

**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