

# AGENDA

## ELKHART COUNTY PLAN COMMISSION

April 11, 2024  
9:30A.M.

ADMINISTRATION BUILDING  
MEETING ROOMS 104, 106, & 108  
117 N. 2<sup>nd</sup> STREET, GOSHEN, INDIANA

Call to Order

Roll Call

Approval of the minutes of the last regular meeting of the Elkhart County Plan Commission held on the 14<sup>th</sup> day of March 2024.

Acceptance of the Elkhart County Zoning Ordinance, Elkhart County Subdivision Control Ordinance, and Staff Report materials as evidence for today's hearings.

### **PRIMARY MAJOR SUBDIVISION**

**9:30 A.M.**

**(Snyder)**

- A. Petitioner: Triple I Enterprises LLC  
represented by Abonmarche Consultants  
Petition: for primary approval of a 34-lot major subdivision to be known as **HIDEAWAY AT HERITAGE PINES**.  
Location: south side SR 120, 3,620 ft. west of CR 35, in York Township.  
(MA-0125-2024)

**(page 5)**

### **REZONING**

- B. Petitioner: Osolo Little League Inc.  
represented by Warrick & Boyn, LLP  
Petition: for a zone map change from R-1 to B-2.  
Location: east side of CR 9 (Johnson St.), 1,180 ft. north of CR 6, common address of 52754 CR 9 in Osolo Township.  
(RZ-0076-2024)

**(page 6)**

### **DETAILED PLANNED UNIT DEVELOPMENT AMENDMENT**

- C. Petitioner: Star Property Real Estate Company LLC  
& Michiana Capital Investment Group LLC  
represented by Abonmarche Consultants  
Petition: for an amendment to an existing DPUD M-1 known as **MICHIANA CAPITAL DPUD** to modify the retention area and allow for a new commercial building.  
Location: northeast corner of CR 30 and SR 13, common address of 11903 CR 30 in Clinton Township.  
(DPUD-0111-2024)

**(page 7)**

### **DETAILED PLANNED UNIT DEVELOPMENT**

- D. Petitioner: Marion E. Yoder & Laverta K. Yoder

**(page 8)**

Trustees of the Marion & Laverta Yoder Trust  
represented by Jones Petrie Rafinski  
Petition: for a zone map change from A-1 to DPUD A-1 for proposed lot 1 and for  
primary approval of a 2-lot minor subdivision to be known as M & L DPUD.  
Location: south side of CR 16, 465 ft. east of CR 43, in Middlebury Township.  
(DPUD-0127-2024)

**PUBLIC MEETING ITEMS** *(time of review at the discretion of the Plan Commission)*

**STAFF/BOARD ITEMS** *(time of review at the discretion of the Plan Commission)*

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

**ADJOURNMENT**

The Elkhart County Plan Committee is meeting on Thursday April 11, 2024, at **9:30 am** in Rooms 104, 106 & 108 of the Administration Building, Goshen, Indiana. Pursuant to advice of the Indiana Public Access Counselor, general public comment will not be permitted at this public meeting on non-public hearing matters. To the extent you wish to make comment remotely during any public hearings scheduled during this public meeting, please call (574) 971-4678 to learn how to remotely submit your public comment for the public hearing. The public is encouraged to attend the meeting remotely by going to [www.elkhartcountyplanninganddevelopment.com](http://www.elkhartcountyplanninganddevelopment.com) at **9:30 am** on April 11, 2024. If you have further questions regarding how to remotely attend the public meeting please call (574) 971-4678.

**PLAN MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 14TH DAY OF MARCH 2024 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, Roger Miller. The following staff members were present: Mae Kratzer, Plan Director; Jason Auvil, Planning Manager; Danny Dean, Planner; Adam Coleson, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

**Roll Call.**

**Present:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steven Clark, Crystal Van Pelt, Roger Miller, Brian Dickerson, Brad Rogers.

2. A motion was made and seconded (*Edwards/Rogers*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 8th day of February 2024, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Warner/Clark*) 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 GPUD R-1 & R-2 to A-1, for Andrew M. Yoder & Ellie Yoder represented by Land & Boundary, LLC, on property located on the north end of Cameron Dr., 645 ft. north of Kenmar St., west of SR 19, in Olive Township, zoned GPUD, R-1, R-2, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0049-2024*.

Andrew Yoder, 28137 CR 38, Wakarusa, was present representing himself. He stated we would like to build a single residence on the land.

Chuck Paternostro, 109 Tamarack Dr., Wakarusa, came on with questions regarding the petition. He asked for details about the land and how it was planned to be developed. Mrs. Snyder explained in detail the rezoning and what the petitioner was planning to do.

A motion was made and seconded (*Rogers/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** Steven Clark, **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 GPUD R-1 & R-2 to A-1 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, Steve Clark, Crystal Van Pelt, Roger Miller, Brian Dickerson, Brad Rogers.

5. The application for a proposed combined development ordinance including zoning maps, for Elkhart County Plan Commission represented by Elkhart County Planning and Development Staff, for the geographic area to which the proposed combined Development Ordinance, including zoning maps, applies is all lands within Elkhart County, Indiana, including all the Townships: Cleveland, Osolo, Washington, York, Baugo, Concord, Jefferson, Middlebury, Olive, Harrison, Elkhart, Clinton, Locke, Union, Jackson, and Benton, but excluding the jurisdictions of the City of Goshen, the City of Elkhart, and the City of Nappanee, was presented at this time.

Mae Kratzer, Planning Director, presented the proposed combined Development Ordinance including zoning maps. She stated the different changes in the new ordinance. She went on to say it will be more user-friendly for the public. She stated the staff worked closely with Wakarusa and Bristol, which led to the town overlay. She explained that this would allow additional standards to be adopted in the future for the towns. She stated a change log was utilized with the recommendation of Abonmarche, but a redline copy in the future. She further stated that a public feedback survey was available and 20 people responded. She stated the ordinance was available for digital use and hyperlinks were available. Mrs. Kratzer described the format in further detail. She stated the two major items that were removed from the zoning ordinance were the minimum dwelling sizes and seven-to-one. She noted the reason for removing the seven-to-one was because BZA always approved them. She further explained the lot frontage requirements will remain in place. She stated the new ordinance would be able to be utilized on June 1, 2024 after the Commissioner's approval and legal notification. She further noted that two changes were made after legal notice, under Stop Work Order where the fees are located, and civil action is newly adopted language. She stated the second change is in regards to the dedication of right-of-way. She went on to say that there was no need for additional dedication to the right-of-way for administrative subdivisions.

Crystal Welsh, Abonmarche, 303 River Race Dr., Goshen, stated as a user of the ordinance they sit on one side of the table, and it was important to hear feedback from staff on what they do on their side of the table. She stated Abonmarche brought graphic expertise and user-friendliness to the table.

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

Brad Rogers stated that a change log was utilized during this process, and it was extremely difficult to review this against the old ordinance. He further explained if this process is done again, he would not approve of using a change log. He continued to state that his comments are not reflective of Mae or the Planning Staff, they have been excellent to work with. He noted they have been patient with him as he has monitored the changes, but he is encouraged to hear that there will be a red-line copy in the future. He stated he had a concern about a Constitutional issue against the Fifth Amendment regarding taking property without just compensation in regards to dedication of right-of-way. He confirmed that had been addressed, and it has been resolved. Mr. Rogers expressed that he is in favor of the changes and supports the new ordinance.

Lori Snyder stated that other counties will be jealous of this document. She stated this is leading the front in terms of cleaning information up, and doing business in Elkhart County will be made easier.

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

**Motion: Action:** Approve, **Moved by** Steve Warner, **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the proposed combined Development Ordinance including zoning maps be approved.

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

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Crystal Van Pelt, Roger Miller, Brian Dickerson, Brad Rogers.

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

Lori Snyder reported that the February 15, 2024 Town Council Meeting petition was withdrawn. Mrs. Snyder also reported on the February 19, 2024, County Commissioners petition approvals.

7. Mae Kratzer requested a change in the Plan Commission Rules of Procedures to reduce the number of copies needed for filings as proposed by the staff. She explained electronic files are required and utilized by Staff, reducing the number of paper copies needed.

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

**Motion: Action:** Approve, **Moved by** Lori Snyder, **Seconded by** Roger Miller that the proposed change to the Plan Commission Rules of Procedure be approved as presented by Staff.

The motion was carried with a unanimous vote.

A motion was made and seconded (*Snyder/Miller*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 9:59 a.m.

Respectfully submitted,

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Amber Weiss, Recording Secretary

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Lori Snyder, Chairman

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Major Subdivision - Primary

MA-0125-2024

Date: 03/04/2024

Meeting Date:

April 11, 2024

Plan Commission Hearing (Subdivision)

Transaction #:

MA-0125-2024

Description: for primary approval of a 34-lot major subdivision to be known as HIDEAWAY AT HERITAGE PINES

Contacts: Applicant

Abonmarche Consultants  
303 River Race Dr. Suite 206  
Goshen, IN 46526

Land Owner

Triple I Enterprises Llc  
1849 W. Lincoln Ave.  
Goshen, IN 46526

Private Surveyor

Abonmarche Consultants  
303 River Race Dr. Suite 206  
Goshen, IN 46526

Site Address: 00000 Sr 120  
MIDDLEBURY, IN 46540

Parcel Number: 20-04-29-200-007.000-032

Township: York

Location: SOUTH SIDE OF SR 120, 3,620 FT. WEST OF CR 35

Subdivision:

Lot #

Lot Area:

Frontage:

Depth:

Zoning: A-1

NPO List: 03/27/2024

Present Use of Property:

Legal Description:

Comments:

Applicant Signature:

Department Signature:

# Plan Commission Staff Report

Prepared by the Department of Planning and Development

**Hearing Date:** April 11, 2024

**Transaction Number:** MA-0125-2024.

**Parcel Number(s):** 20-04-29-200-007.000-032.

**Existing Zoning:** A-1.

**Petition:** For primary approval of a 34-lot major subdivision to be known as HIDEAWAY AT HERITAGE PINES.

**Petitioner:** Triple I Enterprises LLC, represented by Abonmarche Consultants.

**Location:** South side of SR 120, 3,620 ft. west of CR 35, in York Township.

**Adjacent Zoning and Land Uses:** The following table shows the zoning and current land use for the subject property and adjacent sites.

	Zoning	Current Land Use
<b>Subject Property</b>	A-1	Vacant, pine farm
<b>North</b>	A-1	Residential, agricultural
<b>South</b>	A-1	Little Elkhart River, residential, agricultural
<b>East</b>	A-1	Residential, agricultural
<b>West</b>	A-1	Residential, agricultural

**Site Description:** The subject property is currently a single 39-acre parcel. It is part of the vast pine farm area once owned by Harry Eby, and the area remains low-density residential and agricultural. The property is encumbered by a natural gas pipeline easement in the north half and floodplain and wetland associated with the Little Elkhart River in the south half, and both are given due consideration by the primary plat. The subdivision contains 34 single-family lots, a single access point on SR 120, and three common areas for retention or detention.

**History and General Notes:**

- None.

**Staff Analysis:** The staff, after reviewing this petition with the assistance of the Elkhart County Technical Committee, finds that this primary approval request meets the requirements of the Subdivision Control Ordinance.

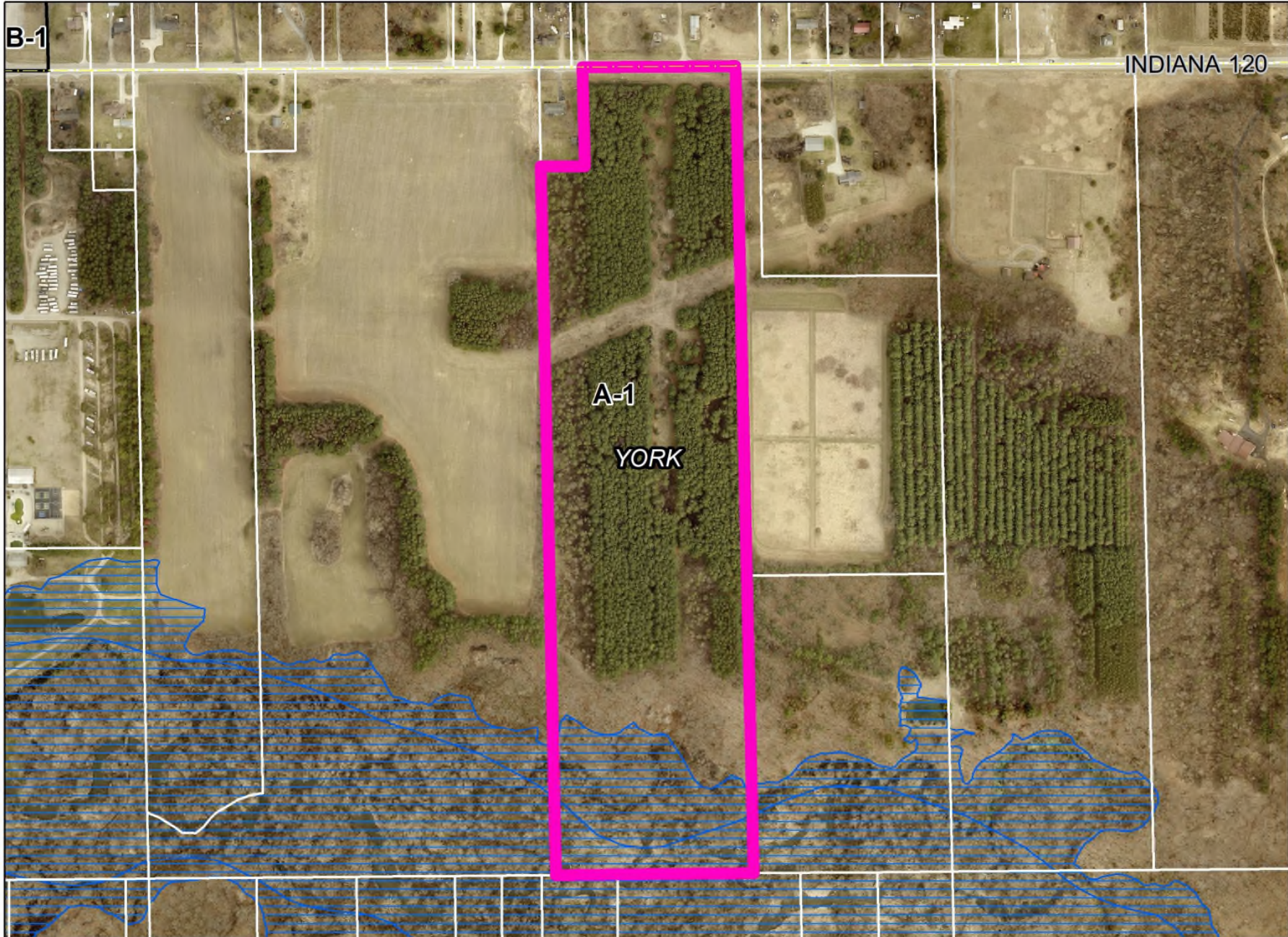
Staff therefore recommends **APPROVAL** of this primary.



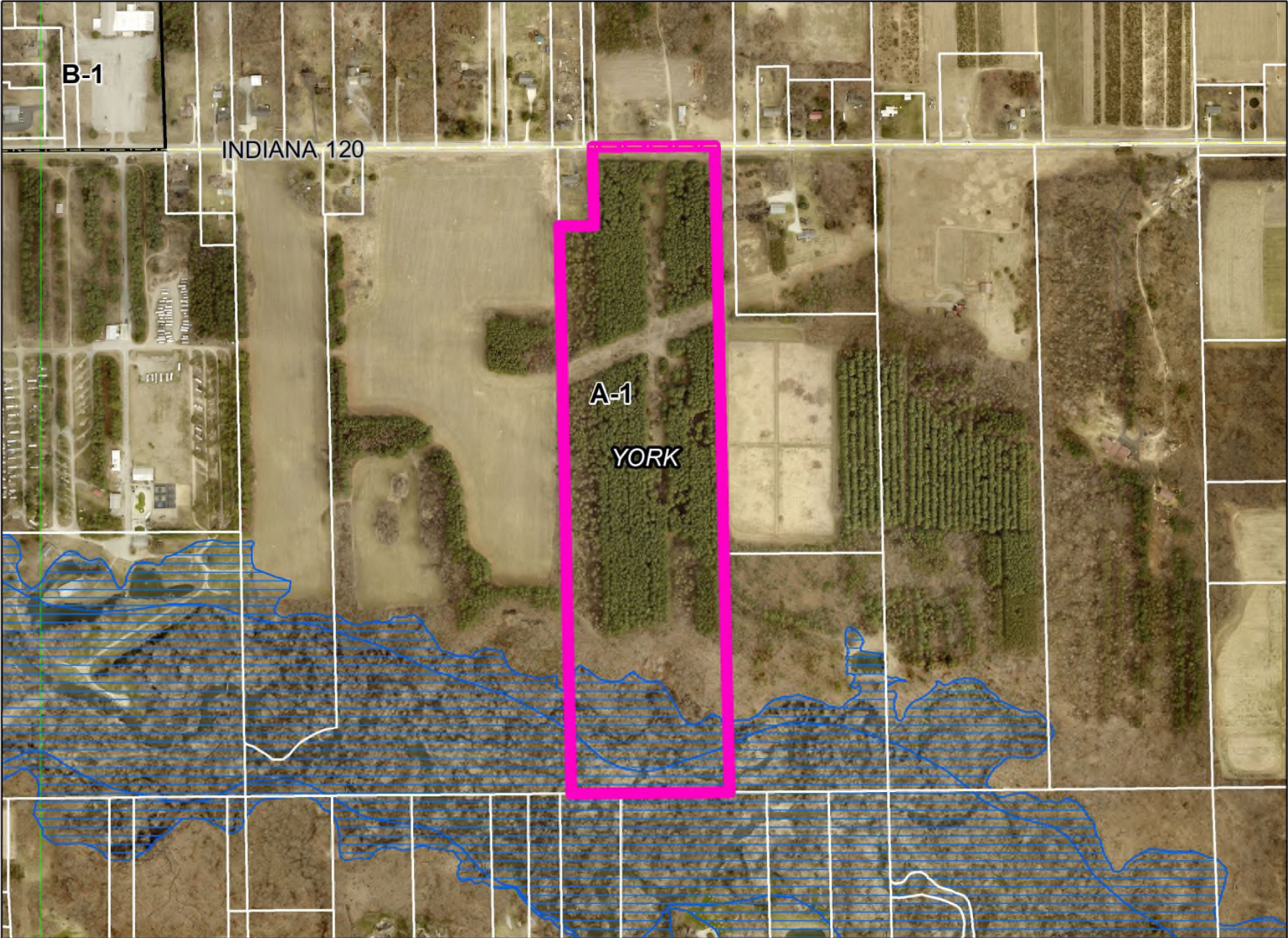
B-1

INDIANA 120

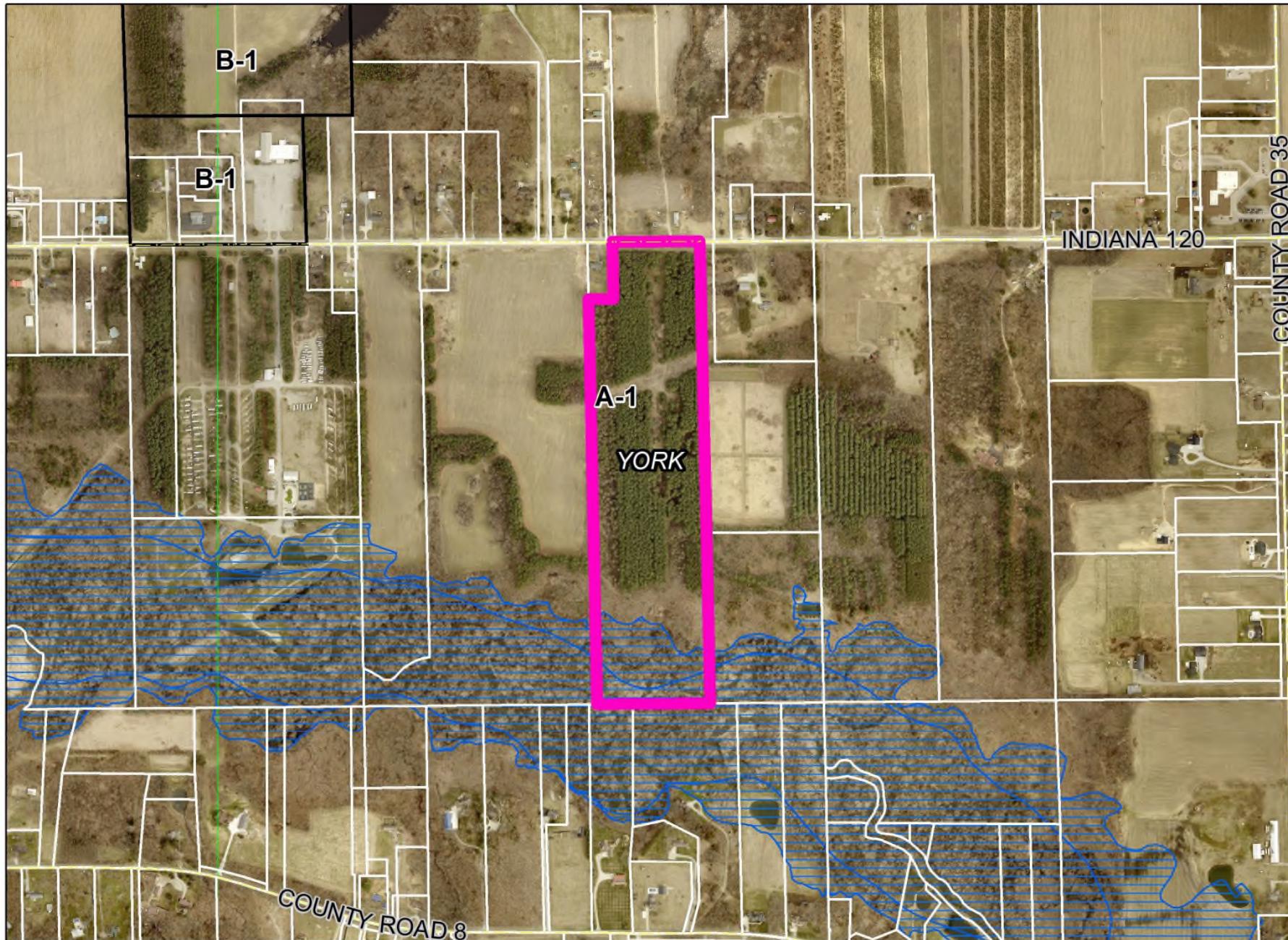
A-1  
YORK















# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Detailed PUD Amendment - Rezoning, Plat & Site Plan

DPUD-0111-2024

Date: 02/29/2024 Meeting Date: April 11, 2024 Transaction #: DPUD-0111-2024  
Plan Commission Hearing (PUD)

Description: for an Amendment to an existing DPUD A-1 known as MICHIANA CAPITAL DPUD to MODIFY  
RETENTION AREA AND FOR NEW COMMERCIAL BUILDING

<u>Applicant</u>	<u>Architect</u>	<u>Land Owner</u>	<u>Land Owner</u>
Abonmarche Consultants 303 River Race Dr. Suite 206 Goshen, IN 46526	Abonmarche Consultants 303 River Race Dr. Suite 206 Goshen, IN 46526	Star Property Real Estate Company Llc 12737 County Road 30 Middlebury, IN 46540	Michiana Capital Investment Group Llc 14824 County Road 108 Middlebury, IN 46540

Site Address: 11903 County Road 30 GOSHEN, IN 46528	Parcel Number: 20-12-02-300-026.000-007 20-12-02-300-027.000-007
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Township: Clinton  
Location: NORTHEAST CORNER OF CR 30 AND SR 13

Subdivision: MICHIANA CAPITAL DPUD	Lot #
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Lot Area: 7.86 Frontage: 572.40 Depth: 599.98

Zoning: DPUD, M-1	NPO List: 03/27/2024
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Present Use of Property: COMMERCIAL

Legal Description:

Comments: DPUD-0234-2022- PRIMARY APPROVAL OF 2 LOT SUB AND REZONING  
BC-216-2022- NEW COMMERCIAL BUILDING- EVERYTHING COMPLETE EXCEPT C OF O AND ZONING, CURRENT  
HOLD ON PERMIT.  
MI-0689-2022-SECONDARY APPROVAL SUBDIVISION  
SUP-0025-2019 SPECIAL USE FOR BUILDING SUPPLY BUSINESS

Applicant Signature:

Department Signature:

# Plan Commission Staff Report

Prepared by the Department of Planning and Development

**Hearing Date:** April 11, 2024

**Transaction Number:** RZ-0076-2024.

**Parcel Number(s):** 20-02-21-353-003.000-026.

**Existing Zoning:** R-1.

**Petition:** for a zone map change from R-1 to B-2.

**Petitioner:** Osolo Little League Inc. , represented by Warrick & Boyn, LLP.

**Location:** east side of CR 9 (Johnson St.), 1,180 ft. north of CR 6, in Osolo Township.

**Adjacent Zoning and Land Uses:** The following table shows the zoning and current land use for the subject property and adjacent sites.

	Zoning	Current Land Use
<b>Subject Property</b>	R-1	Baseball Diamonds/Recreation
<b>North</b>	N/A	I-80
<b>South</b>	R-1/R-2	Residential
<b>East</b>	R-1/B-1	Residential
<b>West</b>	M-1	Industrial

**Site Description:** The subject property is 40.82 acres and contains multiple different lots all being used for Osolo little league baseball. There are currently 12 different baseball diamonds with multiple buildings around the property.

**History and General Notes:**

- **Month 31, 1990 – .**

**Zoning District Purpose Statement:** The purpose of the B-2 zone is to accommodate a variety of medium intensity retail, commercial, service, dining and entertainment uses. The uses should be expected to take place in stand-alone buildings or in strip centers. The zoning district may serve as a transitional district between less intense commercial uses and limited manufacturing uses.

**Staff Analysis:** The purpose of this rezoning petition is to allow the baseball diamond to put up signs along I-80.

# ***Plan Commission Staff Report (Continued)***

*Hearing Date:* April 11, 2024

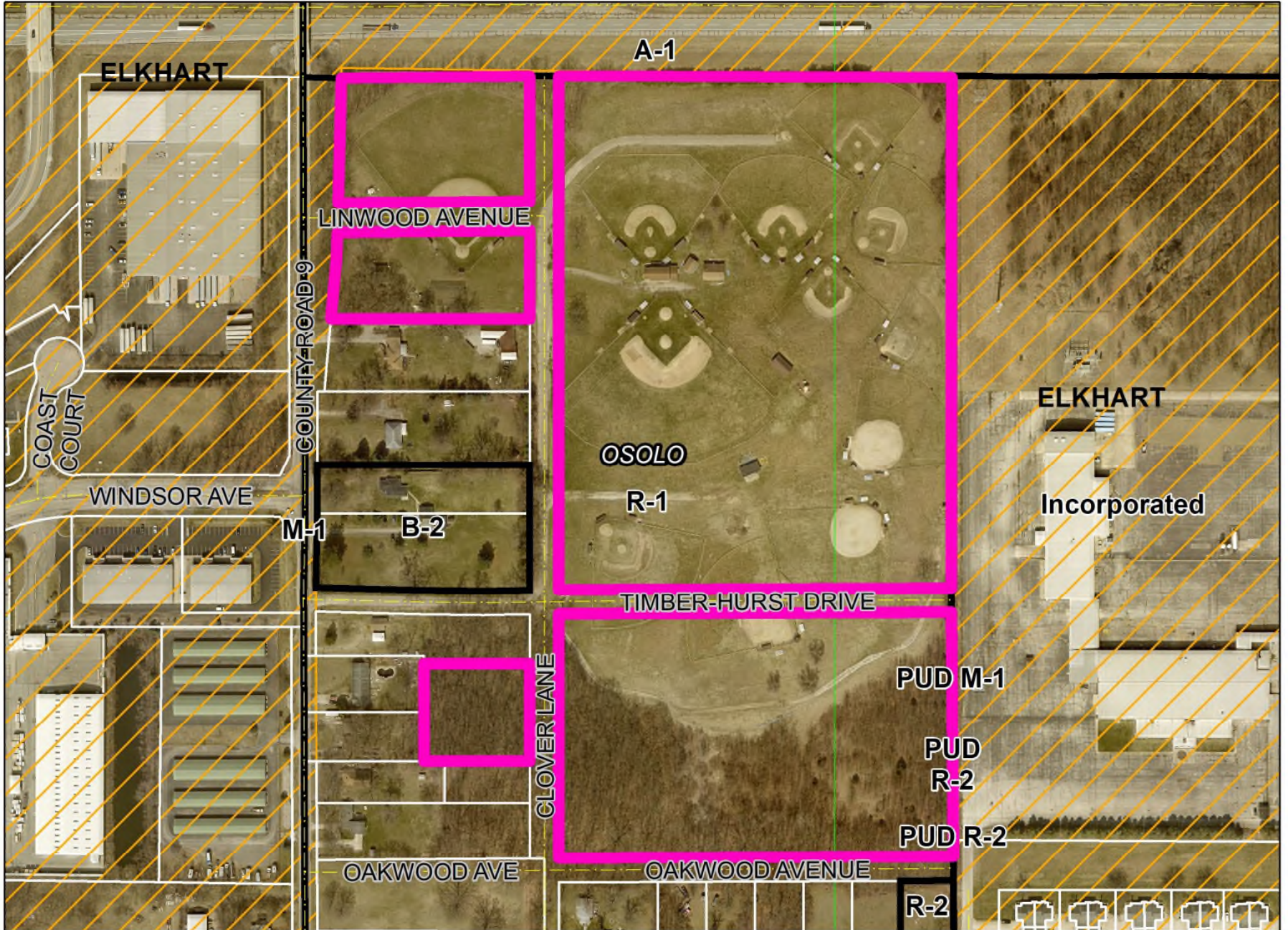
The staff, after reviewing this petition, recommends **APPROVAL** of this rezoning for the following reasons:

1. The requested Zoning Map Amendment complies with the Comprehensive Plan. The B-2 zone works well against I-80.
2. The request is in character with current conditions, structures, and uses on the subject property and in its surroundings. A baseball diamond is allowed by special use in a B-2 zone, and there is surrounding commercial property.
3. The most desirable use of the subject property is commercial or industrial.
4. The request conserves property values. The use of the property is staying the same.
5. The proposed rezoning promotes responsible growth and development. The property is in a mostly commercial area, with a small bit of residential nearby, and the zone allows for uses that mix with both residential and commercial development.

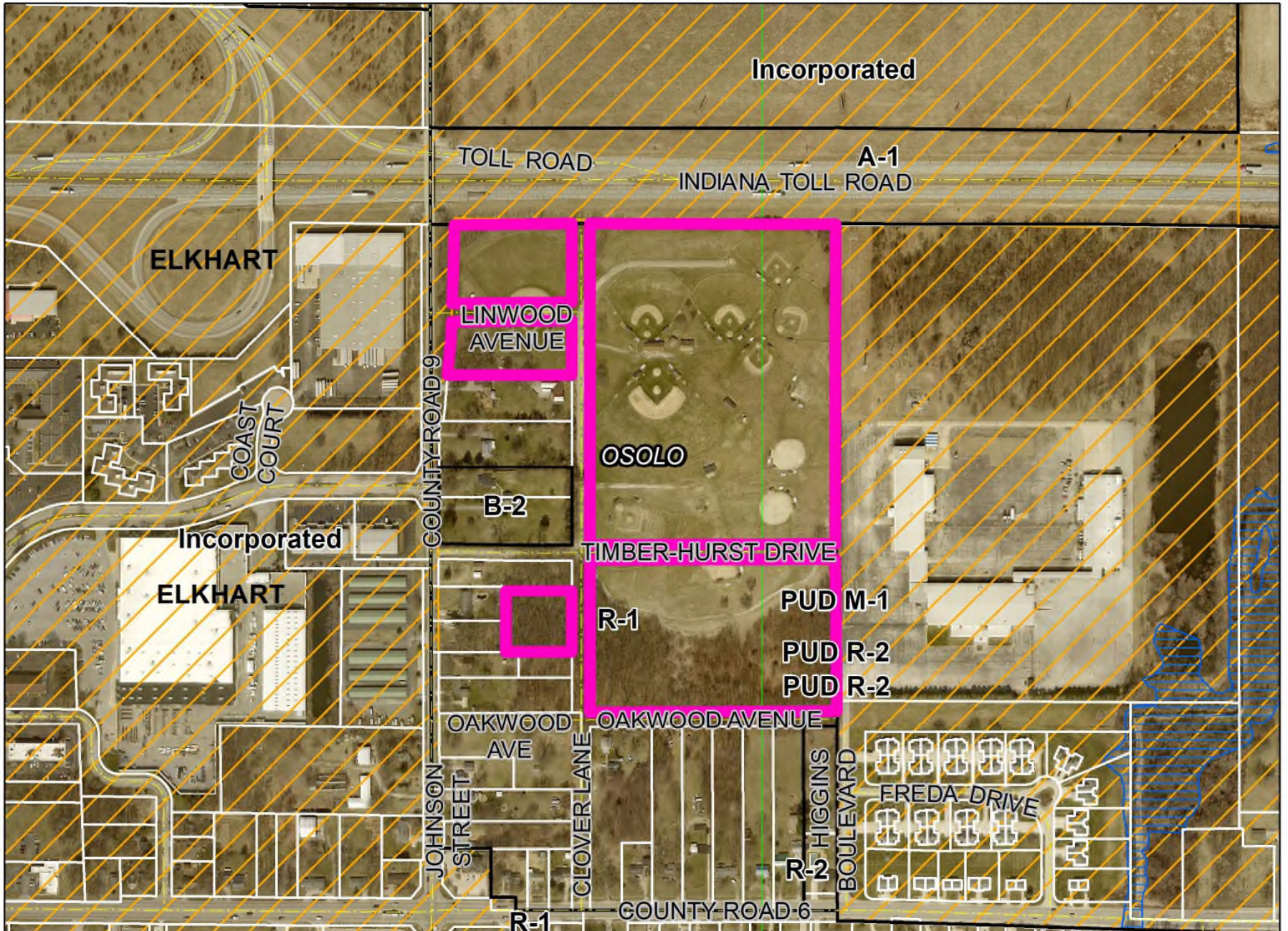
The staff recommends **APPROVAL** with the following commitment(s) imposed:

1. New development will require the submission of a DPUD.

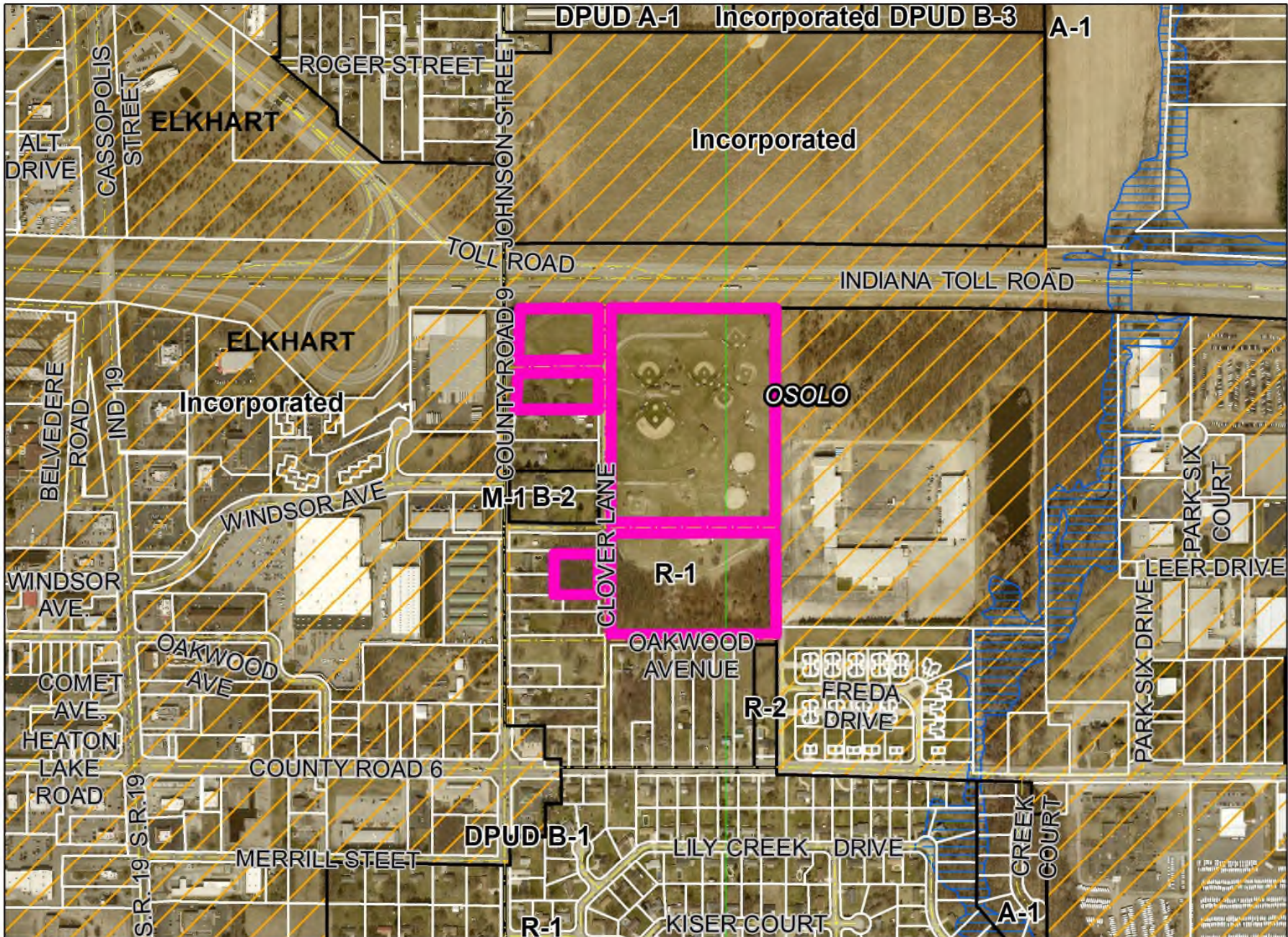














# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Rezoning - Rezoning

RZ-0076-2024

Date: 02/12/2024

Meeting Date:

April 11, 2024

Plan Commission Hearing (Rezoning)

Transaction #:

RZ-0076-2024

Description: for a zone map change from R-1 to B-2

Contacts: Applicant

Warrick & Boyn, Llp  
861 Parkway Ave.  
Elkhart, IN 46516

Authorized Agent

Warrick & Boyn, Llp  
861 Parkway Ave.  
Elkhart, IN 46516

Land Owner

Osolo Little League Inc.  
P.O. Box 64  
Elkhart, IN 46516

Site Address: 52754 County Road 9  
ELKHART, IN 46514

Parcel Number: 20-02-21-353-003.000-026

Township: Osolo

Location: EAST SIDE OF CR 9, 1,180 FEET NORTH OF CR 6

Subdivision:

Lot #

Lot Area: 40.82 Frontage: 496.00 Depth: 1,285.00

Zoning: R-1

NPO List:

Present Use of Property: BASEBALL DIAMONDS

Legal Description:

Comments: SEE SPECIAL USE (62-30) FOR OSOLO LITTLE LEAGUE FOR BASEBALL DIAMONDS APPROVED 10/18/1962  
SEE SPECIAL USE (93-1320) FOR OSOLO LITTLE LEAGUE FOR A BASEBALL PARK, APPROVED 5/21/1993  
SEE SPECIAL USE (20024058) FOR OSOLO LITTLE LEAGUE FOR AN AMMENDMENT TO A SPECIAL USE FOR A  
BASEBALL PARK APPROVED 11/21/2002

AFTER SPEAKING TO THE REPRESENTATIVE, THE PLAN IS TO ADD 2 BILLBOARDS IN THE FUTURE, SO THEY ARE  
REQUESTING A REZONING AT THIS TIME.

A SUBDIVISION IS RECOMMENDED ALONG WITH VACATING THE RIGHT OF WAYS THROUGHOUT THE  
PROPERTY

Applicant Signature:

Department Signature:

# Plan Commission Staff Report

Prepared by the Department of Planning and Development

**Hearing Date:** April 11, 2024

**Transaction Number:** DPUD-0111-2024.

**Parcel Number(s):** 20-12-02-300-026.000-007, 20-12-02-300-027.000-007.

**Existing Zoning:** DPUD,M-1.

**Petition:** for an amendment to an existing DPUD M-1 known as MICHIANA CAPITAL DPUD to modify the retention area and allow for a new commercial building.

**Petitioner:** Star Property Real Estate Company LLC

Michiana Capital Investment Group LLC, represented by Abonmarche Consultants.

**Location:** northeast corner of CR 30 and SR 13, in Clinton Township.

## **Adjacent Zoning and Land Uses:**

The following table shows the zoning and current land use for the subject property and adjacent sites.

	<b>Zoning</b>	<b>Current Land Use</b>
<b>Subject Property</b>	DPUD M-1	Manufacturing
<b>North</b>	A-1	Agricultural
<b>South</b>	A-1	Agricultural
<b>East</b>	A-1	Agricultural
<b>West</b>	A-1	Residential & Agricultural

**Site Description:** The subject property consists of two parcels, a lot and a common area totaling 7.86 acres and is rectangular in shape. Lot 2 of Michiana Capital Investments DPUD M-1 is 4.71 acres with a 3,360 ft<sup>2</sup> manufacturing building. The current common area is 3.15 acres with a large retention area.

## **History and General Notes:**

- **June 20, 2022** – The Board of County Commissioners approved a rezoning from A-1 to DPUD M-1 (PC 2022-15).

**Zoning District Purpose Statement:** The purpose of the M-1, Limited Manufacturing, zoning district is to accommodate less intense manufacturing, warehousing and distribution uses that are not significantly objectionable to surrounding properties in terms of truck traffic, noise, odor, smoke and other potential nuisance factors. The purpose of the DPUD, Detailed Planned Unit Development, Overlay zoning district is to allow an applicant the benefit of flexibility in development in exchange for increased public or private amenities that go beyond the requirements of the Zoning Ordinance.

# ***Plan Commission Staff Report (Continued)***

*Hearing Date:* April 11, 2024

*Staff Analysis:* The purpose of this amendment is to allow for a replat of Lot 2 and the common area by increasing the size of Lot 2, decreasing the size of the common area (stormwater retention), and adding two new building buildings (48,000 ft<sup>2</sup> & 12,000 ft<sup>2</sup>) to the proposed new Lot 2.

*Staff Analysis Continued:* The staff, after reviewing this petition with the assistance of the Elkhart County Technical Committee, recommends **APPROVAL** of this DPUD amendment, as the development meets all pertinent standards.



A-1

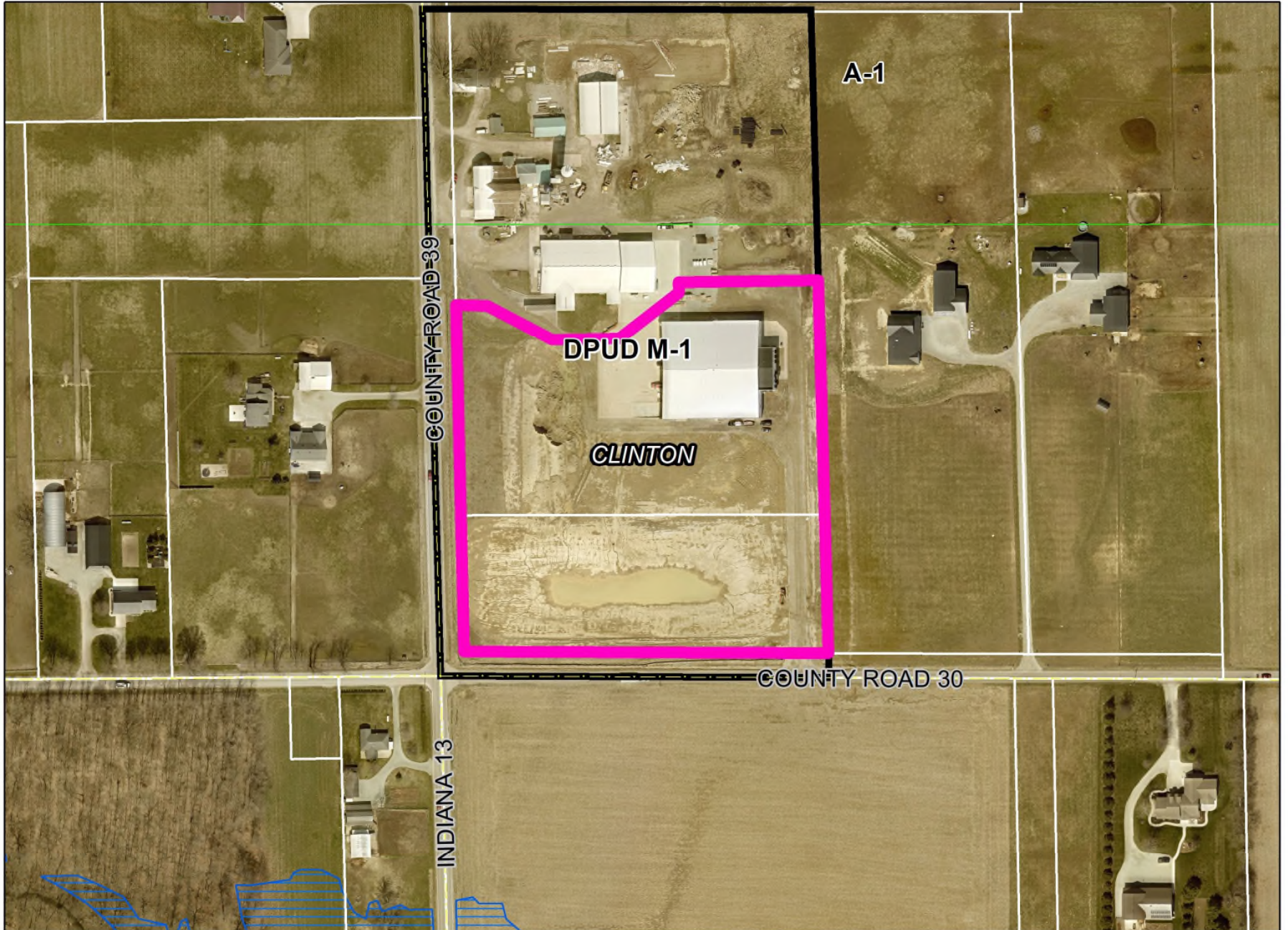


**CLINTON**  
**DPUD M-1**

COUNTY ROAD 39

COUNTY ROAD 30





DPUD M-1

CLINTON

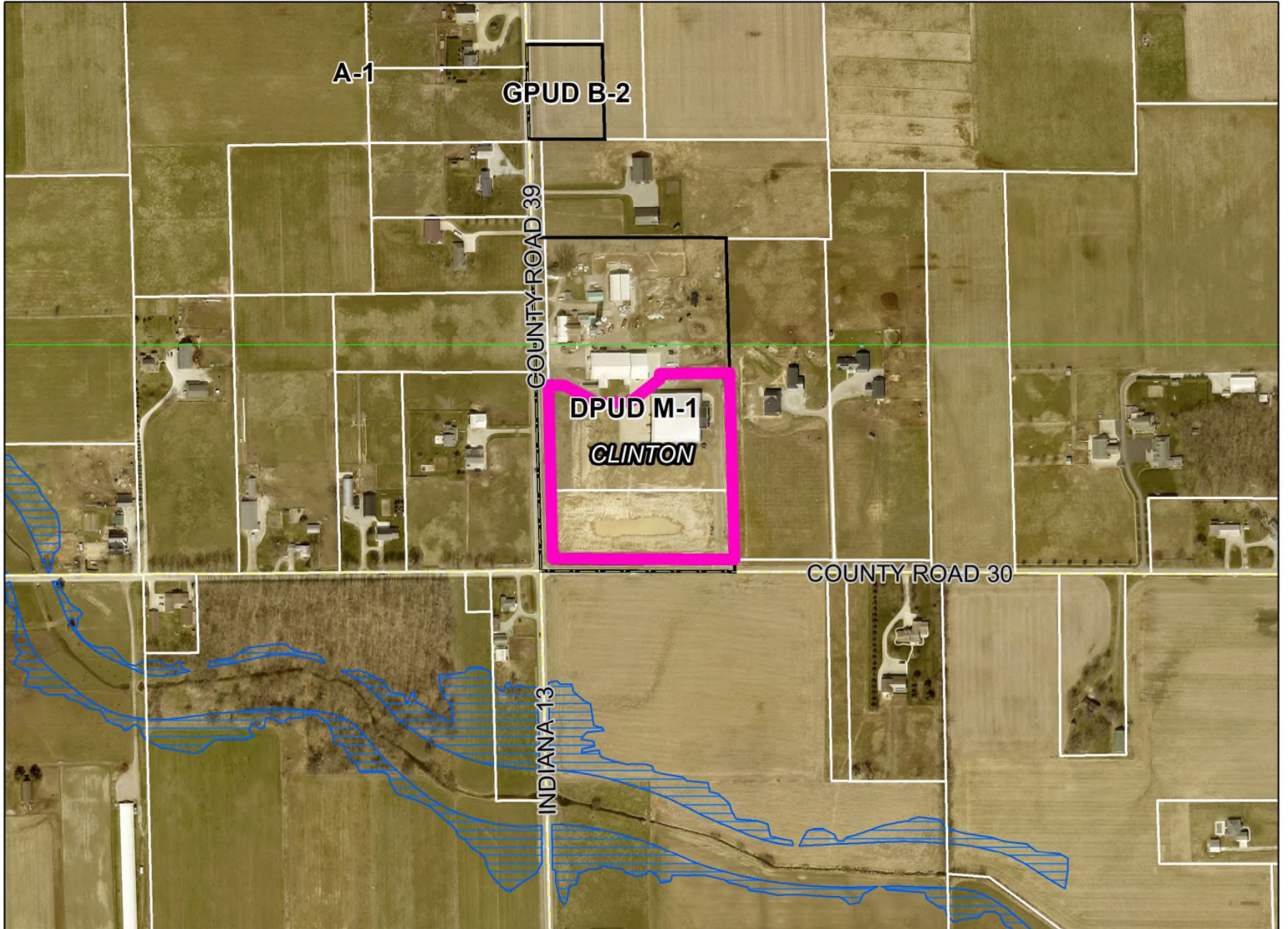
A-1

COUNTY ROAD 39

COUNTY ROAD 30

INDIANA 13









# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Detailed PUD - Rezoning, Plat & Site Plan

DPUD-0127-2024

Date: 03/04/2024

Meeting Date:

April 11, 2024  
Plan Commission Hearing (PUD)

Transaction #: DPUD-0127-2024

Description: for a zone map change from A-1 to DPUD A-1 for proposed lot 1 and for primary approval of a 2-lot minor subdivision to be known as M & L DPUD

Contacts: Applicant

Jones Petrie Rafinski  
325 South Lafayette Blvd  
South Bend, IN 46601

Land Owner

Marion E Yoder & Laverta K  
Yoder Trustee Marion &  
Laverta Yoder Trust  
10668 Cr 16  
Middlebury, IN 46540

Private Surveyor

Jones Petrie Rafinski  
325 South Lafayette Blvd  
South Bend, IN 46601

Site Address: 00000 Cr 16  
MIDDLEBURY, IN 46540

Parcel Number: 20-08-12-400-001.000-034

Township: Middlebury

Location: SOUTH SIDE OF CR 16, 465 FT EAST OF CR 43

Subdivision:

Lot #

Lot Area:

Frontage:

Depth:

Zoning: A-1

NPO List: 03/27/2024

Present Use of Property:

Legal Description:

Comments: ACCIDENTALLY ENTERED AS REZONING SEE RZ-0124-2024 FOR PAYMENT - JT 3/4/24

Applicant Signature:

Department Signature:

# Plan Commission Staff Report

Prepared by the Department of Planning and Development

**Hearing Date:** April 11, 2024

**Transaction Number:** DPUD-0127-2024.

**Parcel Number(s):** 20-08-12-400-001.000-034.

**Existing Zoning:** A-1.

**Petition:** for a zone map change from A-1 to DPUD A-1 for proposed lot 1 and for primary approval of a 2-lot minor subdivision to be known as M & L DPUD.

**Petitioner:** Marion E. Yoder & Laverta K. Yoder Trustees of the Marion & Laverta Yoder Trust, represented by Jones Petrie Rafinski.

**Location:** south side of CR 16, 465 ft. east of CR 43, in Middlebury Township.

**Adjacent Zoning and Land Uses:** The following table shows the zoning and current land use for the subject property and adjacent sites.

	Zoning	Current Land Use
<b>Subject Property</b>	A-1	Agricultural
<b>North</b>	A-1	Agricultural & Residential
<b>South</b>	A-1	Agricultural
<b>East</b>	A-1	Agricultural & Residential
<b>West</b>	A-1	Agricultural & Residential

**Site Description:** The subject property consists of one parcel totaling 71.86 acres, is rectangular in shape, and is currently undeveloped in agricultural production. Proposed Lot 1 will be 5.18 acres with a manufacturing and retail building. Proposed Lot 2 will be 68.68 acres and remain undeveloped for agricultural uses.

## **History and General Notes:**

- None.

**Zoning District Purpose Statements:** The purpose of the DPUD, Detailed Planned Unit Development, Overlay zoning district is to allow an applicant the benefit of flexibility in development in exchange for increased public or private amenities that go beyond the requirements of the Zoning Ordinance. The purpose of the A-1, Agricultural, zoning district is to accommodate family farms, modestly scaled agricultural operations, agri-businesses, large lot single-family detached dwellings not associated with an agricultural use, residential subdivisions and other compatible and supporting uses.

**Staff Analysis:** The purpose of this rezoning petition is to develop a 29,600 ft<sup>2</sup> welding / manufacturing shop for agricultural equipment and a farm & fence retail supply store.



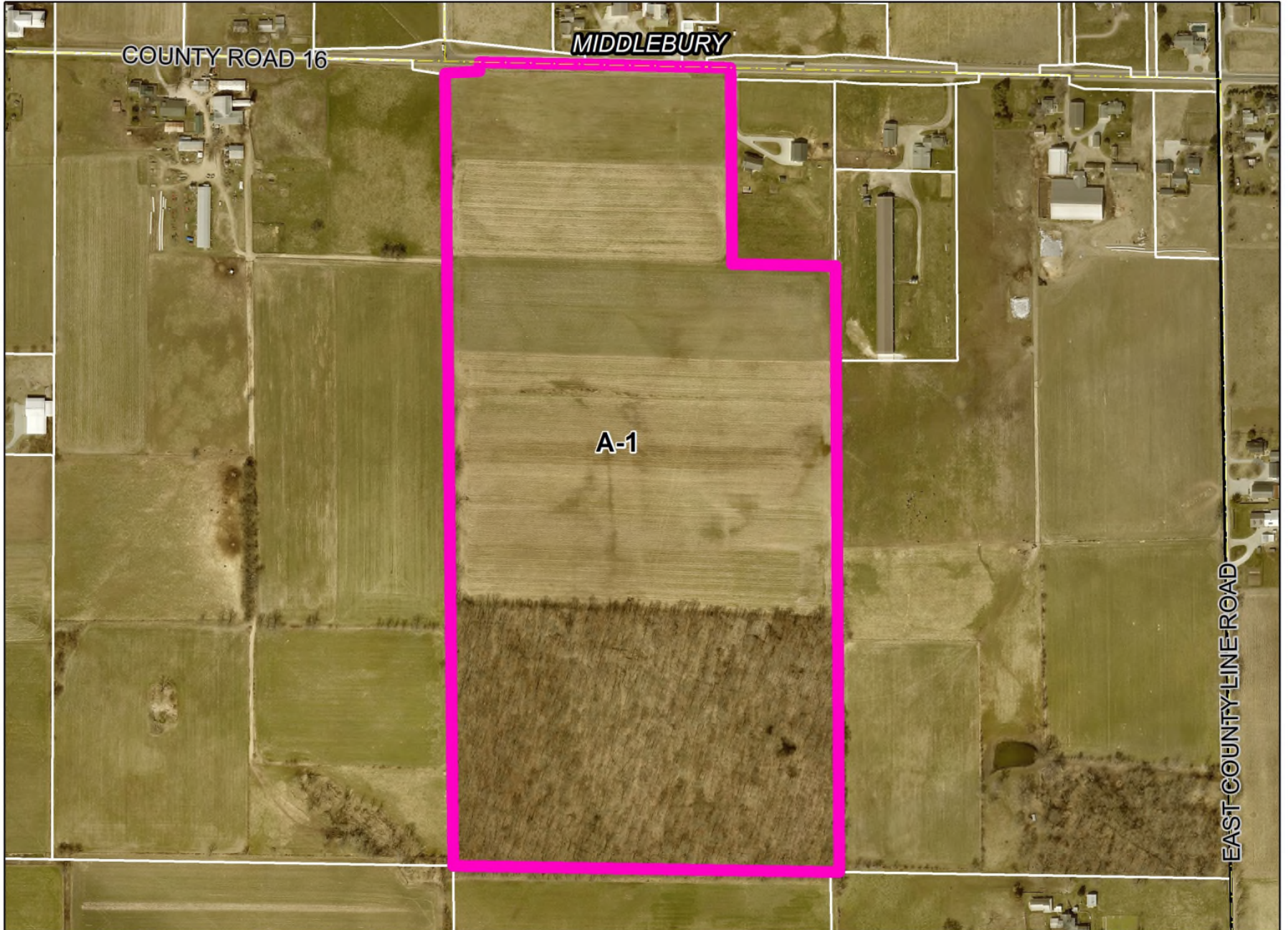
# ***Plan Commission Staff Report (Continued)***

*Hearing Date:* November 10, 2022

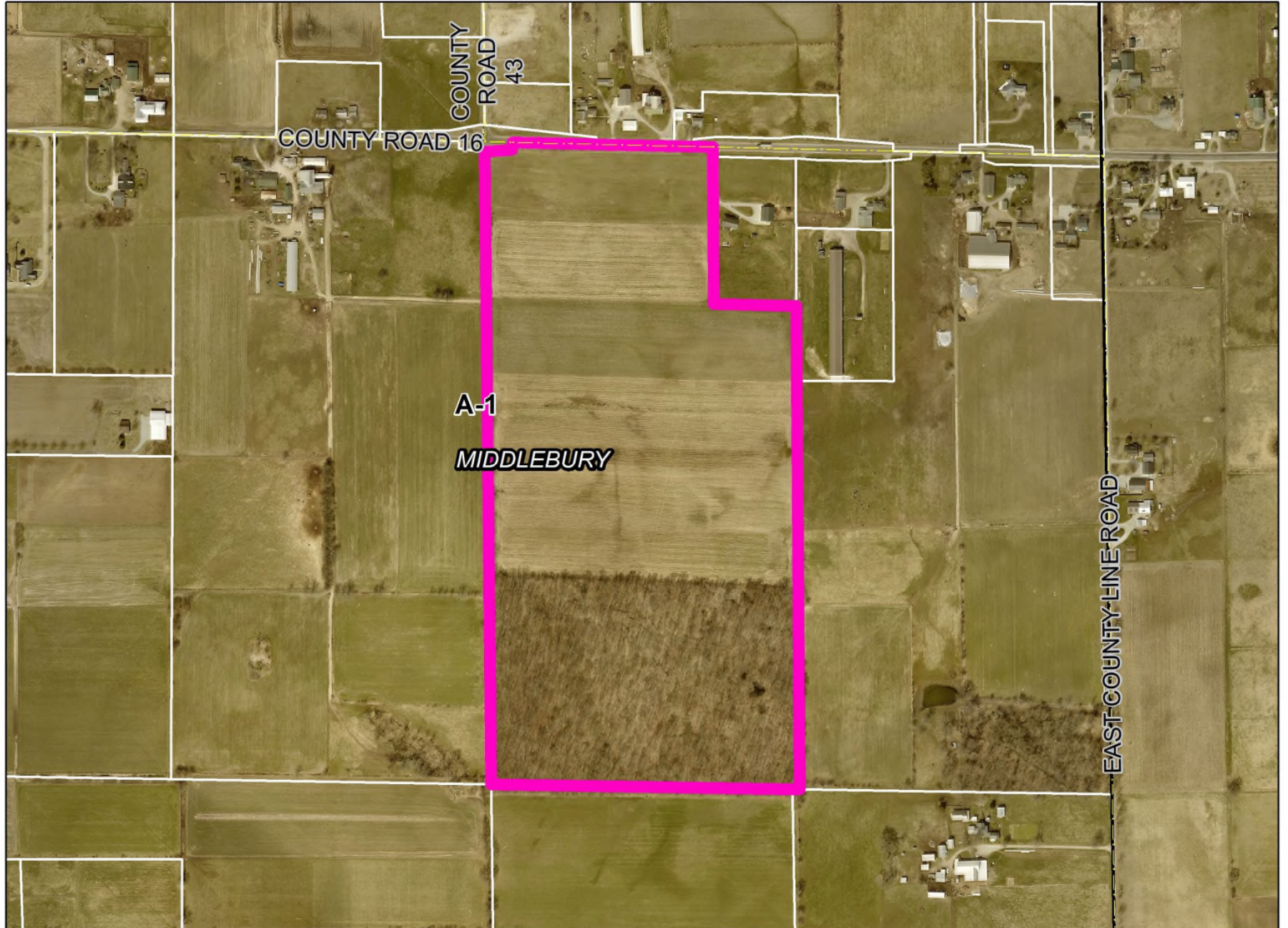
The staff, after reviewing this petition, recommends **APPROVAL** of this rezoning for the following reasons:

1. The requested Zoning Map Amendment complies with the Comprehensive Plan. Commercial development, including mixed uses should be directed to in designated transportation corridors. The property is located in a developing area along CR 16.
2. The request is in character with current conditions, structures and uses on the subject property and in its surroundings. The location of the proposed lots and size of buildings is comparable with what would be expected in an agricultural area.
3. The most desirable use of the subject property is agricultural, residential, and/or other compatible and supporting uses.
4. The request conserves property values by allowing other compatible and supporting uses. There are other similar uses in the area and around the county.
5. The proposed rezoning promotes responsible growth and development. The DPUD limits the use and details contained in the petition, site plan / support drawing, and PUD ordinance.

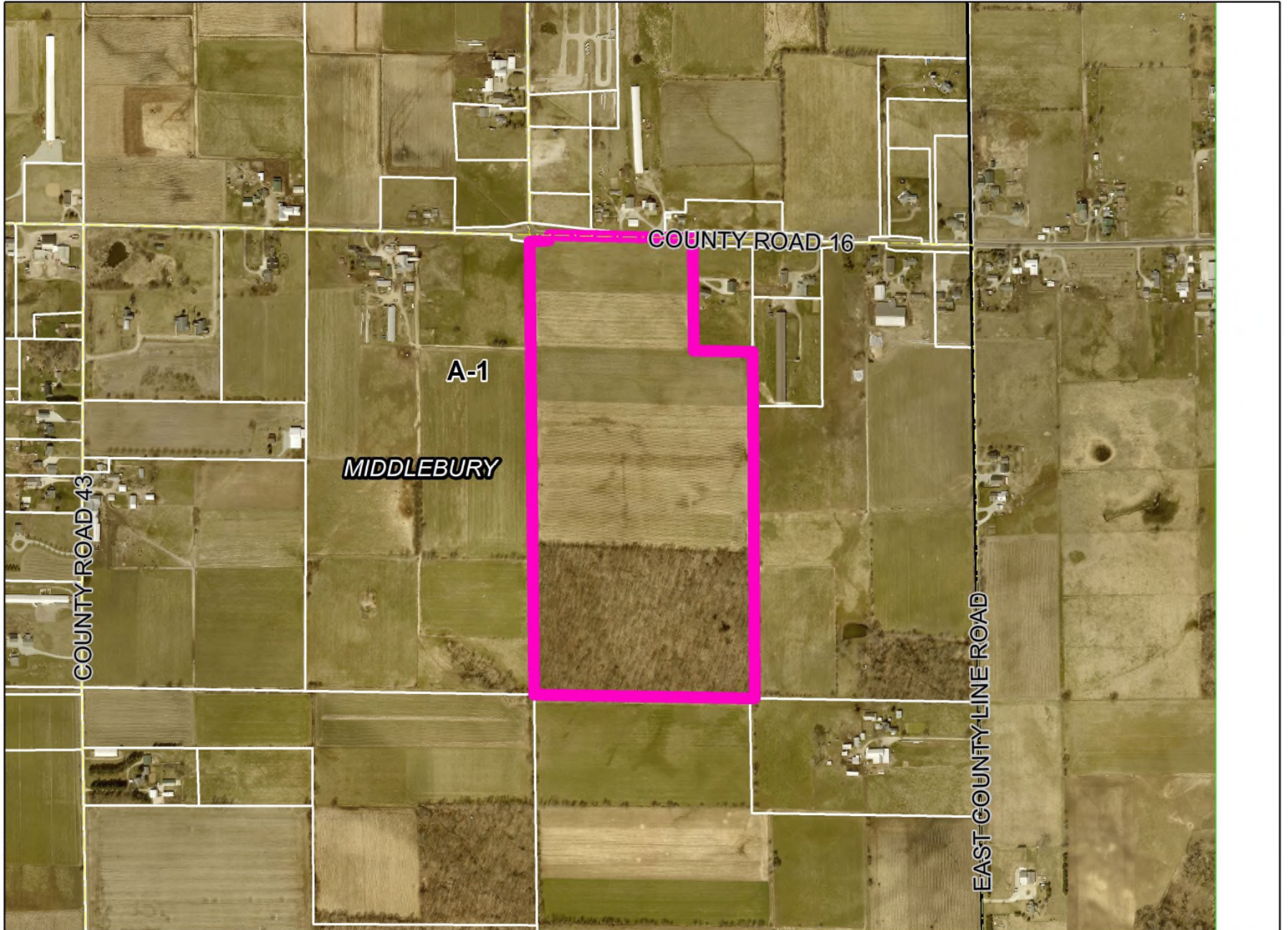
*Staff Analysis Continued:* The staff, after reviewing this petition with the assistance of the Elkhart County Technical Committee, recommends **APPROVAL** of this DPUD and of this primary plat, as the development meets all pertinent standards.













# M&L DPUD

**SITE PLAN SUPPORT DRAWING & PRELIMINARY PLAT.**  
**PART OF THE W 1/2 SE 1/4 SECTION 12, TOWNSHIP 37 NORTH, RANGE 7 EAST, MIDDLEBURY TOWNSHIP, ELKHART COUNTY, INDIANA**

### SOILS LEGEND

<b>BehA</b>	BRAY SAND LOAM, 0 TO 18 SLOPES
<b>BtxB</b>	BRISTOL LOAMY SAND, 0 TO 28 SLOPES
<b>BuuA</b>	BUCKSTON LOAM, 0 TO 18 SLOPES
<b>CvdA</b>	CHORON LOAM, 0 TO 18 SLOPES
<b>GezA</b>	GLYDOR SANDY LOAM, 0 TO 28 SLOPES
<b>MmbC2</b>	MAAM LOAM, 0 TO 108 SLOPES
<b>RopB</b>	ROOLES-OSHTOEN COMPLEX, 1 TO 38 SLOPES
<b>RopC2</b>	ROOLES-METRA COMPLEX, 0 TO 108 SLOPES
<b>ScuA</b>	SEBENA LOAM, DRAINED, 0 TO 18 SLOPES
<b>SdzA</b>	SELFRIDGE-CROCKER COMPLEX, 0 TO 18 SLOPES
<b>TxuB</b>	TYNER LOAMY SAND, 1 TO 38 SLOPES
<b>TxuB</b>	TYNER LOAMY SAND, 0 TO 108 SLOPES
<b>WobB</b>	WILLIAMSTON-CROCKER COMPLEX, 1 TO 38 SLOPES

#### OWNER/DEVELOPER

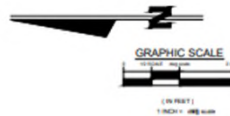
FAVORI & YOCER & LAYSETA K YOCER  
 TRUSTEE MARION & LAYSETA YOCER TRUST  
 COUNTY ROAD 14  
 MIDDLEBURY, IN 46540

#### SURVEYOR

JONES PETRIE RAFINSKI CORP  
 325 S. LAFAYETTE BLVD.  
 SOUTH BEND, IN 46601  
 CONTACT: JEFF BARNES, PLS

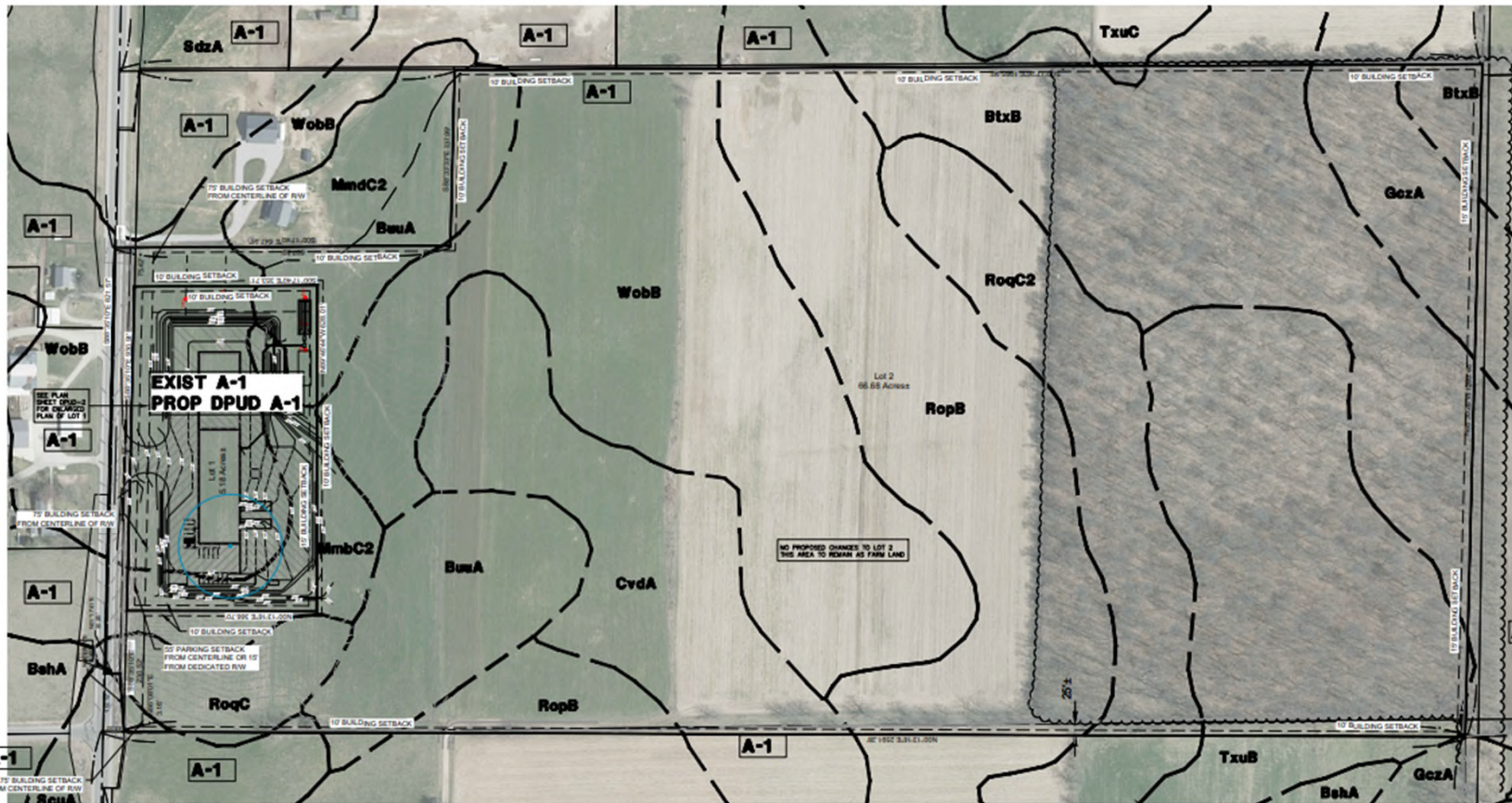
#### ENGINEER

JONES PETRIE RAFINSKI CORP  
 325 S. LAFAYETTE BLVD.  
 SOUTH BEND, IN 46601



**SURVEY DATUM:**  
 HORIZONTAL DATUM IS BASED UPON THE MEAN SEA LEVEL COORDINATE SYSTEM, EAST ZONE, SP5 DATUM. VERTICAL DATUM IS BASED UPON THE MEAN SEA LEVEL COORDINATE SYSTEM, NAVD83 DATUM.

Neighb Map  
 Scale: 1" = 2000'



#### PROPOSED DPUD A-1 DISTRICT DEVELOPMENT STANDARDS

USE	FRONTAGE	SETBACKS				HEIGHT	MAXIMUM LOT COVERAGE FOR STRUCTURES
		FRONT YARD	SIDE YARD	REAR YARD	PARKING		
WELLS/MANUFACTURING SHOP FOR AGRICULTURAL EQUIPMENT & PARTS AND REPAIR SUPPLY STORE	100 FEET	75 FEET FROM C/L OF ROW	10 FEET	15 FOOT MIN	15 FOOT MIN FROM C/L OF ROW, 15 FOOT MIN FROM PL	40 FEET	25% TOTAL

DATE	3/28/2024
DESIGNED BY	M. SCHUSTER
DRAWN BY	
REVIEWED BY	

**JONES PETRIE RAFINSKI**

Soils Report No. 23-0116  
 From Version 04  
 #174-23-0116

ELKHART COUNTY, INDIANA  
**M&L DPUD**  
**CDR CONSTRUCTION**  
 JEFF CLUMMIS, ET AL  
 PRELIMINARY PLAT

DATE: MARCH 2024  
 JOB NUMBER: 2023-0116  
 SCALE: 1" = 100'  
**DPUD - I**