

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 10TH DAY OF NOVEMBER 2021 AT 9:00 A.M. IN THE
MEETING ROOM OF THE DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Chairman, Steve Warner. The following staff members were present: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Mae Kratzer, Planner; Danny Dean, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Phil Barker, Steve Edwards, Steve Warner, Jeff Burbrink, Tony Campanello, Frank Lucchese.

Absent: Lori Snyder, Roger Miller.

2. A motion was made and seconded (*Edwards/Burbrink*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 14th day of October 2021, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Burbrink/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 primary approval of a 32-lot major subdivision to be known as **DEERFIELD ESTATES SECTION FOUR**, for Deerfield Real Estate Holdings LLC represented by Lang, Feeney & Associates, Inc., on property located on the east side of CR 5, 1,680 ft. north of CR 2, in Cleveland Township, zoned A-1, was presented at this time.

Mrs. Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #MA-0795-2021*.

Phil Barker inquired about the drainage plan and stated that a preliminary comprehensive plan is needed for primary approval. He continued to say there were no drainage calculations. Mrs. Kratzer stated it will be indicated on the map for secondary approval.

Terry Lang, Lang, Feeney & Associates, Inc., 715 S. Michigan St., was present representing the petitioner. He reaffirmed what staff represented. He stated part of the reason this is back is the primary was only good for a two year period. He added there is a drainage plan from the 2004 primary, and the lot size was increased to help with the Environmental Health Department concerns.

There were no remonstrators present.

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

Chris Godlewski mentioned the changes in the Subdivision Ordinances since 2004 to present.

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

Motion: Action: Approve, **Moved by:** Tom Stump, **Seconded by:** Tony Campanello that this request for primary approval of a 32-lot major subdivision to be known as **DEERFIELD ESTATES SECTION FOUR** 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, Tom Stump, Jeff Burbrink, Tony Campanello, Frank Lucchese.

5. The application for an amendment to an existing DPUD M-1 known as **BRISTOL PARK FOR INDUSTRY-PHASE 2C DPUD LOT 3 AND PHASE 2D DPUD LOT 4** now known as **BRISTOL PARK FOR INDUSTRY PHASE 2C & 2D DPUD AMENDMENT** to allow for a revised site plan, for TH Indiana LLC C/O Satellite Industries represented by Abonmarche Consultants, on property located on the north side of Commerce Dr., 1,840 ft. west of CR 29, common address of 1686 Commerce Dr. in Washington Township, zoned DPUD M-1, was presented at this time.

Mrs. Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0806-2021*.

Crystal Welsh, Abonmarche Consultants, 303 River Race Dr., was present representing the petitioner. Mrs. Welsh stated the intention is to add a small storage facility to the existing site plan. She continued to say this was a two part process not only to add the new building, but also to update the site plan to show what has actually been built.

There were no remonstrators present.

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

Mr. Campanello asked how we allowed almost 60,000-70,000 square foot more of a building to be built when it was approved for 167,000 square feet. Mrs. Kratzer stated the project went through commercial review and there was a miscalculation. She explained the error was caught, and this was the best way to correct it. Mr. Campanello asked if we charge per square foot on permits or the total cost of the project. Mr. Godlewski stated that was a good question and it would be checked into.

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

Motion: Action: Approved, **Moved by:** Jeff Burbrink, **Seconded by:** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to an existing DPUD M-1 known as **BRISTOL PARK FOR INDUSTRY-PHASE 2C DPUD LOT 3 AND PHASE 2D DPUD LOT 4** now known as **BRISTOL PARK FOR INDUSTRY PHASE 2C & 2D DPUD AMENDMENT** to allow for a revised site plan 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, Tom Stump, Jeff Burbrink, Tony Campanello, Frank

Lucchese.

6. The application for a zone map change from A-4 to DPUD A-1 and for primary approval of a 1-lot minor subdivision to be known as **MSSE MIDDLEBURY CR 20 MID-STATES DPUD A-1**, for Martin Yoder & Rhonda Yoder represented by Abonmarche Consultants, on property located on the north side of CR 20, 2,040 ft. east of CR 35, in Middlebury Township, zoned A-4, was presented at this time.

Mrs. Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0805-2021*.

Crystal Welsh, Abonmarche Consultants, 303 River Race Dr., was present representing the petitioner. Mrs. Welsh stated it was recommended that a DPUD A-1 would be best, due to no animals will be on site. She continued to say it is just egg processing, and no chickens will be at this facility. She also stated this site used to be a dairy farm, and it will remain, in agricultural use, but more of an industrial agricultural use.

Mr. Burbrink asked if this was in a TIF district. Mr. Godlewski said the TIF had expired in 2019. Mr. Stump asked what an egg processing facility was. Mrs. Welsh stated an egg processing plant is where eggs are washed, packed, and shipped.

There were no remonstrators present.

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

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

Motion: Action: Approved, **Moved by:** Steve Edwards, **Seconded by:** Phil Barker that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-4 to DPUD A-1 and for primary approval of a 1-lot minor subdivision to be known as **MSSE MIDDLEBURY CR 20 MID-STATES 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, Tom Stump, Jeff Burbrink, Tony Campanello, Frank Lucchese.

7. The application for a zone map change from M-1 & R-1 to M-2, for Bontrager Holding Group LLC (Owner) & Howard's Salvage (Occupant) on property located on the northwest side of CR 8, 1,500 ft. west of CR 21, common address of 19757 CR 8 in Washington Township, zoned M-1, R-1, was presented at this time.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0803-2021*.

Amy Howard, 9590 W 750 N Shipshewana, was present for this request and stated they are a

small auto part repair business. She added all repair is done inside the building on cement or skids. She went on to say they never do any repairs outside to avoid contaminating the ground. She also state they will not be dealing with hazardous waste from engines and transmissions. She went on to

describe how waste would be removed from the facility. Mr. Campanello stated that old vehicles are taken in to salvage parts from. Mrs. Howard stated that was correct.

There were no remonstrators present.

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

Mr. Stump asked the staff about the zoning and the other uses. Mrs. Krazter defined M-2 zoning and what was allowed. Mr. Stump asked the heaviest use allowed in an M-2 zone. Mrs. Krazter stated RV manufacturing. She continued to say the requested use is the most restricted use an M-2 requiring Special Use. Mr. Stump stated the property is being rezoned to M-2. Mrs. Krazter concurred and restated the heaviest use of an M-2 zoning. Mr. Stump asked Phil Barker his opinion about a straight rezoning. Mr. Barker replied he would rather see it as a DPUD to state what the use is for. He went on to say he does not have an issue on the intended use of the property. Mr. Campanello asked with a Special Use will the BZA be able to put conditions and commitments on the approval. Mr. Godlewski stated yes there can be extra conditions added.

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

Motion: Action: Approved, **Moved by:** Tony Campanello, **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 M-1 & R-1 to M-2 be approved in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 6, No = 1, Abstain = 0).

Yes: Phil Barker, Steve Edwards, Steve Warner, Jeff Burbrink, Tony Campanello, Frank Lucchese.

No: Tom Stump.

8. The application for an amendment to the Elkhart County 2006 Comprehensive Land Use Plan to replace that portion of the plan for the Town of Wakarusa area with the new Wakarusa Comprehensive Plan 2021 for The Town of Wakarusa on property located in the jurisdictional limits of the Town of Wakarusa, was presented at this time.

Mr. Dean presented the request. He added all towns in Elkhart County will have recent Comprehensive Plans in 2022, and this plan was emailed to the board members.

Holly Landis, Town Manager, 100 W. Waterford St. Wakarusa, was representing the Town of Wakarusa. Mrs. Landis stated there were things to improve on since it was last revised 10 years ago.

There were no remonstrators present.

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

Motion: Action: Approved, **Moved by** Jeff Burbrink, **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to the Elkhart County 2006 Comprehensive Land Use Plan to replace that portion of the plan for the Town of Wakarusa area with the new Wakarusa Comprehensive Plan 2021. 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, Tom Stump, Jeff Burbrink, Tony Campanello, Frank Lucchese.

9. Mr. Godlewski presented the NE TIF District Amendment item. He explained the location of the NE TIF on CR 6 & CR 17. He went onto to say it is a GPUD at this intersection, and this would be the time to consider the expansion of TIF district in this area.

Craig Buche, Elkhart County Attorney, 130 N. Main St., Goshen, was present for this request. He stated the TIF districts are established by rezoning commissions. He continued to say this helps with redevelopment and economic development. He went on to explain of the TIF process works.

Mr. Campanello asked if the landowners are in favor. Mr. Buche responded he isn't sure whether or not they are opposed or for this proposal. He added CR 6 & CR 17 local neighbor's property value would not be effected. He went on to say the County Commissioners were the ones who wanted to see this process put in place to allow access and for the future expansion of development in this area. Mr. Stump asked whether or not there will be driveways put in. Mr. Buche responded there won't be any access points put in off of CR 17. He continued to say this falls in the scope of the Comprehensive Plan for Elkhart County. Mr. Burbrink stated there was a petition on the southwest corner. It was clarified that DPUD was never done.

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

Motion: Action: Approved, **Moved by** Tom Stump, **Seconded by** Jeff Burbrink that the Advisory Plan Commission recommended to the Board of County Commissioners approval of the written order of the NE TIF District Amendment.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Tom Stump, Jeff Burbrink, Tony Campanello, Frank Lucchese.

10. Jeff Burbrink was appointed temporary Secretary by Steve Warner in Lori Snyder's absence to sign the NE TIF Distric Amendment

11. Mr. Dean presented to the board a minor change request for Ideal Welding LLC. The minor change request is for the site plan for Ideal Welding DPUD. The request is to amend the site plan by adding a 240 sq. ft. engine room that will power the existing welding shop. He stated the building will be placed near the east side of the shop, and no detached engine room was shown on the original site plan. Mr. Campanello asked if all the setbacks were proper. Mr. Dean stated the setbacks are fine.

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

Motion: Action: Approved, **Moved by** Jeff Burbrink, **Seconded by** Tony Campanello that this request be approved as a minor change..

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Tom Stump, Jeff Burbrink, Tony Campanello, Frank Lucchese.

12. Chris Godlewski presented the agreement for legal services to retain Jim Kolbus for 2022.

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

Motion: Action: Approve, **Moved by** Tom Stump, **Seconded by** Steve Edwards that the Advisory

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Plan Commission approve the agreement for legal services for Attorney Kolbus.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Tom Stump, Jeff Burbrink, Tony Campanello, Frank Lucchese.

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

14. A motion was made and seconded (*Edwards/Lucchese*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 9:54 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Steve Warner, Chairman

