

# AGENDA

## **ELKHART COUNTY PLAN COMMISSION**

*November 14, 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 10<sup>th</sup> day of October 2024.

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

**PRIMARY APPROVAL**                                 **9:30 A.M.**

A.     Petitioner:     Marion L. Schrock   **(page 5)**  
                              represented by Jones Petrie Rafinski  
      Petition:         for primary approval of a 9-lot major subdivision to be known as  
                              ***FARMHOUSE SUBDIVISION.***  
      Location:        south side of US 20, 2,300 ft. east of CR 27, common address of 17420 US 20  
                              in Jefferson Township.   (MA-0697-2024)

**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 November 14, 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 November 14, 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 10TH DAY OF OCTOBER 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; Daniel Richards, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

**Roll Call.**

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

**Absent:** Steve Edwards, Lori Snyder, Dan Carlson.

2. A motion was made and seconded (*Miller/Barker*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 12th day of September 2024, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Miller/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 the vacation of a portion of an east/west county alley known as Rosen Court, for Ability Center Inc. represented by Land and Boundary LLC, on property located 275 ft. east of Best Ave., 150 ft. north of old US 33 W., common address of 28423 Old US 33 in Baugo Township, zoned B-3, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #VRW-0571-2024*.

Mr. Miller asked why the entire alley was not being vacated. Mrs. Richards stated that the petitioner does not own the property east of the request. Mr. Barker stated they are considering access to the rear of the B-3 property. Mr. Rogers asked if they will get the entire alleyway. Mrs. Richards clarified that the petitioner also owns the property north of the alleyway. Mr. Rogers asked if the alleyway was needed for utilities. Mrs. Richards explained she did not notice a utility easement on the plat. Mr. Dickerson stated if there were an easement it would be on the deed. Mr. Rogers clarified if it is on the deed, they have to allow access. Mr. Kolbus stated that is correct. Mr. Dickerson stated easements follow deeds, and a vacation will not change the access.

There were no remonstrators present.

A motion was made and seconded (*Rogers/Barker*) 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** Steven Clark that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the vacation of a portion of an east/west county alley known as Rosen Court be approved in accordance with the Staff Analysis.

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

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

5. The application for a zone map change from A-1 to M-1, for Premier Property Company LLC represented by Premier Property Company LLC, on property located on the south side of US 20, 1,745 ft. east of CR 33, in Middlebury Township, zoned A-1, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0631-2024*.

Wayne Miller, 56430 CR 33, Middlebury, was present representing Premier Property Company LLC. He explained the plans for the existing business are to build a new facility for retail and storage for equipment, and the opportunity to sub-lease other buildings. Mr. Rogers commented he has been leery of straight rezonings. Mr. Rogers asked why not present us a specific plan such as a DPUD. Mr. Wayne Miller mentioned the reason for the straight rezoning vs. the DPUD was due to a change of plans or a change of the landowners. Mr. Wayne Miller wanted there to be an opportunity for flexibility.

Mr. Rogers questioned staff, if it could be explained why they recommended straight rezoning, rather than a DPUD. Mrs. Kratzer explained staff can always recommend a DPUD, but there is more expense with that. She went on to say the property owner pursued an M-1 rezoning. Mrs. Kratzer stated to the board if there is any uncertainty, instead of a DPUD, there could be a condition in place that it be approved just for the use that Mr. Wayne Miller is asking for. She stated then the property would not be open to just any M-1 use. She went on to say a landscaping business is low impact compared to other M-1 uses. Mr. Rogers stated his concern is for the neighboring properties. Mr. Rogers stated he always comes back to the Vermont situation with neighboring properties. Mr. Rogers restated he was apprehensive about the straight rezoning. He went on to say that the property owner, could come back and change the condition if they wanted to make changes to the plan. Mr. Clark asked about the zoning for the Vermont property. Mrs. Kratzer stated she believes it is an M-1 zone. Mr. Clark sympathized that the Vermont situation was unfortunate. He went on to say that the Board should be careful that not everything gets judged by that standard and that property rights do matter. Mr. Clark that he didn't see a huge residential impact. Mrs. Kratzer stated there is some residential impact, however the size of the parcel does need to be considered. She went on to say the potential to have a negative impact would be limited just by the parcel size. Mrs. Kratzer mentioned in planning it is the future owner that had the potential for problems. Mr. Rogers explained the issue is not trusting the current landowner, it is the future owner that is concerning. Mr. Roger Miller pointed out the Staff Analysis says the petition is to allow the facility to have water features. Mr. Warner asked if there would be a range of businesses that could be allowed with a condition. Mrs. Kratzer stated the petitioner he is asking to have a landscape and water feature business, and a condition would just limit it to what the petitioner is requesting, landscape and water feature business.

Mr. Wayne Miller asked if the suggested approval would be to do the zone change and just

keep it as a landscape and water feature business. He went on to ask if that would allow retail in that industry. He stated there is no intent on having heavy manufacturing on the property, and as Mrs. Kratzer indicated the property is only 4 acres. Mr. Wayne Miller asked if sheds and outdoor furniture are manufactured on the property, would that still be under the proposed condition? Mr. Rogers asked about an M-2 zoning. Mrs. Kratzer stated that would be a heavier use and would not be recommended. She stated anything that he just requested would have to be added to the condition to be able to manufacture those items on-site. Mr. Dickerson stated that point the board is opening up the property to an impact of any M-1 use. Mr. Dickerson went on to explain the petitioner will still operate a forklift, a dust collector, and basic things that go along with M-1 zoning. Mr. Dickerson indicated he would not add the condition. Mrs. Kratzer restated it is a small parcel, and it limits the development size of any business and its impact on neighbors. Mr. Barker asked if they could come back with a PUD to include the use if there was a motion to add conditions. Mrs. Kratzer stated that was correct. Mr. Clark mentioned that a DPUD is a process, and it's not cheap, it's a pain, and it's regulatory. Mr. Rogers stated a straight rezoning always triggers concerns, however, after hearing the discussion he is comfortable with a straight rezoning. Mr. Warner agreed.

There were no remonstrators present.

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** Brad Rogers, **Seconded by** Steven 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-1 be approved in accordance with the Staff Analysis.

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

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

#### ***5. Board of County Commissioners Approvals Following Plan Commission Recommendations***

Jason Auvil reported that the September 5, 2024 Town Council of Bristol meeting approval, September 16, 2024 County Commissioners meeting approvals, and September 19, 2024 the Town Council of Bristol added conditions to the approval from the September 5, 2024 meeting.

Mr. Warner stated he had asked Mrs. Kratzer, and she stated there were no conditions with the Town Council of Bristol approval. Mr. Auvil was corrected there were no conditions put in place regarding the Town Council of Bristol approval on September 16<sup>th</sup>.

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

6. Mr. Auvil presented the Planning Calendar for 2025.

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

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** Brad Rogers that the Advisory Plan Commission approve the 2025 Planning Calendar.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5)

***\*\*It should be noted that Mr. Clark returned to the Board at this time.\*\****

7. Mr. Auvil presented the Plan Commission Rules of Procedure-Addition of Exhibit P, Buildable Parcel Table.

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

**Motion: Action:** Approve, **Moved by** Brian Dickerson, **Seconded by** Steve Clark that the Advisory Plan Commission approve Exhibit P.

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

8. 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 9:58 a.m.

Respectfully submitted,

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Amber Weiss, Recording Secretary

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Lori Snyder, Chairman

# Plan Commission Staff Report

Prepared by the Department of Planning and Development

**Hearing Date:** November 14, 2024

**Transaction Number:** MA-0697-2024.

**Parcel Number(s):** 20-07-14-200-006.000-019, 20-07-14-200-008.000-019, Part of 20-07-14-200-013.000-019, 20-07-14-200-015.000-019, 20-07-14-200-019.000-019, Part of 20-07-14-200-023.000-019.

**Existing Zoning:** A-1.

**Petition:** for primary approval of a 9-lot major subdivision to be known as FARMHOUSE SUBDIVISION formally known as SCHROCK SUBDIVISION.

**Petitioner:** Marion L. Schrock, represented by Jones Petrie Rafinski.

**Location:** south side of US 20, 2,300 ft. east of CR 27, in Jefferson 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 & Residential
<b>North</b>	A-1 & B-3	Residential & Commercial
<b>South</b>	A-1	Agricultural
<b>East</b>	A-1	Agricultural
<b>West</b>	A-1	Agricultural & Residential

**Site Description:** The subject property consists of four (4) parcels and part of two additional parcels totaling 40.09 acres. Proposed Lot One will be 31.25 acres with an existing 3,356 ft<sup>2</sup> residence, three (3) accessory structures (1,800 ft<sup>2</sup>, 738 ft<sup>2</sup>, & 200 ft<sup>2</sup>), two (2) agricultural buildings (11,200 ft<sup>2</sup> & 4,800 ft<sup>2</sup>), and one (1) swimming pool (532 ft<sup>2</sup>). Proposed Lots 2 through 8 will be one (1) acre each and are currently vacant. The proposed lots will be accessed through a private street.

**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.

# 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-0697-2024

Date: 10/07/2024 Meeting Date: November 14, 2024 Transaction #: MA-0697-2024  
Plan Commission Hearing (Subdivision)

Description: for primary approval of a 9 lot major subdivision to be known as FARMHOUSE SUBDIVISION formally known SCHROCK SUBDIVISION

Contacts: <u>Applicant</u>	<u>Land Owner</u>	<u>Private Surveyor</u>
Jones Petrie Rafinski 325 S Lafayette Blvd South Bend, IN 46601	Marion L Schrock 17420 Us 20 Goshen, IN 46528	Jones Petrie Rafinski 325 S Lafayette Blvd South Bend, IN 46601

Site Address: 17420 Us Highway 20 Goshen, IN 46528	Parcel Number: 20-07-14-200-006.000-019 20-07-14-200-008.000-019 Part of 20-07-14-200-013.000-019 20-07-14-200-015.000-019 20-07-14-200-019.000-019 Part of 20-07-14-200-023.000-019
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Township: Jefferson  
Location: South Side Of Us 20, 2300 Feet East Of County Road 27

Subdivision:	Lot #
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Lot Area:	Frontage:	Depth:
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Zoning: A-1	NPO List: 10/28/2024
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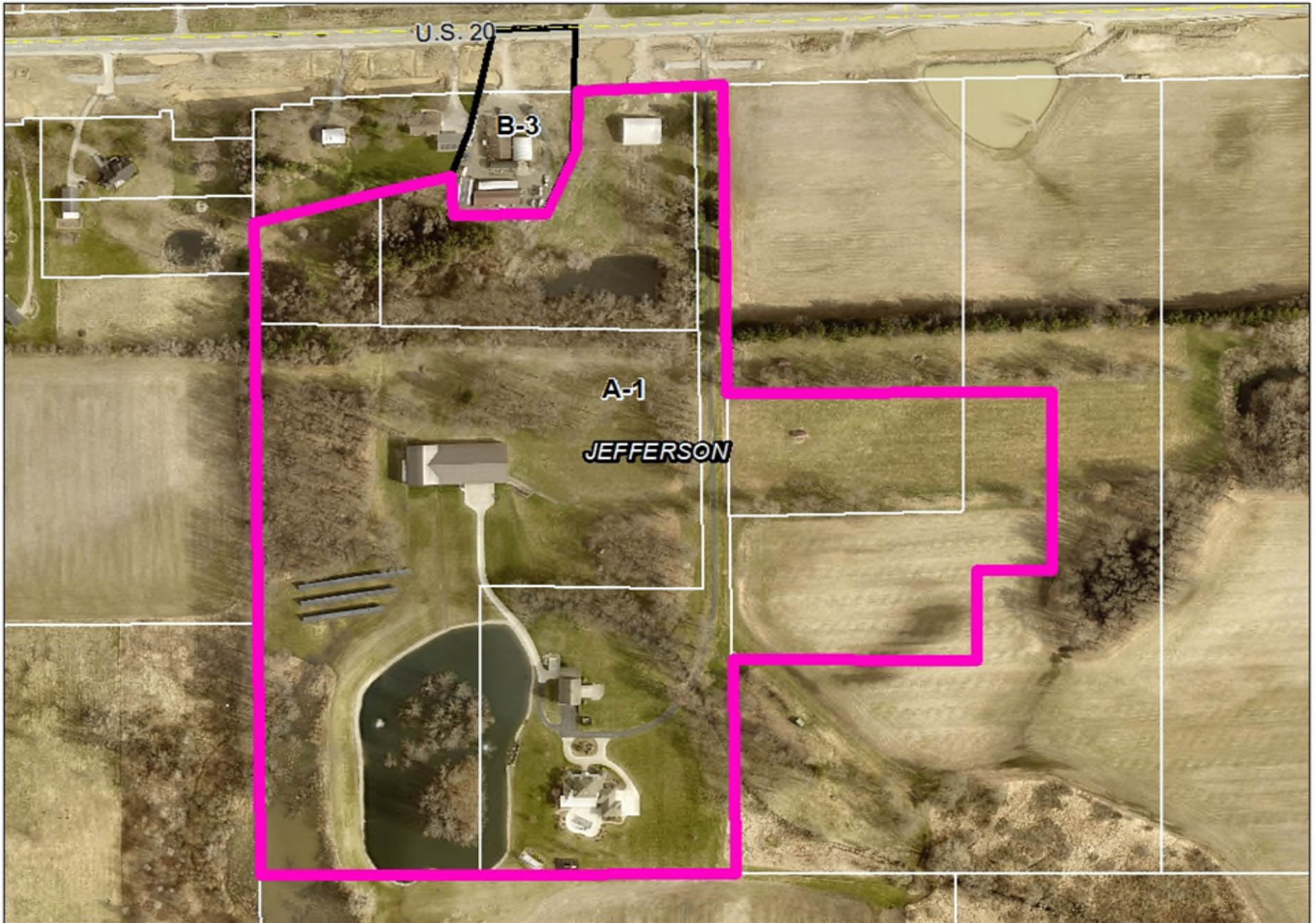
Present Use of Property:

Legal Description:

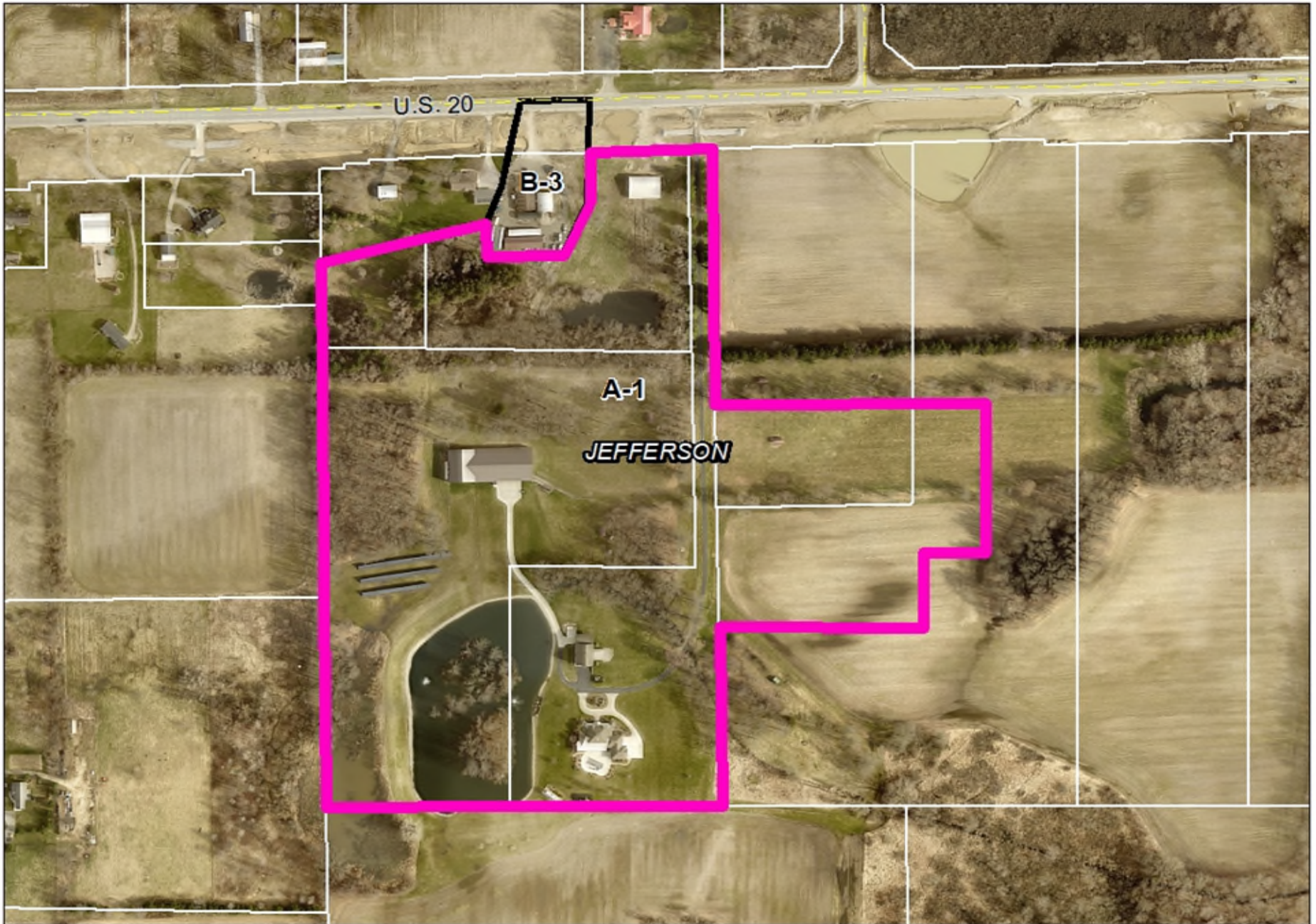
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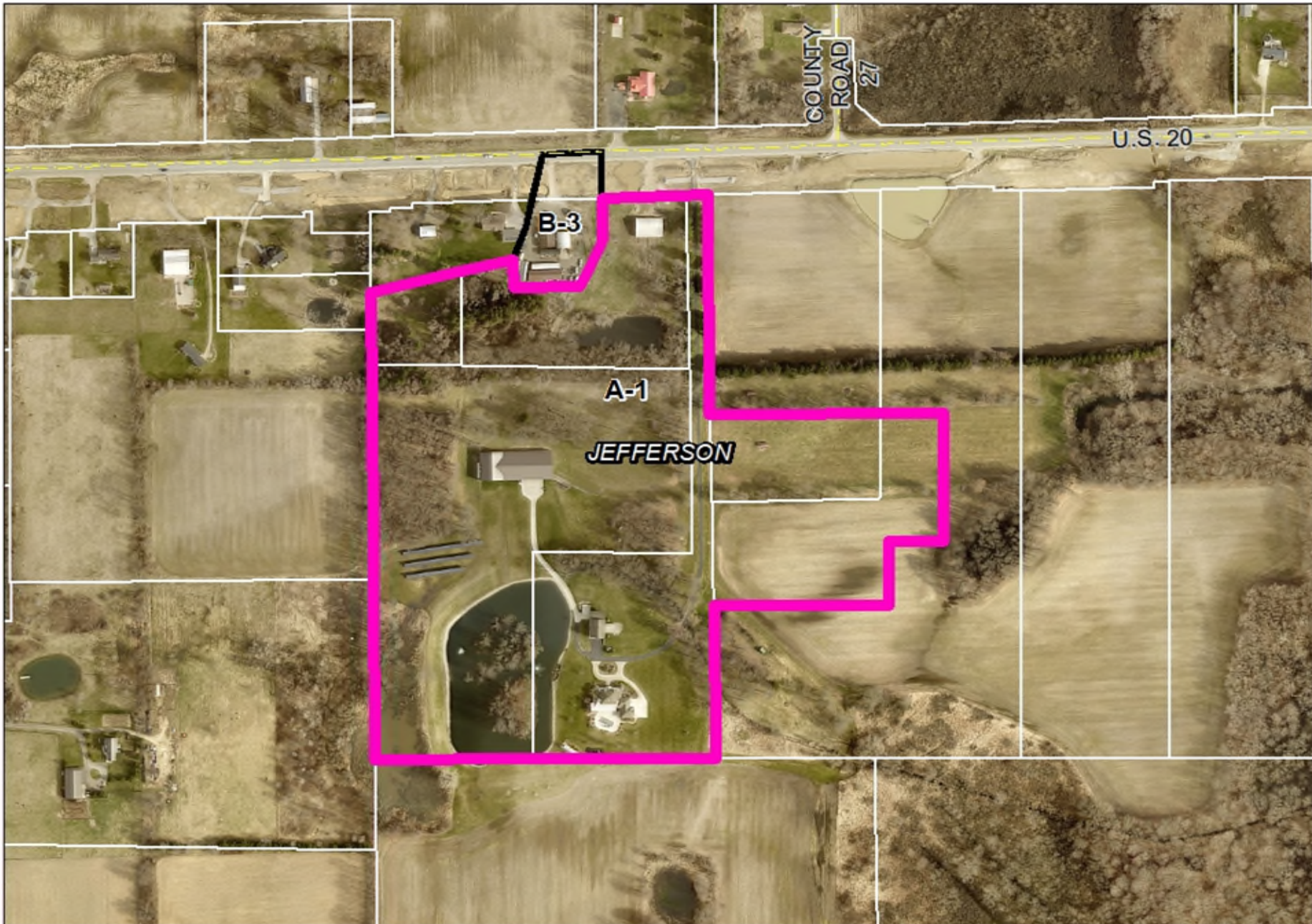
Applicant Signature:

Department Signature:

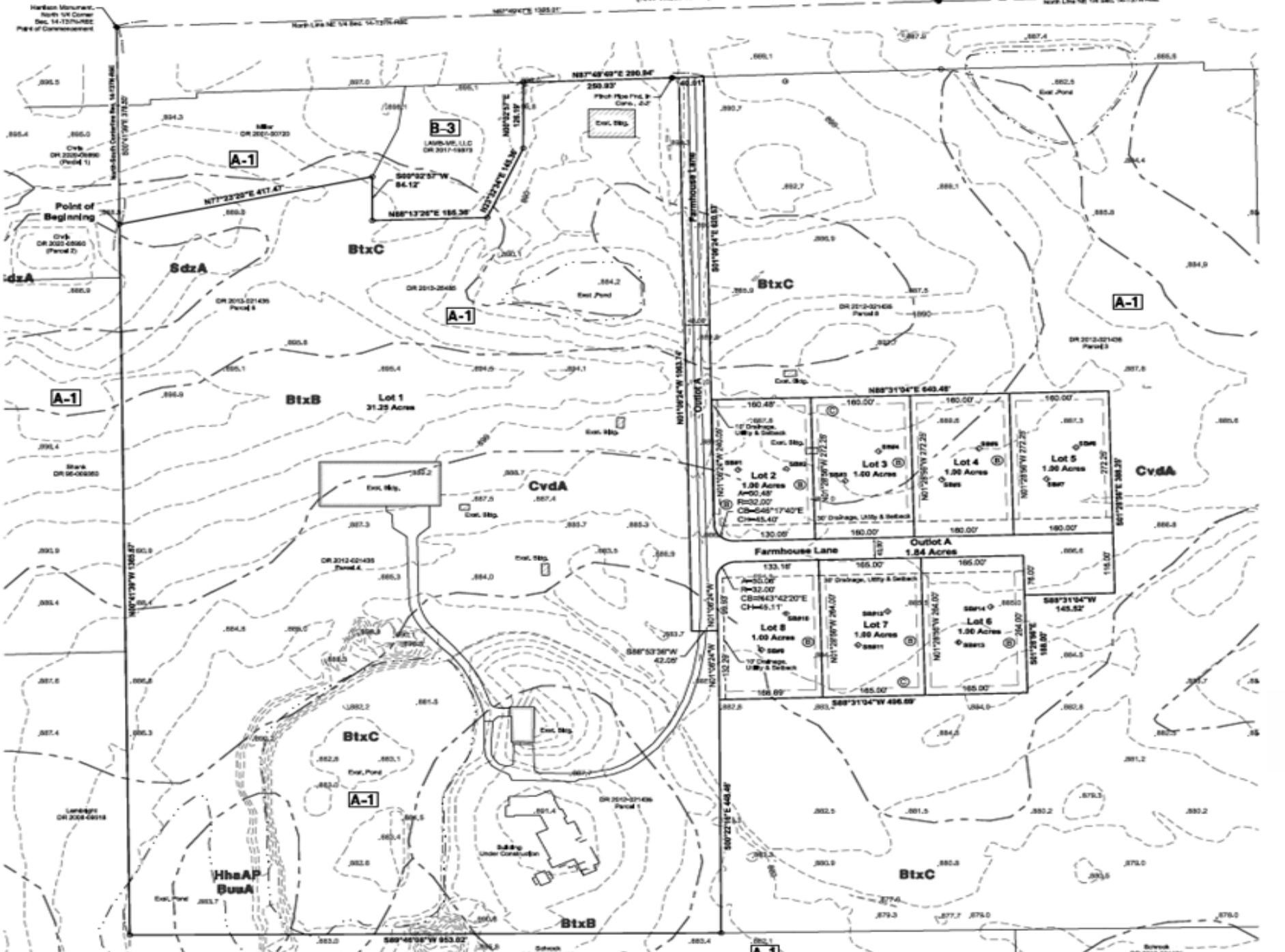














TO: Plan Commission

FROM: H. Jason Auvil, Planning Manager & Zoning Administrator

SUB: Approvals of Plan Commission Recommendations

The following petition was **approved** at the October 7th, 2024, Town Council of Middlebury meetings:

- Petitioner: Axius Realty Middlebury, LLC represented by Structure Point.  
Petition: for a the vacation of an east/west town right-of-way known as **BRADLEY STREET**  
Location: east side of North Main St., west of North Brown St., in Middlebury Township  
Plan Commission Vote: Yes: 7 No: 0; Absent: 1 (VRW-0553-2024)  
Remonstrators Present: 0  
Development Issues: None.

The following petitions were **approved** at the October 21, 2024, Elkhart County Commissioner's meeting:

- Petitioner: Aurelio C. & Lucia Valle Montufar Barrera  
Petition: for a zone map change from R-1 to A-1.  
Location: north side of CR 108. 1,945 ft. east of CR 101. , common address of 29379 CR 108 in Cleveland Township. (RZ-0518-2024)  
Plan Commission Vote: Yes: 8; No: 0; Absent: 1  
Remonstrators Present: Yes  
Development Issues: There were concerns about junk / debris on the property. The Plan Commission recommended two conditions: 1. To bring the property into compliance; 2. to allow only one (1) rooster.
- Petitioner: Jolene M. Weaver  
Petition: for a zone map change from R-1 to R-2.  
Location: southeast corner of CR 40 and SR 15, common address of 18884 CR 40 in Elkhart Township. (RZ-0525-2024)  
Plan Commission Vote: Yes: 8; No: 0; Absent: 1  
Remonstrators Present: No  
Development Issues: None



3.     Petitioner:     James Leroy & Dawn R. Wise, Husband & Wife  
       Petition:     for a zone map change from PUD M-1 to A-1.  
       Location:     southwest corner of CR 17 and US 6, common address of 72057 CR 17 in  
                          Jackson Township. (RZ-0536-2024)  
       Plan Commission Vote: Yes: 8; No: 0; Absent: 1  
       Remonstrators Present: No  
       Development Issues: None
  
4.     Petitioner:     Giada Holdings, LLC  
       Petition:     for an amendment to an existing DPUD B-3 known as **CR 10 MINI  
STORAGE MINOR DPUD AMENDMENT LOT 1.**  
       Location:     north side of CR 10, 3,250 ft. west of John Weaver Parkway, common address  
                          of 28443 CR 10 in Cleveland Township. (DPUD-0552-2024)  
       Plan Commission Vote: Yes: 8; No: 0; Absent: 1  
       Remonstrators Present: No  
       Development Issues: None
  
5.     Petitioner:     George E. Vernasco & David Vernasco (Seller) represented by Insite Real-  
Estate Investment Properties, LLC (Buyer)  
       Petition:     for a zone map change from B-1/B-3 to DPUD B-3 and for primary approval  
                          of a 1-lot minor subdivision to be known as **ALDI FOOD MARKET DPUD.**  
       Location:     southeast corner of Corwin St. and Old US 20, common address of in  
                          Cleveland Township. (DPUD-0554-2024)  
       Plan Commission Vote: Yes: 7; No: 0; Absent: 1; Abstain: 1  
       Remonstrators Present: No  
       Development Issues: None