

PLAN MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 13TH DAY OF FEBRUARY 2025 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 Edwards, Steve Warner, Lori Snyder, Steven Clark, Dan Carlson, Roger Miller, Brad Rogers.

Absent: Brian Dickerson.

2. A motion was made and seconded (*Edwards/Barker*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 9th day of January 2025, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Warner/Clark*) 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 to M-2, for Mark Scarse, II represented by Lorenzo Ramirez, on property located on the Northeast corner of CR 20 (W. Mishawaka Rd.) & Best Ave., 2,530 ft. West of SR 19, common address of 28467 CR 20 in Baugo Township, zoned R-2, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0006-2025*.

Brad Rogers asked if a B-3 zone was mentioned to the petitioner. Mr. Auvil stated that was one of the discussion points. He explained this property is a transition between a manufacturing and residential area. He noted a car repair business would be more suitable than a scrap/salvage yard in this area. He further stated that an M-2 zone is needed for a scrap yard. Mr. Auvil mentioned the intent on this property is to scrap and salvage vehicles. Mr. Rogers asked how long this property has been owned by the petitioner, and how many of the complaints are from the current owners. Mr. Auvil stated Mark Scarse is the current owner, and the petitioner is the renter of the property. He further explained this is a property that has a long history of not staying in compliance.

Jorge Fernandez, 608 East Simonton St., Elkhart, was present representing himself and the petitioner. He stated they have been renting the property for almost one year. He stressed they had issues in the city trying to conduct the same business, and that led them to renting this property in the county. He further stated they are trying to do things correctly, and that is the reason for wanting the rezoning. He mentioned the property does not have to be a salvage yard; it could be used for storage. Mr. Fernandez stated he has vehicles he can not park in the city, and the reason for renting the building was for the storage of his commercial vehicles. He explained the cars on the property are not salvaged; the cars are just parked there. He also mentioned he operates a part-time towing business. Mrs.

Snyder asked if Mr. Searse was present. Mr. Fernandez stated no, but he had a letter stating that he can rezone the property from the current owner. Mr. Carlson asked if there is any work done on the property. Mr. Fernandez stated he fixes his own personal vehicles, trailers, and commercial vehicles. Mr. Carlson asked him what type of work he does. Mr. Fernandez stated that he tows part-time. He further stated he works for his uncles by traveling to Ohio and Chicago, picking up vehicles, and delivering them to their shops. Mr. Miller asked why staff thought he was doing salvage work on this property. Mr. Fernandez explained because of the cars he has on the property. Mr. Miller asked if he is salvaging the current cars on the property. He stated no, they are his vehicles.

Melody Pinela, 57640 Woodrow St., Elkhart, was present in remonstrance to this petition. She presented photographs to the board. *[Attached to file as Remonstrator Exhibit #1]* She expressed her concerns as a neighbor, stating that she has lived in the community since 2012. According to her, the property in question has become a nuisance, particularly since March 2023. She stated initially she hoped the property would be cleaned up, but the situation has since worsened. She explained that there are environmental impacts on their well water supply, due to cars being dragged down the road, with leaking fluids. She stressed air quality is also a concern, with black smoke being produced from burning on the property. She mentioned that her son has required asthma treatments, because of the poor air quality both outside and inside their home. Additionally, she noted the noise from the property at all hours of the day and night. Mrs. Pinela reported there have been multiple instances where the road has been blocked, and individuals have broken through the fence, stealing equipment. She has witnessed people stopping to buy parts from this location. Furthermore, she described hearing loud explosions and observing burning incidents on the property. She raised concerns about traffic issues on County Road 20, a major thoroughfare, and mentioned that she has been unable to access her own driveway. She stressed she has faced situations where vehicles have swerved towards her, forcing her to veer into her neighbors' yards to avoid being hit. Lastly, she expressed her worry about the decline in property value due to these ongoing issues.

Mr. Fernandez came back on and stated that they do bring “trash” back to the facility in the evening. He admitted to doing scrapping at the facility, but mentioned that it was only part-time and not his full-time job. Mrs. Snyder inquired whether scrapping is being conducted on the property, to which Mr. Fernandez responded yes. Mr. Clark pointed out a photograph dated April 16, 2024, which showed Mr. Fernandez working on a car, suggesting that he was not simply storing personal vehicles on the property. Mr. Fernandez responded that he does work on cars that belong to him. Mr. Miller clarified that the definition of personal cars refers to vehicles that are used for personal transportation. He further explained that when Mr. Fernandez mentions buying cars and parting them out, it constitutes a business operation rather than personal use. Mr. Warner then asked how many vehicles are currently on the property, and Mr. Fernandez replied that there are 15 cars present. Mrs. Snyder then asked if family members come to the property to cut out parts that are exported back to Chicago, to which Mr. Fernandez confirmed that this was accurate.

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

Mr. Rogers inquired about finding number 5, in the staff report which addresses the development standards, specifically buffering standards and building setbacks, that cannot be met for the intended purpose. Mr. Auvil explained, if the petitioner wanted to construct a new building, it would not be feasible with a 120 foot setback. He noted the existing structure is nonconforming with

respect to the rear property line setback, and the owners would need to file several Developmental Variances to bring the building into compliance. Mr. Rogers then asked about fencing and buffering requirements. Mr. Auvil clarified that due to the R-2 zoning, a Class III buffer would be necessary along the north and east property lines, but there isn't sufficient space to implement that. Mr. Clark expressed concern about the proximity to residential properties, stating that if he owned one, he would struggle with the situation, particularly because the area is not zoned for manufacturing. He further stated that the property is not being used for personal purposes and indicated he could not support the rezoning. Mr. Miller noted that if the property were simply being used for parking vehicles, the situation might be different, and restrictions could potentially be added with the rezoning. He emphasized that the site is clearly being used for a scrapping business and mentioned concerns about burning on the property, indicating he would not support the rezoning. Mr. Warner provided some historical context regarding the property, indicating that it does not appear to be improving, but rather seems to be declining.

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

Motion: Action: Deny, Moved by Steven Clark, **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 R-2 to M-2 be denied 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, Steven Clark, Dan Carlson, Roger Miller, Brad Rogers.

5. The application for a zone map change from DPUD B-3 to B-3, for Miller – Stewart Funeral Home represented by Abonmarche Consultants, on property located on the West side of S. Main St. (CR 13), 495 ft. South of Industrial Parkway, common address of 1003 S. Main St. in Middlebury Township, zoned DPUD B-3, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0914-2025*.

Crystal Welsh, Abonmarche, 303 River Race Dr. Goshen, was present representing the petitioner. She mentioned the funeral home will continue to operate as a funeral home. She expressed a desire to remove the existing storage facility and replace it with a new, larger garage. She noted since the property is in a Detailed Planned Unit Development (DPUD), an amendment to the site plan is required for the proposed garage. However, it was decided that rezoning to B-3 would be a better solution.

Neil Stewart, Miller-Stewart Funeral Home, 1003 S. Main St., Middlebury, was present via Webex. He stated Crystal covered everything very well. He explained the garage will have a 16 ft. garage door for the equipment that is needed to move vaults in the building. He mentioned it will not be any taller than buildings on neighboring properties.

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** Roger Miller, **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 DPUD B-3 to B-3 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, Steven Clark, Dan Carlson, Roger Miller, Brad Rogers.

6. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil reported that there were no updates from the Commissioners Meeting.

7. Mr. Auvil presented the minor change request for Glen and Brian Yoder to amend the Classee Vinyl Windows DPUD on property located at 59323 CR 35 in Middlebury Township, zoned DPUD M-1 that was approved on August 18, 2003. He stated their request is to allow other operations of light manufacturing on the property, including carriage/buggy manufacturing.

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 that this request for a minor change to allow the operations of a light manufacturing of carriage/buggies be approved.

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

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

8. Mr. Auvil presented the minor change request for a 2 year extension for a GPUD known as Pecan Plantation that was originally approved on July 18, 2005. He explained to the owner that GPUD's are a good thing to get a concept approved, but can not be used to develop or build. He noted the owner of the property feels more confident asking for the extensions than letting the GPUD expire. Mr. Auvil further stated if the petitioner would like to develop this site in the future, he would have to submit a DPUD to begin that process.

Mr. Rogers asked if the improvements on CR 6 will impact this property. Mr. Auvil stated he was unsure if the property would be affected. Mrs. Snyder stated this property is across from a property that was rezoned for storage units.

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 that this request for a minor change for a 2-year extension for a GPUD known as Pecan Plantation be approved.

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

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

9. Mae Kratzer reminded the Board that there will be an open house for the Development Ordinance edits for 2025 on February 25, 2025 from 4-6 p.m. in the Public Service Building, the first

meeting was lightly attended with 6 people. She further stated that the amendments will be brought to the Board in March for approval of the edits.

10. A motion was made and seconded (*Warner/Clark*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:06 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Lori Snyder, Chairman