

PLAN MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 12TH DAY OF JANUARY 2023 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, Brad Rogers.

Absent: Brian Dickerson

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

3. A motion was made and seconded (*Snyder/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. ***Election of Officers***

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

Motion: Action: Approve, **Moved by** Steve Warner, **Seconded by** Roger Miller to approve the slate of officers and appointments.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8)

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brad Rogers.

5. The application for primary approval of a 2-lot minor subdivision to be known as ELCONA DELUXE MINOR, for CJS Holdings, LLC represented by Abonmarche Consultants, on property located on the east side of CR 21, 885 ft. south of CR 14, common address of 56180 CR 21 in Jefferson Township, zoned A-1, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0871-2022*.

Crystal Welsh, Abonmarche, 303 River Race Dr., Goshen, was present representing the petitioner. She stated there would be two separate subdivisions due to the already existing house on the one current lot. She went on to state this is a 2-lot minor, one existing house with one proposed house.

Jason Obendorf, 56228 CR 21, Bristol, was present in remonstrance to this request. He stated that this location has been a part of his family for over 40 years. He believes by putting in this subdivision the property value will decrease for himself and the other neighbors. He went on to say

the proposed houses don't belong in this area. Mr. Rogers asked Mr. Obendorf why he felt like the houses didn't match. Mr. Obendorf stated the ages of the existing houses didn't match with the brand new homes going into this subdivision. Mrs. Snyder stated the parcels are one acre lots, which is fairly large and a decent size.

Mrs. Welsh stated this subdivision meets the standards; the lot sizes are in excess of what is normally required by the Subdivision and Zoning Ordinance. She went on to say it meets all standards.

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

Motion: Action: Approved, **Moved by** Roger Miller, **Seconded by** Steve Clark that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for primary approval of a 2-lot minor subdivision to be known as ELCONA DELUXE MINOR 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, Steve Clark, Jeff Burbrink, Roger Miller, Brad Rogers

6. The application for primary approval of a 3-lot major subdivision to be known as ELCONA DEL BOCA VISTA, for CJS Holdings, LLC represented by Abonmarche Consultants, on property located on the south end of Barbarrah Dr., 355 ft. south of Gunder Rd., east of CR 21, in Jefferson Township, zoned A-1, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #MA-0872-2022*.

Crystal Welsh, Abonmarche, 303 River Race Dr., Goshen, was present representing the petitioner. She stated in normal circumstances this petition would be a minor subdivision, however, it is a major due to the dedication of the cul-de-sac. She went on to say due to the new public dedication of right-of-way, this would need to go through the major subdivision process. She also confirmed this is for single family residential lots. She stated the neighbors' concerns in regards to the age of the structure, the need for housing is critical in the Elkhart County area. She went on to say the disparity and the age is not something that can be helped. She also indicated they are working with Katie Niblock at the Highway Department.

Mr. Miller asked if the cul-de-sac would be built at the end of a current access. Mrs. Welsh stated that was correct, it is being built at an existing county road that dead ends. Mr. Rogers asked if the area around the new cul-de-sac would be the new right of way. Mrs. Welsh stated it would meet the County's right of way standards for a cul-de-sac. Mr. Barker stated the road was built with the intention of future development to the south. Mr. Miller asked if the plans included buffering. Mrs. Welsh stated the area is very wooded, and the intention is to not clear cut the property. She went on to say there will be natural buffering.

Jason Obendorf, 56228 CR 21, Bristol, was present in remonstrance to this request. He stated these lots were a primary concern due to opening his front door to neighbors. He went onto say he did have a 125 yard shooting range that borders that property. He stated his second concern was the lots elevation up to 20 ft. above his home, and the homes would be able to see in his daughter's bedroom window, his bedroom window, and his living rooms. He continued to state his concerns with the runoff water would be on going, and how would it be controlled. He went on to say well and

septic placement is also a concern. Lastly he stated his concerns about deforesting the lots. Mrs. Welsh stated as part of the secondary approval process it has to be proved that all standards are met. She also stated they are in communication with the Highway Department in regards to the cul-de-sac construction. She continued to say that the Highway Department thinks a swell will be sufficient to capture the water, and this will be part of the engineering process. Mr. Barker stated that any additional runoff from building will have to be accounted for. Mrs. Welsh stated that the preliminary drainage analysis was brought forth upon the primary submission.

A motion was made and seconded (*Miller/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: Approved, **Moved by** Lori Snyder, **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for primary approval of a 3-lot major subdivision to be known as ELCONA DEL BOCA VISTA be approved in accordance with the Staff Analysis.

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

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

No: Brad Rogers

7. The application for a zone map change from PUD B-2 to B-2, for G & D Investments on property located on the southeast corner of US33 & CR 113, common address of 23440 US 33 in Concord Township, zoned PUD B-2, was presented at this time.

Mae Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0848-2022*.

Douglas Miller, 3139 Drake Court, Goshen, the property owner was present for this request. He stated he and his brother were the owners of this building for over 30 years. He continued to say there have been a couple different businesses in this building with the latest being Indiana Small Engine. He continued to state that Mr. Santiago has a current business on Lusher and S. Main St. in Elkhart, and they would like to purchase the building to move the car lot to this location. He went on to say they have been in business for 20 plus years, and there would be no more than 10 cars for a used car lot. Mrs. Snyder asked if the building next to the property was the autistic school. Mr. Miller stated that was correct.

Fluvio DeSantiago, 25509 Rosemary Dr., Elkhart, was present in favor of the petition. He stated that he and his father are the owners of the auto sale business. He noted today's request is to ask the board to drop the PUD so that auto sales can take place. He went on to say that this would be a small auto sales with no more than 10 cars.

There were no remonstrators present.

A motion was made and seconded (*Rogers/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: Approved, **Moved by** Brad Rogers, **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from PUD B-2 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, Steve Clark, Jeff Burbrink, Roger Miller, Brad Rogers

8. The application for a zone map change from M-1 with a condition to M-1 with no condition, for SGL Holdings LLC on property located on the south side of CR 4, 1,550 ft. east of CR 39, common address of 11732 CR 4 in York Township, zoned M-1, was presented at this time.

Mae Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0873-2022*.

Mrs. Snyder asked if the condition was placed to just have the cargo trailers on this property. Mrs. Kratzer stated that was correct. Mr. Barker stated there are wet lands on this parcel which would need to be addressed. He went on to say there is still a pending “judgment” from the Storm Board that the property owner has to go 5 years without any infractions against what the Storm Board found or there would be a big fine. Mr. Warner stated the wetland was cleared without any regards to state law or regarding wetlands. Mr. Barker continued that if anything else happens to this property, it would have to be engineered. Mrs. Kratzer stated they want to change the condition. Mr. Rogers stated with moving the condition and having it as an M-1, it would allow for building. Mrs. Kratzer stated that was correct.

Matt Arnold, 11550 Harter Dr., Middlebury, the property owner was present for this request. He stated they are asking for the word “cargo” to be removed from trailers. Mr. Barker asked if there is no intent to build on this property. Mr. Arnold stated there was no intention of a building. Mrs. Snyder stated there is still a condition on it. Mr. Rogers asked if something can be done without going through the trial period of 5 years with no infractions. Mr. Burbrink stated that was a separate issue and not applicable to Plan Commission.

There were no remonstrators present.

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

Mr. Auvil stated the County is looking at modifying the existing condition, not limiting it to just trailers and adding RVs.

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

Motion: Action: Failed, **Moved by** Lori Snyder **Seconded by** Brad Rogers that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from M-1 with a condition to M-1 be approved as amended by the board with the following condition imposed:

1. The property may only be used for the storage of trailers and RVs

Vote: Motion failed (**summary:** 2=Yes, 6=No)

Yes: Lori Snyder, Brad Rogers

No: Phil Barker, Steve Edwards, Steve Warner, Steve Clark, Jeff Burbrink, Roger Miller

Mr. Rogers asked why would it be concerning to add RVs with the storage of trailers. Mr. Clark stated the only difference he saw was motorized vs no motorized RVs. He further stated he was ok just lifting the word cargo from the condition. Mr. Godlewski stated from a Code Enforcement point of view, trailer and RVs is general. Mr. Barker stated if anything changed there would need to be a plan submitted. Mr. Arnold stated he just wanted the word cargo to be removed. He further said the land use is no different as it is being used for storage.

Motion: Action: Approved, **Moved by** Steve Clark **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from M-1 with a condition to M-1 be approved as amended by the board with the following condition imposed:

1. The property may only be used for the storage of trailers.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8)

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brad Rogers

9. The application for a zone map change from A-1 to DPUD M-1 and for primary approval of a 1-lot minor subdivision to be known as HIGHBALL DPUD M-1, for Timothy Frey & Stella M. Frey, Husband & Wife property located on the west side of CR 17, 2,170 ft. north of CR 46, common address of 68563 CR 17 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-0869-2022*.

Mr. Rogers indicated that CR 17 will be expanded and additional right of way purchased. He continued to say the concern would be getting too close to CR 17. Mr. Auvil stated the new building will be located west of the existing block and could have an impact on the existing buildings.

Debra Hughes, SAM, 3220 South View Dr., Elkhart, was present representing the petitioner Tim Frey. She stated at the time of purchase it had an existing metal fabrication shop that was in place. She continued to state Mr. Frey purchased an additional 3 acres west of the current parcel. She went on to say this would be a good opportunity to prepare a DPUD for a mixed use that would allow the business to remain and grow. She stated there would be new septic systems installed for the business and the residence. She stated the setbacks and also indicated there will be a buffered area to protect the adjacent residences. She went on to say the business hours are from 6 AM to 5 PM with staggered shifts, with 6 employees with 5 full time and 1 part-time. She went on to describe the site plan in detail

Mr. Miller asked if there were any retail sales. Mrs. Hughes indicated this is strictly manufacturing and direct business supply. Mr. Burbrink asked what width the improved CR 17 will

be. Mr. Rogers stated it is not known at this time.

There were no remonstrators present.

A motion was made and seconded (*Miller/Edward*) 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: Approved, **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 A-1 to DPUD M-1 and for primary approval of a 1-lot minor subdivision to be known as HIGHBALL DPUD M-1 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, Steve Clark, Jeff Burbrink, Roger Miller, Brad Rogers

10. Mr. Godlewski presented The State Road 19 Corridor TIF District Expansion. He stated this is an Amendatory Declaratory Resolution since we serve the Town of Wakarusa's Plan Commission.

Jackson Beck, Yoder Ainley, was present representing the town and presented the written order. He stated they were seeking approval of an Amendatory Declaratory Resolution. He stated it is not to expand the boundaries of the TIF District, it is just to amend the plan itself to allow the acquisition of property. He went on to explain one parcel on the corner of Waterford St. and State Road 19, it is a former gas station parcel. He stated the current plan does not allow for the acquisition of the property, which is somewhat standard. He continued to state the current plans are not finalized.

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

Motion: Action: Approved, **Moved by** Roger Miller **Seconded by** Steve Warner that the declaratory resolution for the State Road 19 Corridor TIF District Expansion be approved.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8)

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brad Rogers

Mr. Clark asked what the plan for the old gas station was. Mrs. Landis indicated it would be used make the parcel a corridor to the community. She continued to state there was a sign across the street that could be moved to help beautify the Wakarusa corridor. She went on to say that there are limitations of the property. She stated it couldn't have a well and there are restrictions based on IDEM when they approved the site for the clearing. She stated that the entire plan isn't clear at this point.

11. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil presented the approvals from the December 7th, 2022 County Commissioners, December 19th, 2022 County Commissioners, December 19th, 2022 Middlebury Town Council, December 19th, 2022 Middlebury Town Council Tabled a zone map change from R-1 to M-1.

12. Mae Kratzer Presented Hoover Feed Services, Inc. for a minor change for a monument sign.

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

Motion: Action: Approved, **Moved by** Steven Edwards **Seconded by** Steve Warner that the board approve the request as a minor change.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8)

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Jeff Burbrink, Roger Miller, Brad Rogers

A motion was made and seconded (*Warner/Miller*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:47 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Jeff Burbrink, Chairman