

PLAN MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 11TH DAY OF APRIL 2024 AT 9:30 A.M. IN THE
MEETING ROOM OF THE ADMINISTRATION BUILDING
117 N. 2ND 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; 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, Brad Rogers.

Absent: Brian Dickerson.

2. A motion was made and seconded (*Edwards/Clark*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 14th day of March 2024, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Edwards/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. The application for primary approval of a 34-lot major subdivision to be known as HIDEAWAY AT HERITAGE PINES, for Triple I Enterprises LLC represented by Abonmarche Consultants, on property located on the south side SR 120, 3,620 ft. west of CR 35, in York Township, zoned A-1, was presented at this time.

Dann Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #MA-0125-2024*.

Crystal Welsh, Abonmarche Consultants, 303 River Race Dr., Goshen, was present representing the petitioner. She explained the proposed development plans and addressed concerns regarding gas lines and wetlands. Mr. Miller asked if the land in the back would be dedicated to anything in particular. Mrs. Welsh stated the lots would go down to the water's edge. Ms. Van Pelt asked how many acres are located in the wetland area. Mrs. Welsh stated that number hadn't been identified at this time due to being a part of each subdivision lot. She added Jeremy Tallman and Chris Erb are also present for this request.

Lonnie Abney, 13940 SR 120, Bristol, came on with questions regarding the petition. He asked for details about how the future development would be laid out along his property. He also asked if there would be a covenants.

Randall Leer, 14418 SR 120, Bristol, was present and stated he had questions where the retention ponds would be located. He also asked about the 2 gaslines on the property. Mr. Leer also questioned the 5 to 8 acres of wetlands and the septic systems.

Jeremy Tallman, 11306 Echo Valley, Middlebury, was present in favor of this petition. He stated he has lived in Middlebury his entire life, and there is a need for single-family homes. He explained there are some challenges with this property. He stated there will be plenty of space to

work with the wetlands that exist on the property. He indicated there will be buffering for the neighboring properties. He stated the covenants have not been created yet, but will be similar to the neighboring subdivisions that have been approved with Team Construction.

Chris Erb, 59919 CR 21, New Paris, was present in favor of this petition. He mentioned there are two pipelines running across the property, and they have been in communication with the pipeline company to gather information about the physical components of the pipelines. He stated they know the depth, size, the requirements to go over the twin pipelines.

Crystal Welsh provided additional information regarding the three retention areas, one on the east, one in the middle, and one on the west. She also mentioned that all single-family homes do not require buffering. She stated in addition, all septic systems have been outlined with designated areas that meet the minimum requirements for size and appropriate soil conditions. Furthermore, Mrs. Welsh concluded there will be a thorough review of each septic system as home permits are issued. Lori Snyder inquired about the minimum square footage required for homes in this development. Mrs. Welsh stated that it hasn't been determined to her knowledge, but for an A-1 zone property, there are minimum requirements for square footage.

Mr. Erb came back on and provided additional details, stating that the minimum square footage for homes would range from 1,500 sq. ft. to 2,100 sq. ft., depending on the location in the subdivision. He noted minimum square footage will increase farther into the subdivision.

A motion was made and seconded (*Clark/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 Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for primary approval of a 34-lot major subdivision to be known as HIDEAWAY AT HERITAGE PINES 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, Lori Snyder, Steve Clark, Crystal Van Pelt, Roger Miller, Brad Rogers.

5. The application for a zone map change from R-1 to B-2, for Osolo Little League Inc. represented by Warrick & Boyn, LLP, on property located on the east side of CR 9 (Johnson St.), 1,180 ft. north of CR 6, common address of 52754 CR 9 in Osolo Township, zoned R-1, was presented at this time.

Adam Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0076-2024*.

Chris Pottratz, Warrick & Boyn, LLP, 861 Parkway Ave., Elkhart, was present representing the petitioner. He mentioned that Osolo Little League has been in operation for a long time, and they have no plans to change the current use. He stated the goal of rezoning the property is to be able to put up billboards to help generate money for the Little League. He further went on to say this organization is a non-profit. Mr. Miller questioned the locations of the billboards. Mr. Pottratz stated there would be a billboard along the Toll Road in the northeast corner of the property. He further

stated it wouldn't affect the houses.

There were no remonstrators present.

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

Mr. Miller questioned staff if they would have to come back in with a new plan for future development with the proposed commitment. Mr. Coleson stated yes if the Little League did anything past the building of the billboards. Mrs. Snyder asked about adding a commitment to the B-2 zoning. Mrs. Kratzer stated the idea behind the commitment would be to say they are approved for the two billboards, but if they ever wanted to add any development beyond that would require a building permit they have to come with a DPUD for that.

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 R-1 to B-2, be approved in accordance with the Staff Analysis and with the following commitment imposed:

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

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

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

6. The application 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, for Star Property Real Estate Company LLC & Michiana Capital Investment Group LLC represented by Abonmarche Consultants, on property located on the northeast corner of CR 30 and SR 13, common address of 11903 CR 30 in Clinton Township, zoned DPUD, M-1, was presented at this time.

Mae Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0111-2024*.

Crystal Welsh, Abonmarche Consultants, 303 River Race Dr., Goshen, was present representing the petitioner. She explained that there's a large retention area due to the high water table. The septic system was built as a sand mound because of the shallow water. She described how soil borings and groundwater were used to determine the water level, and that the original pond was designed as a wet pond or fishing pond. She further explained that they discovered the perch water table which is made up of sand and that it's impossible to keep water in the area. She mentioned that they consulted with a geotechnical analysis expert to prove that the area was dry and could accommodate the new construction. She noted these findings, show the land that was previously deemed unsuitable for building is now suitable. Additionally, she explained that the retention area will be cut in half and still have the ability to hold water even with the expansion of the building. She concluded that a generator plan has been added that was requested in the initial PUD to the Staff. Steve Warner asked about the access point on the southeast corner of the lot. Mrs. Welsh stated there is an existing drive there.

There were no remonstrators present.

A motion was made and seconded (*Rogers/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** Phil Barker that the Advisory Plan Commission recommend to the Board of County Commissioners that this request 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 be approved in accordance with the Staff Analysis.

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

7. The application 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, for Marion E. Yoder & Laverta K. Yoder Trustees of the Marion & Laverta Yoder Trust represented by Jones Petrie Rafinski, on property located on the south side of CR 16, 465 ft. east of CR 43, 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 #DPUD-0127-2024*.

Matt Schuster, Jones Petrie Rafinski, 325 South Lafayette Blvd., South Bend, was present representing the petitioner. He stated they are seeking this rezoning to allow the construction of new weld-manufacturing shop, agricultural equipment and farm/pet supply store. He explained with in the weld-manufacturing business they make hay feeders and other agricultural-related equipment. He stated the business would be located on lot one and lot two would remain as agricultural and continued to be farmed. He stated the project would include the first phase of the buildings about 17,600 sq. ft. with a future phase to the east of market plans with no timetable at this time. He went on to say the access to CR 16 will have a loading dock to the south side of the building with approximately one vehicle per week. He identified the septic and well system as shown on the map. He mentioned parking for vistors and a horse barn for employees. He explained there would be a generator building that would be 18ft. x 20ft. on the south side of the primary building. He noted the hours of the farm and supply store would be Monday through Friday, 7 AM to 4:30 PM, Saturday 7 AM until noon, and Sunday Closed. He noted the weld shop hours would be Monday through Friday, 5 AM to 2 PM, Saturday 5 AM to Noon if required, and Closed on Sundays. He stated six employees are expected to start with future growth. He stated there would be no new impacts on the local roadways. He noted that construction would start with the following approvals.

There were no remonstrators present.

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

Mrs. Van Pelt stated she was glad to see an agribusiness get started in an agricultural zone.

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

Motion: Action: Approve, **Moved by** Crystal Van Pelt, **Seconded by** Roger Miller 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 for proposed lot 1 and for primary approval of a 2-lot minor subdivision to be known as M & L DPUD be approved in accordance with the Staff Analysis.

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

8. Mae Kratzer presented the Town of Wakarusa approved rezoning.

9. A motion was made and seconded (*Rogers/Miller*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:11 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Lori Snyder, Chairman