

PLAN MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 11TH DAY OF JANUARY 2024 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, Steven Clark, Crystal Van Pelt, Roger Miller, Brian Dickerson, Brad Rogers.

2. A motion was made and seconded (*Edwards/Barker*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 14th day of December 2023, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Warner/Snyder*) 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. Roger Miller introduced Crystal Van Pelt the new Ag Agent.

5. ***Election of Officers***

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

Motion: Action: Approve, **Moved by** Steve Clark, **Seconded by** Brian Dickerson to approve the slate of officers and appointments.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Crystal Van Pelt, Roger Miller, Brian Dickerson, Brad Rogers.

6. The application for a zone map change from A-1 to M-2, for Barbara Christine Wilhelm, as Trustee of the Barbara Christine Wilhelm Irrevocable Lifetime Family Trust represented by Pinnacle Properties, on property located on the north and south side of CR 23, between CR 10 & CR 14, common address of in Jefferson Township, zoned A-1, was presented at this time.

Adam Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0804-2023*.

Ryan White, Pinnacle Properties, 418 S. Main St., Elkhart, was present representing the petitioner. He mentioned that Elkhart County is facing a challenge in finding industrial land. Mr. White pointed out that the county has missed out on several opportunities from out-of-state

prospect buyers due to the unavailability of ready-zoned properties. He suggested that over 400 acres of land should be designated on the map for regional or national manufacturing projects. He mentioned that this development would expand the industrial park of Bristol and provide town utilities.

Ryan Elliot, 54868 Leona Ct., Bristol, was present in remonstrance to this request. He requested that the board advocate for the residents of this particular area. He mentioned that around 30 residents will be affected by this decision. He discussed the different types of businesses that could potentially be included in a M-2 zone, based on the zoning ordinance. He also pointed out that there are 2.3 million square feet available for rent or lease in Elkhart County, according to the Elkhart Development Corporation's website, which includes space for light to heavy manufacturing. He further mentioned that there are 100 acres of manufacturing land available for lease or sale. He questioned why more land is being adopted for M-2 use when there is already plenty of unused acreage and buildings. Additionally, he expressed concerns about the Bristol Comprehensive Plan's validity and the existing traffic on CR 23. He also indicated his location on the map, as per Mr. Rogers' request.

Lester Otto, 18686 CR 23, Bristol, was present in remonstrance to this request. He expressed his main objection to the rezoning proposal, citing the existing conditions of the area. He explained that there is already a manufacturing factory named Vermont, which has a violent manufacturing process that causes land tremors up to a quarter of a mile away. He added that the factory has caused cracks in their ceiling and basement floor. He questioned how the new factories coming into the area won't also have a violent manufacturing process. He demanded that Vermont's manufacturing process be addressed before any further rezoning of manufacturing takes place. He also complained that no one is willing to act and send the Sheriff out to issue a cease-and-desist order to stop the process until the issue is resolved. Mrs. Snyder asked if the vibration continues, to which Mr. Otto confirmed that it occurs every working day of the week. Mr. Rogers disagreed with Mr. Otto's statement, saying that Vermont was made aware of the problem and had changed the harmonics of the manufacturing process. Mr. Otto stated that it was not true.

Tim Holmes, 18524 CR 23, Bristol, was present in remonstrance to this request. He stated he has lived at the same address for 25 years, and traffic has increased from then until now. He concurred with Mr. Otto's statements about Vermont. He explained where a natural fed spring was located on the property up for rezoning. He asked how that would be handled if the zoning changes. He stated it isn't fair to the residents who have paid their taxes for years. He continued to say when they took out the tree line on the west side of the property they left the brush piled up. He stated now he has groundhogs and other animals living in it. He made loud truck noises. Mr. Holmes stated he would like to beat the hell out of somebody with all the loud truck traffic from the manufacturing already in the area. He expressed how frustrated he felt with no follow through with how the manufacturers were conducting business. Mrs. Snyder asked Mr. Holmes if he had contacted the county with his concerns and complaints.

Earl Miller, 18627 CR 23, Bristol, was present in remonstrance to this request. He stated they are at the closest point of any residents of where the vibration is happening. He agreed that concern should be addressed before any more manufacturing is added. He stated the request who

is responsible for loss of property value for residential neighbors. He identified where his property is located on the map, and mentioned he would be totally surrounded by manufacturing zoning.

Ginger Lyons, 306 Chestnut Ave., Bristol, was present via WebEx, representing her parents Brian and Velma Rogers, 55435 CR 14, Bristol, who are apposed to this request. She stated they are out of the country and they asked her to read their letter to the board. She read the following, they stated that they understand that our counties, cities, and towns need businesses for a vibrant growing community. They stated there is still a need for housing, and they oppose the rezoning change to M-2 for the property on the south side especially and purpose that it be changed to residential. They mentioned that residential zoning would preserve the value of existing housing and allow for much-needed new housing.

Shelly Alwine, 54893 Leona Ct., Bristol, was present via Webex in remonstrance to this request. She stated that she has been a resident for over 20 years. She further stated that she hates all the factories being built up in what used to be a quiet area.

Ryan White came back on to address concerns and stated the petitioner is also concerned about Vermont. Mr. White stated Vermont started doing studies in November and has not released the results to them or any other neighboring properties. He stated they are willing to fight the situation as well, the vibration affects the residents and would affect any type of commercial and industrial development. He went on to say the petitioner is also prepared to fight Vermont legally if needed. He expressed that he understands their concerns about progress moving closer to their homes; he stated the vibration is more of a legal issue that needs to be addressed outside of the zoning issue. He continued to state that Vermont probably didn't know of the impact that they would have on the neighboring properties. He again stated that he hopes that those issues will get resolved, regardless on what happens with this rezoning. He stated he couldn't disagree with anything that was stated today in regard to the residents. He mentioned per the ordinance they have to have buffers between commercial and residential properties. He stated there is no plan to put anything with crazy odors or mining operations on the subject property. He continued to mention other operations that could go in this area for example Subaru, that could bring the automobile industry to the area. He responded to the concerns with the water table. He stated any time anyone does construction they have to go through the tech review process. He listed the items that would need to be looked at through the tech review process. He stated the petitioner will do anything they can do to put appropriate buffering between the residence. Mr. Rogers asked why the petitioner is going for a straight rezoning instead of doing a DPUD. Mr. White stated he has lost a lot of deals, because the prospective buyer did not want to go through the DPUD process. He further stated potential buyers have to spend a lot of money on engineering, site selection, and all the working parts that go into bringing in a large operation. He stated potential buyers just go somewhere else when they see the DPUD process. Mr. Rogers stated the DPUD process is what protects the citizens that live in those areas from things like mining operations and operations that could impact their lifestyles. He mentioned if this is approved as a straight rezoning, how does the Board know what will go in there. Mr. White asked why there is a M-2 rezoning option. Mr. Rogers stated it's for heavy manufacturing, but not always the best option. Mr. White stated there will always be

residences that affect rezonings. He stated if the county is just opposed to having industrial in the area then that question cannot be answered. Mr. Rogers stated that straight rezonings can be complicated. Mr. White stated he could understand that point, but with a DPUD, groups turn their heads and go to other areas. Mr. Clark stated that R. Yoder had to pay \$70,000.00 for a DPUD to get a sign in front of their business that had been there since the 1970s. Mr. White stated the ordinance has restrictions. Mr. Dickerson mentioned the comment in regard to where the M-2 zone belongs. He stated the Industrial Parks is where straight M-2 rezoning is good, because it is absent from residential. He stated he understands Mr. Clark's point but didn't understand why they would have to pay so much for a sign. He stated that is a situation where a DPUD probably wasn't necessarily appropriate. He continued to say that he understands that the county needs good industrial ground. He stated Subaru's site selection process is more than just finding an M-2 zone. He stated the amount of time and money it takes for the "big guys" to determine a location, a DPUD process will not be an issue. He stated the people who will have concerns about the DPUD process are the people who just want to put up a building. He stated there is a residential property that would be surrounded by M-2, it is not just a buffering issue, but a planning issue. Mr. Dickerson stated this is a manufacturing community. He further stated that does not mean that all the people in the audience have to live next to it. He stated that is why DPUDs were developed as an option to develop ground-stop conflicts. Mr. Dickerson stated he would not be ok rezoning to a straight M-2 with the surrounding residential conflicts. Mr. White stated he agreed with everything Mr. Dickerson stated. He stated that it is not necessarily a financial situation with the steps of the DPUD, but it is a timing issue. Mr. Dickerson stated the electrical switch that will feed a 500,000 sq.ft. building will take 60 weeks to come in. He stated it takes a lot less time for a consultant to come up with a DPUD and to get that approved. Mae Kratzer stated it was a 3-month process to get approved from beginning to end. Mr. Dickerson stated that 3-months in a multi-million-dollar project has little impact. He continued to say he has seen DPUDs come before the Board where they do not have a user yet, but they have building size, ideas, and a site plan. He suggested to Mr. White if the prospective buyer wants to do this, they should think about going through the DPUD process. Mr. Miller stated that Mr. White is trying to protect the people that are coming in by not doing a DPUD, but that does not give protection for the residents. He went on to say Mr. White is saying they want to protect the residents, but he is not doing that by avoiding a DPUD. He stated a straight rezoning works if it's out in the middle of nowhere. Mr. White stated he didn't know where out in the middle of nowhere would be. Mr. Dickerson stated he had Google Maps available after the meeting. Mr. White stated if he needs a place out in the middle of nowhere with utilities. Mr. White noted he understands the boards point, but finding utilities is a problem in the locations described. Mrs. Snyder stated that is part of the issue in Elkhart County; land is becoming very sacred. She continued to say that requires more plans in what is going into areas. She explained that since this is such a large parcel it does take some extra planning. Mr. Warner asked about the wooded area with the natural spring. Mr. White stated there is a high-water table there. He further stated that there would need to be further studies done to see where the water is going. He stated DNR would have to be contacted as well. Mr. Warner stated it seems the biggest problem heard today is Vermont and the potential environmental problems that it is bringing.

Mrs. Snyder stated that this is something that will need to be discussed. Mr. Auvil stated for the boards benefit that there is not an active current complaint. He further stated to planning staff's knowledge, Vermont has been made aware of the vibration issue, with the Town and Town officials. He stated they were unaware of the severity of this and the number of people that it has impacted until this meeting. Mr. Auvil mentioned this petition will go to the Town Council of Bristol.

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

Mr. Dickerson asked if the Board can move the request on as a proposed DPUD. Mr. Kolbus stated it is a yes or no decision. Mr. Clark stated he understands both sides of the argument. He stated that is why this county has 13 TIFs running around if not more. Mrs. Snyder stated if this would come back as a DPUD the issues could be handled very clearly. Mr. Rogers asked if the Town Council can approve it regardless of the Board's suggestion. Mr. Kolbus & Mrs. Snyder stated that was correct.

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

Motion: Action: Deny 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 A-1 to M-2 be denied.

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

Yes: Phil Barker, Steve Edward, Steve Warner, Lori Snyder, Steve Clark, Crystal Van Pelt, Roger Miller, Brian Dickerson, Brad Rogers

7. The application for an Amendment to an existing DPUD M-2 known as CDFI DPUD-CULVER DUCK to add a lot, for a zone map change from A-1 to DPUD M-2 and for a 2-lot minor subdivision to be known as CULVER DUCK FARMS DPUD AMENDMENT, for Culver Duck Farms, Inc. represented by Abonmarche Consultants, on property located on the north side of CR 10, 2,100 ft. west of SR 13, common address of 11925 CR 10 in York 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-0800-2023*.

Crystal Welsh, Abonmarche Consultants, 303 River Race, Goshen, was present representing the petitioner. She explained that the first phase of the feather facility is a proposed building of over 36,000 sq.ft. She mentioned there is already a residence and a dog kennel facility on the same land that will be rented from Culver Duck. She clarified that this isn't a dual petition, because the kennel is allowed to continue operating there. She added that this DPUD is a long-term plan for Culver Duck to address their immediate needs with a smaller building, which may be expanded in the future. She mentioned that the future building will be used for storage and that this plan allows for proper site orientation and retention for both buildings. She

mentioned that both buildings are 300 ft. from the center line, providing a buffer for the property owners on the south side of the road. She went on to mention that Culver Duck owns a significant amount of surrounding land that will remain in agricultural operations. She confirmed that Dog Town already existed, and it has been there since 2012. Finally, when asked about the location of the facility, she explained that it would be located on the upper northwest corner.

There were no remonstrators present.

A motion was made and seconded (*Dickerson/Clark*) 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** Phil Barker, **Seconded by** Steve Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an Amendment to an existing DPUD M-2 known as CDFI DPUD-CULVER DUCK to add a lot, for a zone map change from A-1 to DPUD M-2 and for a 2-lot minor subdivision to be known as CULVER DUCK FARMS DPUD AMENDMENT be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Edward, Steve Warner, Lori Snyder, Steve Clark, Crystal Van Pelt, Roger Miller, Brian Dickerson, Brad Rogers

****It should be noted Steve Clark stepped out.****

8. The application for a zone map change from a DPUD A-1 & M-1 known as SKYPOINT TRANSIT DPUDA-1 & M-1 to DPUD M-1 and for primary approval of a 1 lot minor subdivision to be known as HULL DPUD M-1, for Mb Leasing LLC represented by Surveying and Mapping LLC, on property located on the east side of US 33, 1,500 ft. south of CR 40, common address of 66300 US 33 in Elkhart Township, zoned DPUD, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0798-2023*.

Debra Hughes, Surveying and Mapping, 2810 Dexter Dr., Elkhart, was present representing the petitioner. She mentioned that when the petitioner considered buying this property for the use of his Bobcat dealership, it was recommended by staff to submit a new DPUD, due to the change of use. She stated the property will be used for a dealership for Bobcat compact construction equipment and lawnmowers. She continued to say the property is 9 acres, and the proposed building is about 15,000 sq.ft. She stated there is a provision for a future building addition of 10,500 sq.ft. on the DPUD. She continued to describe the facilities and that the property would remain at 47% open space. She stated that the purpose of the equipment demonstration area is for the potential buyers to be able to test out the lawnmowers and other equipment. She stated the access would be from US 33 at the location of the existing driveway that has received INDOT approval. She stated the hours of operation would be 7 a.m. to 5 p.m.

Monday through Friday, no Saturday or Sunday hours are planned. She further described the lighting that is planned. Mr. Warner stated he doesn't see any plans for a turn lane with traffic increasing everyday that poses as a concern; Mrs. Hughes stated INDOT did not share that concern; the traffic would be 0.6% of the daily traffic. Mr. Rogers asked if the existing house and barn would be demolished. Mrs. Hughes stated that was the intention.

Harold Schmucker, 66217 US 33, Goshen, stated his family also owns 66173 and 66229 US 33, Goshen was present not in favor nor in remonstrance to this request. He indicated he had a few concerns with the type of lighting. He asked about the hours of operation. He asked about the driveway, which sounds like at this time will not be an issue.

Todd Troyer, 66398 US 33, Goshen, was present not in favor nor in remonstrance to this request. He stated once agricultural land goes away it does not come back. He mentioned concerns about purposed buffers. He stated he hopes it looks just as good in real life. He noted the demonstration area is just a few feet away from his shop where he works. He added he is also concerned about the type of lighting that will be used.

Debra Hughes came back on and mentioned that all three of the neighbors were contacted in advance prior to the meeting on top of the County letters. She stated the lighting will be mounted on the building, and there will be a couple of parking lot lights in the paved area with shielded fixtures that is not a requirement per the County Ordinance. She repeated the hours of operation as stated earlier. She restated where the driveway access will be and the road will remain as it is. She mentioned to staff about filing it as a B zone, but since they are selling construction equipment and testing it on site, staff determined it would be better to have the M zone. She went on to say there is a proposed landscape buffer; the county ordinance requires buffering adjacent to residential properties. She stated there will be 58 evergreen trees which would be planted at 10 ft. tall with existing vegetation along the property line that will remain. She explained what to expect with the noise during business hours as mentioned earlier. Mr. Warner asked about the hours of operation. Mrs. Hughes restated the hours of operation. Ms. Van Pelt asked when the lights will be on. Mrs. Hughes stated that some interior showroom lighting will remain on, and the outdoor lighting will remain on all the time with the shielded fixtures. Mrs. Snyder indicated in Hull's new building the windows are tinted with not a lot of bright light coming through. Mrs. Hughes agreed that it does appear very dim. Mr. Miller asked if the shielded lighting will remain there as long as the lights are up. Mrs. Hughes stated the DPUD has a commitment for shielded lighting.

There were no remonstrators present.

A motion was made and seconded (*Miller/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** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from a DPUD A-1 & M-1 known as SKYPOINT TRANSIT DPUDA-1 & M-1 to DPUD M-1 and for primary approval of a 1 lot minor subdivision to be known as HULL

DPUD M-1 be approved in accordance with the Staff Analysis.

Vote: Motion Passed (**summary:** Yes = 8, Abstain = 1)

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Crystal Van Pelt, Roger Miller, Brian Dickerson, Brad Rogers

Abstain: Steve Clark

9. 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.

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

Matt Shoester, Jones Petrie Rafinski, 325 S. Lafayette Blvd., South Bend, was present representing the petitioner. He stated they are withdrawing this petition.

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

Motion: Action: Withdraw **Moved by** Brian Dickerson **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 & R-1 to a GPUD M-1 to be known as LUX & AWT GPUD

Vote: Motion Passed (**summary:** Yes = 8, Abstain = 1)

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Crystal Van Pelt, Roger Miller, Brian Dickerson, Brad Rogers

Abstain: Steve Clark

10. Board of County Commissioners Approvals Following Plan Commission Recommendations

****It should be noted that Steve Clark returned at this time****

Jason Auvil reported on the December 18, 2023, County Commissioners petition approvals.

A motion was made and seconded (*Dickerson/Snyder*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:57 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Lori Snyder, Chairman