

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 10TH DAY OF JUNE 2021 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, Steve Warner. The following staff members were present: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Mae Kratzer, Planner; Danny Dean, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

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

2. A motion was made and seconded (*Edwards/Lucchese*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 13th day of May 2021, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Miller/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 the vacation of a portion of a north/south and east/west unnamed county right-of-way, for Debra Mora & Bruce McLeod represented by Marbach, Brady, & Wearver, Inc., on property located on the south side of Oregon Ave., 150 ft. west of CR 1, south of CR 16, in Baugo Township, was presented at this time.

Mrs. Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #VRW-0371-2021*.

Chris Marbach, Marbach, Brady, & Weaver, 3220 South View Dr., was present representing the petitioners. Mr. Stump noted the only access to the back alley will be from 46th St. Mr. Marbach noted no improvements exist for the alley.

Deborah Mora, 29954 Oregon Ave., a neighboring property owner was present and stated she has taken care of the alley for years. She added there was a problem last year, so Mr. McLeod now wants half of the alley. She stated they have never had problems with their neighbors. Mr. Stump asked where her property is located, and Mrs. Kratzer pointed it out on the aerial. Mr. Stump clarified the alley will be split between her and the neighbor to the west. He then questioned notification. Mrs. Kratzer stated all adjacent property owners are notified of the request. Mr. Stump asked what is in the alley. Mrs. Kratzer responded trees, fencing, and storage of some small items. Mr. Stump stated his concern is that the neighbors who have access to the alley will be restricted. Mrs. Mora stated the east/west alley has been blocked off by several of the neighbor's fences. She noted the neighbors to the south were granted the lower portion of the north/south alley for their garage.

There were no remonstrators present.

A motion was made and seconded (*Miller/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** Lori Snyder, **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the vacation of a portion of a north/south and east/west unnamed county right-of-way be approved in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 8, No = 1, Abstain = 0).

Yes: Steve Warner, Steve Edwards, Lori Snyder, Roger Miller, Tony Campanello, Frank Lucchese, Phil Barker, Jeff Burbrink.

No: Tom Stump.

5. The application for an amendment to an existing DPUD R-4 known as ***INTERCHANGE DPUD, IVY TECH SECTION*** to allow for new building signage and for approval of all future campus signage to be approved by staff, for Ivy Tech Community College of Indiana, on property located on the north side of CR 18, 1,500 ft. west of CR 17, common address of 22531 CR 18 in Concord Township, zoned DPUD R-4, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0330-2021*.

Mr. Auvil stated he is representing this petition on behalf of Ivy Tech. Mr. Miller asked if staff can already approve signage, and Mr. Auvil responded no. Mr. Warner clarified the proposed signage does not deviate from the standards. Mrs. Snyder asked if the signage will be lit, and Mr. Auvil responded no.

There were no remonstrators present.

A motion was made and seconded (*Miller/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** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to an existing DPUD R-4 known as ***INTERCHANGE DPUD, IVY TECH SECTION*** to allow for new building signage and for approval of all future campus signage to be approved by staff be approved in accordance with the Staff Analysis.

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

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

****It should be noted that Mr. Campanello recused himself & stepped down****

6. The application for an amendment to an existing DPUD E-3 known as ***ELKHART EAST AREA D PHASE IV*** to amend the site plan to allow parking within the 80 ft. setback along CR 17, for Ludwig Investments, Inc. represented by Abonmarche Consultants, on property located on the northwest corner of CR 17 & Endeavour Dr., in Osolo Township, zoned DPUD E-3, was presented

at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0358-2021*.

Crystal Welsh, Abonmarche Consultants, 1009 S. 9th St. was present for this request. She stated there are two setback requirements and 80 ft. is the more restrictive. She noted they will be able to uphold the 120 ft. setback from the centerline of the right-of-way.

There were no remonstrators present.

A motion was made and seconded (*Lucchese /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** Frank Lucchese, **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to an existing DPUD E-3 known as **ELKHART EAST AREA D PHASE IV** to amend the site plan to allow parking within the 80 ft. setback along CR 17 be approved in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 8, No = 0, Abstain = 1).

Yes: Steve Warner, Steve Edwards, Lori Snyder, Tom Stump, Roger Miller, Frank Lucchese, Phil Barker, Jeff Burbrink

Abstain: Tony Campanello.

It should be noted that Mr. Campanello returned to the Board at this time

7. The application for an amendment to an existing DPUD E-3 known as **ELKHART EAST AREA D PHASE III** to be known as **TRP INTERNATIONAL DPUD** to allow for an expansion to the existing building and operation, for Marteli Holdings, LLC represented by Progressive Engineering, Inc., on property located on the south end of Challenger Dr. & Columbia Dr., 670 ft. south of CR 6, common address of 22420 Challenger Dr. in Osolo Township, zoned DPUD E-3, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0360-2021*.

Stephanie Floyd, ICCPI LLC, 58640 SR 15, Goshen, was present representing the petitioner. She stated they would like to expand for warehouse space. Mr. Stump noted the change is needed in order to construct the building. Mrs. Floyd noted the original DPUD did not cover a proposed addition to the west. Mr. Campanello clarified a proposed expansion was not included in the previous DPUD. Mr. Barker noted the drive along the north is a concern, because it was not originally constructed. He noted the pavement is for access, but that will replace retention along with the retention to the west. Mrs. Floyd stated they are adding to the existing retention. She added she spoke to John with MSU this morning, and they will have to impose heavier restrictions to the retention pond. She noted they may have to limit the expansion. Mr. Barker stated the french drain proposed is in the water table and will be worthless. He stressed he wants the developer to be aware that there can be no more expansion, because there is no more retention onsite. Mrs. Floyd request they consult with the attorney to have something written to give to the owners. Mr. Barker stressed the county will not fix the drainage

issues this addition will cause. Mrs. Floyd asked how the previous retention pond was approved. She stressed she is limited without the written concerns from the county. Mr. Stump noted the submitted print shows the existing building at the end of Columbia Dr. Mrs. Floyd explained the building is new. Mr. Warner asked the general soil conditions for the area. Mrs. Floyd stated the lot to the east also has a pond onsite. Mr. Barker noted the water table is likely within 4 ft. Mr. Stump stated the water table in the adjoining subdivision is significantly deeper. Mrs. Floyd noted the property is sandy along the north and west side. Mr. Warner noted the soil type is sand-loam mix.

Terry Yoder, 5300 Stanford Dr. was present in remonstrance. He stated he is woken up in the middle of the night from the noise and light. He stressed the building is right behind his neighbor. Mr. Stump asked what screening exists, and Mr. Yoder responded a small dirt berm behind his house, but there is nothing behind his neighbors. Mr. Campanello asked if he has complained about the light etc. to the county. Mr. Yoder noted there is loud dumpster dumping at 1 am. He stated he believes the building is only 20 to 30 ft. from the property line. He then pointed out the building on the aerial. He request they build something to help with the noise and light. Mr. Campanello noted the building may help the light issue, but it was found that the light is on the building. Mr. Miller noted light manufacturing does not address dumpsters.

James Carl Flickinger, 51588 Brighton Ct., Granger, was present as the controller for TRP International. He noted the dumping at night is the neighbor to the north. He stressed everyone has left their building by 5:30 p.m. He stated he believes the dumping is from Vista. Mr. Stump asked their planned operations in their building. Mr. Flickinger noted they may have a night shift, but their operation is not very noisy. Mr. Stump asked what they manufacture. Mr. Flickinger responded light machining of parts for the RV industry. Mr. Campanello questioned lighting on the existing building. He responded he has never been outside at night, but they can look into redirecting them. Mr. Campanello stressed no light should leave the property. Mr. Lucchese suggested shielding it. Mr. Flickinger added the new building may help block the noise.

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

Mrs. Floyd came up to address the mentioned concerns. She stated she will go back through the JPR plan to see if the designed lighting is what was installed. She added constructing the building to the west may help block the noise from the building to the north. She stressed there is a lot of noise, traffic, and outside storage on the neighboring property. She stated she would assume the county could send them a letter regarding it. Mr. Miller noted nothing is causing noise from the current building. She noted she is unsure how many shifts the other business operates. She added BBC distribution is also located close to the property. She reiterated there is a lot of activity. Mr. Miller asked if lighting is needed for the building. Mrs. Floyd responded it is used for security, and they are allowed to have exterior lighting as long as it does not shine into the neighboring property. She added she needs to review the lighting plan to ensure the wall packs installed were the ones on the plan. She stressed they do not operate after 5 p.m.

Mr. Stump asked staff if the building to the north is periodically checked. Mr. Auvil responded this is a complaint driven department. Mr. Stump stated he would like to officially complain about the building to the north.

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

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to an existing DPUD E-3 known as **ELKHART EAST AREA D PHASE III** to be known as **TRP INTERNATIONAL DPUD** to allow for an expansion to the existing building and operation be approved in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 8, No = 1, Abstain = 0).

Yes: Steve Warner, Steve Edwards, Lori Snyder, Tom Stump, Roger Miller, Tony Capanello, Frank Lucchese, Jeff Burbrink

No: Phil Barker.

8. The application for an amendment to an existing DPUD B-3 known as **J & J RENTAL, A DPUD B-3** to allow for off-premises signage, for Syracuse Storage, LLC represented by Garrett Howell, on property located on the southwest corner of US 6 & SR 13, common address of 15048 US 6 in Benton Township, zoned DPUD B-3, was presented at this time.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0379-2021*.

No petitioner was present for this request.

Mr. Miller clarified the Plan Commission denied the request for two signs on the property. Mr. Warner noted he believes that sign was much larger. Mr. Dean added he believes the Plan Commission wanted access easements for the signs. Mrs. Snyder responded the requested signs are only 6'x12'. Mr. Barker and Mr. Miller noted it does not seem obtrusive.

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.

Jeff Burbrink stated some of the documentation mentions an outdoor billboard. He asked if this is classified as a billboard or sign. Mr. Dean responded the terms are used interchangeably by INDOT, and they reviewed it as a billboard. Mr. Campanello noted a sign company typically provides a renderings of what the sign will look like. Mr. Barker suggested tabling the request until someone is present to make a proper presentation. Mr. Stump asked the need for this request. Mr. Dean responded, the DPUD site plan does not contain the proposed signage. Mr. Campanello requested records from the previous request. Mr. Stump questioned the off premises language Mr. Lucchese noted the owner is selling the sign space.

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

Motion: Action: Table, **Moved by** Roger Miller, **Seconded by** Frank Lucchese that this request for an amendment to an existing DPUD B-3 known as **J & J RENTAL, A DPUD B-3** to allow for off-premises signage be tabled, until the July 8, 2021 Plan Commission Meeting. Failure to appear will result in action being taken in the petitioner's absence.

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

Yes: Steve Warner, Steve Edwards, Lori Snyder, Tom Stump, Roger Miller, Tony Capanello, Frank Lucchese, Jeff Burbrink, Phil Barker.

Attorney Kolbus request the 2006 minutes be included in next month's packet.

9. The application for a zone map change from *GPUD B-3/DPUD B-3 to DPUD B-3* and for primary approval of a 1-lot minor subdivision to be known as **LAZYDAYS RV DPUD B-3**, for Lazydays Land of Elkhart, LLC represented by Marbach, Brady, & Weaver, Inc., on property located on the south side of CR 4, 1,600 ft. east of CR 9, common address of 25610 CR 4 in Osolo Township, zoned GPUD B-3, DPUD B-3, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0374-2021*.

Debra Hughes, 3220 Southview Dr., Elkhart, Marbach, Brady & Weaver, was present for this request. She stated this is an existing RV sales lot that was purchased by a new company. She stated they plan to construct a new sales office in the first phase, then demolish the existing one. She added they have buffers to the west and north, and the light source is directed down. She noted to the east is the Elkhart Campground. Mr. Warner questioned the business hours.

Ivan Schrock, 25610 CR 4 Elkhart, was present and noted the hours of operation are from 8 a.m. to 6 p.m. Mrs. Snyder noted this has been a long time coming. Mr. Campanello questioned the buffers. Mrs. Hughes noted there are no landscape buffers at this point, but they will be installed.

There were no remonstrators present.

A motion was made and seconded (*Lucchese /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** Jeff Burbrink, **Seconded by** Lori Snyder that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from GPUD B-3/DPUD B-3 to DPUD B-3 and for primary approval of a 1-lot minor subdivision to be known as **LAZYDAYS RV DPUD B-3** be approved in accordance with the Staff Analysis.

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

Yes: Steve Warner, Steve Edwards, Lori Snyder, Tom Stump, Roger Miller, Tony Capmanello, Frank Lucchese, Jeff Burbrink, Phil Barker.

10. The application for an amendment to the Elkhart County 2006 Comprehensive Land use Plan to replace that portion of the plan for the Town of Bristol are with the new Bristol 2030 Comprehensive Plan-“A Grand Vision of our Hometown”. The jurisdictional limits of the Town of Bristol and the adjacent areas generally including the northwest side of the Town of Bristol, west of the St. Joseph River and around North Division Street, south of the I-80/I-90 Toll Road, and north of County Road 6; the north east side of the Town of Bristol, east of the St. Joseph River, around the I-80/I-90 Toll Road and State Road 15 interchange, south of County Road 4 and east of County Road 29; the southeast side of the Town of Bristol east of Industrial Drive and state Road 15; the northwest side of the Town of Bristol, south of State Road 120, north of County Road 23, and west of State Road 15.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0374-2021*.

Mr. Auvil noted the draft plan was sent to the members in an email.

Whitney Pierle, Town Council, 3913 Bridgetown Rd. Bristol, and Donney Ridsma, 227 W. Jefferson Blvd. South Bend, were both present for this plan. Mrs. Pierle stated this is the first comp plan they have ever completed, and it will make them eligible for funding through the state. She thanked MACOG for their efforts. Mr. Stump noted the location where it discusses being south of the Toll Road and north of CR 6. Mr. Campanello suggested in between the Toll Road and CR 6. Mr. Ridsma noted the pages the map is located on, and it is a future proposal for housing. He explained the plan covers the town in addition to surrounding areas, to allow the types of uses envisioned to occur in the area. Attorney Kolbus noted the plan also needs approval from the County Commissioners.

No other members of the public were present other than the representatives.

There were no remonstrators present.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Tony Campanello that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the amendment to the Elkhart County 2006 Comprehensive Land Use Plan to replace the portion of the plan for the Town of Bristol area with the new “Bristol of 2030 Comprehensive Plan” be approved in accordance with the Staff Analysis and as presented.

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

Yes: Steve Warner, Steve Edwards, Lori Snyder, Tom Stump, Roger Miller, Tony Capmanello, Frank Lucchese, Jeff Burbrink, Phil Barker..

11. Mr. Auvil presented the staff item for an amendment to the fee structure. He noted they are up to 115 requests. They would like to impose a \$50 fee with a discount of \$25 to in county requests. He reiterated this is not a document request, but a request for guidance. Mrs. Snyder asked if clarification on a DPUD would require a fee. Mr. Auvil responded that would be a records request. He stated he receives requests for code complaints, history, what is allowed, ect. He clarified the fee would be imposed when staff has to make an interpretation. Mr. Lucchese clarified they have received 115 requests this year. Mr. Campanello asked if this includes whether the property is in a flood zone. Mr. Miller asked if \$100 was discussed. Attorney Kolbus noted under Indiana State law you can only charge the average of the time this takes. He went on to say they determined the average time spent equaled around \$50, and they then decided to discount the county. Mr. Godlewski responded they used an even number of \$50, which was slightly below the average amount.

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

Motion: Action: Approve, **Moved by** Tom Stump, **Seconded by** Steve Edwards, that the Advisory Plan Commission approve this amendment to the fee structure to impose a \$50 zoning verification fee with a \$25 discount for in county requests effective July 1, 2021.

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

Yes: Steve Warner, Steve Edwards, Lori Snyder, Tom Stump, Roger Miller, Tony Capmanello, Frank Lucchese, Jeff Burbrink, Phil Barker.

12. Mr. Auvil noted a revised approval report from last month was included in the Board’s packets.

13. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil reported on the May 24, 2021 Elkhart County Commissioners approvals and withdrawal.

14. Mr. Auvil noted staff has continued to work on streamlining processes, and the Plan Commission applications were the next ones to tackle. Mr. Dean compiled them. He noted they feel the forms will be the latest and greatest updates to the forms. Will officially be on the agenda for next month.

15. Attorney Kolbus came on to address the electronic meetings. He noted a law was passed that they can continue to meet as is until the state of emergency passes. This can continue, but board members must be in person for at least half of the meetings, and may not miss more than two in a row unless exemptions can be met. He added certain things cannot be voted on online. The public should be able to attend the meeting online, but he is unsure if they can participate online or only attend. He mentioned they are unsure what will happen at the end of June. He noted virtual meetings will be done unless a policy is adopted, which could be prepared and brought back next month. Mr. Godlewski noted adopting a virtual policy would probably result in keeping the meetings at the Administration Building, not adopting the virtual policy, would allow the meeting to move back to the Public Service Building. He added it will take 2 months to transition back to the Public Service Building, if the Board returns. Jeff Burbrink noted he will be present at the July meeting in person. Mrs. Snyder asked if it is easier or better for state to come to this building. Mr. Godlewski noted logistically the meetings in the Administration Building are harder, and customers cannot go to the counter to ask questions. Attorney Kolbus noted the meeting can be live streamed without public participation. Mr. Warner asked the difference in meeting room capacity. Mr. Godlewski responded it is similar. Mr. Warner noted he anticipates an extremely large crowd for July's meeting. Mr. Miller mentioned this venue seems to be much better. Mr. Burbrink stated this is a good way for people who work, to give their input and he believes it is user friendly for the public. Mr. Stump noted it is difficult for people in the meeting participating on the screen. He added the public could write a letter to participate. He went on to say he has no problem streaming the meeting. He stressed contentious issues are easier to handle in person. Mr. Warner stated he assumed virtual meetings would be a continued option. Mr. Stump stated he was unsure how he operated the meeting remotely, and some meetings were terrible. Mr. Miller noted people online could not see those speaking or exhibits when virtual meetings were held in the Public Service Building.

16. The large solar petition anticipated to come before the Board next month was discussed.

17. Mr. Godlewski noted the Millersburg Comprehensive Plan may be presented next month, and the Bristol Sign Ordinance possibly in August.

18. A motion was made and seconded (*Miller/Warner*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10: 39 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Steve Warner, Chairman

