

**MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 8TH DAY OF NOVEMBER 2018 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 Chairman, Jeff Burbrink. The following staff members were present: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Mae Kratzer, Planner; Matt Shively, Planner; Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board.

**Roll Call.**

**Present:** Tony Campanello, Steven Edwards, Roger Miller, Steve Warner, Lori Snyder, Jeff Burbrink, Tom Stump, Frank Lucchese, Philip Barker.

2. A motion was made and seconded (*Warner/Snyder*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 11th day of October 2018, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Edwards/Lucchese*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. The motion was carried with a unanimous vote.

4. The application for the Vacation of a County right-of-way known as Apollo St., for Town of Bristol represented by Jones Petrie Rafinski, on property located on the South half of Apollo St., West side of 303 E. Vistula, North of Elkhart St., 330 ft. West of Washington St., in Washington Township, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #VRW-0657-2018*.

Peter Schnaars, Jones Petrie Rafinski, 200 Nibco Pkwy, was present representing the petitioner. He stated that they are developing plans for the property. He explained that the police station has been demolished, the current town hall is being expanded, and the plan is to use a portion of the vacated right of way for a dozen additional parking spaces. Mr. Campanello questioned what the Fire Chiefs' comments about the Vacation are. Mr. Schnaars stated that personally he is unsure what his comments are. Mr. Miller questioned why the whole street is not being vacated. Mr. Schnaars stated that they looked into that plan originally; however, the property owner to the West has a driveway that exits onto Apollo St. Mr. Stump questioned if there was an alley that goes between the properties to the West. Mr. Schnaars answered no.

Ron Norman, Bristol Town Council, was present in favor of this petition. He stated that the Fire Department expressed that this Vacation will not be an issue for them since the new bypass is being constructed. Mr. Miller questioned if there was parking on the West side of Apollo St. Mr. Norman responded that the size of the addition to the Town Hall requires a certain amount of parking spaces and by Vacating half of Apollo Street extra parking will be created.

There were no remonstrators present.

A motion was made and seconded (*Edwards/Stump*) 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** Tony Campanello, **Seconded by** Roger Miller that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the Vacation of a County right-of-way known as Apollo St. be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).

**Yes:** Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Steven Edwards, Tom Stump, Tony Campanello.

5. The application for the Vacation of a North/South alley right-of-way, for K.B.T. Limited II, Inc., on property located on the North side of St. Joseph St. in between 208 Division St. & 209 Charles St., 165 ft. East of Division St., in Washington Township, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #VRW-0656-2018*.

Ron Norman, Bristol Town Council, 8 Shore Manor Dr., Bristol, was present in favor. He stated that the alley does not pass through the entire block. He added that the homeowners have maintained the property in prior years.

Barbara Kulesia, 303 Bristol Ave, Middlebury, was present as the petitioner. She stated that there was a misunderstanding about wanting to table this petition. She added that she does not want to have this petition be tabled. She explained that on the plat it showed that there was no alley there but wants to fix the over sight and have it Vacated.

Wade Mosier, 209 Charles St., was present in remonstrance. He stated that he is located on the corner of Charles St. and St. Joseph St. He stated that there is chain link fence that has been there since 1930. He explained that he is the fourth generation to reside in that house. He mentioned that he has put quite a bit of money into the fence and feels that he should not have to remove it.

A motion was made and seconded (*Campanello/Lucchese*) 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** Tony Campanello, **Seconded by** Steven Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the Vacation of a North/South alley right-of-way be approved in accordance with the Staff Analysis.

**Vote:** Motion passed (**summary:** Yes = 6, No = 3, Abstain = 0).

**Yes:** Frank Lucchese, Jeff Burbrink, Lori Snyder, Roger Miller, Steven Edwards, Tony Campanello.

**No:** Philip Barker, Steve Warner, Tom Stump.

6. The application for the Vacation of a County right-of-way known as Via Pisa, for Deborah L. Posthuma represented by Progressive Engineering, Inc., on property located on the West side of Via Pisa, 169 ft. North of Old US 20, 3,200 ft. East of CR 15, in Concord Township, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as Case #VRW-0667-2018.

Stephanie Floyd, Progressive Engineering, 58640 SR 15, was present representing the petitioner. She stated that this is to clean up the plat and give the landowners more land. When Mr. Stump questioned if it was the entrance to the subdivision, Ms. Floyd responded yes. Mr. Campanello questioned if the new width of the right-of-way will be acceptable. Ms. Floyd answered yes, Highway Department is aware of the Vacation. When Mr. Stump questioned what the dimension of the right-of-way will be, Ms. Floyd answered 50 feet.

There were no remonstrators present.

A motion was made and seconded (*Lucchese/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** Tom Stump, **Seconded by** Steven Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the Vacation of a County right-of-way known as Via Pisa be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).

**Yes:** Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Steven Edwards, Tom Stump, Tony Campanello.

7. The application for the Vacation of a County right-of-way known as Via Pisa, for Knapp Jean W. Trustee Liv Tr Jena W. Hemm & Deborah L. Posthuma represented by Progressive Engineering, Inc., on property located on the North of Old US 20, 100ft. from Old US 20 entrance, Concord Township, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as Case #VRW-0668-2018.

Stephanie Floyd, Progressive Engineering, 58640 SR 15, was present representing the petitioner. Mr. Campanello questioned if there were any underground utilities. Ms. Floyd responded no.

There were no remonstrators present.

A motion was made and seconded (*Lucchese/Snyder*) 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** Tom Stump, **Seconded by** Roger Miller that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the Vacation of a County right-of-way known as Via Pisa be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).

**Yes:** Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Steven Edwards, Tom Stump, Tony Campanello.

8. The application for the Vacation of a County right-of-way known as Kennedy Manor, for Derrick Eslick & Joseph Braun represented by Progressive Engineering, Inc., on property located on the East side of Via Pisa, North of Old US 20 , in Concord Township, zoned A-1, was presented at this time.

Matt Shively presented the Staff Report / Staff Analysis, which is attached for review as *Case #VRW-0666-2018*.

Stephanie Floyd, Progressive Engineering, 58640 SR 15, was present representing the petitioner. She stated that the reason this right-of-way is on the plat was to be used for an addition to the subdivision in the future, however, no addition will be added. She added that there are no underground utilities at this location. Mr. Miller questioned what the owner to the East thinks about the Vacation. Ms. Floyd stated that the property is used for commercial development. She added that she believes it is going to be for additional storage units. Mr. Stump questioned if there needed to be two entrances and exits for new subdivisions. Mr. Lucchese stated that it is not required any more.

Conway Hershberger, 1701 Elkhart Rd., Goshen, was present in favor of this petition. He stated that he wants to get these Vacations approved for Kennedy Manor. He added that they are working with Indiana Michigan Power to improve the overall grid system for the whole subdivision. He added that after these Vacations are vacated then they will work on easements for Indiana Michigan Power to run new lines through the subdivision.

There were no remonstrators present.

A motion was made and seconded (*Snyder/Stump*) 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** Tom Stump, **Seconded by** Roger Miller that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the Vacation of a County right-of-way known as Kennedy Manor be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).

**Yes:** Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Steven Edwards, Tom Stump, Tony Campanello.

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

Jason Auvil reported that on October 15, 2018, the Board of County Commissioners approved Amendments to existing DPUD's for Arbors at Riverbend DPUD and Horizon Transport DPUD. He added that on October 15, 2018, the Board of County Commissioners denied a Zone map change for Marcelo Alaniz.

10. The application For a Zone map change from A-1 to M-2, for Transport Indiana LLC represented by Abonmarche Consultants, on property located on the 1,350 ft. South off of CR 42, ¼

mile West of East County Line Road , common address of 10210 CR 2 in York Township, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0659-2018*.

Mae Kratzer added that the request to table this petition is due to proper legal notice.

Brad Mosness, Abonmarche Consultants, 1009 S. Ninth St., was present representing the petitioner. He stated they are requesting this to be rezoned to M-2. He explained that the subject property is about 13.6 acres. He mentioned that this property will be added to the existing property to the North and there will be no new access points. He added they have been hired to address drainage concerns and they have been working with the Surveyor's office. Mr. Miller stated that at the hearing for the original rezoning for the property to the North there were a lot of remonstrators. Mr. Miller stressed concerns about the drainage on the property currently. Mr. Mosness stated that he cannot speak for the discussion that was done back at the 2015 rezoning. He added that they are working with the Surveyors office to correct the drainage issue. He explained that he has outlined three different options to install a large sewer pipe along the property and to tie into the existing ditch that runs along the three residential properties located to the North.

Shirley Noble, 11790 W. 750 N, Middlebury, was present in remonstrance. She stated that she is currently the Vice President and will be President next year for the Conservation Club. She added that there is a water problem on the current rezoned property. She is concerned that by rezoning this land and the owner adding it to the existing property, the drainage would be worse and the residents would lose their natural barrier. She explained that the residences on the North side of the subject property with basements or crawlspaces will be affected by the drainage issues. When Mr. Stump questioned if there was a pump coming out of the lake, Ms. Noble stated that there is a well, however a farmer has a pump coming from the lake.

Jeffery Svetsky, 11976 West 745 N, Middlebury was present in remonstrance. He stated that he was president of the conservation club back in 2015 when the original petition was heard. He submitted several pictures showing drainage issues on the subject property [attached to file as Remonstrator Exhibit #1]. He stated that there are pumps for the lake since the lake is a basin lake and not a spring lake. He stated that at the original hearing for the property adjacent to the subject property, they had predicted the water issues. He explained that at that hearing they provided aerial photos from 1930s showing the drainage issues. He stated that the picture that was submitted shows the drainage issues on the property. Mr. Campanello questioned how long it took to drain completely. Mr. Svetsky stated several months. He expressed that his concerns are drainage, traffic issues, and no proper barrier for the property.

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

**Motion: Action:** Table, **Moved by** Jeff Burbrink, **Seconded by** Steven Edwards this request for a Zone Map change from A-1 to M-2 be **TABLED** until the December 13, 2018, Elkhart County Plan Commission meeting to allow for proper legal notice. The motion was carried with a unanimous vote.

11. The application For a Zone map change from A-1 to M-1, for Bright Star Realty and Auctions LLC (Buyer) & Five MC Corporation (Seller), on property located on the Northwest corner of CR 12 & SR 13, common address of 11751 CR 12 in York Township, zoned A-1, was

presented at this time.

Matt Shively presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0653-2018*.

The petitioner was not present for this petition. Mr. Kolbus stated that the Board has the option to table this petition or to rule on it. He stated that if they Board has questions for the petitioner then the best option is to table it.

There were no remonstrators present.

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

**Motion: Action:** Table, **Moved by** Steven Edwards, **Seconded by** Jeff Burbrink this request for a Zone Map change from A-1 to M-2 be **TABLED** until the December 13, 2018, Elkhart County Plan Commission meeting to allow for proper legal notice. The motion was carried with a unanimous vote.

12. The application for an Amendment to an existing DPUD to expand property, for a Zone map change from A-1 to DPUD M-1, and for Primary approval of a one lot minor subdivision to be known as A REPLAT AND FIRST EXPANSION OF SMART M-1 DPUD, for SCM Properties, LLC represented by B. Doriot & Associates, Inc., on property located on the Northeast corner of CR 23 and CR 50, common address of 70680 CR 23 in Jackson Township, zoned A-1, DPUD M-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0673-2018*.

Blake Doriot, B. Doriot & Associates, P.O. Box 465, New Paris, was present representing the petitioner. He stated they are planning on a light manufacturing/warehousing addition and moving the retention pond north. He added that they are looking at roughly 6 to 8 semi trailers a day.

There were no remonstrators present.

A motion was made and seconded (*Warner/Lucchese*) 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** Steven Edwards, **Seconded by** Steve Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request FOR for an Amendment to an existing DPUD to expand property, for a Zone map change from A-1 to DPUD M-1, and for Primary approval of a one lot minor subdivision to be known as A REPLAT AND FIRST EXPANSION OF SMART M-1 DPUD be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).

**Yes:** Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Steven Edwards, Tom Stump, Tony Campanello.

13 *Board of County Commissioners Approvals Following Plan Commission Recommendations*

It should be noted this was heard previously as item # 9 on page 4.

14.    A motion was made and seconded (*Warner/Edwards*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:37 a.m.

Respectfully submitted,

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Kristi Miller, Recording Secretary

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Steve Warner, Vice Chairman