

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 14TH DAY OF SEPTEMBER 2017 AT 9:15 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, Roger Miller. 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 (*Edwards / Barker*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 10th day of August 2017, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Warner / Burbrink*) 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. Text Amendments to the Elkhart County Subdivision Control Ordinance was presented by Chris Godlewski. He stated they started the revisions last summer and went to the committee with the changes. He explained in section 1, they removed the hundred foot temporary turn around. In section 2.20.1, removing language about sidewalks and right of ways. In 2.21.7 that is in section 3, designated common areas for storm water detention. In section 4 which is 3.4.4, storm water review for minor subdivision will follow street standards. In 3.5.5, the Technical Committee removed the 48 hour requirement for submittals. In section 6 which is 3.18.5, over sight with construction inspection storm water retentions. He also stated that revisions of a sentence for buildable tracts for Administrative Subdivisions were made. He added that under general requirements and standards, they added Administrative Subdivisions as an option. In 4.1.2, the general requirements and standards affidavit by the landowner is responsible for the drainage and needs a general site plan showing the drainage on the property. He added that in general requirements and standards, this pertains to the right of way dedication. He continued stating that in an Administrative Subdivision, the additional right of way would not count towards their acreage. In 6.2, the definition was updated for the Administrative Subdivision. Mr. Godlewski stated that they went through the same procedures as they did for the Zoning Ordinance. He mentioned that this will go into effect January 1, 2018. Mr. Miller questioned if there are records showing who attended those meetings. Mr. Godlewski stated that he created a spreadsheet of who attended and how often [*attached to minutes as Staff Exhibit #1*].

A motion was made and seconded (*Burbrink / 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** Steven Edwards **Seconded by** Lori Snyder that the Advisory Plan Commission recommend to the Board of County Commissioners that this request to amend this ordinance to include the section 12 with the effective date as January 1, 2018 be approved. The motion was passed with a unanimous vote.

Motion: Action: Approve, **Moved by** Roger Miller **Seconded by** Burbrink that the Advisory Plan Commission recommend to the Board of County Commissioners that this request to approve the petition as amended be approved.

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 dedicated Right-of-Way inside KENNEDY MANOR SECOND, for Emerald Chase Land Dev. represented by Progressive Engineering, Inc., on property located on the ROW off the North end of Via Pisa Rd., 380 ft. North of Via Roma, North of Via Pompei, in Concord Township, was presented at this time.

Chris Godlewski presented the Staff Report / Staff Analysis, which is attached for review as *Case #VRW-0541-2017*. [attached to file as Staff Exhibit #1]

Conway Hershberger, Emerald Chase Land Development, 1701 Elkhart Rd., Goshen, was present. He stated that the Thompsons want nothing to do with the Right-of-Way. He mentioned that the letter they had written shows that and Emerald Chase Land Development was given the entire Right-of-Way.

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** Lori Snyder **Seconded by** Frank Lucchese that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the Vacation of dedicated Right-of-Way inside KENNEDY MANOR SECOND 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.

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

Jason Auvil reported that on August 17, 2017, at the Elkhart County Commissioners meeting, the petition for a Secondary approval for Sandy Creek Section two was approved. Mr. Auvil stated there was an additional meeting on August 21, 2017. The Board of County

Commissioners approved a Zone map change from A-1 to M-1 for Edgar and Phylis Miller, Replat of Lot 3 Huss Residential DPUD and a Secondary for a 48 lot Major subdivision known as Jimtown Crossing.

7. The application for the Vacation of a portion of an East/West unnamed street Right-of-Way, for Scott Roth & Doreen Nezich, on property located on a portion of an unnamed street West of Baltimore St., 181 ft. South of Main St., in Elkhart Township, zoned R-1, was presented at this time.

Matt Shively presented the Staff Report / Staff Analysis, which is attached for review as Case #VRW-0589-2017.

Doreen Nezich, 19230 CR 40, stated that she is the subject property owner. She mentioned that she has lived at her residence for over thirty years and has maintained that Right-of-Way.

There were no remonstrators present.

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

Mr. Stump mentioned that the named street is in the middle of the property that the city would like to obtain. Mr. Godlewski stated that around CR 20 and US 33 there could be a future road project. Mr. Stump stated that he is unsure of how it will work, but he believes it will be designed by the county sometime next year.

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

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Lori Snyder that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the Vacation of a portion of an East/West unnamed street Right-of-Way be approved in accordance with the Staff Analysis.

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

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

No: Tom Stump.

8. The application for a Zone map change from R-1 to R-4, for Joseph Cataldo and Aksana Cataldo Trustees; Joseph and Aksana Cataldo Family Trust; Lili Holmes & Oli Konkle (sellers) & Spa, Inc. (landowner/buyer), on property located on the North side of US 20, 1,806 ft. East of CR 13, common address of 23269 Old US 20 and 23221 Old US 20 in Concord Township, zoned R-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as Case #RZ-0624-2017.

Carrie Sigafos, 23221 Old US 20 E, Elkhart, was present as the petitioner. She stated that they have been running the ministry on the property for 19 years. She mentioned that it is zoned R-4 up to the back of the residence, and the back portion of the parcel is zoned R-1. She explained that it makes sense for their plan to have the whole property zoned R-4. She stated in addition there is a purchase agreement for the home to the East, and they would like that property to be zoned R-4 as well. That home will be used for the same purpose.

Tom Christophel, 56441 CR 15, was present in remonstrance. He questioned the two hearings that he got notices for. Mr. Campanello answered that this public hearing is for the land use, and then the next hearing is for the Board of Zoning Appeals and is for a Special Use. Mr. Christophel mentioned that at the original meeting there were three phases that the ministry proposed. He mentioned that the third phase was going to be dormitories at the rear of the property to house more people, however that was not done. He continued stating that the ministry is very valuable for the community, however not in a residential area. Mr. Christophel stressed that his concern is the expansion and the property values. He is also concerned with it becoming a full campus.

Sherry Moore, 56419 CR 15, was present in remonstrance. She mentioned that she was told that it was going to be less than 10 people, then it became about twenty. She mentioned that she is concerned about her property values and the school district. She added that she has had trouble with people going up to their windows and looking in. Mr. Campanello questioned how the subject property affected her personally. She responded saying that as a small house they have not affected her personally; however they want to enlarge their ministry. Mr. Campanello stated that this is part of the Comprehensive Plan and this petition fits in to that plan. She questioned who made the Comprehensive Plan. Mr. Campanello stated that the Commissioners and the Ordinance. Ms. Moore stressed her concerns about her property values.

Carrie Sigafos returned to the podium stating that she wants to explain the purpose of the property. She mentioned that the women will be moved to the house on the subject property while the current building is being renovated. She expressed that there will not be any additional building on that property other than what has been proposed. She added that once the building is done, they would like to keep the ladies that are level 4 in the home to the East. She explained that level 4 means they are on the verge of graduation. She added that the bigger plan was to build additionally, however having the added home will help save money. She stated that children are not part of the program; however they do visit the ladies and those visits are supervised. She stressed that the children do not live on the property. She mentioned that she hopes those explanations help clarify what the property is used for.

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

Mr. Stump questioned the use, zoning, and owners of the property to the East. Ms. Kratzer stated that it is residential. There was discussion amongst the Board about the two parcels looking like one; however when zoomed in you can see the two separate parcels. Ms. Snyder noted that one property nearby that she was trying to price had four different zonings around it. She continued stating that it is a mixed use area in the city. She added that there is a nice buffer on the side of the property as well.

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

Motion: Action: Approve, **Moved by** Tony Campanello, **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 R-1 to R-4 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. The application for a Zone map change from A-1 to M-1, for Joseph & Ida Miller represented by Jones Petrie Rafinski, on property located on the East side of CR 37, 1,900 ft. South of Orpha Dr (CR 22), in Middlebury 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-0613-2017*.

Ken Jones, Jones Petrie Rafinski, 200 Nibco Parkway, Elkhart, was present representing the petitioner. He stated that he had nothing else to add. Mr. Campanello questioned if it'll be used for more storage. Mr. Jones explained that this will be the third building in a series of buildings that are being built from the South to North.

Ray Yoder, 57949 CR 37, was present in remonstrance. He expressed his concern about his property values being affected. Mr. Campanello stated that he lives quite a distance away so he feels the property values will not change. Mr. Yoder added that he is also worried about traffic. Mr. Yoder questioned the Board on who fixes the highway and if Jayco could help with the fees. Mr. Campanello stated that would be between the County Highway and Jayco.

Ken Jones returned to the podium stating that the property value impact has probably already occurred. He added that Jayco owns the issue with the truck traffic. He explained that the town will be doing analysis, and they will decide what improvements are needed. He added that Jayco has been a model citizen.

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

Ms. Snyder stated that she wanted to follow up a statement that was made. She mentioned that the impact on the property has probably already been made.

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 a Zone map change from A-1 to M-1 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.

10. The application for an Amendment for two DPUD's by combining Elkhart East Area 'B' Phase 1 DPUD and Elkhart East Area 'B' Phase 2 DPUD into one DPUD to be known as ELKHART EAST AREA 'B' PHASE 3 and for Primary approval of a 16 lot subdivision to be known as ELKHART EAST AREA 'B' PHASE 3, for Tooling Inc., An In Corp. & Seahawk Corporation represented by Jones Petrie Rafinski, on property located on the West side of CR 17, 1,423 ft. South of CR 4, common address of 52491 CR 17 in Osolo Township, zoned E-3, DPUD, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0617-2017*.

Ken Jones, Jones Petrie Rafinski, 200 Nibco Parkway, Elkhart, was present representing the petitioner. He mentioned that Rob Letherman was present if the Board had specific questions, and that he did not have anything more to add.

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** Tony Campanello, **Seconded by** Jeff Burbrink that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an Amendment for two DPUD's by combining Elkhart East Area 'B' Phase 1 DPUD and Elkhart East Area 'B' Phase 2 DPUD into one DPUD to be known as ELKHART EAST AREA 'B' PHASE 3 and for Primary approval of a 16 lot subdivision to be known as ELKHART EAST AREA 'B' PHASE 3 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.

11. The application for an Amendment to a Detailed Planned Unit Development and for Primary approval of a 2 lot minor subdivision to be known as YODER LOGISTICS A M-1 DPUD REPLAT, for MDR Real Estate, LLC represented by B. Doriot & Associates, Inc., on property located on the West side of SR 15, 1,200 ft. South of US 6, common address of 72205 State Road 15 in Jackson Township, zoned DPUD, M-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0626-2017*.

Blake Doriot, B. Doriot & Associates, P.O. Box 465, New Paris, was present representing the petitioner. He stated they want to split the house off and liquidate it. Mr. Stump questioned where the house was located on the diagram. Mr. Doriot explained where it is located and what they were doing. He added that things are basically staying the same and there will be no added curb cut on the highway. Mr. Stump stated that he is concerned about the setbacks with the zonings. Mr. Doriot stated that they are not changing the zoning.

There were no remonstrators present.

A motion was made and seconded (*Miller/Campanello*) 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 an Amendment to a Detailed Planned Unit Development and for Primary approval of a 2 lot minor subdivision to be known as YODER LOGISTICS A M-1 DPUD REPLAT 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.

12. The application for a Zone map change from A-1 to DPUD A-1 and for Primary approval of a one lot minor subdivision to be known as IDEAL WELDING DPUD, for Wyman & Alice Miller DBA Ideal Welding represented by Abonmarche Consultants, on property located on the Southeast corner of CR 22 and CR 31, common address of 15980 CR 22 in Middlebury Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #MI-0618-2017*.

Barry Pharis, 1009 S. Ninth, Goshen, was present representing Ideal Welding. He stated that Wyman Miller and his five sons are present in the audience. Mr. Pharis added that he owns 17 acres and has owned the property for over twenty years. Mr. Pharis explained they anticipate that the five sons will become involved with the business in the future. He mentioned that they requested a maximum of 25 employees. Mr. Pharis explained that the business started as welding for local farmers, but it has grown to include RV's and manufactured homes. He added that they do not manufacture the RV's or the homes, but they work on components for those products. He explained as the process moves forward, a new ownership/entity will be created. He mentioned that the Elkhart County Highway performed a traffic count on CR 31 in 2016. Mr. Pharis explained that the traffic count is 138 vehicles higher. He explained that no vehicle will be backing in from the road.

Jason Auvil presented a letter of support from Mike Yoder, 59520 CR 31, Middlebury, Indiana. [*attached to file as Staff Exhibit #1*]

Mr. Burbrink had questioned staff about the whole application for this petition. Mr. Auvil stated that it did not make it into the packet, but one can be created.

There were no remonstrators present.

A motion was made and seconded (*Edwards/Campanello*) 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 a Zone map change from A-1 to DPUD A-1 and for Primary approval of a one lot minor subdivision to be known as IDEAL WELDING DPUD be approved in accordance with the Staff Analysis and as stated in the narrative.

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 # 6 on page 2.

14. A motion was made and seconded (*Stump/Edwards*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 11:03 a.m.

Respectfully submitted,

Kristi Shaffer, Recording Secretary

Roger Miller, Chairman