

**PLAN MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 9TH DAY OF MAY 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 Vice Chairman, Roger Miller. The following staff members were present: Mae Kratzer, Plan Director; Jason Auvil, Planning Manager; Danny Dean, Planner; Adam Coleson, Planner; and James W. Kolbus, Attorney for the Board.

**Roll Call.**

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

**Absent:** Lori Snyder, Steven Clark,

2. A motion was made and seconded (*Edwards/Warner*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 11th day of April 2024, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Edwards/Dickerson*) 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-2 & B-2 to DPUD B-2 and for primary approval of a 1-lot minor subdivision to be known as EAST WARREN STREET DEVELOPMENT DPUD, for First State Bank of Middlebury represented by Abonmarche Consultants, on property located on the east side of North State St., 170 ft. north of East Warrant St., in Middlebury Township, zoned R-2, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0204-2024*.

Crystal Welsh, Abonmarche Consultants, 303 River Race Dr., Goshen, was present representing the petitioner. She stated she believes this is a great use for an existing vacant property. She explained that it is a local business that would like to continue to invest in the Town of Middlebury. She went on to say they have had conversations with town leadership and the representative from the bank is present.

Matt Shoup, 53434 CR 35, Middlebury, was present in a remonstrance to this request. He stated he owns property north of the bank. He continued saying that he does not have any problems with the bank going into this location. His major concern is with the stormwater proposal. He mentioned according to the proposal, there will be a retention pond with dry wells. He also indicated that property 16 has a one-hundred-year-old home that will have dry wells close to the basement. He explained that the water table was already eight to ten feet, and once dry wells were added, the water would run straight north of the river. He suggested that a simple solution would be to use the

stormwater system, and there would be no need for a retention pond.

Pam Keiser, 53934 CR 37, Middlebury, read a letter from Stephanie Kauffman, resident of Middlebury, the letter was not submitted to staff, that stated concerns regarding extra parking for customers and special events. Mrs. Kauffman also questioned if the parking lot along Grant St. could be used for extra parking as there is a barn there that may allow indoor parking for buggies. She stated she has been told that this has not been a thought for this area. She asked how this new development would affect traffic. She went on to question how the congestion would affect the downtown area and the surrounding homes. She also asked if the building will only be used by the bank as a single business or would it be allowed to be used for other businesses or apartments. She further asked how would that effect the traffic and surrounding residences.

Mrs. Keiser stated on Mrs. Kauffman's behalf that she has read the comprehensive plan and the vibrant community information, they don't like parking lots. She went on to state she was concerned about that personally. She mentioned her redevelopment concerns that there is an agenda of not allowing our communities to grow organically, by forcing plans to happen that are not good for the communities.

David Wiegner, 108 State St., Middlebury, was present for this petition. He explained he likes the idea of Middlebury growing. He stated Middlebury is a nice town to live in and watch prosper. He mentioned his concern in regards to what type of lighting will be placed on the property. He stated traffic increase is a concern for the area. He mentioned the playground and the library close by, and there are a lot of children in the area. He went on to state his concerns in regard to the property value of his home. He explained the zoning change will result in a 35 % decrease in the residential area. He expressed his appreciation for Joe Kathy, President of First State Bank. He stated Mr. Kathy did come and talk with him about the future project with attentiveness to the local residents.

Crystal Welsh came back on and stated the stormwater management plan does require a retention area. She stated this process will go through the Town of Middlebury. She explained the lighting will not impact local property owners. Mrs. Welsh stated there is a local property owner who can address any lighting issues. Mr. Miller asked if the bank would take care of the lighting issues. Mrs. Welsh stated that was correct, and there will also be buffering to ensure they are good neighbors. Mr. Dickerson stated there were some issues or concerns regarding new parking versus existing parking. He mentioned they would be going from 0.02 acres to 0.45 acres of hard surface. He stated it would be reasonable to assume that parking lots will increase. Mrs. Welsh stated it will be a private parking lot; there is no intention of putting up gates or barriers. She went on to say the bank will need the parking lot for customer parking during business hours. She mentioned she can not commit to after-hour usage.

Matt Shoup came back on and asked for clarification in regards to the stormwater. He explained that Mrs. Welsh stated that the stormwater would be infiltrated to the storm drains. He pointed out that the plan states it will be connected to dry wells and perforated pipes surrounding stone bedding from infiltration into the subsoils. Mr. Shoup asked which plan was correct. Mrs. Welsh stated the Town of Middlebury's stormwater management will take care of this process. Mr. Shoup noted that the plans do not match Mrs. Welsh's statement about the stormwater.

A motion was made and seconded (*Rogers/Warner*) 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** Brian Dickerson that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from R-2 B-2 to DPUD & B-2 and for primary approval of a 1-lot minor subdivision to be known as EAST WARREN STREET DEVELOPMENT 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, Steve Warner, Crystal VanPelt, Roger Miller, Brian Dickerson, Brad Rogers.

5. The application for a zone map change from DPUD E-3 to DPUD M-2 formerly known as ELKHART EAST AREA B PHASE 3 LOT 13 A to be known as ELKHART EAST AREA B-LOT 13A DPUD, for Shah Land Development, LLC represented by Jones Petrie Rafinski, on property located on the northeast corner of Innovation Dr. & CR 15, common address of 22447 Innovation Dr. in Osolo Township, zoned DPUD E-3, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0205-2024*.

Edgar Morano, JPR, 325 S. Lafayette Blvd., South Bend, was present representing the petitioner. He stated that the purpose of this DPUD is to rezone from DPUD E-3 to DPUD M-2. He described they have a 220,000 sq. ft. spec building with no tenants at this time. He stated they want to place the building on this property with offices, retention ponds, parking, landscaping and lighting that will match the surrounding buildings and properties. Brad Rogers stated he is familiar with the area and other M-2 zonings in it. He mentioned the previous experiences he has had in other areas of the county. He stated there was a company in Bristol that was rezoned to heavy manufacturing and now there are vibration issues. He expressed his uncertainty about the rezoning in case a company comes in and does anything it wants within the M-2 zoning criteria. Mr. Morano stated that their hope is to find a responsible party moving forward. He mentioned they also have had dealings with the company in Bristol. He went on to state the new clients will be restricted by the use and can't have any processed waste exit the facility. He went on to say the manufacturing would probably be light. Mr. Rogers stated there were just concerns with past M-2 rezonings and it can not be controlled for the local residents. Mr. Morano stated there is landscape buffering, required and the residences will be to the west, as of the property. He explained there will be little activity on the property to the west most manufacturing will be to the south of the building. Mr. Rogers stated that buffers do not stop vibrations throughout the neighborhood. Mr. Morano stated that would have to be addressed with the tenants. Mr. Rogers asked staff how this could be resolved. He stated he appreciated the spec buildings going up, but there are concerns about what future tenants may do to cause problems in the neighborhood. Mae Kratzer, Plan Director, explained there is a good solution when working with a DPUD to limit certain uses. She went on to say this board could make a recommendation to the Commissioners through the DPUD that approval be limited to light manufacturing, M-1, no vibration,

no smoke, no odor, or no outdoor storage. Mr. Dickerson asked if the industrial park had restrictions in place. Mrs. Kratzer stated there are additional standards in place that are mostly related to signage, construction materials, and the look of the buildings. Mr. Dickerson asked if there was anything limiting outside storage. Mrs. Kratzer stated there is nothing concerning exterior storage. Mr. Rogers stated he appreciated the comments. Mrs. Kratzer stated that a DPUD will remain with the land even when the property changes ownership. Mr. Dickerson asked if there was any impact on the development from M-1 to M-2. Mrs. Kratzer mentioned the biggest difference in terms of use would be what has been previously mentioned and no salvage yard would be allowed. She went on to state the uses are very similar, the impact on the neighboring properties. Mr. Dickerson asked if the board could ask the developer if M-2 was needed for this property. Jim Kolbus, County Attorney mentioned there have been previous petitions that have gone through the M-2 uses where they restricted those found objectionable as a part of the DPUD. Mr. Rogers stated with the new technology it would be great to have something like this in the county. Mrs. Kratzer stated there are two options possible today. She stated the petitioner can go through the M-2 uses and M-1 uses and restrict and undesirable uses. Mr. Kolbus stated the Commissioners final say.

Jim Skillen, Portfolio Director for Shah Land Development LLC, 53149 Discovery Dr. Elkhart, was present to inform the board about what could happen on the property. He mentioned that an M-2 zone is necessary for an unlimited distribution center. He stated the area in Elkhart East is zoned as a highly regulated park with many restrictive covenants, mostly for appearance, but it does allow manufacturing. He explained that the goal for this location is to facilitate distribution facilities, and they need to meet the city's requirements. He mentioned that the city requires a main structure for monitoring sewage waste produced by a manufacturer, with no drains in the floor. Any waste produced would need approval from the city. He pointed out that industrial and residential areas are often adjacent to each other in the county. He informed the board that the industrial park has been in the area for over 25 years. Mr. Rogers expressed reservations due to a previous experience in Bristol. Mr. Skillen mentioned that the situation with Velmont is an isolated issue. Mr. Miller was open to suggestions and adding conditions to the DPUD.

There were no remonstrators present.

A motion was made and seconded (*Edwards/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** 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 DPUD E-3 to DPUD M-2 formerly known as ELKHART EAST AREA B PHASE 3 LOT 13 A to be known as ELKHART EAST AREA B-LOT 13A DPUD be approved with the following condition imposed:

1. The petitioner must provide a list of allowed uses to the County Commissioners for review & approval.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Crystal VanPelt, Roger Miller, Brian Dickerson, Brad Rogers.

**\*\*It should be noted Mr. Dickerson recused himself and stepped down\*\***

6. The application for a zone map change from M-1 to DPUD M-1 and for primary approval of a 1-lot minor subdivision to be known as CROSS TRAILERS DPUD M-1, for Hitch Holdings Indiana LLC represented by Surveying and Mapping, LLC, on property located on the south side of CR 4, 1,550 ft. east of CR 39, common address of 11732 CR 4 in York Township, zoned M-1, was presented at this time.

Adam Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0211-2024*.

Mr. Miller asked if the subject property has ever been used for manufacturing. Mr. Coleson stated it is zoned M-1, and it has been used for warehousing. Mr. Rogers stated a year ago this property was rezoned to take the word "cargo" out. He also asked if this was the same property that had a stormwater issue. Mr. Coleson stated that was correct. Mr. Rogers stated the Board is disregarding all the previous approvals as how the petitioner wants to construct a building. Mr. Coleson stated that is what they are requesting.

Ben Stanley, Surveying and Mapping, 28810 Dexter Dr., Elkhart, was present representing the petitioner. He explained that the site was purchased last year by Hitch Holdings for the purpose of constructing a new building. He mentioned the site is conveniently located with access to SR 13 and the Indiana Toll Road. He stated the previous owner of the site had it rezoned, and the trees have been cleared. He stated the site was used for an RV parking facility with 5-acres of existing wetland along the west side of the property. He went on to say the DPUD will limit the use to a cargo trailer manufacturing use. He stated the facility will consist of an approximately 106,000 sq.ft. industrial building along with paved drives, gravel storage areas, and retention basins. He added they will also maintain the existing wetlands. He went on to state that the surrounding properties are not effected by sounds or lights from the facilities. He continued to explain there will be two access drives to CR 4, one will be primarily for automobile traffic and the other for shipping traffic. He explained the stormwater on site will sheet drain into catch basins, and then be stored in 3 retention basins on site. Ms. Van Pelt asked about the wetlands that were discovered. Mr. Stanley indicated on the plat where it is located.

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.

Mr. Miller asked Mr. Barker if this site has enough drainage. Mr. Barker explained it depends on how they handle it. He stated it looks like most of the run-off will go into the wetland area. Mr. Stanley stated the retention calculations are provided in the report; the intent is to collect the run-off water into the retention basins on the north side of the property along the road. He stated there is another proposed retention basin south of the wetland with no outlet into the wetland. Mr. Warner mentioned when looking at the arial vs drawing the plan, it looks like the wetland is significantly reshaped. Mr. Stanely stated there is history to this wetland, the previous owner did some reshaping of the wetland. He went on to say the one shown today is the historical boundary prior to that

reshaping according to Army Corps of Engineers' rule. Mr. Miller asked if the construction company is planning on talking to the neighboring properties. Mr. Stanley stated the construction company contacted him yesterday and a list had been given to them of the local property owners.

Lynn Kauffman, Ancon Construction, 19548 Gentle Stream Circle, Goshen was present. He stated in regards to the question about public information, Ancon will be hosting a meeting for the residents around the facility at the Middlebury Public Library in two weeks. He went on to say an information flyer would be sent out to the residence. Mr. Rogers asked if residents were notified about this meeting. Staff stated yes they were.

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

**Motion: Action:** Approve, **Moved by** Brad Rogers, **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 M-1 to DPUD M-1 and for primary approval of a 1-lot minor subdivision to be known as CROSS TRAILERS DPUD M-1 be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Phil Barker, Steve Edwards, Steve Warner, Crystal VanPelt, Roger Miller, Brad Rogers.

#### ***7. 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.

8. Mae Kratzer reported there are staff changes. She stated that this would be Adam Coleson's last meeting and would be moving to Montana. She also mentioned that the Elkhart County Development Ordinance will be going into effect June 1, 2024. Mr. Warner asked about the solar farm project. Mrs. Kratzer stated that Jen Toby, Emergency Management Director, has been working closely with the fire departments across the county to ensure that the emergency plan meets with in community needs. She indicated this is the final step. Mr. Warner stated that it doesn't appear to be happening until late fall.

9. Steve Warner presented to Mae and the Planning Staff a gift card to show the Plan Commission's appreciation on a job well done with the new ordinance.

A motion was made and seconded (*Rogers/Edwards*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:22 a.m.

Respectfully submitted,

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Amber Weiss, Recording Secretary

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Roger Miller, Vice Chairman