

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 14TH DAY OF JUNE 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, Lori Snyder, Jeff Burbrink, Tom Stump, Frank Lucchese, Philip Barker.

Absent: Steve Warner.

2. A motion was made and seconded (*Edwards/Snyder*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 10th day of May 2018, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Edwards/Miller*) 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 a Zone map change from A-1 to M-1, for Steven C. & Linda K. Vlaeminck represented by Marbach, Brady & Weaver, Inc., on property located on the South side of CR 6, 1,000 ft. West of John Weaver Parkway, common address of 29224 CR 6 in Cleveland 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-0265-2018*.

Chris Marbach, Marbach, Brady & Weaver, 3220 Southview Dr., Elkhart, was present representing the petitioner. He mentioned that the surrounding properties are zoned M-1. He added that the Comprehensive Plan has five goals and they adhere to those. He explained that they are adjacent to the city limits, located on two major roads, and they have sewer and water off of CR 6 that they can tie into. He added that they will not have septic issues since a septic is not being proposed. He added that there may be entrances off of CR 6 and John Weaver Parkway. He mentioned that any construction will have to be approved from the FAA since the airport is nearby. He stated that they will also be adding buffers. When Mr. Burbrink questioned if there will be access from CR 10, Mr. Marbach answered as of right now they are unsure. Mr. Campanello questioned about creating turn lanes on John Weaver Parkway. Mr. Marbach answered that if the city is ok with those plans then it would be workable.

William B. Baker, 29281 CR 6, was present in remonstrance. He is hoping that the house located at the North side of subject property continues to be zoned residential and that the access road is off John Weaver Parkway.

William S. Baker, 29281 CR 6, was present in remonstrance. He said he is not against having it zoned M-1 but is concerned about truck traffic on CR 6. When Mr. Baker questioned

about widening CR 6, Mr. Lucchese answered that it is on the table and being worked on. Mr. Baker is hoping that trees are planted along CR 6 so that they block the view of the manufacturing buildings.

Christine Goldsborough, 29413 CR 10, was present in remonstrance. She mentioned that the residences located South of the subject property are all related. She explained that her main concern is the possibility of an access point off of CR 10 and the added traffic. She added that another concern is the noise and trash debris.

Mr. Marbach returned to the podium. He added that the home will remain R-1. He stated that the property is highly unlikely to go residential due to the airport being close. He added that landscaping will be placed and will have to comply with County and City requirements.

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

Mr. Campanello stated that this is a natural spot since it is off of John Weaver Parkway. Ms. Snyder said that she does not like the idea of an access point off CR 10. She added that traffic on CR 10 is a concern.

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

Motion: **Action:** Approve, **Moved by** Tony Campanello, **Seconded by** Tom Stump 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 = 8).

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

5. The application for a Zone map change from A-1 to A-4, for Jeremy M. & Susie May Weaver represented by Kindig and Sloat, PC, on property located on the North side of CR 36, 1,050 ft. West of SR 19, in Olive 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-0276-2018*.

Loren Sloat, Kindig and Sloat, PC, 102 Heritage Parkway, was present representing the petitioner. He added that Melissa Lehman from Agronomic Solutions and the hog supplier, Chris Kenyon, are also present. He explained that the petitioner wants to raise hogs and construct a facility that will house 4000 hogs. He mentioned that one of the requirements is to have a signed statement showing that the surrounding neighbors are aware of this activity. Mr. Sloat stated that the petitioner lives on the property located to the East of the subject property. When Mr. Miller questioned how many hogs the barn can hold, Mr. Sloat answered that it can hold up to 4400 hogs.

Melissa Lehman, Agronomic Solutions, 7070 S. 500 W., Topeka, was present also representing the petitioner. She explained that she runs a consulting business that works with farmers to keep them in environmental compliance. She added that they have state rules that the farm will have to adhere too. She mentioned that the petitioner will have to be under IDEM, adhere to Indiana State Chemist rules, and Category 14 rules. She explained that IDEM requires 100 ft. setback from property lines and 300 ft. setback from any water surface. She mentioned that the

amount of barns on the property is limited to the setback requirements. She added that it is required they have a manure plan that will involve soil testing and annual manure testing. Mr. Burbrink questioned if the number of barns are dictated by the ability to meet IDEM requirements. Ms. Lehman responded yes, and the bank also can dictate the amount of barns they can have due to the loan amount. Mr. Miller stated that by rezoning the property, the Board is approving to have multiple barns on the property with State approval. Mr. Burbrink added that IDEM will have documents showing who is applying manure on the property. Mr. Miller also mentioned that there will be added traffic due to the trucks moving the manure. Ms. Lehman stated that feed trucks are delivered once a week. She added that IDEM will notify all of the land owners within a half mile of the subject property if any changes are made and will take public comment.

Christofer Kenyon, 58052 Crystal Springs Dr., Goshen, was present representing the petitioner. He explained that they are a farmer owned co-op and will supply the feed. He added that the maximum amount of feed trucks being delivered will be four trucks a week. He mentioned every six months the barn will be emptied and will take about 25 semi loads. He added that the barn will be washed and disinfected and then it will take about 2 semi loads to put the pigs back. He explained that due to a disease stand point he will not allow more than two barns on the property. He does not want too many hogs in one spot and the manure is a concern. Mr. Stump questioned how they plan to transport the manure to different properties. Mr. Sloat stated that there are certain enclosed tankers that will transport it. Mr. Stump stated that he is concerned about the roads being damaged by semi trucks not following the weight restrictions and the manure being spilled onto the road. He added that the soil in that area is clay and he is concerned that the semi traffic will have an adverse effect on the road.

Jeremy Weaver, 28089 CR 36, Elkhart was present. He stated that he hopes that most of the manure will be moved by drag line. He explained the drag lining process by stating that flow meters are placed on equipment after soil samples are taken. He added those soil samples will calculate how many gallons of manure can be placed per acre. He further explained that the manure is then ejected with a drag line. Mr. Weaver mentioned that a drag line is a pump at the barn with two miles of hose that is hooked up to the tractor.

Mr. Sloat returned to the podium. He stated that acreage is not the limiting factor as to how many barns they can have; it is about the IDEM requirements.

A motion was made and seconded (*Edwards/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 a Zone map change from A-1 to A-4 be approved in accordance with the Staff Analysis.

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

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

6. The application for a Zone map change from GPUD to DPUD and for Primary approval of a 55 lot major subdivision to be known as FALCON NEST AT BARRINGTON SECTION TWO

AND SECTION THREE, for New Paris Development Co. LLC Attn Wes Culver represented by Innovative Communities, Inc., on property located on the West side of CR 25, 1,182 ft. North of CR 46, in Jackson Township, zoned GPUD R-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0264-2018*.

Tim Saylor, Innovative Communities, 697 Bungalow Dr., Nappanee, was present representing the petitioner. He stated that there will be sewer by the conservancy district and each lot will have its own well located in the rear of the yard. He mentioned they are requesting a variance for a building setback to remain at 25 feet. Mr. Stump questioned if the soil was sand and gravel. Mr. Saylor stated that it is mostly sand and there are no water table issues. He added that they provided soil samples. When Mr. Campanello questioned how many lots were added, Mr. Saylor stated that they are not pushing the density anywhere near where they could.

There were no remonstrators present.

A motion was made and seconded (*Miller/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** Tom Stump, **Seconded by** Steven Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone map change from GPUD to DPUD and for Primary approval of a 55 lot major subdivision to be known as FALCON NEST AT BARRINGTON SECTION TWO AND SECTION THREE be approved in accordance with the Staff Analysis.

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

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

7. The application for Secondary approval of 18 lot major subdivision to be known as FALCONS NEST AT BARRINGTON PHASE 2, for New Paris Development Co. LLC Attn Wes Culver represented by Innovative Communities, Inc., on property located on the West side of CR 25, 1,182 ft. North of CR 46, in Jackson Township, zoned GPUD R-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0264-2018*.

Tim Saylor, Innovative Communities, 697 Bungalow Dr., Nappanee, was present representing the petitioner. He added that all of his comments were heard at the previous petition.

There were no remonstrators present.

A motion was made and seconded (*Stump/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** Roger Miller, **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Secondary approval of 18 lot major subdivision to be known as FALCONS NEST AT

BARRINGTON PHASE 2 be approved in accordance with the Staff Analysis.

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

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

8. 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 BORKHOLDER FINISHING DPUD, for Larry J. & Alta Mae Borkholder represented by B. Doriot & Associates, Inc., on property located on the North Side of CR 34, 980 ft. East of CR 33, common address of 14835 CR 34 in Clinton 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-0272-2018*.

Blake Doriot, B. Doriot & Associates, P.O. Box 465, New Paris, was present representing the petitioner. He stated that he agrees with the Staff Report. He explained that they want to add 1200 square feet and create a retention pond. He stated that they are changing the name to Cloverleaf Finishing DPUD. He added that this a low impact use and there is no noise. He mentioned that everything is IDEM approved. He stated that there is a gap between the two buildings and Freedom Builders will obtain permits to connect the two buildings with a walkway.

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** Frank Lucchese 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 BORKHOLDER FINISHING DPUD be approved in accordance with the Staff Analysis.

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

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

9. 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 NISLEY WOOD SHOP DPUD, for L R Nisley & Sons LLC represented by B. Doriot & Associates, Inc., on property located on the East side of CR 35, 1,950 ft. North of CR 34, in Clinton 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-0274-2018*.

Blake Doriot, B. Doriot & Associates, P.O. Box 465, New Paris, was present representing the petitioner. He stated that the sons are in charge of the business since Mr. Nisley passed away. He mentioned that the business has been in production for 35 years and there have not been any problems. He explained that that there will be a safer entrance for the subject property and they want to move from the barn to a business structure.

There were no remonstrators present.

A motion was made and seconded (*Edwards/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** Tom Stump 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 NISLEY WOOD SHOP DPUD be approved in accordance with the Staff Analysis.

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

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

10. The application for a Zone map change from GPUD M-1 to DPUD M-1, for Wagner Land Development represented by Progressive Engineering, Inc., on property located on the Southwest corner of CR 29 and Indiana Toll Road, common address of 52395 CR 29 in Washington Township, zoned GPUD M-1, was presented at this time.

Matt Shively presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0278-2018*.

Stephanie Floyd, Progressive Engineering, 58640 SR 15, Goshen, was present representing the petitioner. She explained that she agrees with the Staff Report. She explained that they have already started developing lot two and that the Town of Bristol is aware of the project.

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** Roger Miller, **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone map change from GPUD M-1 to DPUD M-1 be approved in accordance with the Staff Analysis.

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

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

11. Elroy TIF amendment:

Craig Busche, 130 N. Main, Goshen, was present. Mr. Busche stated he had a handout that explains the general location of the real estate [*attached to minutes as petitioner's exhibit #1*]. He added that it is located on the East side of CR 37 in the Town of Middlebury and is within the Jayco campus. This will include looping the water lines in Middlebury and repaving CR 37. He explained that they are requesting the approval of the written order that was submitted to show that it was consistent with the Comprehensive Plan. Mr. Miller questioned about the improvement being part of this project located at the intersection of CR 22 and CR 37. Mr. Busche stated that it is part of this

project to reconstruct the intersection due to problems with turning movements.

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 approves the written order which is consistent with the Comprehensive Plan.

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

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

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

Jason Auvil reported that on May 1, 2018, the Town Council of Wakarusa approved an Amendment to G.L. Clark Park DPUD M-2. He added that on May 7, 2018, at the Board of County Commissioners meeting two Zone Map changes were approved both from A-1 to M-1. He stated that on May 17, 2018, the Town Council of Bristol approved a Zone Map change from GPUD M-1(expired) to GPUD M-1 for Wagner Land Development. He also mentioned that on May 21, 2018, at the Board of County Commissioners meeting approved five Zone Map changes and a Zone Map change and Primary approval of a two lot Minor subdivision to be known as Mechanical Man DPUD.

13. A motion was made and seconded (*Burbrink/Stump*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:23 a.m.

Respectfully submitted,

Kristi Shaffer, Recording Secretary

Jeff Burbrink, Chairman