

**MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 14TH DAY OF JULY 2016 AT 9:00 A.M. IN THE**  
**MEETING ROOM OF THE DEPARTMENT OF PUBLIC SERVICES BUILDING**  
**4230 ELKHART ROAD, GOSHEN, INDIANA**

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Vice Chairman, Roger Miller, with the following members present: Blake Doriot, Tony Campanello, Roger Miller, Tom Stump, Lori Snyder, Steven Edwards, and Jeff Burbrink. The following staff members were present: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Planner; Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board. Mark Kanney, Planner and Liz Gunden, Planner, were absent.

2. A motion was made and seconded (*Burbrink/Stump*) 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.

3. The application for a zone map change from M-1 to A-1, for Perry W. Yoder & Marla R. Yoder represented by Kindig & Sloat, PC, on property located 500 ft. south of E. Market Street (US 6), 2,300 ft. west of CR 9, common address of 2637 Market Street in Union Township, zoned M-1, was presented at this time.

Mr. Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0275-2016*.

Charlie Zercher, Kindig & Sloat, 102 Heritage Parkway, Nappanee, was present representing the Yoders. The Yoders purchased property a couple of years ago to be closer to emergency services for their child with a medical condition. He went on to say they received permission from the county to put in a new septic as the current septic system is the original from the 1880's. He expressed awareness of the M-1 zoning all around and noted plans to improve the property and increase its value.

When Mr. Campanello asked about access to the property, Attorney Zercher noted there is an existing easement on the West side, but they use the lane on the East side.

There were no remonstrators present.

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

Mr. Stump questioned possible affects on neighbors with rezoning, such as different zoning setbacks. If any manufacturing were to expand, Mr. Godlewski noted they would have to buffer. Attorney Kolbus stated the county has graduated buffering, which would possibly affect future expansion. He stated any existing can remain as it is. Mr. Doriot agreed with Mr. Stump's point, and further questioned if the request will expand impact on adjoining South and East properties. Attorney Kolbus indicated it will if something goes in there. Mr. Zercher responded that it has been farmed for years even though it is M-1. He noted that neighbors received notice, and he believes the parties would be willing to work together.

Mr. Auvil noted the City of Nappanee surrounds this parcel, and he does not know Nappanee's developmental standards for manufacturing zone. When speaking with Mr. Lehman from the City of Nappanee about possible annexations, Mr. Auvil said the city would be open to it,

but it is not a pressing issue. Mr. Auvil indicated this would be more of a Nappanee driven scenario than a county one.

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

**Motion: Action:** Approve, **Moved by** Tony Campanello, **Seconded by** Blake Doriot, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from M-1 to A-1 be approved.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Blake Doriot, Jeff Burbrink, Lori Snyder, Roger Miller, Steven Edwards, Tom Stump, Tony Campanello.

4. The application for a zone map change from General Planned Unit Development B-3 to Detailed Planned Unit Development B-3 and General Planned Unit Development M-1 to be known as **LOVE'S ELKHART - DPUD**, for Greenfield Corp. (seller) and Love's Travel Stops & Country Stores, Inc. (buyer) represented by Cesco, Inc., on property located on the west side of CR 17, 1,800 ft. north of CR 18, in Concord Township, zoned GPUD B-3, was presented at this time.

Mr. Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0278-2016*.

Chad Bruner, Love's Travel Stops, 10609 North Pennsylvania Ave, Oklahoma City, Oklahoma was present on behalf of this petition. Giving project detail, he reported the travel plaza will be on the East side fronting the US 20 bypass. He stated they will construct a road that lines up with the off-ramp. For the South end (the GPUD), he noted possible future plans for a hotel and mini storage as well as some light manufacturing/warehouse use. He expressed that they feel this is a good use of property as it will extend utilities to this area for future growth. Additionally, he explained there has been a desire to have a road connecting to the South to make a loop.

Matt Fink, Love's Engineer, 8534 Yankee Street, Dayton, Ohio, was present. In response to Mr. Doriot questioning INDOT requirements, he said that Love's will be responsible and noted they have submitted a traffic study. He reported the plans to include adding a straight lane, adding length to the left turn lane, and the addition of a Southbound right turn lane into the development. When Ms. Snyder asked about the right turn coming off of the bypass, Mr. Fink stated the lane will remain untouched. Mr. Stump noted there has been a third lane added for traffic entering CR 17 from the by-pass.

Mr. Doriot brought up the subject of water tables and buried tanks. Mr. Bruner described the underground fueling tanks and safety measures that are in place for them. He noted the system is highly sophisticated which eliminates leak issues, and expressed no concern about tanks floating out if empty. Noting the petition request, Mr. Miller, questioned specific agenda items for the property at this time. Mr. Bruner stated just Love's at the North end would be Phase I. Additionally he had a conversation with some local developers about remaining lots, with possible hotel interest and light manufacturing/warehousing. Mr. Burbrink questioned roads and cul-de-sacs shown being installed now or at a later time. Mr. Bruner said they will be constructed as development occurs.

Mark Richards, 415 Aspen Drive, present representing Faith United Methodist Church and trustees, expressed concerns. While the church welcomes Love's as their neighbor, he said their concern is other development. He noted an easement onto their property and bus traffic uses this access road as through-fare because children are dropped off at the day-care facility. They are not

particularly concerned about traffic or noise, but the main concern is if their access road is used by future traffic as a short cut. They do not want traffic through there because of safety concerns for children that play across from the church in the playground area and parking lot. When questioned, Mr. Richards stated the easement is not on the church's property. He went on to say it is part of the Old CR 17, and now the road dead ends just past the church driveway. The church does not want the easement closed unless it becomes a traffic issue. It was determined that the "easement" terminology being used by Mr. Richards was incorrect and it is actually a "right of way". Mr. Richards reported traffic occasionally cuts through the church property to cut the corner. Attorney Jim Kolbus noted the site plan submitted shows existing Right-of-way to be vacated. Mr. Doriot suggested the vacation be put on now as a recommendation to the Commissioners. As a second concern Mr. Richards reported they would desire the buffer of trees to remain with any future development on the North adjacent property line. He brought up the subject of water flow on the North adjoining property and expressed concern about run-off from pavement or tanks, although he believes it is not a problem. Generally speaking, Mr. Burbrink stated water in this area flows toward the nearest moving water which would be towards the river.

Mr. Bruner said Love's plans to be a good neighbor, and they have no plan on taking access from the Southwest corner. Regarding the tree buffer, he indicated they can certainly add to the GPUD 50 ft. landscape along the South edge to take care of the church's concerns.

Mr. Fink reported ground water flows with topography of the land, showing on aerial flow North and West, then to INDOT basin. When Mr. Doriot questioned if the inlets have water/oil separators, Mr. Fink said the system will release slow enough to allow separation. He went on to report catch basins under the canopies near pumps, which do not collect rain water but would collect any spill. Mr. Doriot confirmed they will complete a SWPPP. Mr. Campanello asked about plans to connect to CR 18 which Mr. Fink stated they do not. Mr. Doriot noted it has been in place for years and they have seen conceptual road plans to connect through the GPUD M-1 said Mr. Fink, this project has no plans to connect and it will end with cul-de-sac.

A motion was made and seconded (*Miller/Doriot*) 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** Blake Doriot, **Seconded by** Jeff Burbrink, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a map change from General Planned Unit Development B-3 to Detailed Planned Unit Development B-3 and General Planned Unit Development M-1 to be known as **LOVE'S ELKHART - DPUD** be approved including primary approval of plat, with the following conditions:

1. 50 foot landscape buffer attached to South end of the property as offered by the developer.
2. 5 foot non-access easement be placed across the front of this property (CR 17) in favor of the Elkhart County Commissioners, less the presented entrance today.
3. Old CR 17 Right-of-Way be vacated to the South line of the proposed development.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Tony Campanello, Roger Miller, Lori Snyder, Jeff Burbrink, Blake Doriot, Tom Stump, Steven Edwards.

5. ***Board of County Commissioners Approvals Following Plan Commission Recommendations***

Mr. Auvil reported. The Board of County Commissioners in June 2016 acted in accordance with all May 2016 Plan Commission recommendations, approving all petitions without modification.

6. The 2017 Plan Commission Budget was presented by Chris Godlewski. He noted copies were provided for Board members today and gave a brief explanation.

**Motion: Action:** Approve, **Moved by** Blake Doriot, **Seconded by** Tony Campanello that the Plan Commission approve the 2017 proposed budget [attached to minutes as Staff Exhibit#1]. The motion was carried with a unanimous vote

7. A motion was made and seconded (*Doriot/Burbrink*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 9:50 a.m.

Respectfully submitted,

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Deborah Britton, Recording Secretary

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Andrea Wyatt, Transcriptionist

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Steve Warner, Chairman