

PLAN MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 12TH DAY OF SEPTEMBER 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; Danielle Richards, Planner; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Dan Carlson, Roger Miller, Brian Dickerson, Brad Rogers.

Absent: Steven Clark.

2. A motion was made and seconded (*Warner/Edwards*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 8th day of August 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 the vacation of an east/west town right-of-way known as Bradley Street, for Axius Realty Middlebury LLC represented by Structure Point, on property located on the southwest corner of Pleasant St. & N. Main St., 30 ft. west of Main St., common address of 211 N. Main St. in Middlebury Township, zoned B-2, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #VRW-0553-2024*.

Mr. Rogers asked if Middlebury was in favor of this petition.

Ed Rafih, 441 North River Shore, Ontario was present as the property owner. He stated the purpose of the vacation was to develop the dealership as it grows.

Mr. Warner asked if there were any utilities in this right of way. Mr. Rafih didn't believe there were any easements.

Mary Cripe, Town Manager of Middlebury, 418 N. Main St., Middlebury, was present in favor of the Town Council of Middlebury. She stated there was no easement left over that would indicate any utility an easement.

There were no remonstrators present.

A motion was made and seconded (*Edwards/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** Steve Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the

vacation of an east/west town right-of-way known as Bradley Street 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, Dan Carlson, Roger Miller, Brad Rogers.

5. The application for a zone map change from R-1 to A-1, for Aurelio C. & Lucia Valle Montufar Barrera property located on the north side of Cr 108. 1,945 ft. east of CR 101., common address of 29379 CR 108 in Cleveland Township, zoned R-1, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0518-2024*.

Miller

Aurelio Barrera, 29379 CR 108, Elkhart, was present as the petitioner. He explained the purpose of the rezoning was to have agricultural animals on the property.

Sue Morgan, 29472 CR 108, Elkhart, mentioned some concerns with the property not being code compliant. She stated her concerns were not regarding the chickens. She questioned if there would be a business being run on this property. She also stated there are a lot of things that sit outside on this property including a truck that is not operatable and used to store miscellaneous junk. She went on to say she would like to see that cleaned up. She explained there were four buildings on this property with a lot of outside storage. She further stated she does not want the chickens to add to more excess storage. She stated she was not against them having chickens to help provide for his family. She further explained she would like to see the property cleaned up prior to them getting chickens.

Mr. Miller asked the petitioner if he heard about the complaint about the material that is on the property. Mr. Barrera stated she was talking about cars that have been involved in accidents. Mr. Miller stated the reason why they are there is irrelevant, and Mrs. Morgan would like the property to be cleaned up. Mr. Miller asked if this would be a possibility. Mr. Barrera stated he would comply with that request. Mrs. Kratzer stated there was not a current code complaint, but staff could follow up and make sure it would be code-case compliant. Mr. Miller stated he would like the property cleaned up and have staff make sure it is code-compliant. Mrs. Kratzer stated this was a fair request.

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

Mr. Rogers asked staff if this zone change would allow him to have roosters. Mrs. Kratzer stated roosters would be allowed by right. Mr. Rogers explained there is another issue in the county that has been brought to the commissioners regarding roosters in certain areas. Mr. Miller stated a commitment could be placed to have no roosters. Mr. Rogers stated it would be proposed that there would be no roosters on the property. He asked what he had in mind. Mr. Barrera stated the reason for this rezoning was to have farm animals. Mr. Rogers questioned no roosters. Mr. Barrera stated he would like chickens. Mr. Rogers asked about limiting it to one rooster on the property. Mr. Barrera agreed to have only one rooster.

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

Motion: Action: Approve, **Moved by** Brad Rogers, **Seconded by** Steve Edwards that the Advisory

Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from R-1 to A-1 be approved with the commitment of having one rooster and to be code compliant.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Dan Carlson, Roger Miller, Brad Rogers.

6. The application for a zone map change from R-1 to R-2, for Jolene M. Weaver on property located on the southeast corner of CR 40 and SR 15, common address of 18884 CR 40 in Elkhart Township, zoned R-1, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0525-2024*.

Mr. Miller asked to convert a house to a two-family they have to come in for a rezoning. Mrs. Kratzer stated R-1 only allows single-family dwellings.

There were no remonstrators present.

Mr. Carlson asked if it would require a change to the septic system. Mrs. Kratzer stated the additional bedrooms would result in a septic review. Mrs. Kratzer stated that would be a concern and would need to be shared with the petition. Mrs. Snyder commented that once they get their permits they would have to go through the health department at that time. She mentioned we could proceed with today's vote. Mr. Rogers agreed.

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** Brad Rogers, **Seconded by** Lori Snyder that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from R-1 to R-2 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, Dan Carlson, Roger Miller, Brad Rogers.

7. The application for a zone map change from PUD M-1 to A-1, for James Leroy & Dawn R. Wise, Husband & Wife on property located on the southwest corner of CR 17 and US 6, common address of 72057 CR 17 in Jackson Township, zoned A-1, PUD M-1, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0536-2024*.

Jim Wise, 72057 CR 17, New Paris, was present as the landowner. He stated the family farm was initially going to house the woodworking business but found a place in Nappanee. He mentioned he thought the M-1 zone went back to the A-1. Mr. Wise stated the purpose of the building was to store items from the farm.

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** 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 PUD M-1 to A-1 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, Dan Carlson, Roger Miller, Brad Rogers.

8. The application for an amendment to an existing DPUD B-3 known as CR 10 MINI STORAGE MINOR DPUD AMENDMENT LOT 1, for Giada Holdings, LLC property located on the north side of CR 10, 3,250 ft. west of John Weaver Parkway., common address of 28443 CR 10 in Cleveland Township, zoned B-3, was presented at this time.

Mae Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0552-2024*.

Corey White, 215 Prairie St., Elkhart, was present as the land owner. He stated business is good and looking to expand.

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** Brad Rogers, **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 B-3 known as CR 10 MINI STORAGE MINOR DPUD AMENDMENT LOT 1 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, Dan Carlson, Roger Miller, Brad Rogers.

9. The application 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, for George E. Vernasco & David Vernasco (Seller) represented by Insite Real-Estate Investment Properties, LLC (Buyer), on property located on the south east corner of Corwin St. and Old US 20, in Cleveland Township, zoned B-3, was presented at this time.

****It should be noted Mrs. Snyder recused herself and stepped down****

Mae Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0554-2024*.

Andrew Johnson, Project Manager, Insite Real-Estate, 1400 16th St. Suite 300, Oak Brooke, IL, was present to represent as the contract purchaser and developer of the property and will be leasing

it to the grocery tenant, Aldi.

There were no remonstrators present.

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** 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 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 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, Lori Snyder, Dan Carlson, Roger Miller, Brad Rogers.

Excused: Lori Snyder.

10. Board of County Commissioners Approvals Following Plan Commission Recommendations

*****It should be noted that Mrs. Snyder returned to the Board at this time.*****

Mae Kratzer reported that on August 5, 2024 Elkhart County Commissioners meeting petition approvals, August 6, 2024 Town Council of Wakarusa meeting petition approval, August 19, 2024 Elkhart County Commissioners meeting petition approvals.

Mr. Warner asked how the UDO was working and any changes that needed to be made. Mrs. Kratzer stated there would need to be a few amendments. She stated it is a living document and needs to get in the habit of making a few amendments every year. She went on to say that it keeps staff up-to-date on using In-Design software. She explained the amendments would be coming in early winter. She stated she is pleased and hasn't come across any major corrections at this time. Mr. Miller asked if there was any way to see how much time is spent on the document. Mrs. Kratzer stated it gets used multiple times a day by staff and the public.

11. Mae Kratzer presented the amendment to consolidate SR 15 Economic Development Area Milke Yoder, Town Manager of Bristol, 303 E. Vistula St. Bristol, was present representing the Town of Bristol. He explained the annexation of the property and the developer is ready to get started and expand the TIF district and utilities and the much-needed "Bristol Bypass".

A motion was made and seconded (*Warner/Edwards*) that the amendment to consolidate SR 15 Economic Development Area be Approved, and the motion was carried with a unanimous vote.

Mr. Warner asked if the issues regarding Velmont have been resolved. Mr. Yoder stated it was resolved by buying the neighbors out. Mr. Yoder also stated with the new proposed data center there will be additional testing done to see how far the vibrations will go to the south, east, and west. Mr. Yoder stated they continue to work on the issues and ask for a better resolutions.

12. 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 10:12 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Lori Snyder, Chairman