchase the “L” section of the property, it has a pretty permanent natural barrier with the large pond. He added if they were required extra buffering, they would just need it on the northern natural edge. Mr. Barker stated currently this property is a GPUD, and it seems, if they wanted a use like this, on the property they should come in with a DPUD that addresses the entire site. He continued to say that way you could place restrictions on the parcel to take it back to an A-1 undoes everything that has been done.

A motion for 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: Deny, **Moved by** Tony Campanello, **Seconded by** Jeff Burbrink 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 A-1 be denied.

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

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

No: Phil Barker.

8. The application for an amendment to an existing DPUD R-3 known as **GREENCROFT MIDDLEBURY** to allow for new buildings and for primary approval of a 1-lot minor subdivision to be known as **GREENCROFT INC./GREENCROFT MIDDLEBURY DPUD PHASE 2**, for Greencroft Goshen IN represented by Abonmarche Consultants, on property located on the South side of Wayne St., 3,200 ft. east of US 20, in Middlebury Township, zoned DPUD R-3, was presented at this time.

Mr. Auvin presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0736-2021*.

Crystal Welsh, Abonmarche Consultants, 303 River Race Dr., Goshen, was present representing the petitioner. She explained back in 2018 this parcel was created with a secondary plat. She went on to say part of the request is a primary that shows 2 lots opposed to a secondary as well as requesting setback variances on the lots. She went on to say these would be rental units for Greencroft Campus 7 units in 4 buildings.

There were no remonstrators present.

A motion was made and seconded (*Edwards/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:** Tony Campanello that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to an existing DPUD R-3 known as **GREENCROFT MIDDLEBURY** to allow for new buildings and for primary approval of a 1-lot minor subdivision to be known as **GREENCROFT INC./GREENCROFT MIDDLEBURY DPUD PHASE 2** be approved in accordance with the Staff Analysis.

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

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

9. The application for a zone map change from A-1 to DPUD M-1 and for primary approval of a 1-lot minor subdivision to be known as **TRANSPORT U.S. STORAGE LOT DPUD M-1**, for Nusbaum Investments LLC represented by Abonmarche Consultants, on property located on the north side of CR 38, 1,125 ft. east of CR 17, common address of 21825 CR 38 in Elkhart Township, zoned A-1, was presented at this time.

Mr. Auvin presented the Staff Report/Staff Analysis, which is attached for review as *Case*

#DPUD-0735-2021.

Crystal Welsh, Abonmarche Consultants, 303 River Race Dr., Goshen, was present representing the petitioner. She explained they do not anticipate a lot of traffic, and there will be deliveries on Monday and Tuesdays. She continued to say the potential developer anticipates the traffic flow will come in from the East and leave towards the West to get on CR 17. She added there has been communication with the Highway Department for their needs as well, and the Highway Department didn't express any concerns. She noted there has been additional right of way dedicated. Mrs. Welsh stated this is a compatible use with the area, as there are already other commercial uses in the area. She went to say they have taken in great stats in regards to proper lighting, and it will not impact adjacent properties. She explained all the lighting will be tracked down ward for security purposes. Mr. Warner asked what the estimated amount of vehicles would be allowed on site to be stored. Mrs. Welsh stated there was a traffic impact analysis done and the staff that comes on site will have more of an impact than any of the new vehicles ins and outs. She noted they anticipate 20-30 per weeks. Mr. Warner asked how many vehicles are allowed to be stored. Mrs. Welsh stated at this point there is no count, and they do not stripe the parking areas. She went onto say there are 2 acres, there is no specific number. Mr. Warner stated he was concerned about a junk yard type of atmosphere. Mrs. Welsh confirmed that would not be the case. She went on to say this facility is used to store new vehicles. Mr. Miller asked about the existing house on the property. Mrs. Welsh stated yes, the intent is to use it as additional office space if needed or to remain as a residential area that could be used for the drivers.

Mark Hay, 21523 CR 38, Goshen, was present in remonstrance. He stated he lives on a historical 88 acre farm. He continued to describe the country environment in which he lives. He also stated he understands that it is going from an A-1 zone to a DPUD M-1 and also a lot for a minor subdivision. He wanted clarification of what the land would be used for and what impact it would have on him and his neighbors. He continued to ask about the exterior and what the parking lot would be made of. He also stated there was concerns for the water runoff and flooding. Mr. Hay asked if there would be a turn lane on CR 38. He went on to list other concerns about the existing RV traffic and litter.

Mrs. Welsh clarified the site plan. She went into detail on what the driveways would be made of. She noted drainage is always a concern for neighboring properties, and the state of this particular parcel. She went on to say there will be a retention area. She continued saying they added extra buffering and lighting directed towards the facility not to the areas adjacent to it. She pointed out the DPUD option was liked by the county, because this site is not going to a manufacturing site. She also stated that the DPUD states what can be allowed, and how it must be designed. She stressed any changes to that would require additional public comment, but this allows the community to come and comment if anything would change besides what is actually purposed today. Mr. Warner asked if the buffering referred to the natural existing fence row. Mrs. Welsh commented the additional buffering is actually along CR 38, and there is a proposed land scape plan. She noted there is a natural existing tree line, and there is no intention to do anything with that. She continued to state there would a security fence put in on the west side of that. Mr. Campanello asked about the purposed retention area. Mrs. Welsh stated there is a natural low area, and the intention is there will be a slow release into that. She continued to say there was a wetland analysis completed, and this property does not contain any wetlands. Mr. Campanello questioned if all run off will be able to be contained on this property. Mrs. Welsh concurred. Mr. Miller asked if the gentlemen that spoke lives on this property.

Mrs. Welsh stated he lived on the property adjacent to the east.

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

Mr. Stump asked how this ever was zoned for a towing yard, junk yard or a storage yard, because it doesn't look like it went through the Plan Commission. Mr. Godlewski stated it went through the BZA 6 years ago. Mr. Stump asked how the BZA could do that. Mr. Auvil stated they would have applied for a Use Variance. He continued to say one can apply for Use Variance in any district, and the BZA approved that variance for a towing yard. Mr. Stump questioned the material for the parking lot, would it be crushed-compact stone or asphalt chips. Mr. Warner clarified asphalt for the drive and then for the storage area it would be crushed stone. Mr. Barker stated or asphalt millings. Mr. Burbrink asked if that was somewhat permeable. Mr. Barker went on to say that it was permeable. Mr. Stump asked about the dust factor of this parking lot. Mr. Barker stated with the milled asphalt there will be less dust than with the stone. Mrs. Welsh stated the main intent is to compact it to give an appropriate surface for driving and storage, but to also lessen the dust factor. Mr. Stump asked Mr. Barker if this had a soil report, and if the soil is heavy clay. Mr. Barker stated the soil is sandy, not too much clay. Mrs. Snyder stated with the DPUD that will give a lot of control moving forward, more than it's had in its current existence.

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

Motion: Action: Approve Moved by Roger Miller, Seconded by Lori Snyder 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 M-1 and for primary approval of a 1-lot minor subdivision to be known as **TRANSPORT U.S. STORAGE LOT DPUD M-1** be approved in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 5, No = 4, Abstain = 0).

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Frank Luchesse.

No: Tom Stump, Jeff Burbrink, Roger Miller, Tony Campanello.

10. The application for a zone map change from GPUD B-2 to DPUD B-2 and for primary approval of a 2-lot minor subdivision to be known as **WINDSHIRE-DG: DPUD B-2**, for Windshire Corporation represented by AR Engineering LLC, on property located on the southwest corner of US 33 and CR 31, common address of 67193 US Highway 33 in Jackson Township, zoned GPUD B-2, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0740-2021*.

Whitney Pizzalo, AR Engineering LLC, 5725 Venture Park Dr., Kalamazoo, was present representing the petitioner. She stated she was representing both the Dollar General and the landowner for the proposed storage units on lot 2. She went on to say this is a 2-lot DPUD subdivision that was rezoned to GPUD B-2 back in 2000, as there was a plan to make sure this developed, into commercial. She explained the 2 proposed uses are a good fit for the area as they are both low intensity uses, not intense as a gas station or fast food restaurant. Dollar General Stores are based on

convenience and not the volume of people who show up to shop there every day. She continued saying that the storage units typically don't have a lot of day to day traffic, and they will be gated for only those who rent the spaces to have access. She then explained Dollar Generals use less water than a single-family residence, as it only has a 2 stall bathroom, and the self-storage will have a well, only for irrigation. She stated that trees, shrubs, and other landscaping will get planted to make the area look appealing to the residential area surrounding this subject property. Mr. Warner asked how many feet away is the intersection of CR 33 and US 31 from the access to the property. Ms. Pizzalo responded it is over 200 feet. Mr. Warner asked if there will be a full turn lane. Ms. Pizzalo responded there will be a taper lane. She then stated they will comply with INDOT regulations for access off of the main road. She continued to say that there will be a retention basin for storm-water, as ground water is more than 15 ft. below, and it is a sandy soil, and they will meet all of the county requirements for storm-water retention. She stressed the petitioner has been in business for over 20 years with the community, making commercial and residential areas a better place. Mr. Lucchese asked about the lighting going off after hours and would that be consistent with this store as well. Ms. Pizzalo stated yes. Mr. Miller asked if these projects would continue to work with each other, Dollar General and the storage units or are they two separate owners. Ms. Pizzalo stated they would be two separate owners. Mr. Burbrink asked if there was an agreement with the property owners in regards to the shared driveway and how it would be maintained. Ms. Pizzalo stated yes there is an agreement.

Mr. Auvil submitted and read several emails from the following: Matt and Kerri Faldoe, 16060 Brentwood Dr., Goshen, Chad R. Brew, address not given, Jason Metz, address not given, Sarah Tharp, address not given, John Makowski, 67350 US Hwy 33, Goshen, Dr. Randall Zimmerly, Fairfield School Board and administration, 67240 CR 31, Goshen, Stacey and Cynthia James, 67279 CR 31, Goshen, *[Attached to file as Staff Exhibit #1]*, all emails were in opposition to the request with concerns about traffic, pedestrian traffic, safety concerns, noise, environmental hazards, and housing values. Mr. Burbrink asked what else can go into a B-2. Mr. Auvil stated such businesses as real estate offices, chiropractors, dentist, childcare centers, retail offices, wide retail stores, and those type of facilities. Mr. Miller asked when this was approved for Fairfield Farms PUD, and for clarification on what that plan consisted of. Mr. Auvil stated the Fairfield Farms PUD was two phases it was a large residential development along with other commercial development. He continued saying this location was supposed to be a gas station/convenient store and retail office area, the problem is there are not city municipal services, and it is difficult to put a gas station/convenient store without municipal services. Mr. Auvil continued to say this has been the reason why the commercial GPUD has sat idle for the last 20 years. He stressed the intent for this property was always to be commercial. He explained the residential component was zoned DPUD, and this property was zoned GPUD. He went on to say the GPUD gets the concept approved, and moving to the DPUD gets the detail of the development approved.

Jason Osborne, 67144 Chadwick Court, Goshen, was present in support of this proposal. He stated when the subdivision was developed the homeowners knew that this property would be a gas station. He continued to say he would like to see Mr. Schrock develop this, because he cares about the properties behind this project. Mr. Osborne continued to say this could be used for an RV storage lot. He stated Mr. Schrock will pass away someday, and the land will go to the highest bidder, then the community will have no say.

Dr. Randal Zimmerly, superintendent for Fairfield Schools, 67240 CR 31, Goshen, was present in remonstrance for Fairfield Community Schools. He stressed there is an extreme safety risk

to the children in our community. He stated the school board is opposed to any further zoning changes for any retail operation that would entice our community's children. He continued to say children will be traveling by foot across US 33 to Dollar General. He stated there are many sport tournaments that take place and those events would entice adults and children to cross the road to Dollar General. He continued to say the site plan shows no infrastructure improvements in place for the intersection for pedestrian crossing. Dr. Zimmerly stated they are against any enticement for the students; the introduction of more traffic with no infrastructure improvements to make it safe is disheartening and disappointing. He went on to say the development of a retail outlet also in the opinion of some school board members created some esthetic concerns, which include the style/type of building not fitting in with the neighborhood visually. He stated in closing on behalf of the school board he asked the Elkhart County Plan Commission to not recommend approval of this petition. Mr. Campanello asked if there are any rules or consequences for students crossing the road currently.

Dr. Zimmerly stated he didn't know if there was anything in place, but the roads are monitored during school hours. Mr. Campanello asked if there are any crossing guards at the intersections during school. Dr. Zimmerly stated there are no crossing guards at the intersections, because they provide bus transportation.

Konnie Osborne, 67144 Chadwick Court, Goshen, was present in support of this proposal. She stated the subdivision does not allow storage of RV's and trailers in the area, so a secure storage facility would be great for the home owners that are close by. She went on to say that she doesn't think lighting would be an issue. Mrs. Osborne stated she sees kids walking home from school all the time. She continued saying that the property is already commercial and will stay commercial.

Dan Steiner, 67083 Brentwood Dr., Goshen, was present in remonstrance. He stated he had two concerns, one being Brentwood Dr. would be an access point from CR 42 down to CR 31 to get to the entrance. He continued to state his second concern was in regards to the storage units and what would be able to be stored there. He stated he would not want trailers and vehicles stored outside.

Jason Metz, 67483 Kensington Dr., Goshen, was present in remonstrance. He explained his process on how he and his wife chose to live in this area. He continued to say he spoke with Schrock Homes/Adley Schrock and decided this would be the best place to invest in. He stated a dark parking lot would be a security concern. He went on to say that 15 cars in the parking lot would add a lot of traffic for that area. Mr. Metz stated he wants what is best for this community. He added agrees with the previous speakers that traffic and safety are issues for the children.

Cynthia James, 67279 CR 31, Goshen, was present in remonstrance. Mrs. James submitted a letter from a concerned neighbor, John Makowski, 67350 US Highway 33, Goshen *[Attached to file as Remonstrator Exhibit #1]*. She continued to discuss the same concerns that were stated previously in regards to child safety and the high amount of traffic.

Jim Magnus, 67090 Brentwood Dr., Goshen, was present in remonstrance. He stated that this proposal is a bad idea. He stressed any retail in a rural area is a bad idea. He went on to agree with the previous remonstrator speakers in regards to the traffic and child safety.

Heather Heron, 67425 Brentwood Dr., Goshen, was present in remonstrance. She stated Benton Elementary does have a rule that children cannot walk to school. She mentioned she does not see a mixed use in this area. She continued to state concerns with trash from the proposed facilities. She went on to agree with the previous remonstrator speakers concerns regarding safety for the children, lack of lighting, storage, and traffic.

Tiffany Spencer, 67235 Kensington Dr., Goshen, was present in remonstrance. She indicated

on the aerial where her property is located. She stated the aerial is not accurate. She has a new residence, and the aerial doesn't indicate a house present on the lot. She went on to say she was opposed to building anything on this site that has been proposed.

Mrs. Snyder asked about the empty lots on the aerial, and if those are currently full lots. Mrs. Spencer stated not all of the lots are full, but over half of them are.

Leigh Piasecki, 67600 Brentwood Dr., Goshen, was present in remonstrance. She indicated on the aerial where her property is located. She stated she is opposed to this plan. She stated she is in agreement with all of the other remonstrators and their concerns. She continued to say that this land has been used for the growth of corn and soybeans.

Naomi Troyer, 67493 US Highway 33, Goshen, was present in remonstrance. She indicated on the map where her property is located. She stated she also is in agreement with all of the other remonstrators with their concerns.

Kelly Gas, 67507 Kensington Dr., Goshen, was present in remonstrance. She stated she is in agreement with all of the other remonstrators and their concerns.

Kristy Larsen, 16205 Easton Ct., Goshen, was present in remonstrance. She stated she is in agreement with all of the other remonstrators and their concerns.

Tiffany Peak, 16172 Kensington Dr., Goshen, was present in remonstrance.

Mr. Warner asked for a show of hands for all who were opposed to this proposal. There was a show of 11 plus hands in the audience.

Heather Heron, 67425 Brentwood Dr., Goshen, came on and stated there was a public community meeting where 50 people were present against this proposal.

Tom Callen, 14600 Detroit Ave., Lakewood, Ohio, was present on the behalf of the developer. He stated he does hear that there are a lot of Dollar Generals near- by, but this store will be a small neighborhood market. He continued to say it is supported by people within a 1-2 mile area. He stated he has gotten calls before that a Dollar General hasn't been well maintained, and a call to corporate usually resolves the issue. He noted Dollar General has almost 18,000 stores and do a pretty good job maintaining their facilities. He stated that this is a nice neighborhood, nicer than most Dollar General Neighborhoods. He continued to say Dollar General has taken that into consideration and has budgeted for a nicer facility. He stated there are natural buffers on the property, and there would be an additional landscape plan with some privacy fence. He went on to mention the partnering of the storage facility, because people don't have room in their houses and need places to keep their items. He stated the lighting will be contained and off at night. He mentioned he can appreciate the school boards concern for the safety of the kids. He continued to say parents are responsible for their children. He stated the flow of traffic is already there, and traffic will not increase due to the Dollar General. He also stated the turns are assessed by computer programs to insure of the safety of truck drivers and firetruck access. Mr. Warner asked about how many semi and straight truck deliveries will happen daily. Mr. Callen stated there would be one semi-truck per week and box trucks that would come in throughout the week. Mr. Warner stated his concerns about a semi trying to make the turn on the busy corner of the two major intersections. Mr. Callen stated they have checked the radius and it can be done. Mr. Warner asked if they would have to back in. Mr. Callen stated the trucks would pull in. Mr. Burbrink asked for an example of an upgraded Dollar General's exterior. Mr. Callen stated it would be brick like, but there was no visual given. Mr. Burbrink asked if there were any like that in the area. Mr. Callen stated he couldn't recall. Ms. Pizzalo stated she would have to ask about the lighting during the evening.

Fred Ham, 2523 Messick Dr., Goshen, was present representing Windshire Corporation. He stated there would be some wall mounted lighting for the self-storage buildings that would be on at night for security purposes. Mr. Miller asked if there would be any overhead lights on at night. Mr. Ham stated overhead downward lights would be contained to the property.

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

Mr. Campanello asked if this passes does it come back for a DPUD and conditions. Mr. Godlewski stated this is the final decision for the Plan Commission. Mr. Lucchesse asked if the Commissioners would be able to see what the building would look like in a month time frame. Mr. Callen stated yes they would be able to present it at the Commissioners meeting. He went on to explain why he didn't have a building plan of what this Dollar General would look like.

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

Motion: Action: Approved, **Moved by** Roger Miller, **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 B-2 to DPUD B-2 and for primary approval of a 2-lot minor subdivision to be known as **WINDSHIRE-DG: DPUD B-2** be approved in accordance with the Staff Analysis.

Vote: Motion failed (**summary:** Yes = 5, No = 4, Abstain = 0).

Yes: Lori Snyder, Roger Miller, Tony Campanello, Frank Luchesse.

No: Phil Barker, Steve Edwards, Steve Warner, Tom Stump, Jeff Burbrink.

Motion: Action: Denial, **Moved by** Tom Stump, **Seconded by** Phil Barker 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 2-lot minor subdivision to be known as **WINDSHIRE-DG: DPUD B-2** be denied.

Vote: Motion failed (**summary:** Yes = 5, No = 4, Abstain = 0).

Yes: Phil Barker, Steve Edwards, Steve Warner, Tom Stump, Jeff Burbrink.

No: Lori Snyder, Roger Miller, Tony Campanello, Frank Luchesse.

11. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil reported on the September 7, 2021 Elkhart County Commissioners petition approvals and withdrawals.

12. A motion was made and seconded (*Lucchese/Edwards*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 11:32 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Steve Warner, Chairman

