

**MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 10TH DAY OF NOVEMBER 2022 AT 9:30 A.M. IN THE**  
**MEETING ROOM OF THE ADMINISTRATION BUILDING**  
**117 N. 2<sup>ND</sup> 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:** Phil Barker, Steve Edwards, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brian Dickerson.

**Absent:** Steve Warner, Frank Luchesse.

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 13th day of October 2022, 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 a zone map change from R-1 to M-1, for Tobt2 LLC represented by Freedom Builders, on property located on the south side of W. Lawrence St., 170 ft. east of Wayne St., in Middlebury Township, zoned R-1, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0732-2022*.

Jerimiah Hochstetler, Freedom Builders, 54824 CR 33, Middlebury, was present representing the petitioner. He stated the petitioner has plans to sell this property, and they want to rezone the property back to M-1 to match their other property. He continued to state there are no plans to put any buildings on this property. He went on to say the intent of this property is to make it a parking lot.

Ed Swoveland, 207 W. Lawrence St. Middlebury, was present in remonstrance, and he stated that all the neighbors are concerned about the traffic with pedestrians and particularly the Pumpkin Vine. He stated he understands that the current owner wants to sell a portion of it to the computer company across the street for additional parking. He added the concern is that the existing homeowner will change it to M-1 and put up a structure for light manufacturing. He continued to say there have been two previous buildings on this property already. He stated they are trying to get some changes on the street, either the speed limit or speed bumps due to the high traffic that already exist. He explained the traffic patterns at this time. He also stated they would not be against a parking lot. Mr. Miller asked on what street they were trying to have the speed limit changed, Lawrence? Mr. Swoveland stated that was correct, it is the first street after the S curves that people can go east on to Main St. He stressed it is a short cut for folks. He also stated it can be a "race track" at times. He went on to say there are a lot of young families on the street. Mr. Burbrink stated Lawrence St. is like a

bypass for the stop light.

Mr. Hochstetler stated he could understand the concerns with anything that could increase traffic, however they have absolutely no plans to put a structure on this property. He went on to say there are plans to add on to the existing building on the other side, which is their office building. He reiterated that the purpose is to be used as a parking lot for employees. He stated it won't increase the traffic. He went on to say the parking lot may not happen right away. He stated he doesn't see a reason why they would increase traffic. Mr. Miller stated the problem is it is changed it to M-1, and the company that owns it sells it off, the next person could put a building on it. Mrs. Snyder stated that the property is 0.44 acres, which is not very big and it would be very restrictive if someone would try and put a building on it.

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

Mr. Barker stated the neighboring properties deserve to know exactly what is going to be done, not what is not going to be done. He went on to say that someone else could come in and do something else that is allowed under an M-1. Mr. Miller stated he wasn't sure what the benefits would be to change the zone. Mr. Godlewski stated parking is not allowed in R-1. Mr. Dickerson asked how it became an R-1 zone. Mrs. Snyder stated it looked like the owner was going to build something and it didn't happen. Mr. Dickerson stated that it can return back to the zone back to what it was.

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

**Motion: Action:** Approved, **Moved by** Steve Clark, **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 R-1 to M-1 be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by roll call vote (**summary:** Yes = 3, No = 4)

**Yes:** Lori Snyder, Steve Clark, Brian Dickerson

**No:** Phil Barker, Steve Edwards, Jeff Burbrink, Roger Miller

**Motion: Action:** No recommendation, **Moved by** Roger Miller **Seconded by** Steve Edwards that this request for a zone map change from R-1 to M-1 be forwarded to the Board of County Commissioners with no recommendation.

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

**Yes:** Phil Barker, Steve Edwards, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brian Dickerson.

5. The application for a zone map change from A-1 & B-3 to R-1, for Kim Warner-Squires (Buyer), Erma & Roger Swartzendruber (Seller) represented by Century 21 Buyer, Coldwell Banker, on property located on the southwest corner of SR 15 & CR 20, common address of 58527 SR 15 in Jefferson Township, zoned A-1, B-3, was presented at this time.

Mae Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0758-2022*.

Kimberly Warner-Squires, 57718 Fall Creek, Goshen, was present for this request, and she

stated she is the buyer of the property. She went on to say the purchase is for her daughter to live there, and the bank won't allow a residential loan unless it is rezoned to R-1.

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** Steve Edwards **Seconded by** Steve Clark that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 & B-3 to R-1 be approved in accordance with the Staff Analysis.

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

**Yes:** Phil Barker, Steve Edwards, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brian Dickerson.

6. The application for a zone map change from A-1 to M-2, for Richardson's Enterprises of Middlebury LLC represented by Surveying and Mapping LLC, on property located on the west side of SR 13 (Main St.), 1,850 ft. south of CR 12, common address of 55357 SR 13 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-0760-2022*.

Deb Hughes, Surveying and Mapping, 3220 Southview Dr., Elkhart, was present representing the petitioner. She stated the Richardson's RV Company has been operating at this location since 2008 under the name of Indiana RV. She went on to say earlier this year the property was sold to Camping World, which is also an RV dealer. She stated this location plans to stay an RV dealership. She continued to state the additional 1 acre parcel was purchased with the intent on expansion. She also described the site plan in detail.

There were no remonstrators present.

A motion was made and seconded (*Miller/Clarke*) 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** Lori Snyder **Seconded by** Steve Clark 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 = 7)

**Yes:** Phil Barker, Steve Edwards, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brian Dickerson.

7. 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 MILLERSBURG FEEDS DPUD A-1, for Larry Miller represented by Hand To The Plow Surveying, on property located on the southeast corner of CR 40 & SR 13, in Clinton Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0768-2022*.

Clayton Evans, Hand To The Plow Surveying, 5678 W. 350 S., Albion, was present representing the petitioner. He stated this is a successful existing business in Millersburg. He stated this is a farm store. He further stated that the access point as Mr. Auvil had stated was called into question by the County Highway Department. He went on to say they have been in communication with County Highway and the State Highway Department to find a more ideal location for the driveway. He continued to state the access point on the current site plan that leads to the county road will most likely be removed at the County Highway's request, this would be a temporary construction access point. Mr. Burbrink asked if the primary entrance to this would be off of CR 40. Mr. Evans indicated no, it would be to the west on State Road 13.

There were no remonstrators present.

A motion was made and seconded (*Edwards/Snyder*) 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** 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 A-1 and for primary approval of a 1-lot minor subdivision to be known as MILLERSBURG FEEDS DPUD 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 Edwards, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brian Dickerson

8. The application for a zone map change from B-1 and PUD B-1 to DPUD B-3 and for primary approval of a 2-lot minor subdivision to be known as HARTWOOD TREE CARE DPUD, for Big River LLC represented by Land & Boundary LLC, on property located on the northwest corner of Adams St. & Bristol St., common address of 1130 E. Bristol St. in Osolo Township, zoned B-1, PUD B-1, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0767-2022*.

Levi Rednour, Land & Boundary LLC, 401 S. Third St., Goshen, was present representing the petitioner. He stated the site plan is for the tree care business; the plan is to have a pole barn and parking for storage. He also stated there is little to no wood processing at this location; the wood processing is done on the job site. He continued to say the access point will continue to be the same on the west side of Adam St. Mr. Burbrink asked if there would be any wood chipping storage on site. Mr. Rednour stated there are no plans for that. He went on to say they have over 40 other locations where they dispose of the mulch. Mr. Miller asked what the pole barn was going to be used for. Mr. Rednour indicated for the equipment that they have on site to be stored. Mr. Dickerson asked

if that included the chipping the equipment and bucket trucks. Mr. Rednour stated that was correct.

Nick Simon, Hardwood Tree Care, 126 Pottawattomi Dr. Elkhart, was also present for this request and he stated the code violations in regards to rank weeds and vegetation were dealt with by spreading out mulch in certain areas.

He stated that this site will not be a storage facility for wood chips. He went onto say to Prairie Creek Run's concern was over grown brush in the area. He stated they have been working with Natasha Kauffman, Elkhart County Redevelopment Coordinator to assist with a neighborhood cleanup.

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.

Mrs. Snyder stated she is familiar with this particular corner, because she stated she goes by it 15 times a day. She stated this would be a huge improvement for this area. She went on to say to make it one zone is a good idea.

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

**Motion: Action:** Approve, **Moved by** Lori Snyder **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 B-1 and PUD B-1 to DPUD B-3 and for primary approval of a 2-lot minor subdivision to be known as HARTWOOD TREE CARE DPUD be approved in accordance with the Staff Analysis.

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

**Yes:** Phil Barker, Steve Edwards, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brian Dickerson

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

Jason Auvil reported on the October 3<sup>rd</sup> & October 17<sup>th</sup>, 2022 Elkhart County Commissioners petition approvals.

10. Certification of Residency for Steven Clark.

A motion was made and seconded (*Dickerson/Clark*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:18 a.m.

Respectfully submitted,

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Amber Weiss, Recording Secretary

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Jeff Burbrink, Chairman