MINUTES

ELKHART COUNTY PLAN COMMISSION MEETING HELD ON THE 14TH DAY OF JULY 2022 AT 9:30 A.M. IN THE MEETING ROOM OF THE ADMINISTRATION BUILDING 117 N. 2^{ND} 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; Danny Dean, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

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

Absent: Lori Snyder, Steve Edwards.

- 2. A motion was made and seconded (*Warner/Barker*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 9th day of June 2022, be approved as submitted. The motion was carried with a unanimous vote.
- 3. A motion was made and seconded (*Miller/Barker*) 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. Chris Godlewski presented the town of Bristol TIF District RDC staff item for the purpose of the Town of Bristol's request to the Elkhart County Plan Commission is seeking approval of the proposed resolution. The proposed resolution is a request to combine economic development areas, which are also known as Tax Increment Finance districts, within the Town of Bristol. The Town of Bristol is served by the Elkhart County Plan Commission for Zoning and Subdivision purposes. The Elkhart County Plan Commission's purpose is to make sure changes in TIF districts are consistent with the Elkhart County Comprehensive Plan. After a brief presentation by Mike Yoder, 303 Vistula St, Bristol, Bristol Town Manager, the board unanimously approved the request to combine the TIF districts.

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

Motion: Action: Approve, **Moved by** Frank Luchesse, **Seconded by** Steve Warner, that the Advisory Plan Commission made final approval of this request.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

5. The application for primary approval of a 60-lot major subdivision to be known as DEERFIELD ESTATES AMENDED PRIMARY PLAT, SECTION 5 AND SECTION 6, for Deerfield Real Estate Holdings LLC represented by Lang Feeney-Wightman Team, on property located on the northeast side of CR 5, 1,670 ft. north of CR 2, in Cleveland Township, zoned A-1,

PAGE 2 ELKHART COUNTY PLAN COMMISSION MEETING 7/14/22

was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #MA-0457-2022*.

Terry Lang, 715 S. Michigan St. South Bend, Lang Feeney-Wightman Team, was present representing the petitioner. He stated the developer has increased the size of the lots making it a total of 90 lot, instead of 120 lots. He went on to say this would decrease the density of the number of lots.

There were no remonstrators present.

A motion was made and seconded (*Miller/Dickerson*) 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** Brian Dickerson that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for primary approval of a 60-lot major subdivision to be known as DEERFIELD ESTATES AMENDED PRIMARY PLAT, SECTION 5 AND SECTION 6 be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

6. The application for a zone map change from A-1 to M-1, for Zimmer Leasing LLC represented by Surveying and Mapping LLC, on property located on the east off of SR 19, 2,305 ft. south of CR 36, in Harrison Township, zoned A-1, M-1, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case* #RZ-0438-2022.

The Board examined the withdrawal request and after due consideration and deliberation: **Motion: Action:** Approve, **Moved by** Brian Dickerson **Seconded by** Frank Luchesse that the

Advisory Plan Commission accept the withdrawal of the request for a zone map change from A-1 to M-1 for Zimmer Leasing LLC. The motion was carried with a unanimous vote.

7. The application for a zone map change from GPUD E-3 to A-1, for Russell W. Blair & Constance A. Blair represented by Russell W. Blair, on property located on the south side of CR 104, 825 ft. east of CR 15, common address of 22338 CR 104 in Osolo Township, zoned GPUD E-3, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case* #RZ-0397-2022.

There were no remonstrators present.

PAGE 3 ELKHART COUNTY PLAN COMMISSION MEETING 7/14/22

A motion was made and seconded (*Miller/Dickerson*) 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** Phil Barker 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 approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).

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

8. The application for a zone map change from A-1, B-1, & R-3 to DPUD R-4 and for primary approval of a 78-lot major subdivision to be known as CHERRY CREEK, LLC DPUD, for Cherry Creek LLC represented by Abonmarche Consultants, on property located on the east side of Main St. (SR 13), 1,160 ft. south of Spring St., in Middlebury Township, zoned R-3, B-1, A-1, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0459-2022*.

Crystal Welsh, 303 River Race Dr., Goshen, Abonmarche Consultants, was present representing the petitioner. She submitted a power point presentation. Mrs. Welsh stated there were some concerns in regards to the access points. Mrs. Welsh continued to say the developers decided to have emergency-only access via Eugene Dr. She further added the state road approval will have to go through INDOT. She explained the curb cuts and different traffic routes. She continued to say these are homeownership properties, not rentals. She stated the sewer and water is critical available with a project of this size. Mrs. Welsh explained the purpose of this new community living for the residents, and the different types of units that will be available. She went on to explain the amenities this community will provide.

Jason Auvil presented remonstrance emails, in which concerns were stated regarding this development. He stated the concerns varied from traffic on State Route 13 and into downtown, as well as access to Eugene Dr. He went on to say there were concerns about safety for the community in the surrounding areas due to the increase in population. He went on to state there were some environmental concerns since the location is adjacent to the river and flood plain. He also stated there were concerns in regards to taking away agricultural land. Mr. Auvil continued to say there were concerns if this development would include rentals, but we have now heard from Abonmarche Consultants there will be no rentals.

An email was received from Mary Shroyer, 307 E. Lawrence, Middlebury, in remonstrance to this project.

An email was received from Michael Klotz, 201 East Spring St, Middlebury, in remonstrance to this project.

Steven Hahn, 401 Mill St., Middlebury, submitted an email in remonstrance to this project.

An email was received from Don Poole, 301 Bluebird Lane, Middlebury, in remonstrance to this project.

An email was received from Richard L. Smith, 309 Eugene Dr., Middlebury, in remonstrance

PAGE 4 ELKHART COUNTY PLAN COMMISSION MEETING 7/14/22

to this project.

An email was received from Sheila S. Smith, 309 Eugene Dr., Middlebury, in remonstrance to this project.

An email was received from Paul and Sally Harshbarger, 245 River Park Dr., Middlebury, in remonstrance to this project.

An email was received from Gregory Raymond, 507 E. Spring St, Middlebury, in remonstrance to this project.

An email was received from Mary Owens, no address present, in remonstrance to this project. An email was received from Miranda Cripe, no address is available, in remonstrance to this project.

An email was received from John and Judy Christner, no address is available, in remonstrance to this project.

An email was received from Joe Miller, no address available, in remonstrance to this project. An email was received from Middlebury Farm Family, no address is available, in remonstrance to this project.

An email was received from Verda Yoder, Mill St., Middlebury, in remonstrance to this project.

An email was received from Monica Swartzentruber, 202 Eugene Dr., Middlebury, in remonstrance to this project.

Mr. Auvil also submitted a signed petition, [Attached to files as Staff Exhibit #1], signed by 322 people, who are against this proposal. Mr. Auvil noted some addresses were not within the Town of Middlebury.

Jeff Burbrink at this time discussed how the rest of the meeting would be conducted in regards to the remonstrators and their time to talk.

Steven Yoder, 2026 Dunnan Ct., Goshen, spoke in favor of this petition. He stated he travels through Middlebury with his personal vehicle, and also as a driver of a charter bus. He stated the congestion on State Road 13 is a separate issue from this development. He added this project has a good potential to attract those that currently commute to Middlebury, to now move to and live in this community.

Tonya Yoder, 13750 Denali Ct., Middlebury, spoke in favor of this petition. She stated she and her husband own a construction company, Infinite Creations. They build new homes, most of which are in Middlebury. She continued to say that there are so many people that would like to live in the Middlebury community, but there isn't anywhere to build. She stressed that when people were asked if they would be interested in this type of proposed housing, the answer was always yes. She explained that the Middlebury community and school system are highly sought after. She further stated that this project would only enhance the community, and there isn't anyone who can disagree that there is no place left to live in the community.

Joanna King, 55555 CR 8, Middlebury, spoke in favor of this petition. She explained that she served on the Middlebury School Board, and one of the main things that was a topic of discussion was closing the Middlebury Elementary School. Act of people in the community didn't want to see the school closed. She went on to say that the Town of Middlebury has the oldest demographic in the area, and Middlebury Elementary School could take an additional 200 students today. She stressed that there is space in the school system and the community needs more houses to help bring those students into the school system as Middlebury needs a younger demographic. She continued to say

that there are a lot of people who commute from Michigan to work in Middlebury every day and those tax dollars leave the community because they don't live in this area. She stressed the next generation wants to live in the Middlebury area, but housing isn't available.

Monica Swartzentruber, 202 Eugene Dr., Middlebury, was present as a spokesperson for residents on Eugene Dr. in remonstrance. She stated she has lived on Eugene Dr. for 40 years. It is a peaceful, quiet, and safe neighborhood. She explained that they do not want the heavy traffic that is currently on State Road 13 coming down their road. She showed on the aerial where the traffic would be funneling down Eugene Dr. to exit onto State Road 13. Mrs. Swartzentruber added that Eugene Drive is narrow and there are no sidewalks, like many of the areas in Middlebury. She continued to say there was an estimated amount of 1,500 people that will live in this new development, adding most homes will have 1 to 2 cars trying to travel in and out of this area. She stressed there is a concern for the safety of the water plant. Pedestrian traffic through the area is not wanted. Further, she stated the water table is high through this area. Lastly, she stated there is nothing like this development in the area and it could negatively affect their property values.

Steven Hahn, 401 Mill St., Middlebury, spoke in remonstrance. He submitted a packet [Attached to file as Remonstrance Exhibit #1]. He believes the majority of the people present today agrees that Middlebury needs more housing, but what is being disputed is how to go about getting more housing. He went over the packet he submitted to the Board. He stressed that the people of Middlebury hadn't heard about this petition until a week ago, and 100% of the people he spoke to were against this petition after they were told what was happening. He went on to say that if there are 600 units, divided by 2, for the two entrances, that's 300 cars coming in and out of the drives, twice a day. That is on top of the average of 13,000 cars going through Middlebury currently. He explained these narrow, shot-gun style lots will not provide a yard for people who have families, people with children, who want their own yards. There are other developments coming to the area that would be better than cramming this development into this already dense area of the town. He stressed that this is the wrong fit for Middlebury.

Pamela Harold, 302 E. Berry St., Middlebury, spoke in remonstrance. She stated it was the small town feel that brought her to Middlebury, and she was willing to wait and live with friends in Elkhart until she could get a house in Middlebury. She explained that most people commute into Middlebury for work, and those are the ones who want the big city feel, while the residents of Middlebury don't want a big city, they want the small town charm. She stated another solution would be to use the back side of the property to find a different access point for the entrance at another road that isn't on these smaller streets near downtown. She went on to say that the town's taxes will be raised, but roads won't be improved until that revenue is received. She stressed if these turn into rentals, they don't want the riffraff coming here, because they don't want Middlebury turning into Elkhart.

JD Vandermeer, 203 West Lawrence, Middlebury, spoke in remonstrance. He stated West Lawrence has turned into a busy street and that will increase because people will come down through Wayne trying to avoid the traffic. He went on to say that he has traveled extensively and at times he could get through Manhattan faster than he could get through Middlebury. He stressed they should be able to enjoy their town. He further stated the petitioner said they have talked to the town but they have not. Additionally, he stated horse and buggies are an issue.

Jeremy Tallman, 11306 Echo Valley, Middlebury, spoke in remonstrance. He explained that as a member of the building community he would like the Board to consider the scope of the project

PAGE 6 ELKHART COUNTY PLAN COMMISSION MEETING 7/14/22

with regards to the size of the land. He continued to say that 600 units on 57 acres, with part of that being wetlands and flood plain, making those areas unbuildable, leaves only about 43 acres for this development, which would make for a very densely populated area. Mr. Tallman ended by saying this development does not fit with the demographic in the Town of Middlebury.

Dan Moss, 11220 CR 14, Middlebury, spoke in remonstrance. He stated a lot of the homes have the values that they have due to the character of the town as it currently sits, and to bring in 600 units will change the character. He continued to say the people of Middlebury feel ambushed by this, and when searching online there is nothing that came out prior to a week before this meeting. He further stated that a median income of the Town of Middlebury was used to calculate the housing market, but the people in Middlebury, as stated earlier, are older and have a higher income. This will turn into low income housing because people won't be able to pay those prices.

Crystal Welsh came back on to respond to the concerns. She stressed a public meeting was put together last minute because they didn't realize there was so much concern. She explained there is a legal process for these public hearings and they have met all the legal obligations. Further, she stated that this development isn't going to solve the housing development crisis in Elkhart County, but this will provide additional housing options. She continued to say the engineering designs are not finalized yet at this time as that isn't done before approval, and the secondary process still needs to happen. She stressed the access point on Eugene Drive will be in coordination with the Town of Middlebury. If they don't want that access point there then they will find a different access point. She went on to explain the intention is for this to stay as a for-sale housing product. The flood plain is owned by Middlebury and only a small portion will be on this property, which is the area by the proposed dog park. Mr. Burbrink asked who will pay for maintaining the common areas. Mrs. Welsh responded that the intent is that the maintenance will be included in the membership cost for living in the units. Mr. Burbrink asked if Cherry Creek will be in charge of making sure the units remain nonrentals. Mrs. Welsh responded that the Zoning Ordinance dictates housing size and structure, but it cannot dictate occupancy, so that is what the Plan Commission's role is, as well as having it put in a Covenant as many other subdivisions have and abide by. She stressed that Cherry Creek isn't going anywhere, they will own, occupy and maintain the property as well as provide staffing. Mr. Burbrink asked if the Covenants could include that rentals would not be allowed.

Tonya Detweiler came on to answer the Board's questions. She stated the intention is 100 % home ownership, and they have learned that is a high priority for the community of Middlebury. She stressed the Covenants and restrictions will include that these will not be rental units. Mr. Miller asked what implement will be put in place to keep the housing at the level that is being proposed at this time. Mrs. Detweiler responded that once there is approval and can move forward, they will move into the full architectural stage and that will establish making sure these are beautiful homes to fit within the fabric of the town.

Mrs. Welsh added that there is no intention to seek federal funds or housing subsidies for the units in this project

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

Mr. Dickerson asked if the Eugene Dr. concern will be handled by the Board or if it would be handled by the town. Mr. Godlewski responded that it would be handled by either party. Mr. Burbrink

PAGE 7 ELKHART COUNTY PLAN COMMISSION MEETING 7/14/22

stated there is a disadvantage to closing off Eugene Dr., for safety reasons. He stated if the drive going out to State Road 13 is blocked by an accident then they are relying on someone to come out and unlock the gate blocking the exit to Eugene Drive. Mr. Dickerson stated he feels it would be more appropriate to let the town handle the matter of using Eugene Dr. or finding a different access point. Attorney Kolbus explained this is a Planned Unit Development so the Town of Middlebury could put that as a condition in their final form of ordinance. Mr. Barker asked if this is a dedicated right-of-way currently or a private drive. Mrs. Welsh responded it is a dedicated right-of-way. Mr. Barker stated it would be hard to close off a right-of-way, and the fact that it is stubbed into the subject property leaves him to believe it was required to go through there for future development. Mr. Stump stated that if the town can't close the access to Eugene Dr. then it puts a strain on the traffic to the neighborhoods to the north. Mr. Dickerson stated he feels there will be more people who will use the SR 13 access than wanting to weave through a neighborhood. Mr. Luchesse stated this is a town decision, as the Board needs to decide on land use. Mr. Miller reaffirmed the traffic concern is up to the town and the he feels this is a good use of the land as it has been sitting empty for a long time. Mr. Burbrink stated this fits into the town's Comprehensive Plan. Mr. Stump stated this is just increasing the density of the neighborhood as there is single family housing all throughout Middlebury, and now they want to put 600 units into an area that is pretty small, and that changes the consistency of the neighborhood. Mr. Dickerson stressed the Town of Middlebury's Comprehensive Plan calls for a variety of housing not just single family housing. Mr. Stump responded that it's a lot of units of housing in one area. Mr. Miller stated he would agree with that if this wasn't going to be on city utilities. Mr. Burbrink explained that a DPUD, the way the plan is submitted is the way they have to develop the structures, and if there are going to be changes made once they finalize the plans they would have to come back in and explain what the changes would be and get approval. Mr. Godlewski explained the Town of Middlebury has until October 17, 2022 to make the final decision, whether the Board approves or denies.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Brian Dickerson that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1, B-1, & R-3 to DPUD R-4 and for primary approval of a 78-lot major subdivision to be known as CHERRY CREEK, LLC DPUD be approved in accordance with the Staff Analysis. **Vote:** Motion passed (**summary:** Yes = 6, No = 1, Abstain = 0).

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

No: Tom Stump.

9. The application for a zone map change from A-1 to DPUD A-1 and for primary approval of a 1-lot minor subdivision to be known as NORTHERN LAKES MASHALING YARD, for Northern Lakes Investments Inc. represented by B. Doriot & Associates, Inc., on property located on the west side of CR 21, 660 ft. south of US 6, in Jackson Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0458-2022*.

Blake Doriot, P.O. Box 465, New Paris, B. Doriot & Associates, was present representing this petition. He stated the intent is to build a transportation distribution yard. He showed on the aerial where the buffers would be put into place on the subject property as well as the adjoining properties.

He went on to say Aluminum Trailer Corporation (ATC) will be the end user leasing this property from Northern Lakes. He stressed this property is east of Nappanee about 6-7 miles and makes an ideal place to distribute trucks as they are right off US 6, and it is not a highly traveled part of the road, with less than 100 vehicles daily. He continued to say that ATC will operate the site, there will be an office trailer on site, and there will be 1-2 employees working part time. Further, he stated there will be an average of 5-6 loads a day and the property will be surrounded by a chain-link fence, lime stone will be used for parking and drive areas, and the soils are sandy and are called Vistula, which is the best type of soil for drainage. He then explained that operations will be minimal with 24 hour access at the front gate with a keyboard for entry, and minimal lighting on site. He stressed the residential area closest to this site will not be bothered by lighting because of the wetlands between the subject site and their houses.

Rod Beer, 23965 US 6, Nappanee, Northern Lakes Investments, was present for this petition. He stated this will have minimal impact on the surrounding community, and they thought this property would fit the use of what ATC is proposing. He read and submitted a letter in support of this project from Tom Nunemaker, Planner with the City of Nappanee [Attached to file as Petitioner Exhibit #1]. He stressed they want to be good neighbors within the community and county.

Pete Gingrich, 751 N. Tomahawk Trl., Nappanee, CEO of ATC, was present for this petition. He stated ATC has been in business since 1999 and employs approximately 450 people within their 3 plants in Nappanee. He explained this will enable them to continue to grow and thrive within Nappanee. Mr. Gingrich stated that ATC builds high quality aluminum trailers. Further, he stated it will be temporarily staffed with a mobile office unit, which is self-contained, meaning there won't be an immediate need for septic or well.

Jason Auvil presented emails that were sent to Staff.

James Otis, 72183 CR 21, Milford, in remonstrance. He stated their concerns are with property value as well as environmental concerns, as the property will be graveled and unsure what that will do for storm water run-off. He explained he has heavy use concerns of the cargo-trailers storage lot is massive and capable of accommodating many trailers, as well as the traffic that this will generate which cannot be handled by CR 21. He continued to say another concern is the trucks being used to transport the trailers will be in a variety of sizes and will cause serious safety concerns with US 6 that is already a busy highway, and CR 21 cannot be widened. He further stated that light pollution is a concern due to the amount of lights on the perimeter of the transport yard, regardless of them being pointed down, will cause light pollution and not stop those picking up trailers at night from using their own lights. He went on to say that noise pollution will come from the automatic gate, the transport rigs, jake brakes, and the noise from loading and unloading. He added that aesthetically there is no way to dress-up this development and it belongs in an industrial zone. He stressed drivers operate on their own hours and companies do whatever they can to accommodate the drivers. All of this will have a negative economic effect on neighboring property values, which includes over 100 residences.

Ryan Borkholder, 72057 CR 21, Milford, was present in remonstrance. He stated they have lived in this area since 1995. He continued to say that CR 21 is a dirt road and will cause a lot of dust, as well as the additional traffic from US 6.

Herbert Rider, 20359 CR 12, Milford, was present in remonstrance. He explained the entrance from CR 21 to US 6 is narrow and tight for 2 cars to pass each other, therefore it is not wide enough for trailers to come through. He went on to say that if they try to access from the south side of CR 21 there are 6 sharp corners. He added that it needs to remain an agricultural area.

PAGE 9 ELKHART COUNTY PLAN COMMISSION MEETING 7/14/22

Danielle Knapczeyk, 72439 CR 21, Milford, was present in remonstrance. She stated that area of US 6 is dangerous, as it is like a raceway and they can't even turn on to CR 21 without almost being rear-ended. She continued to stay that she doesn't believe they have the room to do what they are proposing. She stressed it will be a danger to anyone traveling on CR 21 as it is not designed for heavy trucks or traffic. and everyone who comes out of Nappanee from the light they gun it as though it is a drag strip getting to the next light down past CR 21.

Gary Knapczeyk, 72439 CR 21, Milford, was present in remonstrance. He stated he agrees with all the concerns stated, but also his main concern is that across from US 6 there used to be a John Deere plant and they dumped over 53 tons of stone, and it is now a parking lot grave yard. He stressed if ATC refuses to renew their contract then they will have another parking lot grave yard right next door. He continued to say these grave yards are just brushed out and not being maintained. He asked if this gets approved who is going to maintain the lot. Mr. Knapczeky asked why ACT can't utilize one of the empty lots that are seen all over Elkhart County instead of creating a new one.

Matt Myers, 72321 CR 21, Milford, was present in remonstrance. He stated that there are no less than 4 other options that are closer to the ATC factory. He stressed this area needs to be kept farm land or made into residential. He explained that right across the street from the new ATC factory there is land owned by them that they could use that is already zoned for this use. He stated the Board should use the other options that are less intensive than this option.

Blake Doriot came back on to address the concerns. He stated part of the reason this parcel was chosen is due to the soil, and the soils at this location are some of the highest permeable soils in the county. He continued to say that unless the system fails there will be little water that makes it to the retention pond, as the retention pond is there for extreme emergencies. He went on to say as far as CR 21, they submitted a TIF to the Elkhart County Highway Department. The Tech Committee had no comments regarding the road being able to handle the traffic from this proposed use. He stated there was discussion of semi-trucks coming in, but they will be hauling aluminum trailers that are light and empty so the weight factor is reduced, and is less than any grain wagon driving down the road. He reiterated the highway department did not have any comments against this proposed use. Further, he stated ATC will direct all of their drivers to come from US 6 and not from the south side of CR 21, due to the safety concerns of the sharp curves. Mr. Doriot added that all of their drivers are CDL licensed.

Pete Gingrich came back on to address concerns. He explained there will be 24 hour access to the lot as it is the nature of transportation. The bulk of the transportation will be during normal business hours. Mr. Warner asked how many trips per day, or the number of units per day. Mr. Gingrich responded that previously they were thinking 5-7 loads a day which is about 15-25 trailers. Mr. Miller asked what ATC's production is currently. Mr. Gingrich responded they are currently producing around 100 trailers per week.

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

Mr. Burbrink asked Mr. Luchesse if he knew of any plans to improve CR 21. Mr. Luchesse responded there are no plans to improve CR 21 from gravel to a paved road, as far as he knows.

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

PAGE 10 ELKHART COUNTY PLAN COMMISSION MEETING 7/14/22

Motion: Action: Approve, **Moved by** Brian Dickerson, **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to DPUD A-1 and for primary approval of a 1-lot minor subdivision to be known as NORTHERN LAKES MASHALING YARD be approved in accordance with the Staff Analysis. **Vote:** Motion passed (**summary:** Yes = 6, No = 1, Abstain = 0).

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

No: Roger Miller.

10. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil reported that on June 6, 2022 County Commissioners approved an Amendment to Elkhart East Area G DPUD Phase 3, on June 20, 2022 County Commissioners approved a Zone Map Change from A-1 to M-1, a Zone Map Change from A-1 to DPUD M-1, a Michiana Capital Investments DPUD M-1, the secondary approval for Elkhart East Area G Phase 1, and denied the Zone Map Change from R-1/B-1 to B-3. He asked the Board for approval to move the Tech Committee Meeting from July 15, 2022 to July 14, 2022 at 1:00 p.m.

The motion to move the Tech Committee Meeting as presented, was approved with a unanimous vote.

Chris Godlewski, Plan Director for Elkhart County, spoke briefly of the UDO, Unified Development Ordinance. He explained that the UDO combines both the Zoning and Subdivision Ordinance into one Ordinance, for efficiency purposes. The county will be requesting assistance from Maycock to assist the staff with this, and a proposal will be forthcoming.

Chris Godlewski also spoke regarding the upcoming 2023 budget, both for Plan and Code general fund budgets. A sheet was submitted to each of the board members showing a summary of the proposed budget and requesting approval for submitting to the County Commissioners. Staffing would remain the same at 19 full time and two part-time employees, but there is a proposal to add one new employee for Redevelopment Commission/Regional Sewer District, funded by the Redevelopment Commission and Regional Sewer District to help support those two boards. The Regional Sewer District would amend their contract to support a joint employee for both divisions. The question was asked about a new county planning office location, to which Mr. Godlewski stated the plan is to move in approximately three years to the old courthouse in downtown Goshen. Mr. Miller inquired as to whether or not fees are collected from the various towns, such as Middlebury, for handling the meetings. Mr. Godlewski stated taxes collected include funds for Elkhart County.

The motion for approval to submit the proposed 2023 budget to the Board of Commissioners was approved unanimously.

A motion was made and seconded (*Burbrink/Luchesse*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 12:06 p.m.

PAGE 11 ELKHART COUNTY PLAN COMMISSION MEETING 7/14/22

Respectfully submitted,	
Amber Weiss, Recording Secretary	
Jeff Burbrink, Chairman	