

AGENDA

ELKHART COUNTY PLAN COMMISSION

May 8, 2025
9:30A.M.

ADMINISTRATION BUILDING
MEETING ROOMS 104, 106, & 108
117 N. 2nd 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 10th day of April 2025.

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

DETAILED PLANNED UNIT DEVELOPMENT AMENDMENT 9:30 A.M.

- A. Petitioner: Jonas & Mary Ellen Zimmerman (page 5)
represented by Creative Design Solutions
Petition: for an Amendment to an existing DPUD known as **ZIMMERMAN DPUD**
for a building addition.
Location: north side of CR 40, 2,780 ft. west of SR 19, common address of 27481 CR
40 in Harrison Township. (DPUD-0062-2025)

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 May 8, 2025, 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 at **9:30 am** on May 8, 2025. If you have further questions regarding how to remotely attend the public meeting please call (574) 971-4678.

Plan Commission Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 8, 2025

Transaction Number: DPUD-0062-2025.

Parcel Number(s): 20-10-30-400-024.000-016.

Existing Zoning: DPUD M-1.

Petition: For an Amendment to an existing DPUD M-1 known as ZIMMERMAN DPUD for a building addition.

Petitioner: Jonas & Mary Ellen Zimmerman, represented by Creative Design Solutions.

Location: North side of CR 40, 2,780 ft. east of SR 19, in Harrison 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
Subject Property	DPUD M-1	Commercial
North	A-1	Agricultural & Residential
South	A-1	Agricultural & Residential
East	A-1	Agricultural & Residential
West	A-1	Agricultural

Site Description: The subject property consists of a 2.98 acre lot with an existing 11,544 ft² commercial building and a 0.258 acre drainage easement area.

History and General Notes:

- **February 7, 2000** – The Board of County Commissioners approved a zone map change from A-1 to DPUD M-1 and gave primary approval to a 1-lot minor subdivision to be known as Zimmerman DPUD (PC 2000-08).
- **February 19, 2001** – The Board of County Commissioners approved an amendment to add property ownership information to the existing DPUD known as Zimmerman DPUD (PC 2000-08a).

Zoning District Purpose Statements: The purpose of the DPUD, Detailed Planned Unit Development, Overlay zoning district is to allow an applicant the benefit of flexibility in development in exchange for increased public or private amenities that go beyond the requirements of the Development Ordinance. The purpose of the M-1, Limited Manufacturing, zoning district is to accommodate less intense manufacturing, warehousing and distribution uses that are not significantly objectionable to surrounding properties in terms of truck traffic, noise, odor, smoke and other potential nuisance factors.

Plan Commission Staff Report (Continued)

Hearing Date: May 8, 2025

Staff Analysis: The purpose of this DPUD amendment is to construct a new 8,079 ft² addition to an existing commercial building.

Staff Analysis Continued: The staff, after reviewing this petition with the assistance of the Elkhart County Technical Committee, recommends **APPROVAL** of this DPUD amendment as the development meets all pertinent standards.

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

Detailed PUD Amendment - Rezoning, Plat & Site Plan

DPUD-0062-2025

Date: 02/03/2025 Meeting Date: May 08, 2025 Transaction #: DPUD-0062-2025
Plan Commission Hearing (PUD)

Description: for an Amendment to an existing DPUD M-1 known as ZIMMERMAN DPUD for the addition of a new building addition

<u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
David M & Marlene M Zimmerman 65700 Cr 7 Goshen, IN 46526	Creative Design Solutions, Inc. 224 West Jefferson Blvd South Bend, IN 46601	Jonas & Mary Ellen Zimmerman 27299 County Road 40 Wakarusa, IN 465739709

Site Address: 27481 County Road 40 Goshen, IN 46526	Parcel Number: 20-10-30-400-024.000-016
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Township: Harrison
Location: North Side Of County Road 40, 2,780 ft. West Of Sr 19

Subdivision: ZIMMERMAN DPUD	Lot #
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Lot Area: 2.98	Frontage: 416.00	Depth: 310.00
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Zoning: DPUD, M-1	NPO List: 04/22/2025
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Present Use of Property: COMMERCIAL

Legal Description:

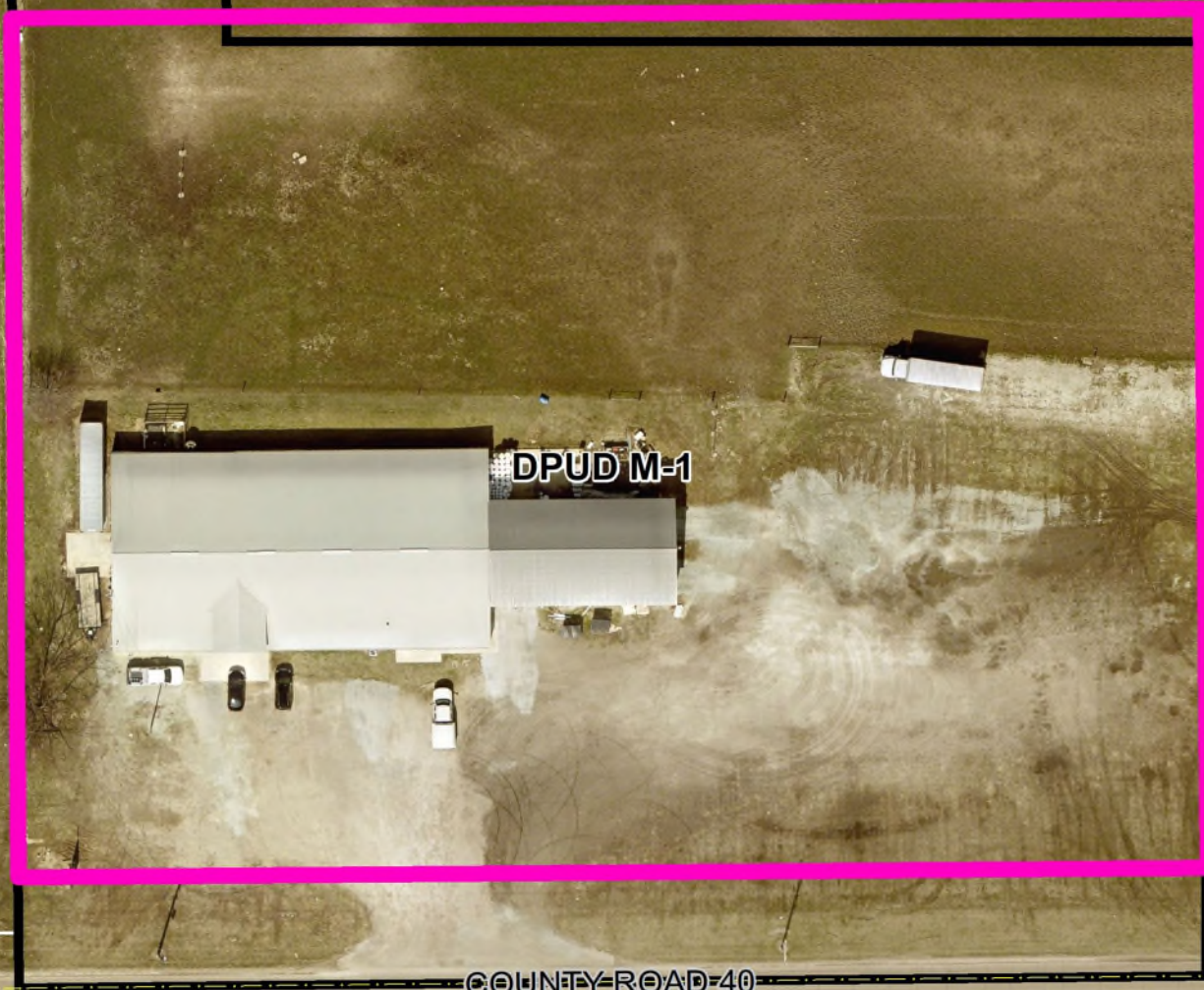
Comments: SEE PREVIOUS DPUD AMENDMENT #20005082 APPROVED 1/11/2001 AND DPUD SECONDARY #20033490 APPROVED 9/11/2003
4/7/25-PER KERRI JASON OK'D PERMIT BC-0575-2025. THIS DPUD IS SCHEDULED TO GO IN MAY TO PLAT/PLAN.
AW

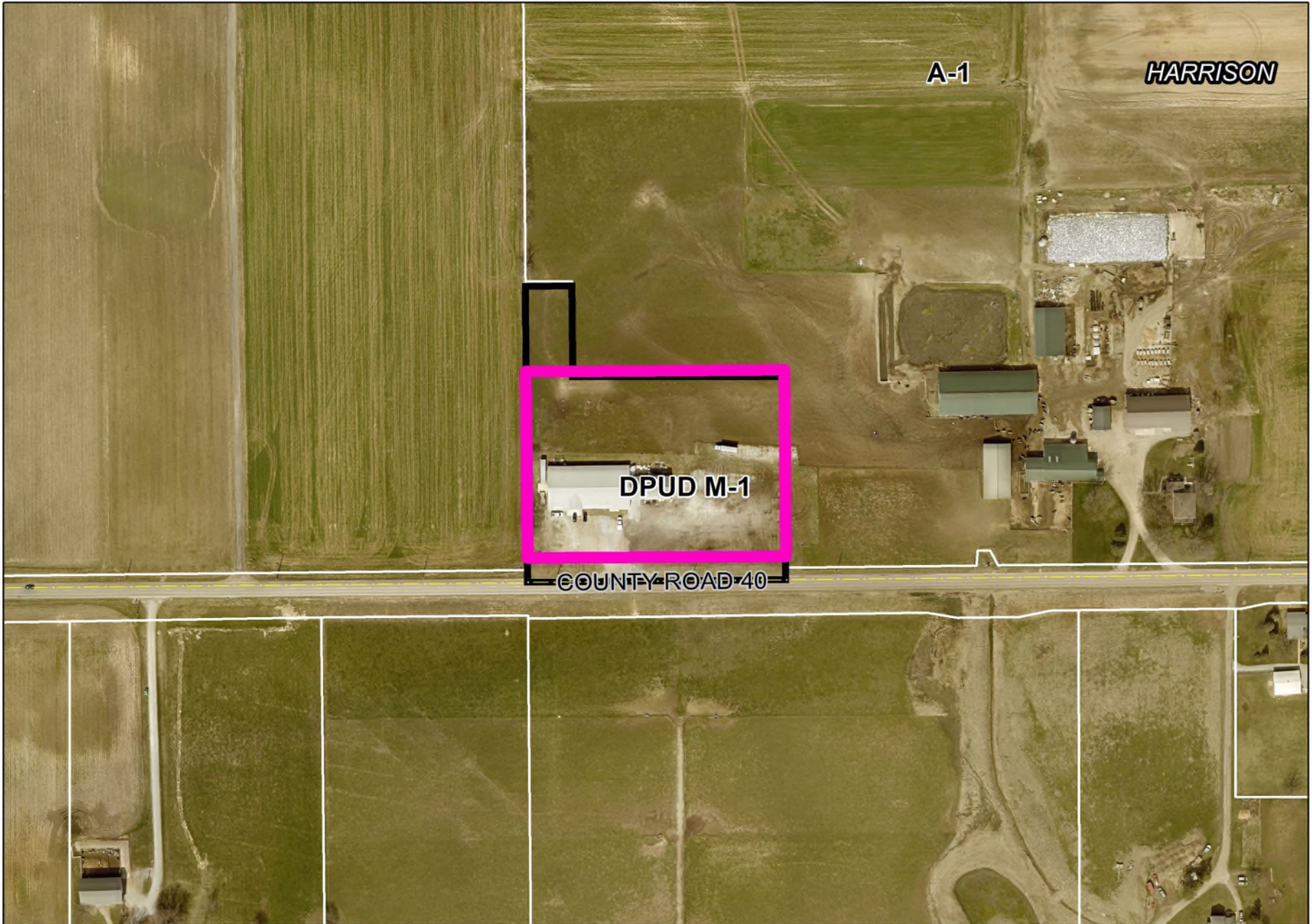
Applicant Signature:

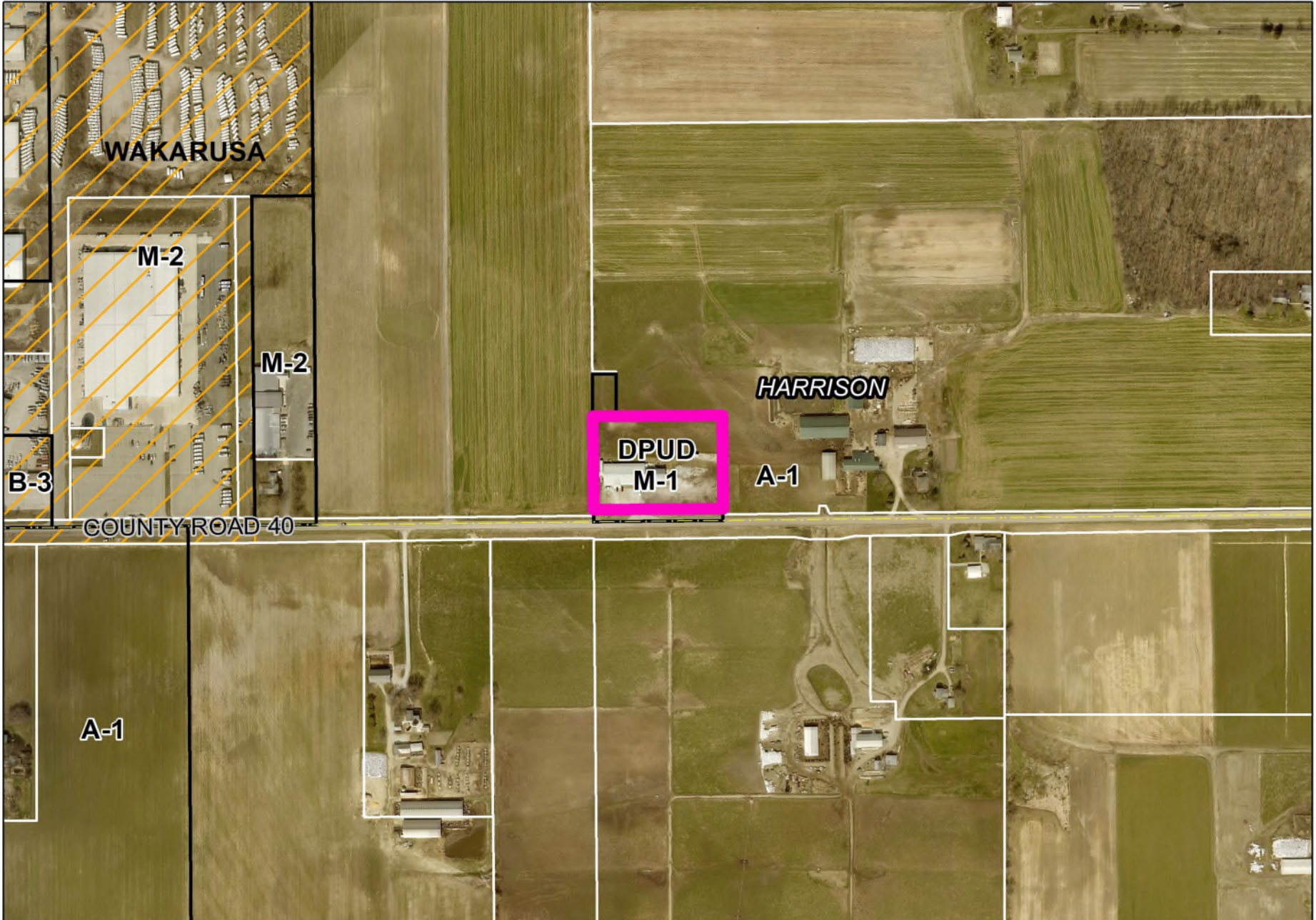
Department Signature:

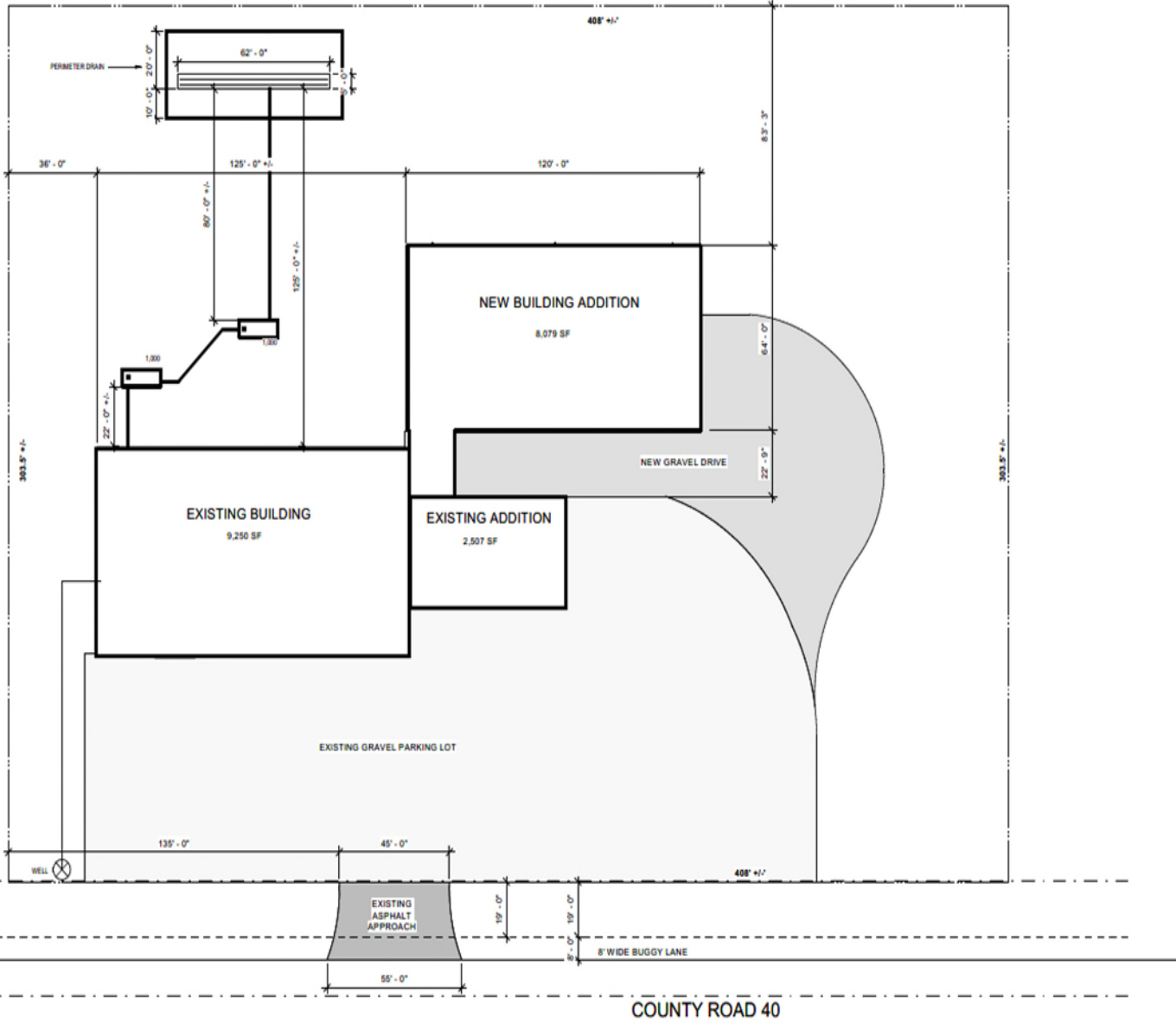
A-1

HARRISON









PROJECT SUMMARY

THIS PROJECT CONSIST OF ADDING AN 64'X 120' WOOD POLE FRAMED BUILDING. THE NEW BUILDING WILL BE USED FOR STORAGE. THERE IS NO NEW PLUMBING OR IMPACT TO THE EXISTING SEPTIC SYSTEM.

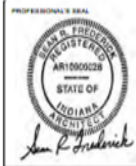
PROPERTY COUNTY ID: 10-30-400-024-016
 PROPERTY IS ZONED COMMERCIAL AND IS SURROUND BY AGRICULTURAL ZONED PROPERTY.

LAND AREAS

- CURRENT BUILDING AREA: 11,757 SF
- PROPOSED NEW BUILDING AREA: 8,079 SF (INCLUDES CONNECTOR)
- GRAVEL PARKING AREA: 29,648 SF
- ADDITIONAL GRAVEL PARKING: 8,350 SF
- OPEN SPACE: 66,200 +/- SF
- DEEDED ACREAGE: 2.98

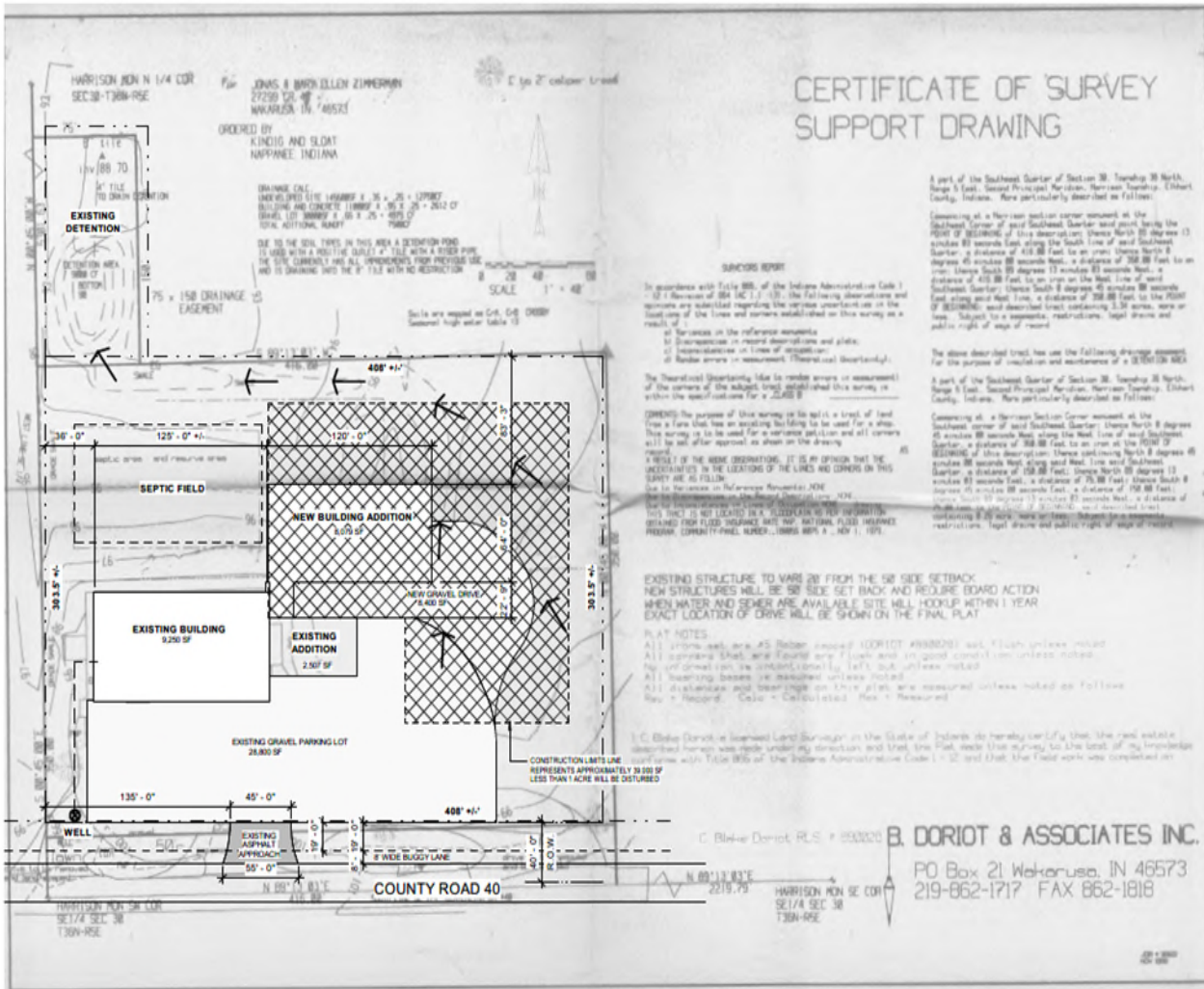


PERMIT SET
KAEB SALES POLE BARN
 WALKER, IN



NO.	DATE	SUBMISSION

SHEET NAME
SITE PLAN



GENERAL NOTES

- SITE DISTURBANCE IS LESS THAN 1 ACRE.
- IMPROVEMENTS ARE LIMITED TO NEW ADDITION, EXPANDED EXISTING GRAVEL, PARKING AND DRIVING AREA, SLOPING GRADE AWAY FROM BUILDING.
- EXISTING SITE DRAINAGE IS TO SHEET FLOW STORM WATER (NORTH) TOWARD BACK OF SITE INTO EXISTING DRAINAGE SWALE THAT OVERFLOWS INTO DETENTION BASIN.
- NEW STORM WATER FROM ADDITION WILL BE COLLECTED IN DOWNSPOUTS AND DIRECTED INTO THE SWALE.



PERMIT SET
KAEBS SALES POLE BARN
 WAKARUSA, IN



SHEET NAME	NO.	DATE	REVISION

1 DRAINAGE PLAN
1" = 40'

DRAWING SYMBOLS

SECTION SYMBOL

CROSS-SECTION SYMBOL

ELEVATION SYMBOLS

DETAIL SYMBOL

PERMIT SET

KAEB SALES POLE BARN

WAKARUSA, IN

03-28-2025



PERMIT SET
 KAEB SALES POLE BARN
 WAKARUSA, IN



SHEET	DATE	REVISIONS

TITLE SHEET

APPROVED BY:	DATE:	DESIGNED BY:	DATE:
SFJ		CAG	

GENERAL PROJECT NOTES

ALL DRAWINGS, DETAILS, CONTRACT GENERAL AND RELATED DOCUMENTS ISSUED AS THE CONTRACT DOCUMENTS ARE INTENDED, TAKEN AND INTERPRETED AS A SINGLE AND WHOLE BODY OF WORK. ALL CONTRACTORS, REGARDLESS OF THEIR SCALE, SET OR SCOPE, SHALL BE RESPONSIBLE FOR THE FULL SET OF THE CONTRACT DOCUMENTS.

ALL CONTRACTORS SHALL BE LICENSED, BONDED, AND INSURED BY THE STATE OF INDIANA TO PERFORM THE SCOPE OF WORK FOR WHICH THEY ARE CONTRACTED. THE CONTRACTOR'S LICENSE SHALL BE CONSISTENT WITH THE TYPE OF WORK THEY ARE PERFORMING, WHERE REQUIRED BY LOCAL GOVERNING BODY.

ALL CONTRACTORS ARE REQUIRED TO FULLY COMPLY WITH STATE & LOCAL CODES AND REGULATIONS.

DO NOT SCALE DRAWINGS, IF CLARIFICATION IS REQUIRED, CONSULT ARCHITECT OR ENGINEER.

ALL CONTRACTORS AGREE TO PERFORM THE WORK IN A SAFE AND PROPER MANNER AS TO COMPLY WITH ALL LAWS AND ORDINANCES REFERRING TO SUCH WORK, AND SHALL IDENTIFY AND HOLD HARMLESS THE OWNER, ARCHITECT, AND ENGINEER AGAINST ALL CLAIMS, PENALTIES, DAMAGES OR LEGAL ACTIONS FOR BREACH OF THE PROVIDED.

PRIOR TO THE START OF CONSTRUCTION AND THROUGHOUT THE DURATION OF THE PROJECT FROM BEGINNING TO COMPLETION, ALL CONTRACTORS ARE RESPONSIBLE FOR MAINTAINING A SAFE WORKING ENVIRONMENT AND FOR PROTECTING THE OWNER'S PROPERTY BOTH ON SITE AND IN THE BUILDING, INCLUDING BUT NOT LIMITED TO FURNISHING, FURNITURE AND EQUIPMENT.

ALL CONTRACTORS AT ALL TIMES SHALL KEEP THE PREMISES FREE FROM ACCUMULATION OF WASTE MATERIALS AND/OR RUBBISH CAUSED BY ITS EMPLOYEES OR WORK. AT THE COMPLETION OF EACH DAY OF WORK, THE CONTRACTOR SHALL REMOVE THEIR RUBBISH AND DEBRIS FROM THE JOB SITE AND DISPOSE OF IN A PROPER MANNER. VERIFY DUMPSTER LOCATION WITH OWNER PRIOR TO STARTING ANY DEMOLITION WORK.

THE EXISTING BUILDING WILL BE OCCUPIED DURING RENOVATION AND CONSTRUCTION ACTIVITIES. ALL CONTRACTORS ARE RESPONSIBLE FOR PROVIDING AND MAINTAINING A WORKSITE THAT IS SAFE AND THAT PROTECTS THE PUBLIC, THE STAFF, AND ANY OTHER NON-CONTRACTORS FROM HARM DURING ANY CONSTRUCTION ACTIVITIES.

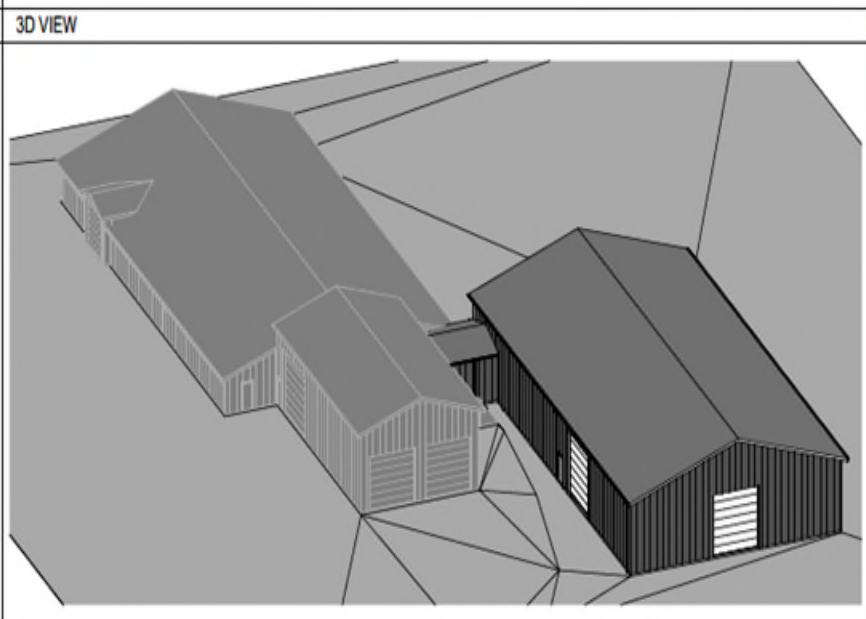
VISUALLY FIELD VERIFY ALL SITE CONDITIONS PRIOR TO COMMENCING WITH WORK. NOTIFY THE ARCHITECT IF THERE ARE ANY MAJOR DISCREPANCIES BETWEEN THE DRAWINGS AND THE EXISTING FIELD CONDITIONS. IF DISCREPANCIES ARE IDENTIFIED AS PART OF THE CONSTRUCTION WHICH WILL AFFECT THE NATURE OR THE INTENT OF THE DRAWINGS, NOTIFY THE ARCHITECT.

HOLD ALL DIMENSIONS INDICATED AS CRITICAL OR CLEAR.

DIMENSIONS WHICH ARE INDICATED WITH A (±) MAY VARY AS MUCH AS 2" IN EITHER DIRECTION. NOTIFY ARCHITECT IF VARIATION IS GREATER THAN 2".

COORDINATION OF VARIOUS TRADES IS MANDATORY. ALL CONTRACTORS SHALL CROSS REFERENCE THE ENTIRE SET OF DRAWINGS AND CONFIRM THAT ALL REQUIRED EQUIPMENT, MATERIALS, SUPPLIES, ETC. IS ACCOUNTED FOR. IT IS THE EVERY CONTRACTORS RESPONSIBILITY TO PROVIDE A FULLY FUNCTIONING SYSTEM AND COMPLETE PRODUCT.

THE GENERAL CONTRACTOR SHALL OBTAIN AND BEAR THE COST OF ALL REQUIRED PERMITS, APPROVALS AND INSPECTIONS.



DRAWING INDEX

SHEET NUMBER	SHEET NAME
C1-01	DRAINAGE PLAN
T1-01	TITLE SHEET
C1-01	SITE PLAN
C1-02	SITE LOCATION & TRAFFIC INFORMATION
S1-01	FOUNDATION PLAN
S1-02	FRAMING PLAN
L1-01	LIFE SAFETY PLAN
A1-01	FLOOR PLAN, POWER PLAN & LIGHTING PLAN
A2-01	EXTERIOR ELEVATIONS
A3-01	BUILDING SECTIONS

APPLICABLE PROJECT CODES

THIS PROJECT IS DESIGNED TO BE CONSTRUCTED IN CONFORMANCE WITH THE FOLLOWING CODES:

ADMINISTRATIVE RULES
 GENERAL ADMINISTRATIVE RULES (GAR)
 - 675 IAC 12

BUILDING CODE
 2014 INDIANA BUILDING CODE (IBC)
 - 2012 INTERNATIONAL BUILDING CODE
 - 675 IAC 15-2.6

MECHANICAL CODE
 2014 INDIANA MECHANICAL CODE (IMC)
 - 2012 INTERNATIONAL MECHANICAL CODE
 - 675 IAC 15-1.6

PLUMBING CODE
 2012 INDIANA PLUMBING CODE (IPC)
 - 2008 INTERNATIONAL PLUMBING CODE
 - 675 IAC 15-1.4

ENERGY CODE
 2012 INDIANA ENERGY CONSERVATION CODE (ECC)
 - ADMIN. 30.1.2007
 - 675 IAC 15-3

MUNICIPAL ACCESSIBILITY CODE
 2014 INDIANA BUILDING CODE CHAPTER 11 - ACCESSIBILITY
 - 675 IAC 15-25-12 CHAPTER 11 AND 1117.1-2008

FIRE CODE
 2014 INDIANA FIRE CODE (IFC)
 - 2012 INTERNATIONAL FIRE CODE
 - 675 IAC 22-2.5

FUEL GAS CODE
 INDIANA FUEL GAS CODE, 2014 EDITION

CODE SUMMARY

A. OCCUPANCY CLASSIFICATION:	F11 S1	F. REQUIRED RATINGS:	STRUCTURE	0
B. CONSTRUCTION TYPE:	TYPE I-B		BEARING WALLS	0
C. BUILDING AREA:			NON-BEARING WALLS	0
	EXISTING 10,893 SF		ROOF	0
	NEW 8,110 SF		FLOOR	0
	TOTAL 18,793 SF		CORRIDORS	1
D. BUILDING HEIGHT:	STORIES		SHAFTS	NA
	ALLOWABLE 2		FURNACE/BOILER	NA
	ACTUAL 1		STORAGE + 100 SF	1
E. BUILDING SPRINKLERED:	NO		SEPARATION OF OCCUPANCIES	NA

PROJECT TEAM

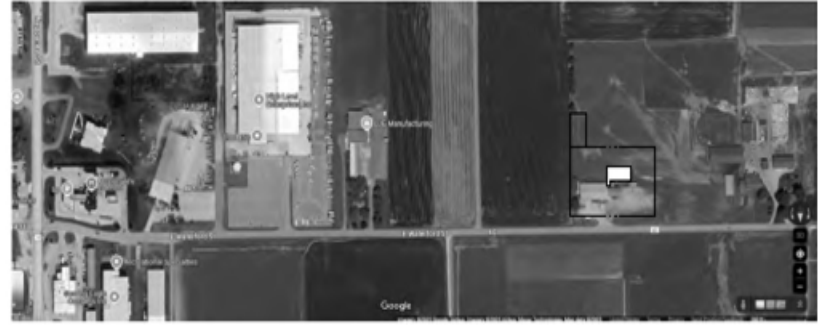
OWNER: JONAS & MARY ZIMMERMAN
 27481 CR 40
 WAKARUSA, IN 46573

ARCHITECT: CREATIVE DESIGN SOLUTIONS, INC.
 224 W. JEFFERSON BLVD, SUITE 105
 SOUTH BEND, IN 46801
 ATTN: SEAN FREDERICK
 CELL: 574-643-7567
 EMAIL: SFJ@CREATIVEDESIGNINC.COM

CONTRACTOR: ZIMMERMAN'S CONSTRUCTION
 85700 COUNTRY RD 7

PROJECT DESCRIPTION

THIS PROJECT CONSISTS OF BUILDING A NEW POLE BARN FOR STORAGE/WAREHOUSE.



1 TRAFFIC - SITE LINES
1" = 100'-0"

2 SITE LOCATION/PROXIMITY PLAN
1" = 300'-0"



EXISTING DRIVE



VIEW LOOKING WEST



VIEW LOOKING EAST

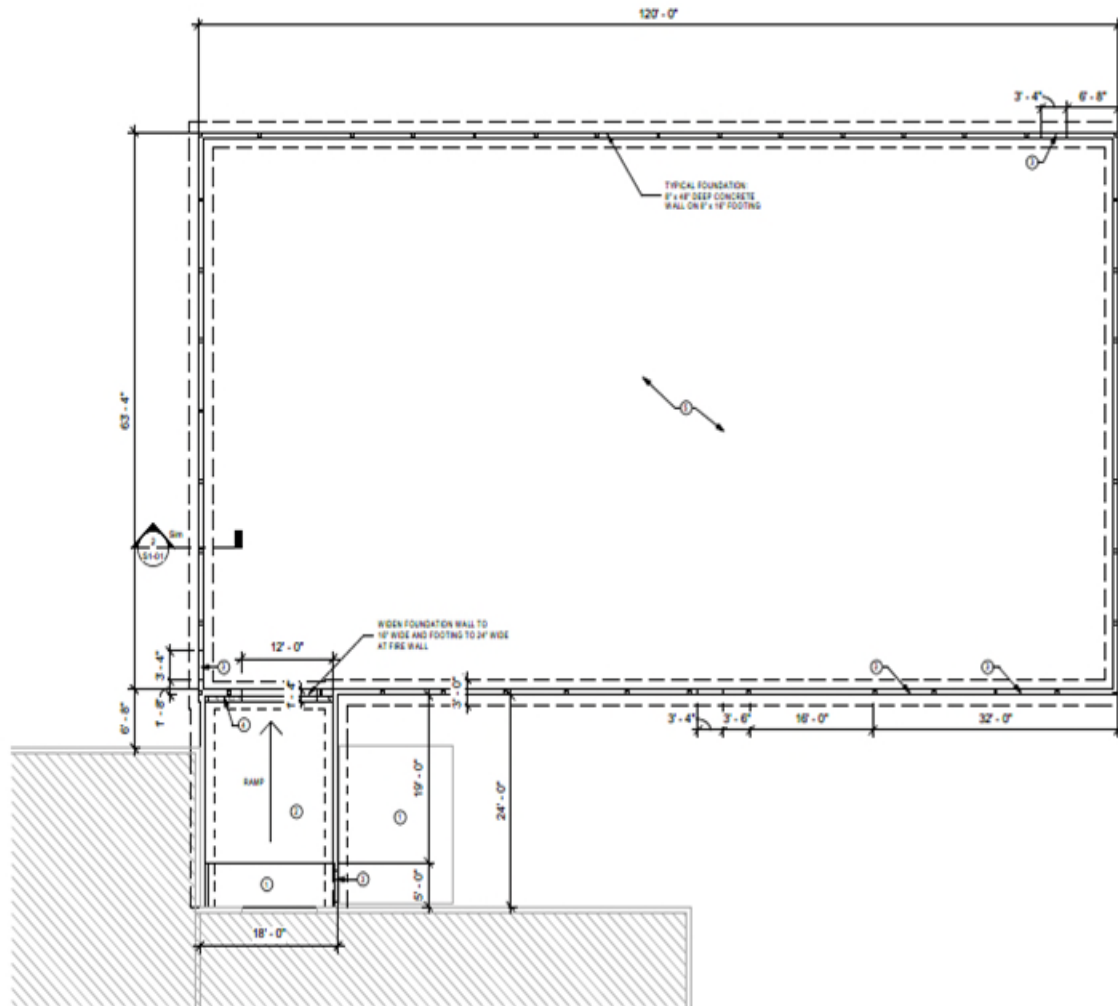
TRAFFIC INFORMATION

MORNING HOURS (8AM-NOON)

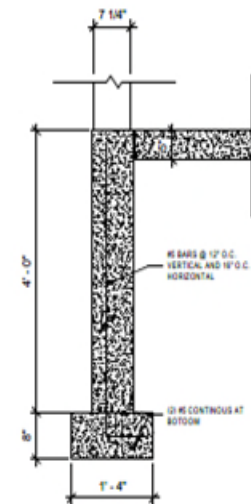
7 PERSONAL CARS
1 BOX TRUCK

EVENING HOURS (NOON-6PM)

7 PERSONAL CARS
1 BOX TRUCK



1 FOUNDATION
1/8" = 1'-0"



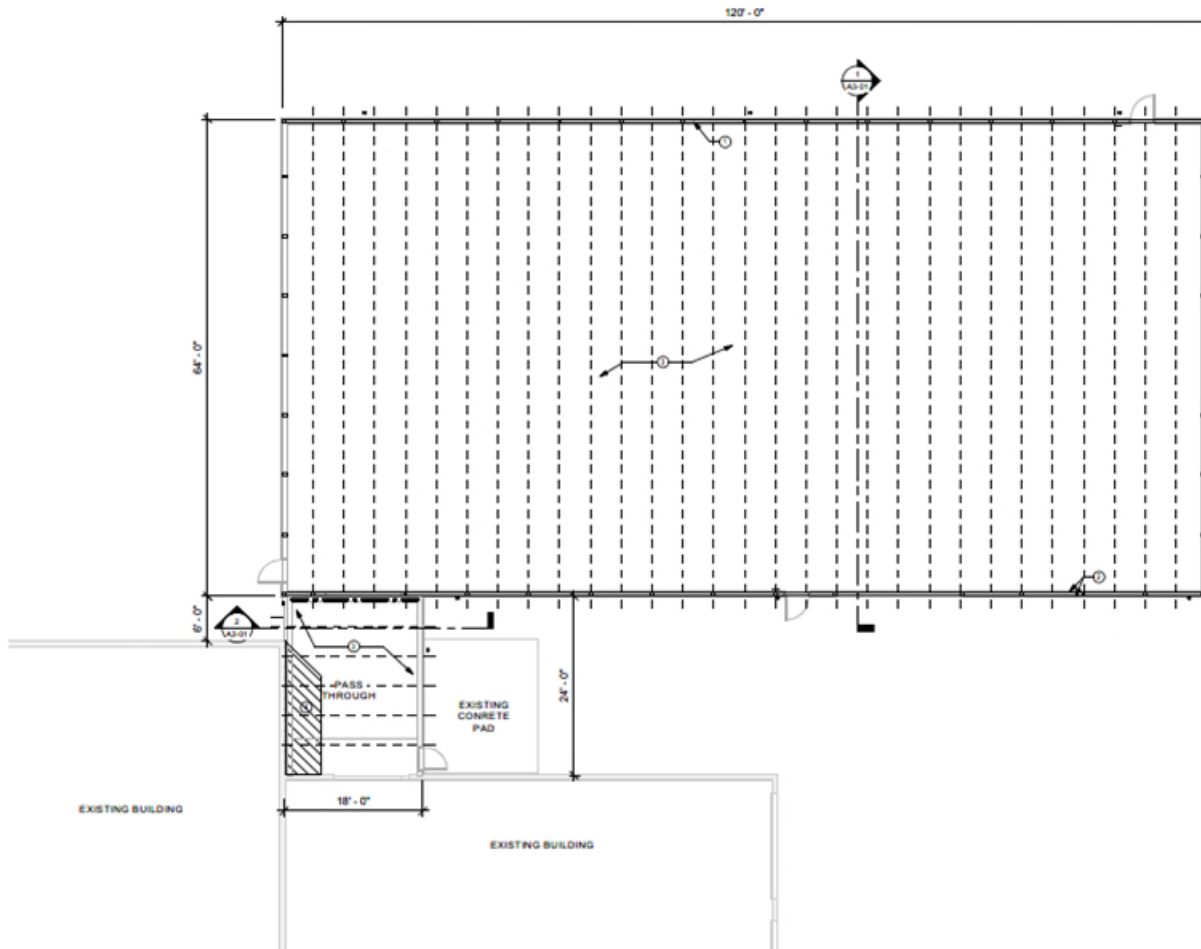
2 FOOTING DETAIL
1" = 1'-0"

FLOOR KEYNOTES

1. (2) PLY 2x6 POST AT 8' ON CENTER.
2. CONTRAJOUR 2x12 HEADER ON EACH SIDE OF POST.
3. WOOD TRUSSES AT 48" ON CENTER WITH 2x4 PURLINS AT 24" ON CENTER.
4. ROOF SADDLE.

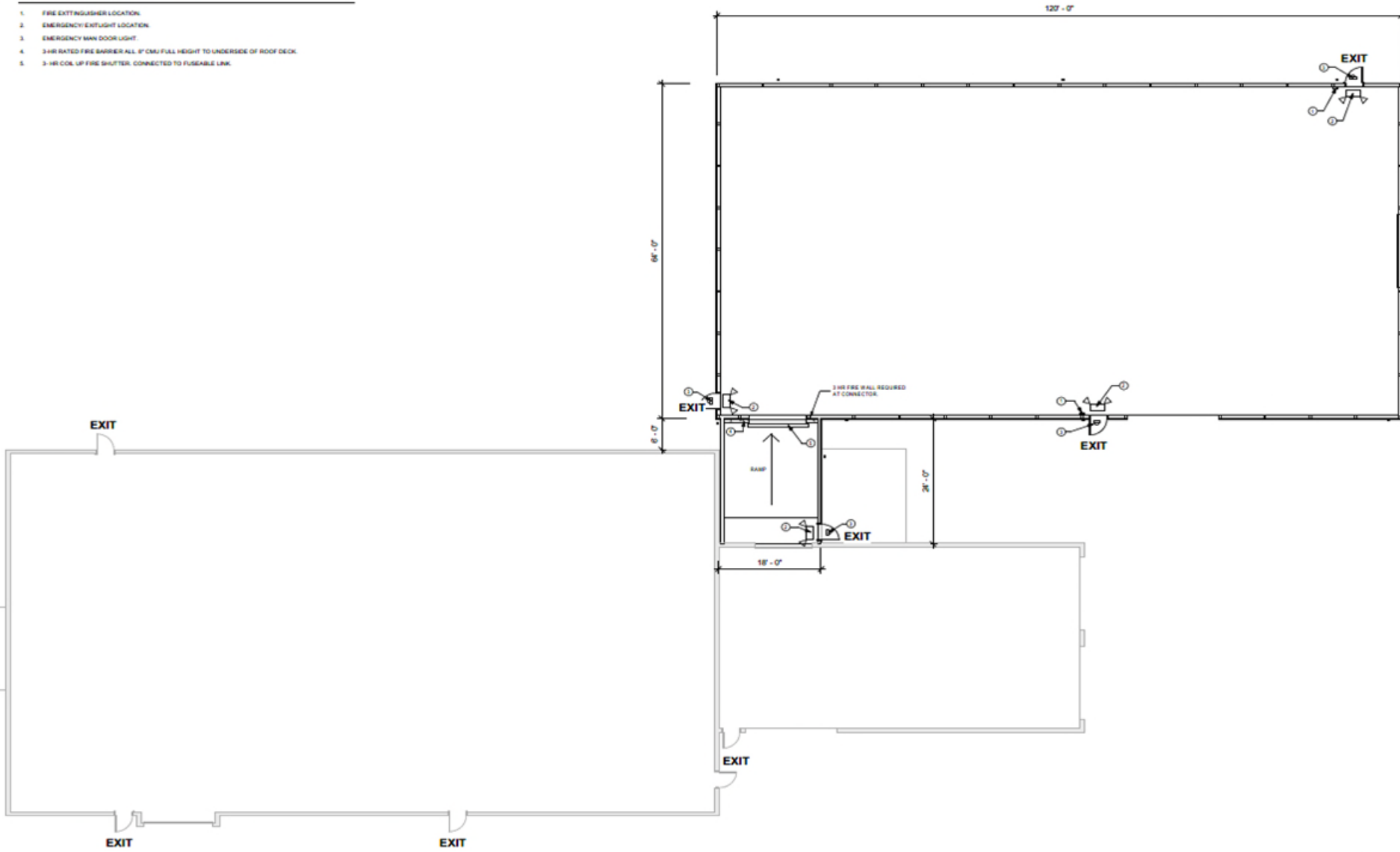
ROOF FRAMING LOADS

- ROOF DEAD LOAD: 10 PSF
- ROOF LIVE LOAD: 30 PSF, RISK CATEGORY 2
- GROUND SNOW LOAD: 30 PSF
- WIND LOAD: 115 MPH, EXPOSURE CATEGORY B

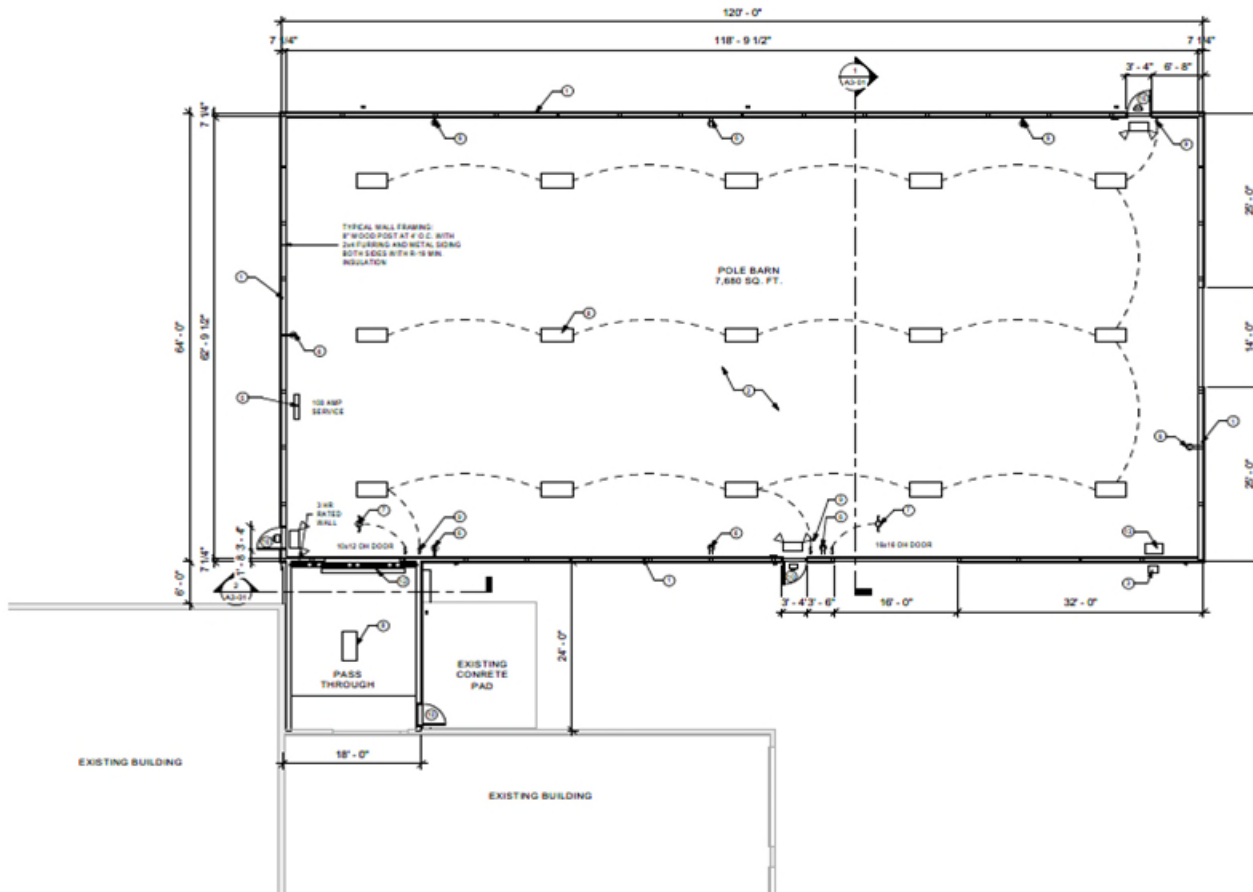


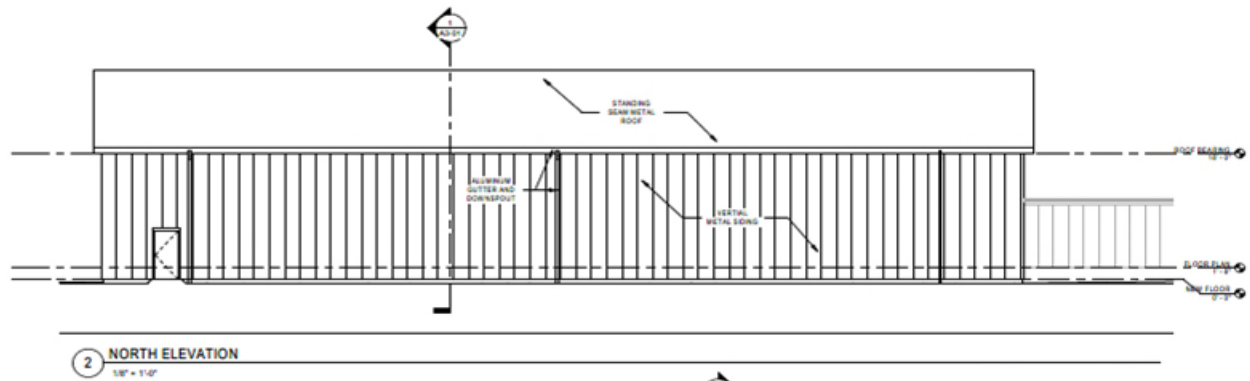
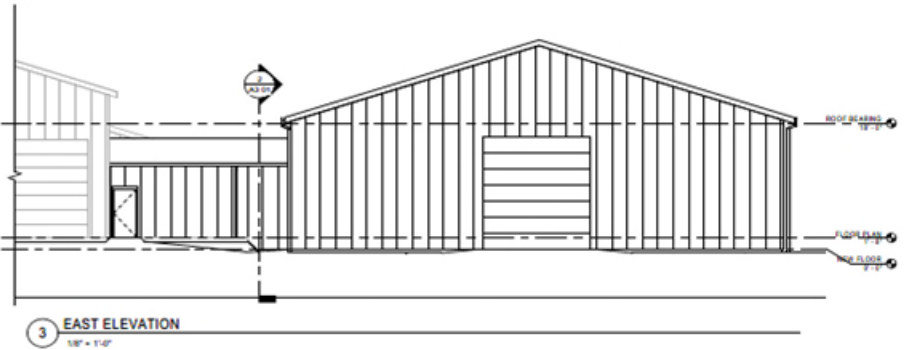
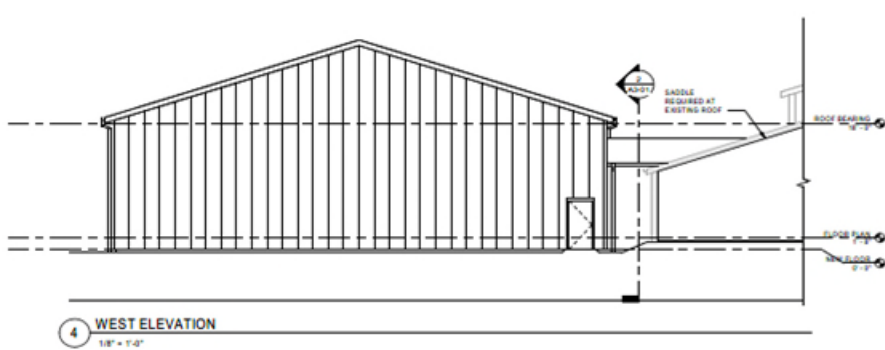
FLOOR KEYNOTES

1. FIRE EXTINGUISHER LOCATION.
2. EMERGENCY EXITLIGHT LOCATION.
3. EMERGENCY MAN DOOR LIGHT.
4. 3-HR RATED FIRE BARRIER ALL 8" CMU FULL HEIGHT TO UNDERSIDE OF ROOF DECK.
5. 3-HR COL UP FIRE SHUTTER, CONNECTED TO FUSEABLE LINK.

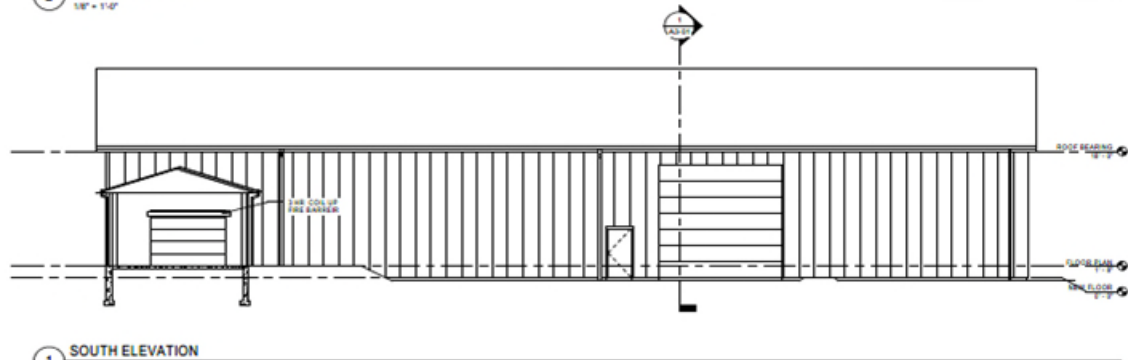


1. EXTERIOR WALL IS 3 PLY, 2x8 WOOD POST AT 4'-0" O.C. WITH 2x4 FURRING AND METAL SIDING ON BOTH SIDES, R-19 MINIBAT INSULATION.
2. LINER PANEL CEILING ON 2x4 FURRING, R-38 INSULATION ABOVE.
3. LOCATION OF GAS METER, CONNECT TO EXISTING GAS SERVICE.
4. 250,000 BTU BOILER FOR RADIANT FLOOR HEATING.
5. LOCATION OF 100 AMP, SINGLE PHASE ELECTRICAL SUB PANEL, CONNECT TO EXISTING ELECTRICAL SERVICE.
6. CONVENIENCE 20 AMP DUPLEX RECEPTACLE.
7. PROVIDE POWER FOR GARAGE OPENER.
8. 2x3 HIGH BAY INDUSTRIAL LED LIGHTS 165 WATTS, LIGHTS TO BE MOTION SENSOR CONTROLLED.
9. 3-WAY SWITCH.
10. NEW 3'-0" x 7'-0" HOLLOW METAL DOOR.
11. 3-HR MASONRY FIRE WALL UP TO UNDERSIDE OF ROOF DECK.
12. 3-HR CO. UP FIRE SHUTTER, CONNECTED TO FUSEABLE LINK.
13. BOILER FOR IN SLAB HEATING SYSTEM.

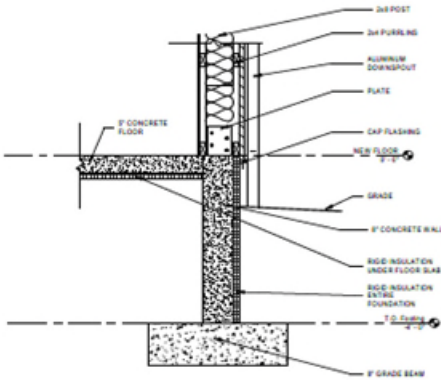
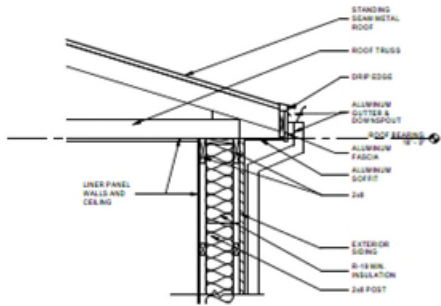




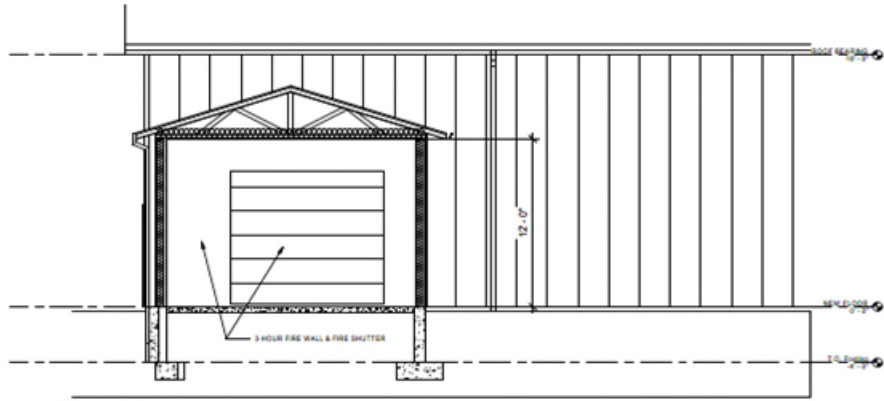
2 NORTH ELEVATION
1/8" = 1'-0"



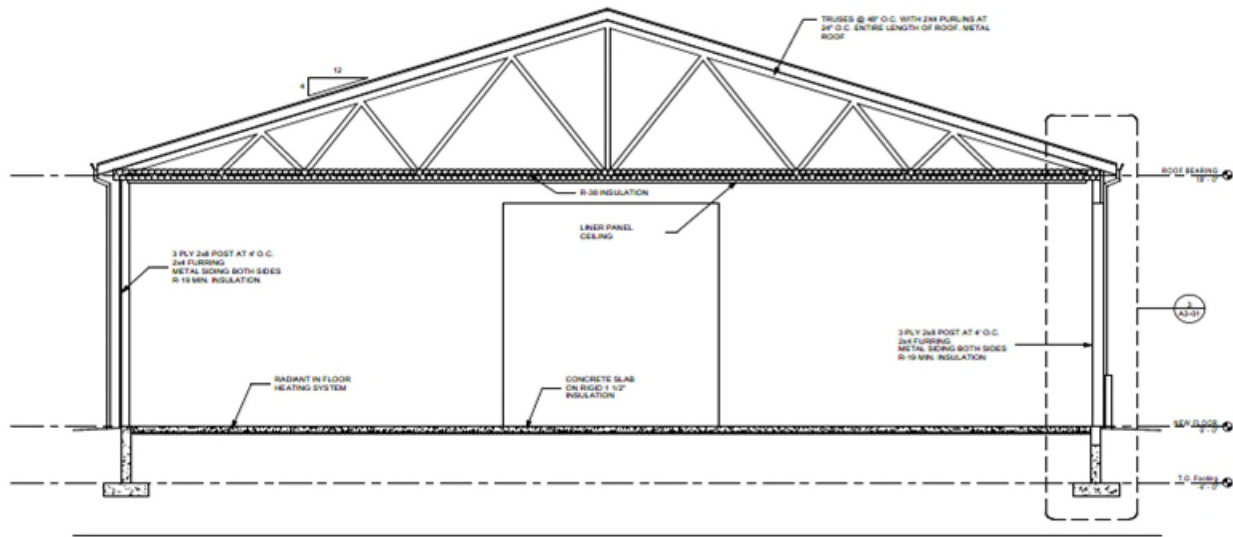
1 SOUTH ELEVATION



3 WALL SECTION
3/4" = 1'-0"



2 CROSS SECTION
1/4" = 1'-0"



1 BUILDING SECTION
1/4" = 1'-0"



TO: Plan Commission

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

SUB: Approvals of Plan Commission Recommendations

The following petition was **APPROVED** at the April 1, 2025, Town Council of Wakarusa meetings:

- Petitioner: Lori D. Martin (Buyer) & Christ B. Yoder & Sarah E. Yoder, Husband & Wife (Sellers)
Petition: for a zone map change from B-3 to R-1.
Location: north side of E. Waterford St., 565 ft. west of SR 19, in Olive Township.
Plan Commission Vote: Yes: 7; No: 0; Absent: 2 (RZ-0035-2025)
Remonstrators Present: No
Development Issues: None

The following petitions were **APPROVED** at the April 21, 2025, Elkhart County Commissioner's meeting:

- Petitioner: Robert D. Astling and Jacqueline Astling, Husband and Wife
Petition: for a zone map change from R-2 & R-3 to A-1.
Location: west side of E. County Line Rd., 2,780 ft. south of CR 2, common address of 51601 E. County Line Rd. in York Township. (RZ-0046-2025)
Plan Commission Vote: Yes:7; No: 0; Absent: 2
Remonstrators Present: None
Development Issues: None
- Petitioner: Lynda Kay Awald
Petition: for a zone map change from R-1 to B-3.
Location: west side of Pleasant Plain Ave., 1,000 ft. north of Mishawaka Rd. (CR 20), common address of 3401 Pleasant Plain Ave. in Concord Township.
Plan Commission Vote: Yes:7; No: 0; Absent: 2 (RZ-0048-2025)
Remonstrators Present: None
Development Issues: None
- Petitioner: Board of Commissioners Elkhart County
Petition: for a zone map change from A-1 to M-2.
Location: east side of CR 7, 2,500 ft. north of CR 26, common address of 59530 CR 7 in Concord Township. (RZ-0058-2025)
Plan Commission Vote: Yes:6; No: 1; Absent: 2
Remonstrators Present: None
Development Issues: None

PLAN MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 10TH DAY OF APRIL 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, Steve Warner. 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, Roger Miller, Brad Rogers.

Absent: Steven Clark, Dan Carlson, Brian Dickerson.

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 13th day of March 2025, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Warner/Edwards*) 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 DPUD B-3 and R-2 and for primary approval of a 2-lot minor subdivision to be known as MILLER'S COUNTY ROAD 4 DPUD MINOR SUBDIVISION, for Nathan D. Miller & Lori B. Miller, Husband & Wife represented by Land and Boundary LLC, on property located on the north side of CR 4, 1,990 ft. west of East County Line Rd., common address of 10361 CR 4 in York Township, zoned R-2, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0131-2025*.

Mr. Miller pointed out that the staff Report states the zoning is in character with the surrounding zoning, but there are no other businesses around. He asked how the argument is valid, and he said it looks like an industrial building being put out in the middle of the country. Mr. Auvil stated that the scope and scale of these types of buildings can be found all over agricultural and residential areas

Levi Rednour, Land and Boundary, 401 S. Third St., Goshen, was present representing the petitioner. He stated there is a business across the street on the south side. He mentioned the owner is present if there are any business-related questions. He further mentioned that all the setbacks and buffering have been met for this zone. He commented that there will be one semi-truck per month, and most deliveries will be by freight trucks. He continued to state that the deliveries will be RV water filter parts. Mr. Miller mentioned it doesn't sound like there will be any heavy industrial uses at this time; however, in the future the rezoning, it would allow it. Mr. Rogers asked if the request is for a B-3 zone. Mrs. Snyder indicated it is for a B-3, not an M-1 zoning. Mr. Rogers asked if the owner sells the property, since this is a DPUD, would they have to come back for approval. Mr. Kolbus stated that the type of use that is proposed will be what the new owner is limited to. Mr. Warner clarified that there is a big enough radius to allow a semi to turn around within the property.

Mr. Rednour stated that it is correct.

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.

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 R-2 to DPUD B-3 and R-2 and for primary approval of a 2-lot minor subdivision to be known as MILLER'S COUNTY ROAD 4 DPUD MINOR SUBDIVISION 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, Lori Snyder, Roger Miller, Brad Rogers

7. The application for primary approval of a 2-lot minor subdivision to be known as 102 MINOR, for CRN Real Estate LLC, Gary Middleton (Appellant) represented by Niblock Excavating, on property located on the south side of CR 102, 985 ft. west of CR 25, common address of 17900 CR 102 in Washington Township, zoned A-1, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0053-2025*. Mr. Dean explained to the Board that this subdivision met all technical requirements and could not be denied by the Plat Committee. He stated that the appellant mentions two specific items the first being the septic system. Mr. Dean expressed that the appellant states the septic system on lot 1 infringes on lot 2. Mr. Dean noted that statement is true, and the Environmental Health Department has required that the septic system be abandoned through the proper abandonment procedures that are outlined by the Health Department. He further stated that the Health Department has given full consent to move forward with the subdivision. Mr. Dean stated that the second item the appellant brings up is there are the few homes on smaller lots in the area, but the Developmental Ordinance states nothing that prohibits density down to the minimum square footage of a lot in an A-1 zone, which is 20,000 sq. ft.. for a single-family home on a septic system.

Dwayne Mast, Niblock Excavating, 906 Maple St., Bristol, was present representing the petitioner. Mr. Rogers asked what the goal is for this subdivision. Mr. Mast stated to create a separate lot for an additional residence. Mr. Rogers questioned whether it was for any industry. Mr. Mast stated it will remain a single-family residence. Mr. Rogers questioned due to the representation of Niblock Excavating. Mr. Mast stated that is his employer, the representative for the petition.

Gary Middleton, 17810 CR 102, Bristol, was present as the appellant. He indicated he lives to the east of this project. He mentioned there are survey discrepancies on this property. He stated the easement to the west of this property is part of the discrepancy. He stated that the owner of the neighboring property could not be at the meeting today. Mrs. Snyder asked the appellant what his issue is with the proposed subdivision. Mr. Middleton stated his issue is building another house. He mentioned that his conflict is the 1-acre lot being divided into 2 lots. He further stated it barely meets the minimum requirements, and he believes it is turning into a semi-commercial property with rental individuals. He stressed they will not be a primary residences. He mentioned there is no other lot near

this property that has been subdivided into this small of parcels. He further stated that there were people in his backyard doing a land survey that was not correct. He indicated CRN is the company that had purchased the property, and Niblock is the surveyor. He mentioned the simple solution to this problem is to allow him to purchase the property. Mrs. Snyder stated this subdivision has passed every County requirement. Mr. Middleton asked if the easement was taken into consideration. Mrs. Snyder stated yes the easement was considered. She further explained to Mr. Middleton that all of the county departments have to work together, and the subdivision met all their requirements. Mr. Middleton clarified about the minimum square footage of a home. Mr. Miller stated there is no minimum square footage. Mr. Middleton then asked that any size home can be put on this lot. Mrs. Snyder stated that it has to coincide with the septic system size. She further stated that there are multiple checks and balances.

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

Mr. Rogers asked about the easement that was brought up by Mr. Middleton. He further stated it would be crowded. Mr. Dean explained that the easement is on the west side of the property and it does not directly relate to the use of this property. He explained it relates to the property that is behind the subject property. Mr. Dean stated he believes that this easement will be extinguished. Mr. Rogers stated he has no documents stating where the easement is located. Mr. Dean repeated that it is on the west side of the property. Mr. Rogers commented that it doesn't directly impact Mr. Middleton. Mr. Dean stated that it was correct; it does not affect him. Mr. Rogers asked what the purpose of the easement is. Mr. Dean asked Mr. Mast to come up and explain the easement.

Mr. Mast came back on and explained that the easement on the west side is an easement of use. He further explained that it was access to the rear property, which is no longer landlocked. He stated they have been in contact with the adjacent landowners to have the easement removed from the plat. Mr. Rogers asked if the proposed residences will be rental houses. Mr. Mast stated he has no way of knowing one way or another. Mr. Rogers asked for the reasoning of bringing the easement up and what impact it has on him.

Mr. Middleton came back on and stated he is involved in the trust with the adjacent property. Mr. Rogers asked for clarification on the vacation of the easement. Mr. Dean stated it is not necessary, but will only happen if the adjacent property owners agree. Mr. Middleton stated that one of the owners is against the easement going away. Mrs. Kratzer stated the easement is a private action, not a county action. Mr. Rogers once again asked for clarification that approval of the subdivision does not vacate the easement. Mr. Rogers stated he doesn't see why there would be a problem with the easement for the existing house.

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

Motion: Action: Denied, **Moved by** Roger Miller, **Seconded by** Phil Barker the appeal of the Plat Committee's approval was denied and the Board affirms the Plat Committee's decision

Vote: Motion passed (**summary:** Yes = 5, No = 1, Abstain = 0).

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Roger Miller

No: Brad Rogers.

8. This application for multiple amendments to the text of the Elkhart County Development Ordinance represented by Elkhart County Planning and Development Staff, for the geographic area to which the proposed combined Development Ordinance, including zoning maps, applies is all lands within Elkhart County, Indiana including all the Townships: Cleveland, Osolo, Washington, York, Baugo, Concord, Jefferson, Middlebury, Olive, Harrison, Elkhart, Clinton, Locke, Union, Jackson, and Benton, but excluding the jurisdictions of the City of Goshen, the City of Elkhart, and the City of Nappanee, was presented at this time.

Mae Kratzer, Plan Director, presented the proposed amendments to the text of the Elkhart County Development Ordinance. She stated there were three topics involved: lighting standards, buffering, and a minor subdivision allowing a Developmental variance to be filed for Plat Committee approval. Mrs. Snyder asked about the two public open houses and turnout and feedback. Mrs. Kratzer mentioned there were around twenty people total. She went on to say most questions got answered at the counter during office hours. She stated there has been no pushback or major concerns from the public

There were no remonstrators present.

A motion was made and seconded (*Edwards/Miller*) 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** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the proposed multiple amendments to the text of the Elkhart County Development Ordinance be approved.

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

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

9. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil reported that the March 17, 2025, County Commissioners petition approval for Terra Subdivision and the zoning denials. Mr. Auvil also reported on the March 17, 2025 Middlebury Town Council approved zone map change.

10. Danielle Richards presented a minor change request for CLOVERLEAF FINISHING DPUD that was originally approved on July 16, 2018. She explained they are asking for an addition to their existing building for offices, bathrooms, breakrooms, and storage space. She explained the addition is over 10 % that the zoning administrator can approve, but within the 20 % that can be approved by a minor change.

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

Motion: Action: Approve, **Moved by** Phil Barker, **Seconded by** Steve Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a minor change for an addition to the existing building be approved.

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

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

11. Mike Yoder, Bristol Town Manager, 303 E. Vistula, Bristol, was present representing the Town of Bristol. He presented the proposed Amendment to the Consolidated SR 15 Economic Development Plan to relocate the Street Department. He explained the town is purchasing three parcels to relocate the Street Department

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Steve Edwards the amendment to consolidate SR 15 Economic Development Area be Approved, and the motion was carried with a unanimous vote.

12. Mae Kratzer presented the Agreement for Legal Services for Barkes, Kolbus, Rife, & Shuler to be effective as of July 1, 2025-July 1, 2026. She explained the new agreement is between the county and the firm, since Jim Kolbus is retiring.

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

Motion: Action: Approve, **Moved by** Steve Warner, **Seconded by** Roger Miller that the Agreement for Legal Services for Barkes, Kolbus, Rife, & Shuler for July 1, 2025-July 1, 2026 be approved.

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

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

13. The meeting was adjourned at 10:45 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Lori Snyder, Chairman