

**PLAN MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 14TH DAY OF DECEMBER 2023 AT 9:30 A.M. IN THE**  
**MEETING ROOM OF THE ADMINISTRATION BUILDING**  
**117 N. 2<sup>ND</sup> ST., 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: Mae Kratzer, Plan Director; Jason Auvil, Planning Manager; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

**Roll Call.**

**Present:** Phil Barker, John Gardner, Roger Miller, Brian Dickerson, Brad Rogers.

**Absent:** Steve Edwards, Steve Warner, Lori Snyder, Steven Clark.

2. A motion was made and seconded (*Dickerson/Gardner*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 9th day of November 2023, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Barker/Rogers*) 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 a GPUD M-1 to be known as FOREST RIVER-GOSHEN STORAGE LOT GPUD, for Forest River Inc. represented by Jones Petrie Rafinski, on property located on the southeast corner of W US 33 & CR 40, 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 #GPUD-0737-2023*.

Ken Jones, JPR, 325 S. Lafayette, South Bend, was present representing the petitioner. He explained that the site will be used for chassis storage rather than for the finished product, specifically for buses. He acknowledged that there has been some scrutiny surrounding the storage lot concept in Elkhart County, so they provided more details about the GPUD phase to the members of the Plan Commission review. Additionally, he stated they conducted a property owner meeting on November 29, 2023, at the Chamber of Commerce in Goshen, where they had a good turnout and were able to spend quality time with the property owners to explain the process and their plans. He mentioned that they have already incorporated appropriate buffering into the site plan, including landscaping and mounds. He noted the buffering system will look similar to the Indian Transport project, and they will be accessing the site through the approach point on US 33, which will require an impact study approved by the state highway department. He stated the Indiana Department of Transportation Fort Wayne district is considering an added travel lanes project in this area, which would extend through the intersection at CR 40. He clarified that the site will not operate 24/7 and will be closed when the plant closes. He stated Forest River has committed to a motion system for lights used for security purposes, and there will be security at the gate during operation hours. He stated the site will be completely fenced. Finally, he assured that if there are any changes from what was presented on November 29, they would hold another meeting for the local property owners. He went on to say the

neighbors were cordial, and they received good information.

Mr. Gardner expressed his opposition of the project due to the significant amount of fertile land that would be covered up. He pointed out that other nearby locations have already lost their farmland due to development. He mentioned that his main concern was traffic congestion in the area, as it is currently a bottleneck, and questioned how long it would take for the state to address this issue.

Susan Deitz, 14282 CR 44, Millersburg, was present in a remonstrance of this request. She stated she is a local business owner of Prairie Market, located across the road from the site. She disagreed with Mr. Jones, who stated that the neighbors were all friendly and approved of this project at the meeting. She stated she was present at the meeting and was not in favor of it then. She indicated there are several reasons for her disagreement, such as light pollution, farmland loss, and the fact that business traffic is already horrendous on that corner. She mentioned they have witnessed accidents and even deaths in the past. She stated she called to inquire about getting a light at the intersection, but the response was that there have not been enough deaths yet. She stated there are many other places where storage units can be put, and large chassis already cross and take up most of CR 40. She went on to say the road is not wide enough for this type of traffic. Mr. Rogers stated they have addressed the concerns about light pollution. Mrs. Deitz asked what it will take to trigger the lights, an animal. She stated it is better than lights 24/7.

Harold Schmucker, 66217 US 33, Goshen, was present in a remonstrance of this request. He stated his family also owns 66173 and 66229 US 33, Goshen. He stated that they have been in the area for over 50 years and have seen a lot of changes. He stated that of the projects that could go into this field this is probably the nicest project. He went on to say they seem to be accommodating for neighboring properties. He stated his main concern would be the entrance on US 33, with congested traffic already being an issue. He stated CR 40 would be a better entrance, and hopefully, this would trigger the state to put in a traffic light. He went on to say it has been talked about that most of the traffic should enter on state highways, however on CR 138 there is another storage yard that comes off onto a county road. He stated using a county road for the main traffic would be less intrusive with the traffic on US 33.

Melody Ragsdale, 16389 CR 40, Goshen, was present in a remonstrance of this request. She mentioned that the ground buffering cannot be placed across from her residence due to the presence of NIPSCO towers. She explained NIPSCO has access to the tower, and there is a height restriction as well. She noted the easement for the power lines affects the first three houses on CR 40. She expressed her fear of the traffic on US 33 to such an extent that she refused to drive. Mr. Miller reminded the remonstrators that they have to follow certain setback standards. Mrs. Ragsdale stated that she does not want to have this as her view every day. Mr. Miller clarified that this request is just a concept and not the final drawing.

Mr. Jones came back on and stated he did not mean to state that all of the property owners were in complete favor of the project. He stated their traffic impact has to be completely mitigated; it is a required study by INDOT. He described how the impact study works and what would be required from INDOT. He stated they will have those answers when they come back for the DPUD. He stated they thought about using CR 40 as an access point. He stated the reason why they did not use CR 40 was out of respect for the property owners that are to the north. He went on to say unless the Plan Commission or County Commissioners would have a different view of that as the project proceeds they can talk about making the adjustments. He stated he would encourage property owners to reach out to the INDOT Ft. Wayne district and request they be noticed of future development of

the highway. He went on to say there will be a public hearing required because of acquiring the right of way along that route. He stated hearing of the impact from residents would be beneficial. He stated the setback of the fence would comply with the county standards and INDOT standards. Mr. Jones stated they are not done talking with the power company. He noted they too thought it was a NIPSCO transmission line, but it is an AEP transmission line. He stated that NIPSCO had stated if it was their power line that the proposed buffering would be ok in that area. He continued to say he hopes that AEP has a similar standard that allows them to determine how high the landscape mound can be from the conductor. He stated the buffering can be resolved by the time the DPUD comes back. Mr. Dickerson asked about the motion control of the lighting. Mr. Jones stated the motion control will be on/off. Mr. Rogers suggested talking to the landowners about what they could possibly do for them on their side of the property if the buffering can not be placed on the subject property, Mr. Jones responded they had thought about that and like that idea. He further stated there are certain trees that will not be allowed in the easement. Mr. Dickerson stated they do have a minimum clearance, he asked what the minimum height was for the mounds. Mr. Jones stated the mounds would be in the 6 ft range. Mr. Dickerson stated the power companies may not have a problem with the burms, but have issue with the planting.

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

Mr. Rogers stated that in the past he has not been in favor of storage of lots. He went on to say the owner and JPR have done quite well in mitigating some of the concerns that the boarding experienced and seen in the past. He went on to say at a conceptual level, he would be in favor of this project.

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

**Motion: Action:** Approve, **Moved by** Brad Rogers, **Seconded by** Brian Dickerson 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 GPUD M-1 to be known as FOREST RIVER-GOSHEN STORAGE LOT GPUD be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Phil Barker, John Gardner, Roger Miller, Brian Dickerson, Brad Rogers

5. The application for a zone map change from A-1 and R-1 to a GPUD M-1 to be known as LUX & AWT GPUD, for AWT Inc., PMB 289 & LUX Property Corporation represented by Jones Petrie Rafinski, on property located on the west side of Mottville Rd. (SR 15), 4,003 ft. north of E. Vistula, in Washington Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #GPUD-0738-2023*.

Ken Jones, JPR, 325 S. Lafayette, South Bend, was present representing the petitioner. He mentioned that they have been collaborating with Bristol for a few years now. According to him, Bristol has undergone significant changes, and the need for additional development land is becoming more pressing. He explained the Town of Bristol has not yet officially endorsed this project, except for the correspondence from the town manager that the County has already received. Mr. Jones hopes

that annexation will be completed, for the final zoning approval to happen at the town council. He emphasized that without the approval of the elected officials, nothing happens in Bristol, and they are well aware of what is happening in their community. Mr. Jones indicated that this site had been under consideration for many years. He mentioned that the site is well-suited to the proposed use of M-1. According to him, the Town staff and council members suggested for the property owners in the residential area to the south that a substantial buffer be installed. He added the current property owner is very sensitive to that request, which is why the 11-acre R-1 buffering proposed on the GPUD plat. He noted it could potentially allow a subdivision to be placed and another entrance point. Mr. Jones stated that at this time, he is unsure of whether the site would be divided in some way or taken by a single user. He further stated that the site would probably go to the market as it is now, and a DPUD may not be presented for some time. Mr. Jones indicated that the subject property would be an excellent investment for someone who is looking for a logistics or manufacturing center.

Aaron Krismanich, 407 Twin River Trail, Bristol, was present in a remonstrance to this request. Mr. Krismanich expressed his concern about the future of the site. He grew up in St. Joseph County and there are still large areas of farmland. He stated that it's not great to lose farmland. He stated the property in question is zoned R-1. He mentioned that when he talked to the staff about this project, he was told that there was manufacturing across the street. He stated he believes that the property was originally zoned R-1 for a good reason. He said that just as much as growth in the county needs manufacturing, they also need residential properties. He stated that this property is prime real estate, and the river is what brought his family here. He expressed when kayaking down the river, no one wants to see manufacturing. He believes that zoning does not need to change to take advantage of this piece of land and that there are plenty of empty buildings not being used for manufacturing. He further said that buildings keep being built in the county that remain empty. He talked about the light pollution on the south side of Bristol which is like a beacon. He explained that he worked for a medical aircraft, and when they fly, the Castle at US 20 and SR 15 can be seen from Fort Wayne Hospital. He mentioned the effect this has on aircraft, wildlife, and residents.

Tim Irons, 905 Mottville Rd., Bristol, was present in a remonstrance to this request. He pointed to his residence on the map and identified himself as an all-American Bristol Boy. He explained the history of his property and how his family had lived there for three generations. He also mentioned attending previous meetings that rezoned the property across the street. He recalled that a buffer zone was established to separate the industrial and residential areas when the industrial park was first built. However, he stated he has not heard of any such buffer zone for the new potential project. He expressed doubts about the project, stating that he had heard rumors that someone was trying to sell farmland for a quick profit. Mr. Miller clarified that this request is for a rezoning and that nothing has been planned for the site yet. Mr. Irons agreed with Mr. Miller but warned that anything could happen once the property is rezoned. He added that statements promising to limit the impact of the project on the community can not be taken at face value. He stated once the zoning is approved, the developers can change their plans without any consequences. He also noted that there would be no contracts or follow-ups to ensure compliance with the original plans. He believed that Mr. Jones' job was to convince the community that the project was a good idea, even though there is no buyer for the property. He questioned why the community would vote to put industrial property near the only river in the area, allowing industrial runoff to contaminate the water source. He further stated that while farmland could be taken away, rivers cannot be contaminated, and residents cannot be forced to accept factories. He said that he is one of the few proud Bristol residents left as everyone

else has moved out. Mr. Irons stated Bristol is no longer a small farming community, as it used to be. He believes that Bristol is now becoming a caricature of what it once was and is turning into a city like Gary, IN. He asked what will happen when all the industries eventually leave. He asked if Bristol will become a ghost town like Gary and Detroit when the RV industry goes away and electric vehicles become mandatory. Mr. Miller argued that all the rhetoric didn't have anything to do with changing the land to a General Planned Unit Development (GPUD). Mr. Irons asked how it wasn't, to which Mr. Miller responded that it would be changed to M-1, which allows for light manufacturing. Mr. Irons expressed concern about contaminants and the lack of regulations for factories to pick up their trash. He pointed out that industrial waste is scattered all over the town, and there is no mandate for anyone to clean it up. He further said that the plan to rezone the property as industrial is nothing more than a greedy grab for a quick buck, and there is no quality of life in the area. He emphasized that there is no plan for the property other than to rezone it and make it worth ten times more than it is currently.

Rosanna Boersma, 806 Trout Creek Rd., Bristol, was present in a remonstrance to this request. She explained that she and her husband had recently bought a property with four acres next to the river. She stated the riverfront property opposite theirs is being considered for commercial zoning. She said that they had bought their property specifically for the peace and tranquility of the river and to escape from the light and noise. She described the beauty of the river and said that rezoning the property would destroy all of it. She said that living on the river is very different from living in other places and that if this property is rezoned, it will irreversibly lower the quality of life for everyone in the neighborhood, on both sides of the river. She explained that the river magnifies sound and will be disruptive for not only the immediate neighbors but also down the river as well. She said that all the neighbors are concerned about the lights, traffic, noise, and possible pollution runoff if any industrial use comes to this location. She further stated that everyone loves the quiet and peaceful neighborhood and community that they live in. She stressed many of the neighbors wanted to attend the meeting but were unable to participate due to the time of day it was held. She informed the board that the commercial taxes are 300% of the residential taxes, and the law requires that all properties within 300 ft. of the lot lines must be notified. She said that the river magnifies sound and light and carries it further than 300 ft., meaning that many more people will be affected. She respectfully requested that the property not be rezoned to commercial as it would negatively impact the community. Mrs. Boersma submitted the signatures of sixteen people who could not be present at the meeting, all of whom are against the rezoning. *[Attached to file Remonstrator Exhibit #1].*

Mr. Jones came back on and indicated that the GPUD process allows the petitioner, that is the primary purpose of the GPUD. He stated this allows the petitioner to have confidence to move to the detailed design, which is required under the DPUD process. He stated this can't come back as a straight rezoning, it has to come back as a DPUD. He stated the petitioner can learn things from the GPUD such as; the real problems and issues they may be creating for adjoining property owners and neighborhoods. He stated then those things can be included in how you plan to go forward with the project. He stated the concerns are incorporated into their records and the county's records with the understanding that if they come back with a DPUD M-1 they better be prepared to address these issues. Mr. Jones stated there is no one else in this room who thinks as much of the St. Joseph River as he does. He stated he paddles the same route, fishes, and has ran into Mr. Miller a few times. He stated there are a few things that people need to understand, how industrial sites and development overall is allowed to impact the County's waterways is very strictly controlled. He stressed there are

practices, rules, and requirements put in place at the local, state, and federal levels that will tell any developer how they are supposed to treat, handle, and control their stormwater. He continued to state there is a possibility that there will be no discharge of water at all. He further stated this site has plenty of ground to store and handle their stormwater, and some of the best soils in the county. He stated he did not want to discount the residents' opinions, but from a stormwater management standpoint, water pollution will not be an issue. He stated the level of scrutiny is at its highest level in Elkhart County. He further stated that Bristol is a part of the MS4 group. He stated they did include a residential buffer against the existing residential on purpose. He stated the landowner does own 3 lots within the subdivision, and there has been no design or proposal as to what will occur in the R-1 zone. He stated there may be a possibility for the existing residents to approach the property owner and buy 100 % of it after it is rezoned. Mr. Jones went into detail of what would be seen along the river and, he described the bank of the river. He stated they can agree to put in the DPUD that the space along the top of bank of the river be preserved and possibly even augmented in some way. He stated he would personally like to see that. He went on to say he couldn't agree more with the need to preserve the beauty and all of the aspects of the St. Joseph River. He concluded to keep in mind that the river is part of Bristol's DNA; Bristol is there because of the river. He went on to say bringing this in as a GPUD allows the Plan Commission to hear from the community to help make a decision and request things that would like to be seen on the DPUD.

Mr. Rogers asked what is driving the zoning of the property, R-1 vs M-1. Mr. Jones stated the property owner, the Town of Bristol, and the market. He stated there is a significant need and the need is growing every day for good development sites that can provide transportation, utilities, good soils, and a good logistic location. He stated Elkhart East is almost out of land and the same is true for the City of Goshen. He indicated that the Town of Bristol is stepping up to prepare for future development. Mr. Rogers asked Mr. Jones to explain a couple items on the map, like where does the R-1 designation ends. Mr. Jones indicated on the site plan where that location was. Mr. Rogers stated the remonstrators comments about the river ring were sensitive to me because as a Commissioner have received numerous complaints from people in manufacturing areas across rivers where the noise is magnified. He stated if the it could stay residential along the river all the way to the Toll Road, then have some manufacturing along the street side. Mr. Rogers stated he can't support this concept based on the remonstrators comments. He went on to say Mr. Jones did a great job explaining the concepts. Mr. Dickerson stated one of his primary reasons for moving away from the city was living along the river. He stated there were episodes of gun violence in Elkhart, and the river amplified those sounds. He stated he can appreciate the residents along the river, whether they are right next door or a thousand yards away will be impacted in some way. He stated the backup beeper on a forklift would probably be heard throughout the community. He continued to say that Elkhart County has only one place to go and it's south. He stated that the policy is driving manufacturing to riverfront property that should be residential. He stated long term between towns and cities where should manufacturing be located; there is land south side of Elkhart and north of Wakarusa. He stated there are a lot of opportunities there, but they have to have water and sewer. He restated this is a policy-driven issue versus a land use issue, and he has concerns about where it is located.

Mark Boersma, 806 Trout Creek Rd., Bristol, was present in remonstrance to this request. He stated that it seems there is a rush to get this rezoning done. He stated he didn't understand what the rush was. He asked if this meeting is being recorded and if residents would have access to it. The staff answered yes. He went on to say there are a lot of residents who are against this request and are

unable to make this meeting. He stated there are people more than 300 ft. from the property line that will be affected by this. He stated no one in the community is for this petition. He doesn't understand why there has to be a decision today instead of waiting longer for more input from the residents and the community. He went on to say what happens in the next 3-5 years when things don't go according to plan and there are other issues. Mr. Boersma asked who can residents call. Mr. Rogers stated building on the property is months away, and the request will go before the Board of County Commissioners where the neighbors voice could be heard as well. He further stated if approved for the GPUD they would have to come back for a DPUD, and again that would have to be approved. Mr. Boersma stated from what they are being told the zoning isn't a big deal, because there are additional steps. He stated every step gets harder and harder to change the direction. He indicated once the zone is changed it will be very difficult to change the zoning back. Mr. Barker stated this request is a work in progress, he explained how the process works from a GPUD to a DPUD. He further stated that they haven't proposed anything at this point. Mr. Boersma stated that is correct. Mr. Barker stated that is why this petition is not being rushed.

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

Mr. Kolbus stated this is a recommendation from this commission to the County Commissioners; the County Commissioners make the final decision. He stated if they would forward it, it would be heard on January 16<sup>th</sup>, 2024, giving them time to prepare to get other neighbors involved. Mr. Miller stated that this property would be annexed into the Town of Bristol. Mr. Kolbus stated when that time comes, part of it may be for the Town Council to approve. Mr. Miller stated he has been on the river a lot and hates to see houses along the river and would like to see pristine water, but things are changing. He further stated that this is a key property. Mr. Rogers asked if he would rather see businesses or houses or neither. Mr. Miller replied that it hurts to see land like this taken out of agriculture work, but he also respects the process.

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

**Motion: Action:** Deny, **Moved by** Brian Dickerson, **Seconded by** John Gardner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 and R-1 to a GPUD M-1 to be known as LUX & AWT GPUD be denied.

**Vote:** Motion failed (**summary:** Yes = 3, No = 2)

**Yes:** John Gardner, Brian Dickerson, Brad Rogers

**No:** Phil Barker, Roger Miller

Attorney Kolbus explained the motion failed because five votes are needed to pass even with only five Board Members present.

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

**Motion: Action:** no recommendation, **Moved by** Roger Miller, **Seconded by** Phil Barker that this request for a zone map change from A-1 and R-1 to a GPUD M-1 to be known as LUX & AWT GPUD be passed to the Board of County Commissioners with no recommendation.

**Vote:** Motion failed (**summary:** Yes = 3, No = 2)

**Yes:** Phil Barker, John Gardner, Roger Miller

**No:** Brain Dickerson, Brad Rogers

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

**Motion: Action:** Tabled, **Moved by** Brad Rogers, **Seconded by** Brian Dickerson 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 R-1 to a GPUD M-1 to be known as LUX & AWT GPUD be tabled.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Phil Barker, John Gardner, Roger Miller, Brian Dickerson, Brad Rogers

6. The application for a zone map change from A-1, GPUD B-3, GPUD R-1, & GPUD R-4 to a GPUD M-1 & GPUD M-2 to be known as ORCHARD HILLS AWT GPUD, for AWT Inc. represented by Jones Petrie Rafinski, on property located on the northeast corner of SR 15 & CR 10, in Washington Township, zoned PUD R-1, GPUD B-3, GPUD R-4, & A-1, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #GPUD-0739-2023*.

Ken Jones, JPR, 325 S. Lafayette, South Bend, was present representing the petitioner. He stated they were a part of the 2003 PUD rezoning to help with the conceptual plan and the property owner had ambitious ideas as to what should happen at this location. He further stated they proceeded through and were able to get approvals for that concept. He stated regrettably that the project never got started. He went on to say the property changed hands shortly after the rezoning. He stated this project would help with the gridlock traffic issues in Bristol. He continued to describe the history of the Bristol Business Route. He stated this roadway project for the Town of Bristol has taken a lot of time to get to this traffic concept. He went on to describe the route of the traffic concept being presented. He stated the Town of Bristol would have to work with the landowner to help move this project forward. He stated Bristol is aware that this project is needed and is aggressively planning with the landowner. He concluded that the goal is to activate this project and begin in phases starting with the intersection at Industrial Dr. and further described how the project would be developed further. He stated there is a section that will remain residential and will provide buffers to the landowners south of CR 10.

Jim Woodsmall, 54671 Colonial Ridge Dr., Bristol, was present in remonstrance to this petition. He stated that his focus was on CR 10 and the southeast part of this project. He stated that M-1 is jumping over SR 15 into what is A-1 residential, all the way along CR 10. He went on to say Jeremy Cook's residence will be illuminated by all of the lights and all the manufacturing noises. He stated there are already lighting issues along SR 15, at night it looks like daytime. He stated he is aware of the buffering requirements, but that does not control the noise and lights. He stated they would like to see a transition zone. He indicated lots 1 and 2 could be made B-3. He stated there is a need for the transition zoning between the M-1 and the residence. Mr. Miller stated when the DPUD comes to the Plan Commission we could incorporate the buffer zone into that plan. Mr. Woodsmall stated that the Staff Report indicates a transitional zoning from industrial/commercial/residential.

Dan Morrison, 55105 Colonial Ridge Dr., Bristol, was present in remonstrance to this petition. He concurred with everything Mr. Woodsmall stated. He went on to say for 5-6 months out of the year when the leaves have fallen, west across SR 15 it looks like a Christmas tree. He stated he has made several complaints to the county regarding all the light pollution. He further stated about the



increase in light pollution, noise pollution, and dust pollution. He mentioned that the landowner wants to preserve the southeast corner, and he asked if a deed restriction could be imposed all the way across to give the resident a buffer in exchange for approval. Mr. Dickerson asked if they are necessarily opposed to the development to the north, or are they just looking for a more solid transition area. Mr. Morrison responded that he is not opposed to the development to the north, but he wants to see buffering to protect the residents. Mr. Miller asked what he imagines as a transition or a conceptual idea in this area. Mr. Morrison responded in a perfect world he would like to see 15 acres of pine trees. He continued to say that he believes this should be a compromise and a conversation with all of the residents. Mr. Dickerson explained the reason he asked this question is due to most of the time remonstrators are a hard no, but in this case, they are asking for some compromising on both sides.

Mike Bontrager, 1851 Bloomingdale Dr., Bristol, was present to speak on this request. He stated he will be directly affected by this project, and he spoke to Mike Yoder about the Town of Bristol wanting to run a road right through his business. He continued to say he understands the need for this, and he is not speaking out in opposition or in favor, though he wants to point out to Counties, Towns, and Governments that he believes are crazy. Further, he explained he owns a small trucking company that doesn't do haul-away, or RV's nor do they have a huge need for storage, but this will cause them to have to relocate. He stressed the roundabout will be through a State Road with the goal to get truck traffic through town, and the traffic in Bristol is from the local manufacturing but also from Canadian truck traffic. He reiterated that State Road 15 is the best conduit from the Toll Road to 31 South in South Bend, and he believes the roundabout on State Road 19 is partially responsible for major accidents. He continued to say semi-trucks can't get through roundabouts as well as everyone thinks they can.

Lindsay Stults, 54915 Colonial Ridge Dr., Bristol, was present in remonstrance. He explained he is the landowner and business owner of Utilimaster and back in 2003 they built a building. He explained Earthway was made wider, because the plan was for it to take on the truck traffic. He went on to say he understands the need for this project though, he comes down CR 10 and it takes a minimum of 20 minutes to pull out onto SR 15. He stressed the Board isn't here to talk about putting in the roundabout. However he noted a lot of the property owners are concerned that will happen, and they want the buffering to help make this a rural community.

Tim Irons, 905 Mottville Rd., Bristol, was present in remonstrance. He explained he can back up any statements that were made about traffic concerns going through Bristol. He stressed there was a great plan that was approved through the Commissioners and the Town of Bristol to put the business route extension through. However, he noted no one uses it, because it was done so poorly. He went on to say without a stop light on SR 15, where that extension connects, the traffic backs up and no one can turn south. Further, he explained once the crossing on County Road 27, just north of town, was taken out, that diverted all of the traffic straight down SR 15. Mr. Miller stated he agrees with that crossing being closed causing issues for traffic flow, but that doesn't have any bearing on today's matter. Mr. Irons stressed it has a lot of bearing, because these are plans that have been approved by this Board that have not done the Town any good as they have said they would. He reiterated as they are sitting here talking about the traffic in Bristol, they have all forgotten about the land that was just approved for a rezoning that doesn't even have a plan for the land after it is rezoned. He stressed there is another example of adding to the traffic problem and not solving the problem.

John Bronson, 55020 Colonial Ridge Dr., Bristol, was present in remonstrance. He stated it was talked about wanting to make some of the property residential that borders the north part of CR

10. He asked if that was a correct statement that he heard. Mr. Miller responded that is correct. Mr. Bronson stated if that is the case then his first recommendation is for this to be postponed until that land is shown as residential, because as of right now it is all being asked to be zoned M-1. Mr. Miller explained that this is a general idea and when they have their final plan together they have to come back and file for the DPUD with exactly what they want to do. Mr. Bronson stressed the roundabout at the end of CR 10 with a stop light 500-600 ft. up the road makes no sense to let traffic move then to have traffic stop. Mr. Miller explained that is a State Road and the County has no jurisdiction or input on what the State does. Mr. Bronson stressed he is not opposed to having traffic rerouted to the north of the Town of Bristol.

Courtney Lalime, 17974 County Road 10, Bristol, was present in remonstrance. He explained his home faces east and at the end of the day this all comes down to the money will win out. He continued to say at the same time Thor is lit up like a firecracker. Mr. Miller stated the Board has heard about the lighting and the residents wanting buffering to help with that. Mr. Lalime stressed the lights concern him, and he agrees with the buffer zone.

Mike Yoder, Town Manager of Bristol, 303 East Vistula, Bristol, was present in support of this request. He stated he is a policy facilitator and not a policy maker, and they have some great residents in Bristol that have made some great comments today. He continued to say Mr. Dickerson is exactly right that something can be worked out, and if the downtown can be re-captured then they need this redevelopment on the south side to be able to pay for the new business route. He stressed the decision made in the last petition was a remarkable shift in policy, so he just wants to make sure the Board knows the importance of this project for the Town.

Ken Jones came back on to respond. He stated they realize this isn't the point in time to add conditions, but they can offer conditions. He continued saying they agree to buffering and preserving the tree lines that are currently there. He went on to say that most of these concerns have been thought about and investigated by the developers, and that is why 50 acres was left out of the project. He stressed there are no plans to change the zoning of that 50 acres, and that is currently zoned A-1. Further, he stated they will continue to address the concerns that they heard today to help make this project the least impactful on the residents as possible when the lights are on therefore it is extremely difficult to enforce the lighting codes. He stressed it is normally complaints coming in after the projects are completed and not during the development phases, because during development there are ways to enforce the codes and conditions in place.

A motion was made and seconded (*Rogers/Gardner*) 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** Brian Dickerson, **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 A-1, GPUD B-3, GPUD R-1, & GPUD R-4 to a GPUD M-1 & GPUD M-2 to be known as ORCHARD HILLS AWT GPUD be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Phil Barker, John Gardner, Roger Miller, Brian Dickerson, Brad Rogers

7. The application for a zone map change from R-3 to DPUD R-3 and for primary approval of a 2-lot minor subdivision to be known as BRISTOL APARTMENTS DPUD, for Swank & White LLC represented by Abonmarche Consultants, on property located on the north side of SR 120, 2,680 ft., southwest of CR 21, common address of 20551 SR 120 in Washington Township, zoned R-3, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0742-2023*.

Andrea Milne, Abonmarche, 303 River Race Rd., Goshen, was present for this request. She stated this is a project that will bring much needed houses to Bristol, and it is on land that has been annexed into the Town of Bristol. She went on to say during the annexation process they also discussed including additional buffering on the east side of the property to mitigate any negative impact on the neighbors.

Linda Homo, 20399 SR 120, Bristol, was present in remonstrance. She stated she is the most impacted, and she is glad to hear about more buffering. She went on to say she had a conversation with Cory out in the hall, and he told her there would be 800 units. She stressed she doesn't know how that is going to work on this piece of property. Mr. Miller clarified they will be putting in 80 units. Mrs. Homo stressed that is a better number and that not too long ago in the Goshen News it was reported that 18 units would be going in, which is the most reasonable. She continued to say that she is concerned about all of the traffic that this will bring to the area, and she is glad to hear they are going to do buffering.

A motion was made and seconded (*Rogers/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:** Approved, **Moved by** Brian Dickerson, **Seconded by** Brad Rogers that the Advisory Plan Commission recommend to the Bristol Town Council that this request for a zone map change from R-3 to DPUD R-3 and for primary approval of a 2-lot minor subdivision to be known as BRISTOL APARTMENTS DPUD be approved in accordance with the Staff Analysis.

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

Jason Auvil presented the approval report for the County Commissioners who approved the first expansion of Smart M-1 DPUD A-1 and they also approved the Lot 73 & 74 Replat of DPUD B-1.

9. Mae Kratzer presented the contract for the County Attorney, Jim Kolbus, to keep his services for the 2024 upcoming year with a 3% raise.

A motion was made and seconded (*Miller/Dickerson*) to approve Attorney Kolbus' services for 2024. The motion passed unanimously.

A motion was made and seconded (*Dickerson/Gardner*) and that the meeting be adjourned.

The motion was carried with a unanimous vote, and the meeting was adjourned at 11:54 a.m.

Respectfully submitted,

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Amber Weiss, Recording Secretary

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Roger Miller, Chairman