

PLAN MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 9TH DAY OF JANUARY 2025 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, Lori Snyder. The following staff members were present: Jason Auvil, Planning Manager; Danny Dean, Planner; Danielle Richards, Planner; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steven Clark, Dan Carlson, Roger Miller, Brian Dickerson, Brad Rogers.

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 12th day of December 2024, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Edwards/Clark*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. The motion was carried with a unanimous vote.

4. **Election of Officers**

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

Motion: Action: Approve, **Moved by** Steven Clark, **Seconded by** Dan Carlson to approve the slate of officers and appointments.

Vote: Motion carried by unanimous vote (**summary:** Yes = 9)

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Dan Carlson, Roger Miller, Brian Dickerson, Brad Rogers.

5. The application for a zone map change from B-1 & R-1 to B-1, for Six Span LLC represented by Six Span LLC, on property located on the southwest corner of SR 120 & Michael Dr. 575 ft. east of CR 17, common address of 21790 SR 120, 21810 SR 120, & 21776 SR 120 in Washington Township, zoned B-1, R-1, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0860-2024*.

Mr. Rogers asked why the triangle piece of land was left as R-1 in 2019. Mr. Dean stated it was an oversight. Mr. Dean also indicated the original zone boundary that was established in 1959.

Martin Spergel, Six Span LLC, 22313 SR 120, Bristol, was present representing Six Span LLC. He stated the purpose of this rezoning is to make the properties all zoned B-1.

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** Brian Dickerson that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from B-1 & R-1 to B-1 be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Dan Carlson, Roger Miller, Brian Dickerson, Brad Rogers

6. The application for a zone map change from R-1 to A-1, for Dale & Melissa Shuppert (Buyers) & Nichols Holding LLC (Seller) on property located on the north side of CR 26, 925 ft. west of CR 113, common address of 23681 CR 26 in Concord Township, zoned R-1, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0863-2024*.

Mrs. Richards presented emails received by staff in regards to this request [*Attached to file as Staff Exhibit #1*]. The first email was from Michael Zehr, no address given in remonstrance to this petition. His email stated his biggest complaint is that the chickens are free ranged in the yard. He also expressed concern about chicken waste running off into the creek. [*Attached to file Remonstrance Exhibit #5*]. Bill Born, no address given, also sent an email in remonstrance to this petition. His email expressed concerns about the rezoning, because it could potentially allow up to 44,000 chickens or more. He went on to state he is worried about property management and the welfare of Yellow Creek. [*Attached to file Remonstrance Exhibit #4*]. Another email was received from Doug Davis, 59779 Lee Ave., Elkhart in remonstrance to this petition. His email mentioned that the buyer of this property has numerous complaints on noise, smell, odor from deceased carcasses, harmful gas emissions, public concerns for potential spread of infections, increased rodent presence, water pollution, and no barriers for the chickens as they are free ranged. [*Attached to file Remonstrance Exhibit #3*]. Mrs. Richards presented a petition with neighbor signatures in remonstrance to this rezoning. Amy Yoder, no address given, also sent a letter in remonstrance to this petition. Her letter stated her concerns were for contamination, pollutants, and smells. [*Attached to file Remonstrance Exhibit #1*]. Mrs. Richards also stated there were signatures attached to the letter. [*Attached to file Remonstrance Exhibit #2*]. Mrs. Snyder asked if there are any addresses listed on the remonstrance petitions. Mrs. Richards stated there are addresses listed on the sheets with signatures.

Mr. Rogers asked if the entire triangle shaped parcel is zoned R-1. Mrs. Richards stated that is correct. She went on to say that part of the parcel was used for farming. Mr. Rogers asked for the history or the reason why this parcel and the parcel to the west are zoned R-1. Mrs. Richards stated that it was the original zoning. Mrs. Snyder questioned the landowners farming it. Mr. Auvil explained that the zoning was established on October 30, 1959. He stated that the original thought was this area would be developed for residential development. He went on to say that the area never developed into residential use, as it was originally thought in 1959. Mrs. Snyder asked if the land is

low. Mr. Auvil yes due to Yellow Creek, ponding soils, mucky soils, and the potential for flooding. He further stated that may be another reason why this property was never developed.

Dale & Melissa Shuppert, 2636 Erskine Blvd., South Bend, were present representing as the petitioners. Mrs. Snyder asked if they are currently living at the property. Mr. Shuppert replied that they are not living there at this time, explaining that the house has been abandoned for 12 years. He continued saying they are in the process of preparing the building to be remodeled for storage. He mentioned their future plan is to construct a house on the lot east of the current buildings. He clarified they did not bring the chickens to the lot with them, and their intention is to allow the chickens to free-range. Mrs. Snyder inquired about Mr. Shuppert's plans for the land. He stated he wants to establish a farm. When she asked how many animals he planned to have, he explained they are breeding chickens. He added they are concerned about the food supply, as what is available in stores is not the best for them. Mr. Shuppert emphasized they are focused on breeding and raising healthy chickens, and they currently have 150 chickens in the breeding process. He mentioned it typically takes 200-300 chickens to start a breeding program. He admitted they have not put up a fence, mistakenly thinking the chickens would stay with their food. He noted the goats on the property are there to control the weeds. He elaborated he cannot envision having more than 1,000 chickens, including chicks, which would be moved to different facilities to be raised. Mrs. Snyder mentioned that one of the complaints is about deceased carcasses lying around. Mr. Shuppert explained that they currently have a significant hawk problem, and dead chickens can attract crows, which helps keep the hawks away. He added that there aren't many carcasses, as most of the time they are burned. Mr. Warner asked about the maximum number of birds he expects to have. Mr. Shuppert reiterated that he plans for a maximum breeding flock of 500 chickens, with an additional 500 chicks. He expressed that this is a way to help the community by providing healthy food. Mrs. Snyder remarked that this hearing is a good way to communicate future plans for the land to the neighbors. Mr. Miller inquired whether there should be a limit on the number of chickens allowed if the rezoning is approved, suggesting a cap of 500 chickens. Mr. Shuppert stated that would pose a problem, as 500 chicks can be hatched in one month, complicating his breeding program. Mr. Miller then asked how long the chicks would remain on the property. Mr. Shuppert admitted he could not answer that at the moment. However, he reiterated that he does not want to keep a large number of chickens on the property due to potential odor issues, as he still wishes to allow them to free-range. Mr. Edwards explained that the reason for all the questions is to clarify the neighbors' understanding and determine what Mr. Shuppert would be willing to commit to regarding a maximum number of chickens. He acknowledged that this can be difficult to commit to, which might lead to confusion among neighbors about his true intentions, if no specific number is provided. Mr. Shuppert expressed concern that if he gave a number of chickens and then could not sell them, he could end up with over 500 chickens, which would be problematic. Mr. Edwards stated if that were the case, he would be in violation of the agreement, which could lead to potential code enforcement issues with the county. He further explained that he would enter into this knowing the commitments involved. Mr. Shuppert reiterated that he cannot envision having more than 1,000 birds, including chicks and breeders. He reminded the board that the property encompasses 10 acres. Mr. Shuppert explained that he has raised 350 chickens on one acre of land by moving them around regularly. He emphasized that this practice is key, because the chickens get fresh grass, do not stand in their own waste, are able to fly, and develop

stronger muscles. He mentioned that an electric fence is used on the property to keep the birds contained. Additionally, Mr. Shuppert noted that the current state of Yellow Creek is poor, and the water is contaminated. He further expressed his willingness to use part of his land to help clean the creek. Mrs. Snyder then explained how the rest of the meeting would proceed. Mr. Warner mentioned that a capacity of 10 acres could comfortably accommodate several thousand chickens without being noticeable. Mr. Shuppert expressed his desire to plant more vegetation to provide coverage, helping to conceal the chickens and reduce the noise. Mr. Miller inquired whether there is a restriction on the number of animals if the property is rezoned to A-1. Mr. Auvil explained that if the A-1 zoning is granted, specific units are assigned per animal. He clarified that the allowance for chickens is set at 1,500 units, meaning that each chicken counts as 0.01 units. Consequently, this means one could have up to 150,000 chickens on a 3-acre parcel or larger in an A-1 zone. Mr. Kolbus mentioned that a rezoning petition can include a commitment that limits the number of animals allowed, but the final decision rests with the County Commissioners. Mrs. Snyder noted that the request is for 1,000 chickens. Additionally, she reminded the audience of the Plan Commission's role concerning land use.

Roger Evans, 23676 CR 26, Elkhart was present in remonstrance. He explained that he has been farming his entire life, and the first step in farming is proper fencing. He mentioned the chickens and goats have been getting loose and are often found on the road, indicating that the animals are not being contained effectively. He expressed concern about the number of chickens being requested, as there is already a problem with managing the ones currently on the property. Additionally, he pointed out that rerouting the creek could lead to flooding in the area.

Phil Sumptner, Concord Fire Department, 23625 CR 18, Elkhart was present in remonstrance. He expressed his concerns about where the chickens will be housed during bad weather, noting that they will need some kind of structure for shelter. He mentioned that this situation could place stress on the fire department due to issues with water supply, low power lines, and traffic on CR 26. Additionally, he pointed out that buildings on this property could pose risks to neighboring properties in the event of a fire.

Delpha Rosenberg, 60168 Surrey Ln., Elkhart, was present in remonstrance. She expressed her concerns about decreasing property values. She also raised the issue of health risks from bird contaminants, such as E. coli and salmonella, affecting well water. Additionally, she highlighted her worries regarding air quality for individuals with respiratory issues.

Robin Kline, 59828 Garver Ave., Elkhart, was present in remonstrance. She mentioned there has never been an issue with hawks in the past. However, she explained more hawks are now being seen throughout the neighborhood, and they are killing pets. She expressed her concerns about the safety of small dogs and other pets in the area.

Joseph Wright, 23665 Creek Park Dr., Elkhart, was present in remonstrance. He stated that firearms have been used on the subject property. He mentioned for safety purposes, a backstop is needed when target shooting.

Wayne Sousley, 59864 Garver Ave., Elkhart, was present in remonstrance. He stated wood, leaves, and signs were dumped on the property, followed by uncontrolled fires. He expressed concerns about chickens and goats not being contained, which have become a nuisance to neighbors. He mentioned that the animals also pose a hazard to drivers. Additionally, he noted that the fires were

neither contained nor supervised on several occasions. Mr. Sousley highlighted observing these infractions from someone who has just moved in is detrimental to the neighborhood and the community. He further questioned why the Board would want to invite more issues to the property.

Loyd Chupp, 23399 US 33, Goshen, was present in remonstrance. He stated that he has owned his property for over 65 years at 23762 CR 28 in Elkhart. He mentioned that loads of debris are dropped off as early as 6 a.m. in the morning. Additionally, he expressed this situation has created a road hazard due to the loose animals. He also noted the smoke from burning debris has raised health concerns for his wife.

Brian Ufkin 23698 Martin Ave., Elkhart, was present in remonstrance. He explained there is a significant amount of burning that occurs on this property, including burning of carcasses. He noted it is illegal to open burn animal carcasses in the State of Indiana. Additionally, he stated a certified incinerator is required for proper disposal. Mr. Ufkin, who has experience in the agricultural industry, mentioned there are specific regulations and requirements set by the USDA that mandate proper ventilation and disposal of waste. Furthermore, he emphasized that free-range chickens must have Organic certifications in place before they can be raised.

Phil Harbaugh, 23580 Creek Park Dr., Elkhart, was present in remonstrance. He noted there are concerns regarding Yellow Creek, now known as Schaffer's Ditch. He clarified it runs the entire length of Creek Park Drive, from County Road 113 to Yellow Creek.

Kim Otto, 23595 Stone Gate Circle, Elkhart, was present in remonstrance. Mrs. Otto inquired about the regulations pertaining to the A-1 zoning, specifically regarding the number of chickens allowed and the required acreage of land. She expressed concern about the potential for the current landowner to sell the property to someone who might want to keep as many as 150,000 chickens, which could be permitted by right. In response, Mr. Miller informed Mrs. Otto that a restriction could be placed on the property to limit the number of animals for both the current owner and any future owners. Mrs. Otto also noted that CR 26 experiences a lot of traffic, and she believes adding more traffic to the area would not be beneficial. Mrs. Snyder mentioned this request is only for a husband and wife operation. Mrs. Otto added that is the current request, but if the property is sold, there could be a maximum number of chickens if no restrictions are placed.

Dave Bates, 23699 Martin Ave., Elkhart, was present in remonstrance. He stated his main concern is with the 100-year flood plain. He further stated the house and barn sit in the floodplain, Mr. Bates stated he was told he could not even put a drain tile through the floodplain. He stated he would not be able to get a permit for the house or the septic. He asked what will happen when the property floods. He explained that Mr. Shuppert does not currently own the subject property, as he is currently buying it on a Land Contract from an LLC.

Andy Kniller, 59645 Parkside Dr., Elkhart, was present in remonstrance. He expressed concerns about overall compliance. He stated that rezoning this property will bring the property owners into compliance. He questioned why the petitioner was not held to a standard of compliance before moving the animals onto the property. He asked if the speed limit should be raised to accommodate those caught speeding, suggesting that this approach puts the cart before the horse. He also inquired about how the county would ensure ongoing compliance, and if limits are set, who would be responsible for maintaining those restrictions.

Cheryl Pletcher, 60375 Surrey Ln., Elkhart, was present in remonstrance. She explained her

concerns with water contamination which comes to the Sherwood Subdivision.

Doug Davis, 59779 Lee Ave., Elkhart, was present in remonstrance. He stated he is concerned with the amount of rodents, diseases, unwanted wildlife, and runoff contamination. He expressed his request to keep it zoned R-1 and require the petitioner apply for a Special Use.

Gene Gibbson, 61336 CR 13, Elkhart, was present in favor of this request. He claimed the owner is being victimized due to the 44,000 chickens proposed on CR 13, that will also cause water contamination. He mentioned the lack of fairness to allow a larger operation within one mile of the subject property but not allow the requested amount of chickens on this property. He suggested making A-1 more restrictive for the smaller farmers.

Ray Manley, 59778 Park Side Dr., Elkhart, was present in remonstrance. He asked what would restrict the petitioner from having a 7,500 hog farm with approval of the request.

Brain Good, 23720 CR 26, Elkhart, was present in favor of the request. He stated he has been advised that Yellow Creek contains ten times the allowable amount of E. coli, attributed to a farm with cows to the north. He explained that introducing chickens to the property will not significantly worsen the current contamination situation in Yellow Creek. He further noted the petitioner has some good ideas for managing not only his flock but also the manure. He mentioned hawks were a problem before the chickens arrived on the property. He encouraged local neighbors to take the time to discuss his ideas and future plans with Mr. Shuppert. He also urged neighbors to be patient, stating that with support from the county, it would be possible to make this work.

Mr. Shuppert came back on and explained the mobile coop is for the protection of the chickens. He expressed all neighbors are welcome to come to his property and talk about the plan for his future operation. He explained the entire property will be fenced, and the house will be turned into an outbuilding. He added the entire edge of the property are elevated by 2-3 ft., which will not allow runoff water to flow into the creek or ditch. He explained burning is used for composting the soil to enrich the land. Mr. Warner asked if he plans to continue burning. Mr. Shuppert responded he has several truckloads that need to be burned. He explained how brush/leaves will always be needed for a compost pile for fertilization. Mr. Shuppert stated that groundwater contamination is a concern of his as well. He mentioned local neighborhoods fertilize their yards with chemicals, which are more of a concern than manure. Mr. Warner addressed the concerns that the house and barn are in the flood plain, and the petitioner's intention is not to use the house as a home. Mr. Shuppert stated they are looking to build a home in the center of the property. Mr. Warner asked about the future disposal of animal carcasses. Mr. Shuppert stated he did not know you could not burn a carcass, and he will plan on burying future carcasses. He stated it smelled like chicken, and he didn't understand that it would be a problem. He went on to say free-ranging, in his opinion, is the best way to go. He mentioned he never leaves fires unattended. Mr. Carlson asked if there is a water supply on the property, and Mr. Shuppert responded there is a well.

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

Mr. Dickerson stated when discussing land use, the main concerns involve neighboring property owners. He further explained that property owners have the right to utilize their land as they

see fit. However, if the use negatively impacts neighboring properties, it becomes essential to protect property values. Mrs. Snyder suggested that there might be an alternative option to a straight A-1 zone, such as applying for a Special Use permit or a Rezoning with commitments. Mr. Warner agreed that a commitment should be made to prevent further dumping and requiring a fence be erected. He added that, excluding the floodplain acreage, the property could easily support thousands of birds without issues. Mrs. Snyder asked Mr. Barker for his thoughts regarding Yellow Creek. Mr. Barker mentioned there are certain requirements that Mr. Shuppert must meet for any future construction on the property. For example, the county requires a 75-foot right-of-way from the creek's bank, where nothing can be constructed. Mr. Carlson expressed his concerns about the possibility of adding more chickens, noting that the existing chickens are already escaping onto the road, creating hazards. He emphasized that the fence should have been installed before bringing in the chickens. Additionally, he raised concerns about waste run-off into the creek. In response, Mr. Warner indicated that there would need to be some filtration of the manure. Mrs. Snyder inquired whether the request can be declined, and the petitioner referred to file a Special Use permit instead. Mr. Auvil clarified a Special Use would be heard by the Board of Zoning Appeals. Generally, he explained the BZA allows for up to 12 hens with no roosters, but this situation differs in scale. Mr. Warner asked how many roosters Mr. Shuppert intends to have. Mr. Shuppert replied he needs one rooster per ten hens for a breeding program. He also mentioned that if he was given time to grow some trees, it would help reduce the noise. Mrs. Snyder then asked Mr. Shuppert if he is purchasing the property on a land contract. He confirmed that is correct. She also inquired whether the land contract holder filed the petition, and if their signature, was on the application. Mrs. Richards confirmed the current landowner's signature was indeed on the application. Mr. Rogers asked Mr. Auvil if a recommendation for denial of the rezoning still goes to the Commissioners. Mr. Auvil explained the Plan Commission can make a motion to recommend approval of the request with commitments, denial, table the request, or pass it on without a recommendation to the Commissioners. Mr. Rogers further queried whether a recommendation of denial still is heard by the Commissioners. Mr. Kolbus clarified the request will still be heard by the Commissioners with a recommendation from Plan Commission for denial. Mr. Auvil pointed out that a condition allowing 500 adult birds, would still open the door for other livestock with the rezoning. Mr. Miller noted the mentioned condition would pertain to the land itself, not to the owner. Mrs. Snyder stated the subject property has no real use as a residential development. Mr. Miller stated the petitioner bringing leaves and other natural items for compost is typical of what is done on a farm to improve the soil. He further stated he does have a problem with not limiting the number of chickens allowed. Mr. Warner agreed with Mr. Miller. Mrs. Snyder suggested the Board recommend approval with commitments allowing no more than 1,000 birds and requiring the property be fenced in. Mr. Clark expressed concern about rezoning the property, noting that it was originally designated as R-1 and transitioning it to less restrictive zoning in such a densely populated area will be problematic. He mentioned while he typically supports property rights, the buyer purchased the property with the understanding that it is in an R-1 zone. He added if the petitioner had been better prepared prior to stating his operation, he might have had a different perspective about the request. Mr. Clark remarked that Mr. Shuppert seemed to have acted prematurely by seeking a rezoning before completing necessary preparations. Consequently, he stated he would deny the rezoning request, due to the lack of prior planning. Mr. Miller mentioned the Board could impose a time frame to have the

petitioner come back and be approved by staff. Mr. Dickerson appreciated Mr. Miller's effort to find some middle ground between the petitioner and the residents. He mentioned that approaching the situation from a different perspective might be beneficial. However, he stated that in reality, this middle ground would likely yield the same results. Mr. Dickerson noted that if this operation was an established farm, it would be treated with more respect. He also explained that the context would be different, if the operation were a family-run farm rather than a commercial farming endeavor. He pointed out that 1,000 chickens is clearly not for a family farm operation.

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

Motion: Action: Deny, **Moved by** Brian Dickerson, **Seconded by** Steven Clark that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from R-1 to A-1 be denied.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Dan Carlson, Brian Dickerson, Brad Rogers.

No: Roger Miller.

7. The application for a zone map change from A-1 to DPUD M-1 and for primary approval of a 1-lot minor subdivision to be known as MARTIN TRUSS DPUD M-1, for Andrew G. Martin & Susie Martin, Husband & Wife represented by Surveying and Mapping LLC, on property located on the east side of CR 1, 1,800 ft. south of CR 30, common address of 62332 CR 1 in Olive 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-0858-2024*.

Debra Hughes, Surveying and Mapping, 2810 Dexter Dr., Elkhart, was present representing the petitioner. She mentioned that this parcel has been operating under Special Use as a home-based agricultural-related business. She explained that the DPUD (Detailed Planned Unit Development) also allows manufacturing and residential uses. Additionally, she noted the DPUD encompasses five phases for the future construction of additional buildings and expansions on the property. She noted the DPUD allows the owner to grow the business while maintaining the M-1 zone designation and protecting neighboring properties from potential disturbances or nuisance uses. Mrs. Hughes explained that the trusses are utilized primarily for the construction of agricultural buildings. When Mr. Miller inquired whether the proposed DPUD is specifically for the production of trusses, Mrs. Hughes clarified that the DPUD restricts the property to that specific use. She further stated the business began in 1993, and the petitioner resides on the property. She outlined various protections for the neighbors, including restrictions on lighting, the absence of outdoor speakers, and the installation of a Class 3-A landscape buffer along the west property line. She emphasized that manufacturing activities all occur indoors, which minimizes noise, vibrations, and dust generation. She stated both neighboring property owners were contacted to sign a petition supporting the reduced setback on CR 1. Mrs. Hughes detailed the operational hours, which are Monday through Friday from 6 AM to 5 PM, with occasional weekly loading of a semi-trailer for next-day deliveries. She mentioned there is one existing access drive to CR 1, with no new driveway proposed. She went on

to say currently, there are 13 employees, with the potential to increase to 15. She noted the parking arrangement does not meet the requirements, as employees typically carpool or ride bikes to work. Mrs. Hughes indicated that the plan includes one semi-truck delivery per day. She stated stormwater run-off will be collected on the east and north sides of the property. She pointed out an existing building sign, as shown in the report, along with a proposed future monument sign. Lastly, she mentioned there is outdoor storage designated for finished trusses. Mr. Warner stated Mrs. Hughes had mentioned the semi-access looked to be adequate to get them off of the road and out of the way quickly. Mrs. Hughes stated that is correct, and semis can completely turn around on-site and exit without any problem. She mentioned the semi turn-around is shown on the site plan.

David Kent, 62295 CR 1, Elkhart, was present in remonstrance. He stated the petitioner approached him regarding the relocation of the proposed buildings to be within the 75 ft setback and asked if he would be amenable to that change. He signed the petition on the condition that there would be arborvitae vegetation as a barrier for his property. Mr. Kent explained that while he opposes the way the proposal is currently represented, he does not oppose the proposal itself. He emphasized that making some adjustments would be beneficial. Mr. Kent mentioned trusses are currently being stored alongside the road, which violates M-1 zoning standards prohibiting front yard storage. He also noted an additional curb cut located north of the existing driveway. He stressed several aspects of the proposal do not align with zoning requirements, causing him concern for future development. He stressed according to M-1 standards, there must be a minimum of a 6 ft. visual and physical screen along a street, if there is residential property across the street. He continued explaining the screen must effectively conceal any outside storage, materials, or loading facilities. He described to the board how trucks turning around face his home, shining their headlights into it around 11 PM at night. Mr. Kent pointed out that the proposed DPUD states that the nearest residential well or septic system is 420 ft. to the west, but his well is located just 70 ft. to the west. He recommended that the DPUD be updated to reflect the correct measurement. Mr. Kent explained how he would like the vegetation to be arranged, including the size of the plants. Mr. Miller mentioned in the past, a simple fence has been recommended. Mr. Kent acknowledged he would be okay with a fence but would also prefer vegetation be planted and unloading occur in a different area. He expressed his request for adjustments is to help maintain the value of his property.

Mrs. Hughes came back on and stated she was unaware of any additional driveways for the business. She provided a detailed explanation of the proposed screening for the project. Mrs. Snyder mentioned the remonstrator is requesting full-grown trees. Mrs. Hughes then described the first phase of the project, noting that the owner has been informed about the trucks shining their lights into the residences across the street, and he has agreed to monitor the situation in the future. She indicated that the measurement concerning the well will be adjusted to reflect the actual distance, and clarified there is no fence proposed, only vegetation as a buffer. Mr. Miller inquired if a condition needs to be added regarding the screening. Mr. Kolbus responded if something different is requested than what is proposed, then a condition should indeed be added. Mrs. Snyder pointed out the DPUD requires 6-foot trees as buffers. Mr. Auvil highlighted the staff report, which outlined the type of vegetation being proposed. Mr. Carlson remarked if the trees are placed closer than 10 feet apart, they will not have adequate space to grow. Mr. Auvil noted the remonstrator is requesting the trees be staggered. However, Mrs. Snyder expressed uncertainty about the feasibility of that arrangement given the

planting area. Mr. Carlson reiterated the need to maintain the 10-foot spacing between trees. Mrs. Hughes confirmed that the landscape strip will be 10 feet wide. She explained the petitioner is not in favor of moving the building any further away from the road than the proposed 50 ft. She explained they initially requested 40 ft. but have since moved it back to 50 ft.

*****It should be noted Mr. Clark and Mr. Dickerson stepped down at this time*****

A motion was made and seconded (*Miller/Rogers*) 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** 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 M-1 and for primary approval of a 1-lot minor subdivision to be known as MARTIN TRUSS DPUD M-1 be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Dan Carlson, Roger Miller, Brad Rogers.

Excused: Steven Clark. Brian Dickerson

8. Mike Yoder, Town Manager of Bristol, 303 E. Vistula St., Bristol, was present representing the Town of Bristol. He presented the proposed Amendment to the Consolidated State Road 15 Economic Development Plan to add one parcel to the Redevelopment Commission's property acquisition list. He described the location of the next property they intend to acquire, which is currently on the market for sale. He further noted that the town is planning for the future development of this site. He pointed out that the Division Street Bridge is too narrow to accommodate current traffic levels. He stressed with the area's growth, an additional lane is necessary to manage the increasing traffic, which is why the acquisition of this property is essential. He added initially, the plan was to add a pedestrian path; however, the need to expand the roadway and the pedestrian path will now be combined into a single project.

A motion was made and seconded (*Miller/Edwards*) that the amendment to consolidate SR 15 Economic Development Area be Approved, and the motion was carried with a unanimous vote.

9. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil reported that there were no updates from the Commissioners.

10. Mr. Auvil presented the proposed edits to the Development Ordinance for 2025, specifically regarding lighting, buffering, and the Plat Committee. He announced the first public open house will take place on Wednesday, January 29, 2025, at the Public Service Building. Mrs. Richards provided a detailed explanation of the lighting standards that will be addressed. Mr. Miller inquired whether

the changes to the lighting ordinance will enforce the new standards. Mrs. Richards confirmed that is indeed the case, adding that the new standards will be enforceable. Mr. Warner then asked if the regulations will apply to electronic signs. Mrs. Richards replied electronic signs and message boards are regulated by the state. Mr. Warner also questioned the matter of streetlights located within the right-of-way. Mr. Auvil clarified Planning & Development does not have jurisdiction over the right-of-way. Danny Dean presented the changes related to buffering in the Development Ordinance. He elaborated on the modifications regarding the timing of planting, stating that the buffer must be installed within one year of project completion. He indicated that a buffer will also be adjusted in relation to any utility or drainage areas. He specified the definition of 8 ft. refers to the plant's height at ground level when planted. Mr. Auvil concluded that the final decision for the changes will go to the Board of County Commissioners.

11. A motion was made and seconded (*Miller/Rogers*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 11:33 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Lori Snyder, Chairman