

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 14TH DAY OF APRIL 2022 AT 9:30 A.M. IN THE
MEETING ROOM OF THE ADMINISTRATION BUILDING
117N. 2ND ST., GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Chairman, Jeff Burbrink. The following staff members were present: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Mae Kratzer, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Phil Barker, Steve Edwards, Steve Warner, Tom Stump, Jeff Burbrink, Roger Miller, Brian Dickerson, Frank Lucchesse.

Absent: Lori Snyder.

2. A motion was made and seconded (*Miller/Edwards*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 10th day of March 2022, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Edwards/Warner*) 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 B-1, for Millers Services Inc. represented by Freedom Builders, on property located on the North side of US 20, 1,700 ft. west of CR 35, common address of 14589 US Highway 20 in Middlebury Township, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0113-2022*.

Jeremiah Hochstetler, 54824 CR 33, Middlebury, Freedom Builders, was present representing the petitioner. He stated the purpose of the zone map change is for an office building for the land owner. He also went on to say there would be no customer traffic.

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: Approve, **Moved by** Roger Miller, **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 B-1 be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Tom Stump, Jeff Burbrink, Roger Miller, Brian

Dickerson, Frank Luchesse.

5. The application for a zone map change from A-1 to M-1, for HC LLC represented by Abonmarche Consultants, Inc., on property located on the southeast corner of CR 4 and CR 131., in York Township, zoned A-1, was presented at this time.

Mar Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0139-2022*.

*****It should be noted Mr. Dickerson recused himself and stepped down*****

Mr. Burbrink stated at this time how the meeting would be conducted.

Jeffrey Shaffer, 303 River Race Dr., Goshen, Abonmarche Consultants, Inc. was present representing the petitioner. He informed the board the developer was not present today. He stated they are here today seeking the petition be tabled until May. He went on to say that this is an extension of a zone map change that was done last year. He continued to say farming becomes difficult, for this shaped lot as irrigation is an issue. He also stated the plan for this site in regards to fencing and lighting. He went onto explain the type of lighting in detail to the board.

Mr. Auvil submitted several the emails opposed received by staff to this petition [*Attached to files as Exhibit #1*]; the first was from Heidi Eash, 15485 CR 4, Bristol, this email is regarding the neighboring property that was already been approved. She stated her concerns include environmental impact, loss of property values, adverse effects on quality of life, changing from agricultural life to commercial/manufacturing and all the negative aspects on how this will affect the community and the neighborhood. The next letter email was from Aubrey Eash, no address was available. She stated there are concerns for encroachment of industrial uses in an agriculture area, and its adverse effects in the neighborhood. She also expressed concerns with the traffic, property values, and changing the rural character of the area. He then read another email from Wendy Eash, no address was available. Mr. Auvil stated the same concerns where expressed in this email as the previous emails. Next he presented an email from James and Teresa Ireland, 15672 CR 4 Bristol. They stated the changing of the agricultural area and traffic is a concern. They also mentioned there are a lot of Amish community in this area. He stated they have concerns that CR 4 is very narrow and the light pollution will be an issue. The last email presented was from Tim Eash, no address available, this email listed all the previous concerns

Dustin Carr, 52135 CR 131, Bristol, he stated he has four concerns with this proposal. He expressed the first concern was safety; INDOT studies from 2018 to present shown an increase in traffic in the area. He continued to state the safety concerns for children and bus routes. He noted the RR crossing has no lights and/or crossing arms, just stop signs. He explained his second concern was the infrastructure of the road, as traffic will be backed up. He stated that CR 131 is in terrible shape due to high traffic conditions. He mentioned his third concern is the light pollution. He further stated he has a light measuring device that measured a high LUX measurement, so the light pollution is a problem. In closing Mr. Carr stated the rezoning signs were not placed in correct locations. He then asked the Plan Commission when do they will stop rezoning these areas.

Lauren Eash-Hershberger, 107 Dewey Ave., Goshen, came on in remonstrance and stated she is strongly opposed to this petition. Mrs. Eash-Hershberger then read the letters submitted by Heidi Eash and Wendy Eash that were previously submitted as exhibit 1.

Mr. Burbrink restated the rules in which this meeting will be conducted, and explained the job of the Elkhart County Plan Commission Board.

Mr. Godlewski extended the purpose of the Elkhart County Plan Commission Board and then explained that this request will be heard by the Commissioners for a final decision.

Mr. Auvil explained how the signage is placed on the property and stated it is a policy not a requirement. He continued to state sign placement is up to the petitioner. He went onto say that according to the state of Indiana notification is to be sent all property owners within 300 ft. of all subject property boundaries as well as public notice in the county newspapers.

Mr. Lucchese stated the commissioners will hear this request approximately one month after this meeting. He went onto say if this is tabled then it will be a month after that. He also stated that is the time where the butterflies can be mentioned, the view of the homeowner, and light pollution. Mr. Lucchese also stated the Plan Commission meeting is a land use meeting.

Sunny Taitner, 52241 CR 131, came on opposed to this request and she stated RV industry concerns. She continued to say that RV's are being massed produced without the demand. She asked what will happen to this lot after there is no need for RVs. She went on to say there is a gas line that runs through the property. Mrs. Taitner stated that the RR crossing, traffic, runoff, and pollution, are all concerns.

Dan Holtz, 22665 Greenleaf Blvd., Goshen, came on and stated an up roar in the community is to be expected. He went on to say there is a problem with RV storage. He presented the need to respect property rights. He stated the balance of the economical and the livability of this county needs to be heard.

Jeff Shaffer came back on and stated the zoning commitments can be looked at to see if any changes needed to be made, and the light issues can be addressed with staff. He mentioned the signs were posted and reposted when one was ran over. He continued to say that traffic will increase, and an expected traffic count study will be presented. Mr. Shaffer stated in closing he would like to table this petition and be able to bring new proposals the mentioned concerns. Mr. Miller asked about the gas line that was mentioned. Mr. Shaffer addressed that the gas line would not be an issue; there would be no parking on the gas line. Mr. Warner asked about what surface will be used on this property. Mr. Shaffer responded crushed stone surface. Mr. Miller asked if this lot is abandoned, what can be done with it after that. Mr. Shaffer explained they are asking for a straight M-1 zone.

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

A suggestion of tabling the petition was mentioned by the petitioner, but was later denied by the board.

Mr. Barker stated he has an issue with a straight rezoning of this property and he would recommend a PUD. Mr. Stump stressed a straight M-1 rezoning is too much for a residential neighborhood. Mr. Luchesse mentioned that this M-1 rezoning is too close also for the residential neighborhood.

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

Motion: Action: Deny, 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 A-1 to M-1 be denied in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 6, No = 1, Abstain = 1).

Yes: Phil Barker, Steve Edwards, Tom Stump, Jeff Burbrink, Roger Miller, Frank Luchesse

No: Steve Warner.

Abstain: Brian Dickerson

*****It should be noted that Mr. Dickerson returned to the Board at this time*****

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

Jason Auvil reported on the March 7, 2022 and March 21, 2022, Elkhart County Commissioners petition approvals.

7. Mr. Godlewski presented the staff item of the Solar Ordinance draft to the board along with the Solar Ordinance packet. Mr. Miller stated he wants the public to know that this document can be changed. Mr. Godlewski stated mentioned it can be amended after permits/applications have come through. Mr. Warner stated that drainage should be addressed and farm tile should be protected.

Mr. Dickerson noted it may be difficult to track the farm tile. Mr. Barker stated that most current tiles can be located with aerial photography. Attorney Kolbus indicated in the Solar Ordinance the section that states what must be taken into consideration for a site plan and farm tile could also be added to that section. He continued to say that the Solar Ordinance could go on the website as early as tomorrow.

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

Motion: Action: Approve, **Moved by** Brian Dickerson, **Seconded by** Steve Warner that the Zoning Ordinance Amendments be set for a special meeting on April 26th at 6:00 PM

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Tom Stump, Jeff Burbrink, Roger Miller, Brian Dickerson, Frank Luchesse.

A motion was made and seconded (*Dickerson /Luchese*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:45 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Steve Warner, Chairman