

PLAN MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 13TH DAY OF JUNE 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; Jason Auvil, Planning Manager; Danny Dean, Planner; Danielle Richards, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Phil Barker, Steve Warner, Lori Snyder, Steven Clark, Roger Miller, Brian Dickerson, Brad Rogers.

Absent: Steve Edwards.

2. A motion was made and seconded (*Warner/Miller*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 9th day of May 2024, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Dickerson/Miller*) that the Elkhart County Development 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/B-2 to R-1, for C. W. Peterson III on property located on the south side of Oak Dr., 250 ft. east of Ash Rd., common address of 30958 Oak Dr. in Cleveland Township, zoned B-2, R-1, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0294-2024*.

No petitioner was present.

There were no remonstrators present.

A motion was made and seconded (*Dickerson/Clark*) 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 a zone map change from R-1/B-2 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 Warner, Lori Snyder, Steve Clark, Roger Miller, Brian Dickerson, Brad Rogers.

5. The application for a zone map change from B-3 to B-2, for Custom Art Gallery, LLC on property located on the northeast side of US 33, 990 ft. south of Concord Mall Dr./Sunnyside Ave.,

common address of 23957 US 33 in Concord Township, zoned B-3, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0306-2024*.

Daisy Wild, 23957 US HWY 33, Elkhart, was present as the owner of Juicy Tattoo. She stated she has owned the business for over 6 years and would like to set up part of the shop as an apartment.

There were no remonstrators present.

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

Mr. Rogers asked staff if a residence is allowed in this zone. Mrs. Kratzer stated the purpose of the rezoning is to allow for a business and a residence.

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

Motion: Action: Approve, **Moved by** Brad Rogers, **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 B-3 to B-2 be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Warner, Lori Snyder, Steve Clark, Roger Miller, Brian Dickerson, Brad Rogers.

6. The application for a zone map change from B-3, PUD B-3, R-1 to B-3, for JMS Property Management, LLC on property located on the south side of Toledo Rd. 1,035 ft. east of Goshen Ave (CR 16), common address of 1675 Toledo Rd. in Concord Township, zoned B-3, PUD B-3, R-1, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0310-2024*.

James Miller, 1675 Toledo Rd., Elkhart, was present as the owner. He stated the purpose of this petition is to clean up the property's zoning. He also mentioned that part of the property is used for his landscape and lawn care business. He stated that he will be putting up a fence for outdoor storage on the property.

Danny Dean presented a letter from the City of Elkhart, [*Attached to file as Staff Exhibit #1*], requesting that within 90 days of approval of the Zone Map change by the Board of County Commissioners, the applicant will apply for and receive a driveway permit from the City of Elkhart and begin construction on proper driveways on the subject property.

Brian Dickerson mentioned that he owns a neighboring property and has not noticed any gravel on Toledo Rd. He also stated that he didn't see any damage to the road or notice any gravel hitting his truck. He suggested that being part of the county might create a less restrictive government environment. Mr. Dickerson stated he would not be in support of requiring a driveway permit. Mr. Clark agreed with Mr. Dickerson. Mr. Warner noted the letter from the city did not state any complaints or issues.

There were no remonstrators present.

A motion was made and seconded (*Dickerson/Rogers*) 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** Brian Dickerson, **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 B-3, PUD B-3, R-1 to B-3 be approved in accordance with the Staff Analysis with no commitment.

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

Yes: Phil Barker, Steve Warner, Lori Snyder, Steve Clark, Roger Miller, Brian Dickerson, Brad Rogers.

7. The application for a zone map change from R-1/R-2 to B-2, for Able Medical, LLC (Buyer) Beacon Medical Group Inc. (Seller) on property located on the west side of Elkhart St. (CR 3) 625 ft. north of CR 40, common address of 207 North Elkhart St. in Olive Township, zoned R-1 & B-2, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0315-2024*. Mr. Dean suggested the property be rezoned to B-1, since medical offices are allowed in the lower zone.

Arianna Shankle, 55945 Windwood Dr., Osceola, was present representing this petition as a partial owner. She stated they would like to reopen the medical clinic. She confirmed that she was aware staff has recommended change B-2 to B-1.

Cheryl Recksteiner, 106 W. Sycamore St., Wakarusa, was present with a question. She was asking if they will demo the building or just reopen it.

Mrs. Shankle came back on and stated there would be no remodeling on the outside of the building. She stated they are hopeful to be able to remodel the interior.

There were no remonstrators present.

A motion was made and seconded (*Dickerson/Clark*) 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** Phil Barker that the Advisory Plan Commission recommend to the Wakarusa Town Council that this request for a zone map change from R-1/R-2 to B-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, Lori Snyder, Steve Clark, Roger Miller, Brian Dickerson, Brad Rogers.

8. The application for an amendment to an existing DPUD R-1 known as ABEL ESTATES DPUD to allow for an additional building, for Charles R. Roeder & Kristin M. Roeder, Husband & Wife represented by Martin Brothers Contracting, on property located on the north end of Abel Dr., 1,000 ft. north of east Waterford St., west of SR 19, common address of 200 Abel Dr. in Olive

Township, zoned DPUD R-1, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0301-2024*.

Jeff Martin, Martin Brothers Contracting, 26262 CR 40, Goshen, was present representing the petitioner. He explained the recreation center was being built for their family and friends to enjoy.

There were no remonstrators present.

A motion was made and seconded (*Miller/Rogers*) 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** Brad Rogers, **Seconded by** Phil Barker that the Advisory Plan Commission recommend to the Wakarusa Town Council that this request for an amendment to an existing DPUD R-1 known as ABEL ESTATES DPUD to allow for an additional building be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Warner, Lori Snyder, Steve Clark, Roger Miller, Brian Dickerson, Brad Rogers.

9. The application for a zone map change from A-1 to DPUD B-3 & DPUD A-1 and for primary approval of a 2-lot minor subdivision to be known as ROBERTS DPUD, for Gary L. Roberts & Frances M. Roberts, Husband & Wife represented by Surveying and Mapping LLC, on property located on the southeast corner of CR 10 & CR 6, common address of 29829 CR 10 in Cleveland 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-0293-2024*.

Debera Hughes, Surveying and Mapping LLC, 2810 Dexter Dr. Elkhart, was present representing the petitioner. She clarified that the outlined map did include the corner parcel, but she specified that the DPUD (Development Plan Unit Development) does not cover the corner parcel. She explained that the plan indicates the boundary of the DPUD. She elaborated that the existing residential property is currently zoned A-1, and the proposal is to divide the property into 2 lots. Mrs. Hughes further explained that the existing home would remain on lot 1 and would keep its A-1 zoning. She noted the storage buildings will be on lot 2, which will be zoned as a B-3 DPUD. She also clarified that a DPUD restricts the use of what is shown on the plan and pointed out that the gravel area on the property will be used for outside storage. She emphasized that this location is the owner's residence, and they would like to utilize part of their property for commercial use. She went on to say that the property has a total of 5.3 acres. She stated this will be a low-intensity use with shielded, down-cast lighting. She explained the commercial driveway will access CR 6 at the far east end of the property. She indicated the operating hours will be 7 A.M. to 9 P.M., 7 days a week. She further stated the facility would be accessed with a keypad. She stated traffic flow would be approximately 10 cars and 2 box trucks per day. She indicated where the signs would go. She stated there is one deviation from the zoning standard, they require 120 ft. setback and we are asking for 110 ft. from the centerline of the right-of-way rather than 120 ft. and an 8 ft. maximum height on a monument sign. Brad Rogers

asked if the outside storage will be shielded. Mrs. Hughes indicated there will be a 6 ft. tall privacy fence with barbed wire at the top for security. Mr. Miller asked about the lighting. Mrs. Hughes stated there will be outside lighting on the buildings that will be shielded, so they shine downward and not outward towards the residences. Mr. Dickerson asked about the eastern border of the property where the drainage and utility easement is located. Mr. Dickerson asked if there will be landscape buffering there. Mrs. Hughes explained there would be a landscape buffer along the east and south sides of the property located inside the fence. She stated the utility company will allow short landscaping up to 20 ft. high in the easement. Mrs. Hughes indicated on the map where the utility easement would be located on the property. Mr. Miller stated he noticed the request included a chain link fence with barbed wire and privacy slats, that will be removed during phase 2. Mrs. Hughes stated the fence will be placed around the entire perimeter in phase 1. Mr. Miller asked if the privacy fence will be removed when phase 2 is started.

John McCollough, McCollough Scholten Construction, Inc. located at 2112 Aeroplex Dr., Elkhart, was present as the contractor for this project. He explained that only a part of the privacy fence would be removed, specifically the portion located on the far southeast building where a new building will be installed.

Mr. Dickerson mentioned that Mrs. Hughes previously indicated that this area will eventually be used for commercial purposes. However, Mr. Dickerson pointed out that the area is currently not zoned for commercial use and asked for clarification on why it would be considered commercial over residential. Mrs. Hughes came back on and explained that the property is located at a major intersection and that there are plans to widen CR 6 into 4 to 5 lanes. She also mentioned that the comprehensive plan includes provisions for commercial development along this corridor. Mrs. Hughes further explained that the property is restricted by a DPUD, which means that nothing can be proposed or built without a complete DPUD application. Mr. Dickerson raised concerns about the impact of the corridor expansion on the residents to the east. Mrs. Hughes acknowledged that the property could be impacted and mentioned that they are dedicating 75 ft. of right-of-way from the center line, as the county is currently designing the corridor. Mr. Miller noted that the proposed building would be closer to the setback limit by 10 ft. and inquired whether this would be impacted by the road expansion. Mrs. Hughes clarified that it would not be impacted, as the owner has agreed to donate the additional right-of-way.

Joanne Rose, 29660 CR 6, Elkhart, was present in remonstrance. She explained that she is worried about the outside storage. Mrs. Rose inquired about the specific items that would be allowed in the outside storage area. She mentioned that there is currently a couch and a motorhome sitting in the yard, and asked if the outside storage area would be cement. Mrs. Snyder explained that the zoning regulations are stringent, known as a DPUD, and that they have various requirements to meet.

Harold Rose, 29660 CR 6, Elkhart, was present in remonstrance. He stated he purchased his property in 1962 to build a home. He stated the petitioners have cars and outside storage now. He went on to state that the water table is very high in this area and that his basement has flooded many times. Mrs. Snyder stated the zoning they are requesting is very specific. Mr. Rose stated the request is a B-3 general business zone. Mrs. Snyder corrected Mr. Rose and stated this will be a DPUD. Mr. Rose went on to describe the area when he first purchased his property. He stated his concerns with the traffic in the area. Mr. Rose restated he was opposed to this project due to the surrounding area previously being farmland.

Michelle Negoita, 29740 CR 10, Elkhart, was present in remonstrance. She stated concerns

with the traffic increasing in the area. She asked for copies of the documents of the plan being presented. Mrs. Negoita pointed out some items out of the ordinance such as production of, traffic, noise, smoke, fumes, and odors. She indicated the vibration of homes due to the heavy-duty traffic.

Debra Hughes stated that all storage items outside of the house will be moved to the new facility. She mentioned that the couch, which is left over from a garage sale, has a "free" sign on it. She explained that it is the owner's decision to meet the demand for a storage unit business. Mrs. Hughes also mentioned that the traffic in the area makes it a good location for a business. She restated there would be no commercial access on CR 10.

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

Dickerson noted he lived close by and there is a little league field west of this. He mentioned they have 100 times more traffic than this will have. He noted that traffic is a problem in this area. Mrs. Snyder stated it is one of the less intense uses for this property.

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

Motion: Action: Approve, **Moved by** Steven 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 A-1 to DPUD B-3 & DPUD A-1 and for primary approval of a 2-lot minor subdivision to be known as ROBERTS DPUD be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Warner, Lori Snyder, Steve Clark, Roger Miller, Brian Dickerson, Brad Rogers.

10. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil reported that on April 9, 2024 the Town Council of Wakarusa meeting approved a rezoning.

11. Danny Dean presented the minor change for a signage deviation for Elkhart East Area D Phase 4 Lot 15 A.

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 minor change for a signage deviation for Elkhart East Area D Phase 4 Lot 15 A be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Warner, Lori Snyder, Steve Clark, Roger Miller, Brian Dickerson, Brad Rogers.

A motion was made and seconded (*Miller/Dickerson*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:35 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Lori Snyder, Chairman