

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 13TH DAY OF OCTOBER 2022 AT 9:30 A.M. IN THE
MEETING ROOM OF THE ADMINISTRATION BUILDING
117 N. 2ND ST., GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Chairman, Jeff Burbrink. 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: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brian Dickerson,

Absent: Frank Lucchese

2. A motion was made and seconded (*Dickerson/Edwards*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 8th day of September 2022, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Edwards/Dickerson*) 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. Mike Yoder, 303 E. Vistula, Bristol, requested approval for the Town of Bristol to establish a new allocation area in the South 15 combined TIF.

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

Motion: Action: Approve, **Moved by** Roger Miller **Seconded by** Brian Dickerson that this request for the Town of Bristol to establish a new allocation area in the South 15 combined TIF be approved. The motion was carried with a unanimous vote.

5. The application for primary approval of a 35-lot major subdivision to be known as CHELTON GLEN PHASE TWO, for Emerald Chase Land Development represented by Abonmarche Consultants, on property located on the west side of Bellhurst Dr., 800 ft. South of Chelton Glen Blvd., 525 ft. West of CR 19, in Washington Township, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #MA-0701-2022*.

Crystal Welsh, Abonmarche, 303 River Race Dr., Goshen, was present for this request and concurred with staff that this project is phase two of Chelton Glen. She continued to state this will add an additional 35 homes in the community. She stated Environmental Health has said this location has good soil for septic systems.

Richard Kesler, 21020 Chelton Glen Blvd., Bristol, was present in and with concerns stated he is concerned about traffic with the new Amazon plant and their over 1,000 workers. He asked if there would be any other outlet, if they are adding 35 new homes. He went on to say all additional

traffic through the current entry points will be at a safety risk. He continued to say he is not opposed to the subdivision, but concerned with the traffic inside the subdivision and the adjacent county roads.

John Nymeyer, 53258 Bellhurst Dr., Bistol, came on against the request and stated the property is zoned agricultural, and he would like to see the farmland preserved. He also stated now instead of farmland there will be 35 more houses. He stated that the traffic is also a concern, because there is only one way in and out of the subdivision. He continued to state there would be 75 plus cars with the amount of homes that were being built.

Mrs. Welsh stated Katie Niblock with the Highway Department request the traffic impact study be done more recently using the TIV. She continued to state having one less lot than was originally purposed reduced the amount of traffic than the original project would have developed. She stated this property was always intended to have phase 2 built. She concluded with the property is zoned A-1 and the lots meet or exceed all of the A-1 design standards.

Mrs. Snyder asked the average size of the lots. Mae Kratzer stated the lot sizes average between 20,000-23,000 sqft./lot. Mr. Burbrink stated if it was rezoned there could be a lot more houses. Mrs. Welsh stated the density of the residential districts are higher than the agriculture district. She stated they talked to the property owner about leaving the property an A-1 zone.

A motion was made and seconded (*Dickeson/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** Roger Miller **Seconded by** Brian Dickerson that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for primary approval of a 35-lot major subdivision to be known as CHELTON GLEN PHASE TWO be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brian Dickerson

6. The application for a zone map change from M-2 to B-3, for Queen Ranch LLC represented by Jones Petrie Rafinski, on property located on the southeast corner of Bloomingdale Dr. & Division St. (SR 15) 3,050 ft. North of CR 10, common address of 1108 S. Division St. in Washington Township, zoned M-2, was presented at this time.

Mae Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0695-2022*.

Mr. Miller clarified the purpose for this zone map change is for a funeral home, but that is not the specific purpose that will be placed on this property. Mrs. Kratzer stated it would be a B-3 and anything that would be allowed in a B-3 zone could take place. She noted it is a down zone from industrial to higher intensity commercial business. Mr. Burbrink stated the current use of the property will be for a funeral home. Mrs. Kratzer concurred the usage.

Matt Schuster, Jones Petrie Rafinski, 300 Nibco Parkway, Elkhart, stated they are here seeking rezoning for a M-2 to B-3. He stated the new owners are seeking to construct a crematorium

with future funeral home use. He stated that crematoriums are allowed in with in the M-2 zone, however, the funeral home use is not. Mr. Schuster presented a potential site plan entered as *[Attached to file as Petitioner Exhibit #1]*.

Mr. Miller asked if the crematorium will be designed for the specific use for this funeral home or utilized for other funeral homes. Mr. Schuster was not sure if the crematorium would be used for other funeral homes.

There were no remonstrators present.

A motion was made and seconded (*Edwards/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 Edwards **Seconded by** Steve Clark that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from M-2 to B-3 be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brian Dickerson

7. The application for a zone map change from A-1 to M-2, for Samantha Properties LLC represented by Jones Petrie Rafinski, on property located on the east side of SR 13, 1,650 ft. Southwest of CR 12, in Middlebury Township, zoned A-1, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0697-2022*.

Matt Schuster, Jones Petrie Rafinski 300 Nibco Parkway, Elkhart, was present and stated the request is for a zone map change from A-1 to M-2. He noted most of the neighboring properties are M-2 or A-1. He stated the owner is seeking to construct a 58,000 sq. ft. RV sales and service center, and access to the development would come from State Road 13.

There were no remonstrators present.

A motion was made and seconded (*Snyder/Clark*) 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** Brian Dickerson **Seconded by** Steve Clark that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to M-2 be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brian Dickerson

8. The application for a zone map change from A-1 to GPUD M-1/R-4 to be known as SANDY HILL ACRES GPUD, for Sandy Hill Acres LLC & Legacy Assests represented by Jones Petrie Rafinski, on property located on the south side of US 20, 725 ft. West of CR 35, in Middlebury Township, zoned A-1, was presented at this time.

Mae Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #GPUD-0694-2022*.

Mr. Burbrink asked where the town boundary was located on the map. Mrs. Kratzer identified the town boundary on the map.

Austin Blance, Jone Petrie Rafinski, 300 Nibco Parkway, Elkhart, was present representing the petitioner and he stated the current zone and the proposed zone. He went on to say there has been a traffic study done by INDOT, and the design was approved. He also mentioned the utility connections that are purposed for this job would be working with the town of Middlebury to make the connection. Mr. Burbrink asked about the residential portion of this rezoning would also be covered by the town of Middlebury septic and water. Mr. Blance stated that was correct. Mr. Dickerson asked about the new intersection on US 20, and if there will be any signals there. Mr. Blance stated with the impact study there is none planned at this time. He went on to say they did state that a future signal could be warranted.

Linda Garber, 57157 CR 35, Middlebury, was present against the request and stated this would affect the entire neighborhood. She stated she is concerned about light pollution and noise pollution with relation to decreased land value. She went on to say the purposed buffers are currently just trees, but a fence needs to be put in place, she stressed comes with the type of business that will come to the area. She stated there is a fear about transient type of people living in the proposed apartments. Mrs. Garber talked to INDOT in regards to the intersection, and they stated a traffic light was not needed, for the traffic on CR 39. Mrs. Garber questioned if there would be any additional exits. She went on to ask about a time frame for this project.

Mr. Blance stated they would be sympathetic to the different views and buffering. He stated it was important to note that the site plan is still conceptual, and there is no defined proposed businesses going onto this site. He stated there is one exception, Royal Rv's, is looking to expand to this site, they are the owners of this site as well. He went on to say there would be a light study done and they will try to cut down light pollution. He addressed the housing concerns on the southern half of the property, and he noted it was first looked at for town homes. He stated the town homes were taken off for this GPUD plan, and it is unknown at this time what the southern part of this parcel will be developed as. Mr. Blance stated where the drive entrances would be located on the map. Mr. Burbrink asked if there were any properties that connected to the east side. Mr. Blance stated that was not an option. Mr. Burbrink stated no one would sell. Mr. Blance confirmed. Mrs. Snyder asked if the owner would be open to fencing the section between the residential and the M-1 uses. Mr. Blance requested they want to be a good neighbor and in certain locations, yes. Mrs. Snyder stated after things have been passed trash is a big issue, and it has been seen repeatedly. Mr. Barker stated this is just a GPUD, and when the DPUD will finish the details and meet accommodations. He stated for example the retention ponds are located on the map, but there are no further details, he stressed the plans could change for the DPUD. Mr. Burbrink stated it is nice to know the expectations.

A motion was made and seconded (*Dickerson/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** Roger Miller **Seconded by** Steve Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to GPUD M-1/R-4 to be known as SANDY HILL ACRES GPUD be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brian Dickerson

9. 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 SUNRISE ORCHARDS INC., for Sunrise Orchards Inc. represented by B. Doriot & Associates, Inc., on property located on the south side of CR 38, 2,530 ft. East of CR 21, common address of 19498 CR 38 in Elkhart 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-0703-2022*.

Blake Doriot, B. Doriot & Associates, 68080 Division St., New Paris, was present and submitted a narrative from the representative [*Attached to file as Petitioner Exhibit #1*]. He stated the plan is to extend housing with new construction or remodeling and expanding the existing housing. He continued to state possibly a combination of new construction, remodeling, and expanding existing. He indicated on the site plan where this construction would take place. He went on to say there was discussion remodeling the west building, adding additional bathrooms and bedrooms. He stated they are allowing for future expansion to the west of the market, and to the northeast, lot number 2, may be expanded to a small winery or brew house. Mr. Warner asked what type of migrant housing is being talked about, apartments or bunkhouse. Mr. Doriot stated the housing types that exist are apartments, and there is talk about coming back and adding additional rooms and separate bathrooms. Mr. Miller asked if there was any thought in annexing into the city. Mr. Doriot stated not at this time. He went on to say they would like to keep agriculture in the county.

There were no remonstrators present.

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

Mr. Burbrink stated this company has done a fantastic job working with their seasonal labor. He went on to say they have had a very loyal group of season labors, same families coming back.

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

Motion: Action: Approve, **Moved by** Steve Edwards **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 A-1 to DPUD A-1 and for primary approval of a 2-lot minor subdivision to be known

as SUNRISE ORCHARDS INC be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brian Dickerson

10. The application for an Amendment to an existing DPUD B-2 known as WAKESIDE MARINE DPUD to add a new building and for primary approval of a 3-lot minor subdivision to be known as WAKESIDE MARINE DPUD AMENDMENT, for Wakeside Properties LLC represented by Jones Petrie Rafinski, on property located on the west side of SR 19, 3,430 ft. North of CR 4, common address of 51305 SR 19 in Osolo Township, zoned DPUD B-2, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0698-2022*.

Matt Schuster, Jones Petrie Rafinski, 300 Nibco Parkway, Elkhart, stated Wakeside Marine is looking to add on to the property for more storage. He went on to say the first phase of construction would be to construct the eastern 11,880 sq. ft. storage building, that would be used as an outside storage area for boats. He stated this would also include security fencing along the property. He stated the site plan shows the existing 50 ft. vegetated lot with trees along that property line on State Road 19. He continued to state they are requesting one deviation from the standards, and that is for any future purposed sign to be approved by staff.

There were no remonstrators present.

A motion was made and seconded (*Dickerson/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** Brian Dickerson **Seconded by** Steve Clark that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an Amendment to an existing DPUD B-2 known as WAKESIDE MARINE DPUD to add a new building and for primary approval of a 3-lot minor subdivision to be known as WAKESIDE MARINE DPUD AMENDMENT be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brian Dickerson

11. The application for an Amendment to an existing DPUD E-3 known as LOT 2A ELKHART EAST AREA B DPUD PHASE 3 to add property and reconfigure storm water, for a replat of lot 2A of ELKHART AREA EAST AREA B DPUD PHASE 3, for a zone map change from GPUD E-3 to DPUD E-3, and for primary approval of a 1-lot minor subdivision to be known as LOT 2A ELKHART EAST AREA B DPUD PHASE 3, for Elkhart East Holdings LLC represented by Abonmarche Consultants, Inc., on property located on the south side of Innovation Dr., 580 ft. East of CR 15, common address of 22412 Innovation Dr. in Osolo Township, zoned DPUD E-3, GPUD

E-3, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0705-2022*.

Jeff Shaffer, Abonmarche Consultants, 315 W. Jefferson, South Bend, was present and stated they were here earlier this spring to put a new building on this site and a DPUD Amendment at that time. He noted a new piece of property was purchased since then, and they would like to add into the DPUD for future expansion, nothing is planned at this time.

There were no remonstrators present.

A motion was made and seconded (*Dickerson/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** Brian Dickerson **Seconded by** Phil Barker 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 LOT 2A ELKHART EAST AREA B DPUD PHASE 3 to add property and reconfigure storm water, for a replat of lot 2A of ELKHART AREA EAST AREA B DPUD PHASE 3, for a zone map change from GPUD E-3 to DPUD E-3, and for primary approval of a 1-lot minor subdivision to be known as LOT 2A ELKHART EAST AREA B DPUD PHASE 3 be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brian Dickerson

12. Chris Godlewski, Plan Director for Elkhart County, spoke briefly on the amendment of the Middlebury Southeast TIF District. Craig Buche, Elkhart County Attorney's Office, 103 N. Main St., Goshen, stated he was present to speak in regards to the Middlebury Southeast TIF District. He stated there was an amendment that the Redevelopment Commission approved, which included the legal description and map of the parcel to be expanded and added to the Middlebury Southeast TIF District. He went on to say this is on the north side of CR 20, west of CR 37. He stated the Town of Middlebury has an extensive utility project in this area, where they are expanding water and sanitary sewer service for the 100 acre parcel for Jayco. He continued to state it would also be for the new egg washing facility. He stated Elkhart County has a reconstruction project that is planned for CR 20 to include the intersection of CR 37, to widen it at the SR 13, that will also be funded by the TIF and the Elroy Dr. TIF. He went on to say the two projects in connection with each other impedes for this amendment. He stated TIF funds generated on that parcel would help pay back the cost of the extension of water and sanitary sewer service. He went on to say the process for an amendment is for the Redevelopment Commission to amend their TIF district and bring it to the Plan Commission consideration for as to whether it is conforming to the plan for development in this area. He continued to explain the approval process to the board. He concluded with the request of consideration of the amendment and a determination that this would conform to the plan of development for Elkhart County.

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

Motion: Action: Approve, **Moved by** Roger Miller **Seconded by** Brian Dickerson that this request for the Town of Bristol to establish a new allocation area in the South 15 combined TIF be approved. The motion was carried with a unanimous vote

13. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil reported on the September 6th & September 19th, 2022 Elkhart County Commissioners petition approvals.

14. Mr. Jeff Burbink presented the 2023 Planning Calendar.

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

Motion: Action: Approve, **Moved by** Steve Edwards **Seconded by** Brian Dickerson the 2023 Planning Calendar be approved. The motion was carried with a unanimous vote.

A motion was made and seconded (*Warner/Dickerson*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:51 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Jeff Burbrink, Chairman