

PLAN MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 11TH DAY OF SEPTEMBER 2025 AT 9:30 A.M. IN THE
MEETING ROOM OF THE PUBLIC SERVICE BUILDING
4230 ELKHART RD., GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Chairman, Lori Snyder. The following staff members were present: Mae Kratzer, Plan Director; Jason Auvil, Planning Manager; Danny Dean, Planner; Danielle Richards, Planner; Laura Gilbert, Administrative Coordinator; and Don Shuler, Attorney for the Board.

Roll Call.

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

Absent: Steve Clark.

2. The minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 14th day of August 2025, will be available for approval at the October 9, 2025 meeting.

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 primary approval of a 12-lot major subdivision to be known as ORCHARD HILLS AWT MAJOR SUBDIVISION, for AWT Inc. represented by Jones Petrie Rafinski, on property located on the northeast corner of S. Division St. (SR 15) & CR 10, in Washington Township, zoned GPUD B-3, GPUD M-1 & GPUD M-2, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #MA-0507-2025*.

Kenneth Jones, Jones Petrie Rafinski, 325 S. Lafayette Blvd., South Bend, was present representing the petitioner. He mentioned that there is a strong demand for industrial and business sites. He explained it would be similar to Earthway Rail Park. He explained that this project was originally presented as a GPUD. He stated it is difficult for the petitioner to market the property as a DPUD. He went on to say that the GPUD comes with a specific zone/land uses. He mentioned there will be 12 lots on 162 acres with primary access on SR 15. He stated the Town of Bristol is still committed to a traffic bypass. He described that there will be night sky-compliant lighting in the development standards. He conveyed that the development standards will be explained in detail and will be part of the recorded plat. He noted the town has been looking for possible solutions to existing stormwater issues they may have to deal with in the future, for example, stormwater. He stated that all soil analysis has been collected for this site. He went on to say that he felt confident there would be plenty of opportunity to fully manage stormwater issues that may arise. Mr. Rogers mentioned in the past, there have been a concern with straight rezonings, especially in Bristol, with existing manufacturing that has had a negative impact on homeowners. In light of that, he asked how they can mitigate those kinds of issues. Mr. Jones stated that this project is being set up specifically because of the approach that the Plan Commission has taken. He explained how Elkhart East Area D and B, it was all done through DPUDs. He stated that staff allow of them to add details on a case-by-case

basis, with staff review. He mentioned every developer on every lot will have to meet the standard that is required by the Elkhart County Development Ordinance, and every site plan will need to be reviewed by staff and the Town of Bristol. He noted that the development standards that are being proposed are being taken from Elkhart East Area A. Mr. Jones said with confidence that each site will be able to manage its own stormwater within the limits of the site.

Danny Dean presented an email in remonstrance for this project on behalf of Christopher Welch, 17812 CR 10, Bristol. In the letter he stated and his neighbors have enjoyed the peace, quiet, healthy air of the fruit hills area and agricultural land. He mentioned that there are bad decisions being made to chase tax revenue, which are ruining Bristol. He explained the added truck and employee traffic clogging the roads and the risk to residential safety. He went on to say that the added manufacturing has affected the environment *[Attached to file as Staff Exhibit #1]*.

Michelle Corishen, 824 Lilac St. Elkhart, was present in remonstrance to this petition. She explained she is a former member of the Elkhart City Plan Commission. She stated she believed it was disingenuous not to include the traffic study of this lot and of this development's plans, if it was given to the Town of Bristol, then the citizens of the county deserve to know as well. She agreed with the letter writer that the traffic impact will be huge. She went on to say this community has one chance to get this right. She stated if she could change one thing, it would be to go back in time and change plans like this that have destroyed Cassopolis Street in Elkhart. She further stated that all this crazy planning allows areas that were supposed to be residential and/or agricultural to turn into industrial.

Amy Goone, P.O. Box 1477, Bristol, was present in remonstrance to this petition. She stated she is addressing the political connections with the rezoning and the AWT property. She mentioned there is a conflict threatening the community, and explained Judge Thomas, AWT's owner and shareholder, donated to Mike Braun's campaign and an AWT's shareholder was appointed by Braun to the Indiana Economic Development Corporation IDC Board. She explained that this potentially violates Indiana law IC3-14-1-11, against using public office for private gain, especially as a rezoning directly benefits his company. She stated she has shareholding and donation records. She mentioned this rezoning is not for Nipsco, but for a subdivision that they admittedly oppose. She went on to say that, with this property being in a TIF district, there are questions about the misuse of public tax revenue to subsidize private development. She explained that TIF districts are meant to capture the increased property taxes generated by development to fund infrastructure improvements. She went on to say that, in practice, they often take funds that have otherwise supported essential public services like schools, libraries, and general county operations. Mrs. Goone went on to say this request will likely boost property values, allowing the TIF to cycle and benefit AWT's private subdivision project, while short-changing the community. She stated that if the county can't track its own assets, how can the people trust that this rezoning won't lead to more untracked giveaways to insiders like AWT. She explained that this feels like a private deal with insider gains. She urges the board to reject the rezoning or delay it until they get the financial reports and other legal asset controls. She went on to say the community deserves better *[Attached to file as Remonstrator Exhibit #1]*.

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

Mr. Dickerson asked Mr. Jones for clarification that this property was previously approved as a GPUD. Mr. Jones stated that it is correct and nothing has changed from that time. Mr. Dickerson

stated that the plan with this rezoning is to streamline the development. Mr. Jones stated that is correct. Mr. Dickerson stated that the rezoning has already been done. He mentioned that currently, they are trying to make it more business-friendly and can streamline the process. Mr. Auvil stated the action in front of the Board is a 12-lot major subdivision, and the next petition is the rezoning.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Steve Warner that this request for primary approval of a 12-lot major subdivision to be known as ORCHARD HILLS AWT MAJOR SUBDIVISION 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, Brad Rogers, Brian Dickerson, Dan Carlson, Roger Miller.

5. The application for a zone map change from GPUD B-3, GPUD M-1 & GPUD M-2 to B-3, M-1 & M-2, for AWT Inc. represented by Jones Petrie Rafinski, on property located on the northeast corner of S. Division St. (SR 15) & CR 10, in Washington Township, zoned GPUD B-3, GPUD M-1 & GPUD M-2, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0508-2025*.

Kenneth Jones, Jones Petrie Rafinski, 325 S. Lafayette St., South Bend, was present representing the petitioner. He mentioned there were some geographical and zoning changes made and shown on the plat.

There were no remonstrators present.

A motion was made and seconded (*Miller/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** Steve Warner, **Seconded by** Brian Dickerson that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from GPUD B-3, GPUD M-1 & GPUD M-2 to B-3, M-1 & M-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, Brad Rogers, Brian Dickerson, Dan Carlson, Roger Miller.

6. The application for a zone map change from A-1 to DPUD A-1 and for primary approval of a 2-lot minor subdivision to be known as PREMIER FINISHING DPUD A-1, for Brian L. Borkholder (Buyer) & Marcus D. Yoder and Ruby E. Yoder, Husband & Wife (Sellers) represented by B. Doriot & Associates, Inc., on property located on the southwest corner of CR 52 & CR 11, in Union Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0504-2025*.

Blake Doriot, B. Doriot & Associates, P.O. Box 465, New Paris, was present representing the

petitioner. He stated Mr. Borkholder has a woodworking business. He explained that this property became available, and Mr. Borkholder would like to have his home and his small business on the property. Mr. Doriot stated it was a challenging site with drainage tiles that were an issue, but the problems were worked out with the County Surveyor's Office. He mentioned he did tell the petitioner to reach out to the neighboring landowners and let them know his future plans for this site. Lori Snyder asked if concrete is needed for the parking area. Mr. Doriot stated it was be required for the approaches to meet Highway standards.

Shirley Blosser, 71491 CR 11, Nappanee, was present in remonstrance to this petition. She stated one of her concerns regarding this project is, the fumes due to her asthma. She mentioned traffic concerns from the Amish children who travel the road back and forth to school, and the daycare that is not too far from this site as well. She explained she has witnessed horses flying through the air due to all the traffic. Mrs. Blosser also expressed concern about her property value going down due to a business being directly across the street from her.

Max Schmucker, 71270 CR 11, Nappanee, was present in remonstrance to this petition. He expressed his thoughts about this type of operation belonging in the town and having no respect for the neighbors. He explained that the hours of operation are never enforced. He also wondered where the retention area was going to be located.

Brian Sheets, 25876 CR 50, Nappanee, was present in remonstrance to this petition. He expressed his traffic concerns, land being taken out of agricultural production, and the risk to Amish children on the road.

Mr. Doriot came back on and explained the vehicle counts in the area were 255 to 1,020 vehicles, which were not considered high traffic. He stated the entrances were approved by the Highway Department. He explained that if fumes are leaving the site, IDEM should be called, and they will control that issue. Mr. Doriot stated his client would not want to impact or harm the children; his own children go to that Amish school. He mentioned, unfortunately, neighbors do not own the land, so they don't own the view, and the community is growing.

Brian Borkholder, Premier Finishing, 30312 CR 50, Nappanee, was present as the petitioner. He described how his operation and production worked. He stated that location is important for his business, and his few employees who are Amish will be using bicycles for transportation. He mentioned the number of deliveries would be 3 trips a day. He stated that the neighbors will not notice the increase in traffic. He stated there will be one to two semi deliveries per week. Mr. Warner asked if semis the ability to turn in and turn around on the property. Mr. Borkholder stated there will be room for them to unload and turn around on the property. Mr. Miller asked how the facility would be powered. Mr. Borkholder stated it would be powered by a generator. He further stated he plans on placing it on the south end, and the exhaust will be faced on the south end as well.

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

Mr. Miller mentioned his concerns about generators for the local neighbors, with the operations starting early in the morning. He explained he is not opposed to growth but has to think of the neighboring properties have to considered.

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

Motion: Action: Approve, **Moved by** Lori Snyder, **Seconded by** Brian Dickerson that the Advisory

Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to DPUD A-1 and for primary approval of a 2-lot minor subdivision to be known as PREMIER FINISHING DPUD A-1 be approved in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 6, No = 2, Abstain = 0).

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Brad Rogers, Brian Dickerson,

No: Dan Carlson, Roger Miller.

7. The application for a zone map change from A-1 & M-2 to DPUD R-3 and for primary approval of a 1-lot minor subdivision to be known as RIVERBEND TOWNHOMES DPUD, for River Bend Development Group, LLC & Lozeir Corporation represented by Wightman, on property located on the north side of CR 16, 550 ft. west of CR 116, in Middlebury Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0505-2025*.

Terry Lang, Wightman, 1402 Mishawaka Ave., South Bend, was present representing the petitioner. He explained the main parcel was purchased 5 years ago from Lozier Fixtures, which was established in 1945. He went on to say that they have a fairly large factory to the north that has a lot of semi-truck traffic on SR 15. He stated that it was mentioned to approach this site for a residential project for affordable housing. He explained the developers of this project have opted to move forward with the DPUD for townhome apartments; the site plan shows 19 buildings with one office building. He went on to say there would be future amenities such as a pool and a dog park. He mentioned they have reached out to the town of Middlebury utilities to find out if they have the capacity on their sewer and water to be able to handle 150 townhome units, and Middlebury stated they do. Mr. Lang stated on the 16-acre site 16 % of the parcel, will be townhomes, 18% asphalt, 10% concrete for patios and side-walks, and the remained 55% will be open space. He explained some townhomes will have a garage attached to them along with 247 parking spaces. Mr. Lang stated that this project will be comparable to a project the developer just did in Syracuse. He also mentioned that the developers are local and live in the community. He went on to talk about the future plans for the roadway including the widening of the areas coming in and out of the development, with excel, decel lanes, and passing lanes. He went on to say the traffic count is 2,900 cars per day, and with this development, there will be an additional 300 cars per day. He stated they are adding around an 11 % increase in cars per day. He stated the developers plan on asking the Highway Department to reduce the speed limit. He explained the developer wants to be a good neighbor.

Marlin, Schwartz, River Bend Development Group, 420 N. Main St., Middlebury, was present as the developer/petitioner. He stated he is a resident of the Middlebury community. He mentioned they have been revitalizing houses and commercial properties for over 25 years. He went on to further describe different projects that they have done in the community. He expressed that their past knowledge has led them to develop this site in Middlebury. He stated there is a shortage of homes in Elkhart County and this location will provide utilities that other sites can't provide. Mr. Schwartz explained that they are committed to doing what it takes to make this project an asset to the community. Mr. Schwartz submitted a letter in support of his project [*Attached to file as Petitioner Exhibit #1*].

Mr. Dickerson asked about the details of the traffic impact study. Mr. Lang restated that there are 2,900 vehicles per day coming down that county road and the increase of 300 vehicles is approximately an 11 % increase. He went on to say that with the widening of the road at this location,

will be able to accommodate the traffic. Mr. Carlson asked how many units would be constructed on the property. Mr. Lang stated there would be 152 units. Mr. Carlson questioned only a 300 vehicle increase. Mr. Lang stated they account for 2 vehicles per unit, coming and going on a regular basis. Mr. Dickerson stated that the reason traffic questions are being brought up is because CR 16 has had multiple accidents over the years. He went on to say he doesn't know if this particular project has an adverse effect on the traffic, but there is a greater issue on CR 16 from the county perspective. He added the developer should not be punished for that, but it should be brought up for discussion. Mr. Lang stated they are very aware of those issues and have talked to the developers about petitioning the County Highway Department to decrease the speed limit. Mr. Dickerson stated that not only does CR 16 have truck traffic, but also heavy bicycleye and buggy traffic. Mr. Miller mentioned the road has been expanded until Middlebury and then suddenly stops. He went on to state there is a lot of buggy traffic. Mr. Lang stated the excel and decel passing lanes will help accommodate the buggies.

Jason Auvil presented a letter from Dr. Jason Snyder, Superintendent of Middlebury Community Schools, 56853 Northridge Dr., Middlebury, in favor of this petition. *[Attached to file as Staff Exhibit #1]* He mentioned they have seen declining enrollments; therefore, any development in the town that would bring in students would be greatly appreciated. He stated people want to send their kids to Middlebury, but there is no housing.

Mr. Auvil also submitted several identical letters in remonstrance and proceeded to read the associated names and addresses *[Attached to file as Staff Exhibit #2]*. He explained the letters stated that there were traffic concerns and concerns regarding the downtown Middlebury area. He added the letter references Middlebury's Comprehensive Plan, different Indiana Codes, the Elkhart County Subdivision Ordinance, and the INDOT/FHWA roadway standards to explain why this project would not be a good development for the Middlebury area. He explained the letter noted that an apartment complex goes against the small town charm. He added it went on to state that this petition should be tabled until a traffic study can be done, and also requested detailed engineered drawings and an emergency response plan. Mr. Auvil stated overall, the remonstrators would like to see this petition denied.

Lori Snyder stated on Beacon that Riverpark Drive development is zoned R-3. She confirmed this development would be an extension of that zone. Mr. Auvil stated that is correct. Mrs. Snyder reminded the audience Plan Commission's job is to look at the land use and the zoning. She further explained that this petition will then go to the Town of Middlebury and the County Commissioners. Mr. Dickerson asked about a curb cut on CR 16. Mr. Auvil stated he was unsure, but further stated that the utilities are a benefit for the density. He explained that no one likes change. He added that the minimum traffic standards were submitted.

Bruce Wigley, 208 River Park Drive, Middlebury, was present in remonstrance to this petition. He presented a petition with 294 signatures against Artisan Builders' proposed 152-unit apartment complex on CR 16 in Middlebury *[Attached to file as Remonstrator Exhibit #1]*. He also presented a letter in remonstrance *[Attached to file as Remonstrator Exhibit #2]*. He listed four major concerns: increased traffic hazards, parking strain to the downtown area, noise pollution, and traffic study requests. Mr. Wigley described in detail the concerns in the downtown area. He stated in a recent study that current business owners are already competing for limited parking spaces, especially during peak times when parking reaches 85 % occupancy. He stated this development could potentially increase Middlebury's population by 8-10%. He explained that this raises concerns about whether existing infrastructure can support additional demand. He stressed that there is no parking for guests.

He further stated that overflow parking in the surrounding neighborhoods is a concern. He asked the Plan Commission to respectfully deny this petition until the developer can provide on-site guest parking.

Cindy Hychak, Elkhart County, refused to give her address, stated the Indiana Constitution Article I, Section 9, says no law shall be passed restricting the right to speak freely on any subject. She stated that this building is required to have time allotted for Elkhart County residents to speak. Don Schuler, Elkhart County Plan Commission Attorney, explained the process of a public hearing and the regulations of speech including the three minute speaking limit in accordance with the United States Supreme Court and the Indiana Supreme Court. He went on to explain the request for the address, which is a requirement for a follow-up to this petition, when there is a requirement to send notice to anyone who may speak at the meeting. Ms. Kratzer stated this meeting is to talk about land use concerns.

Lynn Wigley, 208 River Park Dr., Middlebury, was present in remonstrance to this request. She described that Middlebury has a small-town character that residents deeply value. She stated that the Middlebury Comprehensive Plan specifically emphasizes maintaining rural charm and balancing growth with the community's character. She stated the developer presented this project in 2024, but it has undergone many changes since then. She expressed that the changes in design were very concerning. She stated she would like the Plan Commission to deny this petition until the developer submits plans that include a buffer zone with landscaping, minimizing the view from CR 16. She presented a letter in remonstrance *[Attached to file as Remonstrator Exhibit #3]*.

Kent Miller, P.O. Box 62, Middlebury, was present in remonstrance to this petition. He explained that there are differences in the site plan submitted than those presented by the developer in the past. He explained that a couple of people have been killed on bicycles outside of the villas, south of the subject property. He went on to say that an Amish girl who was struck by a vehicle there now suffers from brain damage. He asked the Plan Commission to table this petition until buggy lanes and bicycle lanes are proposed. He presented a letter in remonstrance *[Attached to file as Remonstrator Exhibit #4]*.

Dan Shoup, 121 River Park Dr., Middlebury, was present in remonstrance to this petition. He stated he has been a resident of Middlebury all his life. He noted he has seen a lot of changes over the years and most of them have been for the good. He stated that Middlebury does not need high-density housing. He mentioned concern about the rise in crime with the increase in population. He expressed concern for small children and having nowhere to play.

Rick Miller, 56531 CR 116, Middlebury, was present in remonstrance to this petition. He mentioned additional traffic will cause bottlenecks in this area. He stated that the developers came to his home to talk about the project. Mr. Rick Miller expressed that he takes his backyard seriously. He went on to state his concerns about future light, noise pollution, and privacy. He further expressed that this development would jeopardize his quality of life. Mr. Rick Miller asked the developers if they would want this development next to their homes.

Tom Cunning, 56571 CR 116, Middlebury, was present in remonstrance to this petition. He stated it is not the Town's job to worry about the schools for the children. He stated their job is to do the work of the people.

Pam Keyser, 53934 CR 37, Middlebury, was present in remonstrance to this petition. She presented the board with a packet including the timeline of the River Bend Development. *[Attached to file as Remonstrator Exhibit #5]*. She explained in 2021, the Middlebury Town Council met with River Bend Developers, at that time the Middlebury Town Council was not interested in the project. She

mentioned in the Spring of 2024, a water and sewer project began on Warren St., then on May 20, 2024 River Bend Developers discussed apartments at the Town Council meeting. Mrs. Keyser further explained on June 17, 2024, that the Town Council approved the sewer/water change order to add a sanitary lateral and new manhole for the future development on the north side of Warren Street. She continued saying on August 5, 2024, there was an In Lieu of Annexation Agreement between the Town of Middlebury and River Bend Development, which was to allow for the future hookup of water and sewer. She said when the Middlebury Town Council was asked if this property would be annexed into the town of Middlebury, one council member said no, and the president said not at this time. She asked why no one wants to admit to the annexation as part of the plan. She indicated that all the council members have changed since 2021. Mrs. Keyser asked how all this led to the UN. She expressed that in 1970, MACOG began, and the Council of Governments aligned with the UN's Haring on sustainability and regionalism. She continued saying in 2011, MACOG was instrumental in creating the Middlebury Comprehensive Plan, with a new adoption in 2020. She further stated MACOG created the housing study that is often referenced. She noted in 2015, the Indiana Regional Cities Initiative was implemented under Mike Pence and the IEDC, Regionalism is a part of Globalism, which leads us to the sustainable development goals that is all part of the UN. Mrs. Keyser stated the rezoning of the River Bend property is out of order; and she believes this process was confusing, muddled, and silenced community members' voices. She went on to say, looking at the timeline, it appears this decision was the result of backroom deals, which erodes trust, since it only serves a narrow few.

Carla Clairry, 128 River Park Dr., Middlebury, was present in remonstrance to this petition. She mentioned she has been at Riverview for two years, and agrees that there does need to be more affordable housing. She indicated this is not the location for that type of housing. She expressed that what is not shown on the maps are the two curves, that make it impossible to pass bikes and buggies. She went on to say that widening the road will not help with that. She mentioned the grocery store is also on this road, which attracts a lot of Amish families. She went on to say that widening the road will not reduce the traffic. She mentioned tourist brochures list CR 16 to view the Amish countryside. She stated that other businesses have gone in since the traffic study, along with Shipshewana Flea Market and the Blue Gate Theatre.

Brad Rogers asked how many residents live on River Park Dr. An Audience member answered 88 residences.

Don Shaum, 22040 CR 20, Goshen, was present in favor of this petition. He mentioned he is a local developer and was asked to be here by Mr. Lang. He explained the petitioners are working through the DPUD process, which means they will not be able to do anything that is outside of what is approved and they will have to work with staff. He went on to say the developer is not asking for any TIF funds; this project is all personally funded. He stated that looking at the size of the units, this is not high-density housing. He mentioned last week 3.8 acres was rezoned to straight R-3 in Goshen, and that will allow 80 apartments on that site. Mr. Shaum explained that if this property was in Goshen with 11 acres, there could be many more units than what is being proposed.

Lori Snyder stated she would like to hear a response to the buffering, parking, and the changes in the plan. Mr. Lang came back on and stated there is 10 % more parking planned than is required. He addressed safety in regards to the children as there are sidewalks throughout the development leading to the playground area in the rear of the property, along with the pool, the bark park, and other amenities that are away from the parking area. He mentioned in regards to the light pollution each of

the units will have a single dusk-to-dawn porch light on the front. He further stated they are not proposing large pole lights through the development like those seen in the RV parking lots. He mentioned the maximum population increase would only be 8 % in this area. Mr. Lang stated that the Middlebury School Superintendent mentioned that they are in desperate need of an increase in the student population. He explained the extension of the sewer and water was for future development along CR 16. He stated the developer donated the right-of-way, so those improvements could be made for the Town of Middlebury. Mr. Lang described that there would be buffering throughout the development and CR 16 but not blocking the line of sight. Mrs. Snyder explained that a buffer is required in the DPUD, and there are restrictions and recommendations that are set in the Developmental Ordinance. Mrs. Snyder stated that the overflow parking is a concern. Mr. Lang stated that they have 10 % which is sufficient, and not every apartment will have four or five cars. Mr. Rogers asked about the snow push. Mr. Lang stated the large retention area towards the north end of the site will be utilized for snow removal.

Mr. Schwartz came back on and indicated on the maps how the snow removal will work. He also clarified about the 100 units that were in the conceptual site plan from 2020 as he did not know what the required setbacks were.

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

Mr. Dickerson expressed that there are some traffic concerns that are not Plan Commission concerns, but more County Commissioner issues. He stated he does not believe this development will impact those concerns negatively or positively. He mentioned to the remonstrators that they need to be engaging the County Commissioners as they are the ones that can help make those decisions, not the Plan Commission. He mentioned property rights and noted the people with the most remonstrance are just south of the subject property and zoned R-3. Mr. Rogers explained that this was originally zoned for a factory, and most of the remonstrators would be against a factory on this property. He expressed that it is interesting that most of the remonstrators are from River Park Dr. or Park Place, and that is moderate density. He stressed the very thing they was allowed for their development. He wondered what the remonstrators wanted. He explained Cherry Creek was denied, but dense housing cannot be put further out in the county due to lack of sewer. Mr. Rogers stated that affordable housing is needed, but then people don't want more housing in their area. He agreed that CR 16 is an issue, but adding lanes means eminent domain. He explained that means taking people's property up to 20 ft. on each side of CR 16 to expand the lanes.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Brian Dickerson that the Advisory Plan Commission recommend to the Board of County Commissioners and Middlebury Town Council that this request for a zone map change from A-1 & M-2 to DPUD R-3 and for primary approval of a 1-lot minor subdivision to be known as RIVERBEND TOWNHOMES DPUD 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, Brad Rogers, Brian Dickerson, Dan Carlson, Roger Miller

8. The application for a zone map change from A-1 to B-2, for Cesar Manuel Valdez on property located on the east side of US 33, 1,260 ft. north of CR 40, common address of 65764 US 33 in Elkhart Township, zoned A-1, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0444-2025*.

Cesar Valdez, 17575 Bentwood Dr., Goshen, was present as the petitioner. He stated the property is currently a residential parcel and they would like to transition it to a commercial property for his auto sales business. He added he has operated the business for the past 5 years. He expressed that this is a great location, and they have made great improvements on the property. Mrs. Snyder asked if the property still looked like the aerial photo. Mr. Valdez stated it does not, and that it has all been cleaned up.

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

9. The application for a zone map change from GPUD B-3 to DPUD B-3 and for primary approval of a 1-lot minor subdivision to be known as NIPSCO NEW PARIS LOCAL OPERATIONS CENTER, for Fernbrook LLC represented by DVG Team, Inc., on property located on the northwest corner of Fernbrook Rd. & CR 142, west of SR 15, in Jackson Township, zoned GPUD, B-3, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0352-2025*.

Tonya Stanley, Senior Director of Real Estate Services, NIPSCO, 801 E. 86th Ave., Merryville, was present representing the petitioner. She stated she was back with an update on where everything left off last month. She explained that the use of the operation center is consistent with the current zoning GPUD B-3, which allows utility service. She clarified that this request is not for a substation, and explained it will be a comparable use and operations to the County Highway Department. She stated they submitted a detailed plan for review, went through the technical review process, and that the Tech committee made a favorable recommendation regarding this petition to the Plan Commission. She went on to say they are bringing value to the local community and businesses, and CR 142 improvements are part of the master plan. She noted it would increase the property values of adjacent properties, and local business activity will also increase. She stated this project provides a practical use of the land while supporting the county. She described NIPSCO has agreed the upgrade the lift station with the New Paris conservancy, rather than building a new one on the site. She went on to say the site design has been carefully developed with a strong commitment to be considerate of

the neighboring community. She expressed that after last month's meeting, she had a good conversation with Mr. and Mrs. Chupp, and options were taken back and discussed with their internal partners. She stated Mr. Chupp was going to provide his estimate to purchase his property. She stressed after further review and discussion with internal teams and legal counsel, they believe they have made it possible for him to maintain his property value and business. She explained how they made this possible with a high berm, landscaping, and screening above and beyond the B-3 requirements. She stated there will be no traffic impact, from and no intrusive use of the premises, little noise, and no manufacturing on this site. She stressed the request is consistent with permissible uses and current uses in the area. She stated their discussion with Mr. Chupp was courteous and professional, but his desire for them to relocate him is not feasible financially or required legally. She explained there would be no impact on Mr. Chupp operating his business from this operation, and the project will provide many positives for the community. She mentioned it will make NIPSCO services better without adverse impact on surrounding properties. She request the Board's consideration of all pertinent items and requests its support for this project. Mr. Warner asked if the current property line was represented by the pink line on the area. Mrs. Stanley stated that is correct. Mr. Dickerson asked if this property is currently a GPUD B-3 zone, as opposed to a DPUD B-3 zone. Mr. Auvil stated that it is correct. Mr. Dickerson clarified that it is already zoned for a B-3 use. Mr. Auvil agreed, and noted it was zoned GPUD B-3 25 years ago. Mr. Miller asked if this facility would be similar to the one on College Ave. in Goshen. Mrs. Stanley agreed it would be used for operations. Mr. Dickerson mentioned the largest impact would be getting the traffic from the workers to the office; He explained NIPSCO itself does not have any production of materials, and the best explanation of the use of the facility is to get their linemen out swiftly and efficiently.

Dennis Chupp, 67267 SR 15, New Paris, was present in remonstrance to this petition. He stated their biggest concern is that their property value would be ruined. He mentioned they have had realtors tell them this project will make their property unsellable. He stated they have put 25 years into this property, and a lot of effort into making it not just attractive, but making it a landmark. He explained if they did move, it would be difficult with all of the permits they have already gone through, for their current property. He explained NIPSCO is not willing to give them what it would take to relocate. He expressed that it leaves them with the noise and light pollution and truck traffic. Mr. Warner asked if he would be for the project moving forward. Mr. Chupp stated he is still against this project and that it will ruin their property value.

Carol Chupp, 67267 SR 15, New Paris, was present in remonstrance to this petition. She stated NIPSCO told them that this would help their property value. Mrs. Chupp asked how this would increase their property value. She mentioned that traffic will have a huge impact, despite what Mrs. Stanley is implying. She explained that working with NIPSCO, they described themselves as being very ethical. However, she added they can't get fair value for their solar energy, and other power companies have much lower rates than NIPSCO. She went on to say she can't even get her NIPSCO bills worked out.

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

Mr. Rogers stated he appreciates NIPSCO wanting to move to this location and would agree with the zoning and the placement. He explained the property rights of the Chupps are negatively impacted. He stated the Chupp's property would be difficult to sell once NIPSCO moves in. Mr.

Rogers stated is still opposed to this project. Mrs. Snyder stated that this property is already zoned a GPUD B-3, and the Board is here for land use and zoning. Mr. Rogers stated the proposed project is high intensity, and almost like an M-1 use. He mentioned there will be the backup truck noises along with the lighting issues. Mr. Dickerson stated that this is a glorified parking lot with an office. He further stated that if the property was an A-1 zone, he wouldn't approve it. He stated that he was in favor of it, since this is an existing B-3 zone. Mr. Warner stated that the Board needs to balance land use and the value of the neighboring property. Mr. Miller stated the board is the backup people have to save their property value.

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

Motion: Action: Approve, **Moved by** Lori Snyder, **Seconded by** Brian Dickerson that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from GPUD B-3 to DPUD B-3 and for primary approval of a 1-lot minor subdivision to be known as NIPSCO NEW PARIS LOCAL OPERATIONS CENTER be approved in accordance with the Staff Analysis **Vote:** Motion fails roll call vote (**summary:** Yes = 4. No = 4).

Yes: Phil Barker, Steve Edwards, Lori Snyder, Brian Dickerson

No: Steve Warner, Brad Rogers, Dan Carlson, Roger Miller

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

Motion: Action: No Recommendation, **Moved by** Brian Dickerson, **Seconded by** Lori Snyder that this request for a zone map change from GPUD B-3 to DPUD B-3 and for primary approval of a 1-lot minor subdivision to be known as NIPSCO NEW PARIS LOCAL OPERATIONS CENTER be passed on to the Board of County Commissioners with no recommendation.

Vote: Motion passed (**summary:** Yes = 7, No = 1, Abstain = 0).

Yes: Brad Rogers, Brian Dickerson, Dan Carlson, Lori Snyder, Philip Barker, Steve Warner, Steven Edwards.

No: Roger Miller.

10. Mae Kratzer presented the Middlebury TIF property reduction request.

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

Motion: Action: Approve, **Moved by** Brian Dickerson, **Seconded by** Lori Snyder that the Advisory Plan Commission accept the removal of the residential property from the Middlebury East TIF.

The motion was carried with a unanimous vote.

11. A motion was made and seconded (*Dickerson/Snyder*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 12:35 p.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Lori Snyder, Chairman