

PLAN MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 14TH DAY OF SEPTEMBER 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, Roger Miller. The following staff members were present: Mae Kratzer, Plan Director; Jason Auvil, Planning Manager; Danny Dean, Planner; Adam Coleson, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, John Gardner, Roger Miller, Brad Rogers.

Absent: Steven Clark, Brian Dickerson.

2. A motion was made and seconded (*Warner/Edwards*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 10th day of August 2023, 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. The application for a zone map change from A-1 to DPUD A-1 and for primary approval of a 3-lot minor subdivision to be known as THE DENTED CAN MARKET DPUD A-1, for Paul R. Royer & Rose E. Royer Joint Revocable Trust The Dented Can, LLC represented by B. Doriot & Associates, Inc., on property located on the northeast corner of SR 119 & CR 9, common address of 25743 SR 119 in Harrison 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-0537-2023*.

Blake Doriot, B. Doriot Associates, P.O. Box 465 New Paris, was present representing the petitioner. According to Mr. Doriot, the Royer family talked to their neighbors about the petition and received a positive response. He state the community wants and needs the expansion of the Dented Can. Mr. Doriot assured that they would maintain the same legal description as the one on the deed. He also mentioned that Mr. Auvil proposed a DPUD for this property to clean-up the Special Use. He explained the only change to the existing properties will be that Mr. Royer, who currently lives on lot 2 with a house, will have a driveway going across to transport goods from the storage building to the new store. Additionally, he added there may be some solar panels placed northeast of the I and M power line. Mr. Doriot clarified that each lot has an existing septic system. The store will be situated on lot 1, occupying a 12,000 sq. ft. building with a porch in the front, accessible by CR 9 and SR 119. He further added that there will be ample parking spaces, along with a retention area. Mr. Warner inquired about the traffic provisions to turn off of SR 119 entrance. Mr. Doriot replied that there is already an existing drive, and only 40% of customers will use the SR 119. Indot will determine what is necessary for the drive. Mr. Warner questioned if a turning lane would be needed, to which Mr.

Doriot was unsure. Mr. Kolbus reminded the board that SR 119 is a state road regulated by the state. Mrs. Snyder asked about the signs, and the type of sign they intend to have. Mr. Doriot mentioned that there was a note on the site plan, and Mr. Auvil confirmed that it would meet county standards. Mrs. Snyder asked about the type of sign, to which Mr. Doriot stated that there would probably be a lit sign for the CR 9 entrance and one for the SR 119 entrance. Additionally, he noted there might be a changeable sign to indicate specials. Mr. Rogers shared that sometimes the County Commissioners receive intel that certain events are going to happen. He mentioned that INDOT plans to square up the intersections of CR 13 and SR 119 and CR 7 and SR 119. He suggested confirming that there is no plan to improve the CR 9 intersection. Mr. Doriot added that there had been talk about dedicating additional property there and making a radius point that would make the turn on CR 9 coming north easier. He explained that he indicated it on his site plan. Mr. Auvil clarified that the DPUD narrative stated that there would be one electronic sign at the SR 119 entrance, double-faced, and no more than 24 sq. ft. on each side. He further added that it would note deliveries from CR 9 only. Mr. Doriot stated he existing sign on SR 19 will be placed at the CR 9 entrance. He added an interior information sign will be placed inside the CR 9 entrance directing deliveries and customers, and the building's gable sign is shown in the attached document.

David Weaver, 23877 CR 50, New Paris, was present in support of this request. He mentioned that his family is a frequent shopper at the Dented Can, and they really enjoy the store. He also expressed his gratitude for being allowed to use the CR 9 entrance instead of SR 119, as it is more convenient for him to drive his horse and buggy.

There were no remonstrators present.

A motion was made and seconded (*Rogers/Warner*) 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** Brad Rogers, **Seconded by** Steve Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to DPUD A-1 and for primary approval of a 3-lot minor subdivision to be known as THE DENTED CAN MARKET DPUD A-1 be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, John Gardner, Roger Miller, Brad Rogers.

5. The application for a zone map change from A-1 to DPUD A-1 to be known as WAKARUSA PRODUCE AUCTION DPUD, for Wakarusa Produce Auction Inc. represented by Innovative Communities, Inc., on property located on the northeast corner of CR 9 and CR 138, common address of 65460 CR 9 in Harrison Township, zoned A-1, was presented at this time.

Adam Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0450-2023*.

Tim Saylor, Innovative Communities, Inc. 697 Bungalow Dr., Nappanee, was present representing the petitioner. During the meeting, Mr. Saylor spoke about the recent developments on

the site, which included a minor subdivision of one lot and improvements in driveway approaches on CR 9 and CR 138. He stated the petitioner is now looking to expand their barns for auction operations. According to Mr. Saylor, after consulting with the Building Department and Mr. Auvil, it was determined that the best way to proceed with that was to pursue a DPUD on the site, instead of continuing with a Special Use. He went on to say this will allow the petitioner to address all the regulatory issues related to drainage post-construction, stormwater quality, and other related concerns. Mr. Saylor also mentioned that the petitioner is requesting a variance related to signage. He explained they are asking for a sign at each entrance point, one on CR 9 and one on CR 138. The signs are a little bit larger than what is typically allowed in an A-1 zone, measuring 5ft x 4ft. However, he continued the signs will not be lit in any way and will be unobtrusive. Mr. Rogers asked about the horse demonstration track, which did not seem to be a full oval. Mr. Saylor explained that the track goes around the existing barns and ties into existing drives. He added it is intended to be used six times a year. He clarified that it is not a part of their normal operations but is provided as a service to the community.

Samuel Oberholtzer, 64590 CR 1, Wakarusa, the operations manager came on and explained that it is intended for horse sales that happen twice a year, one in the spring and one in the fall. The purpose of the track is to drive the horses to see the gait of the horse, making sure it is sound, and the overall general appearance of the horse in driving.

Joel Weaver, 25253 CR 50, Nappanee, spoke in favor of the petition, stating that the Wakarusa Produce Auction was founded about 30 years ago by a group of community investors to establish a viable market for produce for the local community. He continued saying the auction was also established to help market for local family farms. Mr. Weaver shared that his grandfather and father were involved in founding the produce auction. He emphasized that he was not advocating for a big business in rural Elkhart County, but rather viable services to the next generation to help family farms. He also mentioned that many people in the area drive horse and buggy and need a place to buy horses.

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.

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

Motion: Action: Approve, **Moved by** Brad Rogers, **Seconded by** Steve Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to DPUD A-1 to be known as WAKARUSA PRODUCE AUCTION DPUD be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, John Gardner, Roger Miller, Brad Rogers.

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

Jason Auvil reported on August 7, 2023 Town Council of Middlebury petition approval, August 17, 2023, Town Council of Bristol petition approval, and August 21, 2023 County Commissioners petition approvals.

7. Mae Kratzer mentioned that the staff has been devoting a considerable amount of time to the Unified Development Ordinance. Abonmarche has provided the staff with a preliminary draft, but they will share it at the next meeting as some modifications need to be addressed.

A motion was made and seconded (*Edwards /Rogers*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 9:59 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Roger Miller, Chairman