

originals

PLAN COMMISSION

-MINUTES-

**Monday, January 3, 2022 - Commenced at 1:47 P.M. & adjourned at 3:35 P.M.
City Council Chambers – Municipal Building**

Elkhart City Plan Commission was called to order by Tory Irwin at 1:47 P.M.

MEMBERS PRESENT

Dave Osborne- In person
Ron Davis- In person
Tom Shoff- Webex
Johnny Thomas- In person
Tory Irwin- In person
Mark Datema- In person
Don Walter- In person
Kevin Bullard- In person

MEMBERS ABSENT

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director for Planning- In person
Ryan Smith, Planner- In person

LEGAL DEPARTMENT

Absent

TECHNOLOGY STAFF

Anthony Elkins

RECORDING SECRETARY

Kayla Jewell

APPROVAL OF AGENDA

Motion to approve by Osborne; Second by Thomas.
Motion to approve amended agenda by Thomas; Second by Osborne.
Osborne- Yes
Davis- Yes
Shoff- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes

ELECTION OF OFFICES

PRESIDENT- TORY IRWIN

Motion to approve by Davis; Second by Osborne.
Osborne- Yes
Davis- Yes
Shoff- Yes
Thomas- Yes
Datema- Yes
Walter- Yes
Bullard- Yes

VICE PRESIDENT- DAVE OSBORNE

Motion to approve by Davis; Second by Thomas.
Davis- Yes
Shoff- Yes

Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes

SECRETARY- TOM SHOFF

Motion to approve by Davis; Second by Thomas.

Osborne- Yes
Davis- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes

APPROVAL OF MEMBERS OF PLAT COMMITTEE

CURRENT MEMBERS TO STAY THE SAME

Motion to approve by Osborne; Second by Thomas.

Osborne- Yes
Davis- Yes
Shoff- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes

APPOINT MEMBERS TO BZA

JOHN THOMAS

Motion to approve by Osborne; Second by Davis.

Osborne- Yes
Davis- Yes
Shoff- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes

APPROVAL OF MINUTES

Motion to approve by Datema; Second by Thomas.

Osborne- Yes
Davis- Yes
Shoff- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes

APPROVAL OF PROOFS OF PUBLICATION

Motion to approve by Datema; Second by Shoff.

Osborne- Yes
Davis- Yes
Shoff- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes

Bullard- Yes

OLD BUSINESS

**21-X-14 PETITIONER IS KEVIN PEREZ SOSA
PROPERTY IS LOCATED AT 322 E INDIANA AVENUE**

A Special Exception per Section 12.3.F of Special Exception Uses in the Community Business District to allow for the operation of a tattoo parlor in an existing building.

STAFF ANALYSIS

The petitioner proposes to convert a portion of an existing commercial building into a tattoo parlor. Their proposal is to have a private studio with two local artists with an additional chair for accomplished guest artists. The idea would be to promote other accomplished artist to utilize their business. The business is proposed to be appointment only and has parking along May Street.

STAFF RECOMMENDATION

Staff recommends approval of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected as this is an existing commercial building with limited traffic;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because there will be no physical changes to the property;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

Irwin asks if there are questions from the Commission.

Osborne asks if there are required permits from the health department.

Smith replies, yes.

Osborne asks if they plan to keep a file from the health department with staff.

Smith replies not typically, however it could be a condition added for the Board of Zoning Appeals if needed. He also states typically for businesses such as hair salons, daycares, etc. Does staff require to have a copy of their license. Smith says, however with tattoo parlors, nail salons and massage parlors it is not required.

Davis asks if the petitioner has met all of the state requirements.

Smith replies he has not received the paperwork, but that is a question to ask the petitioner.

Irwin asks Smith if the city verifies the petitioner has obtained their permit from the county which includes checking all of the state requirements as well.

Smith replies no, however that is a condition that can be added.

Bullard asks Smith why this case was put back into "Old Business".

Smith replies, the petitioner was not present at the last meeting.

Irwin calls petitioner forward.

Gerardo Medez (322 E Indiana Ave) introduces himself and states he is a business partner of the petitioner. Medez states their hopes are to open a tattoo parlor which would consist of three artists with one guest at a time and by appointment only.

Thomas asks Medez what health regulations are required.

Medez replies from his understanding, there is a checklist from the state which includes specific signage, equipment, etc.

Davis asks if this is their first start at the business and what qualifications Medez has.

Medez replies, yes this is their first business and he has been tattooing for 5/6 years and was an apprentice for a year and a half.

Irwin asks if the permitting process has been started with the county.

Medez states yes, which falls mainly on the state's requirements.

Irwin asks if there are additional questions for the petitioner.

Trotter interjects with, the state has a checklist which consists of items such as how the business disposes of the sharps and blood borne pathogens training which is regulated by the state (inaudible). Trotter says the city is approving the land use and that is also what the county has chosen to follow as well. They are required to follow the state's requirements and is typically on a compliant basis (inaudible).

Irwin reiterates to Trotter that the city and county do not regulate.

Trotter replies, yes that is correct.

Irwin opens for public comments in favor or opposition of the petition.

Hearing none, Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Datema makes motion to approve with a Do-Pass Recommendation to the Board of Zoning Appeals; Second by Shoff. Motion carries.

Osborne- Yes

Davis- Yes

Shoff- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Bullard- Yes

**21-SUB-11 PETITIONER IS ELITE GROUP TRUST REALTY, LLC
PROPERTY IS LOCATED AT 2425 TO 2445 DECAMP AVE**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Elite Group Replat,' a six (6) lot subdivision; a part of the Northwest Quarter of Section 16, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana. This request represents approximately 1.4 acres

STAFF ANALYSIS

The petitioners owns six parcels of varying sizes on the 2400 block of Decamp Avenue. The properties are situated in a residential neighborhood, with single family to the north, east, and west, and multifamily to the south. Some of the properties have previously been used for commercial purposes; a garage/workshop and a large concrete lot are the only remnants of the commercial businesses that were once here. The future land use plan calls for this area to be developed with low density residential uses. The petitioner is proposing the subdivision to reconfigure the parcels into six lots that would be developable with single family dwellings. The proposal meets the requirements of the R-1 district, and would facilitate the redevelopment of the lots with a use that would be compatible with their context.

STAFF RECOMMENDATION

The Staff recommends approval of the six (6)-lot subdivision, to be known as 'Elite Group Replat,' a part of the Northwest Quarter of Section 16, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, based on the following findings of fact:

1. The lots meet the minimum lot area requirements for the R-1, Single Family Residential District;

2. The proposed request results in the creation of 6 lots as defined by the Zoning and Subdivision Ordinance.
3. The proposed subdivision will not compromise any existing development.

CONDITIONS

1. The approval is preliminary only. The applicant must submit the required application materials for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.
2. Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.
3. Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.
4. The project must be reviewed and approved through the City's Technical Review process prior to the submission of the final plat to the Plat Committee.

Smith states there were 42 letters mailed, 1 returned in favor and 2 returned not in favor with comments. Comments were: "Are these duplexes or are they single home? If the homes were for sale and these would be home owners, I wouldn't be opposing- but not rentals, we've dealt with rentals at the apartments for 23 years. We got them to finally move the dumpsters to the rear of the apartments. Rentals aren't always as caring about the home they are in. Since they already put sewer and water lines down the road a couple months ago- did the council already agree to the subdivision?"

Irwin states the case was tabled until this meeting due to the petitioner not being present and asks if there are questions from the Commission.

Irwin calls petitioner forward.

Chris Marbach (3220 Southview Dr) introduces himself and apologizes for not being present last month. Marbach states, "Knowing the Maplewood edition was planted in 1920 with 44' wide lots and now it is zoned R-1, you take away the side yard you get about 24' wide houses... The developer wanted to build owned homes, not rentals... We had two choices we could either rezone the property to a higher density to use the existing lots or keep the zoning the way it is today and put in the standard R-1 lots to meet the requirements. Currently there's 9 lots, vacated road and a vacated alley. We are taking that down to 6 lots at the larger size than what they are today. Since now it complies with the requirements, we were hoping you would approve it...so this developer could build these new homes for the new local vacant neighborhood."

Bullard asks Marbach if the homes will be on slabs, basements or crawl spaces.

Marbach replies he believes it will be on slabs.

Irwin asks if the homes will be single family.

Marbach replies (inaudible).

Irwin asks if the intent is for the homes to be owner occupied and if the homes will have driveways.

Marbach replies the developer would like driveways to face out to Decamp to help create safer security.

Irwin states he thinks having a larger lot and providing parking on the lot is great.

Bullard asks what is the intended price range for the homes.

Marbach replies that it's not his place to state how much the homes would be.

Bullard asks if they will be considered starter homes.

Marbach replies, yes.

Irwin asks if there are additional questions for the petitioner.

Hearing none, Irwin opens for public comments in favor or opposition of the petition.

Hearing none, Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Datema makes motion to approve with a Do-Pass Recommendation; Second by Shoff. Motion carries.

Osborne- Yes

Davis- Yes

Shoff- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Bullard- Yes

Irwin amends the previous motion. Thomas makes a motion to approve with a Do-Pass Recommendation with the listed conditions; Second by Davis. Motion carries.

Osborne- Yes

Davis- Yes

Shoff- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Bullard- Yes

NEW BUSINESS

22-FSP-01#PETITIONER IS WELCH PACKAGING, SCOTT WELCH PROPERTY IS LOCATED AT 1020 HERMAN STREET

As required by Section 20.7.B seeking approval for an Amendment to a Final Site Plan for three additions to the existing building totaling 80,181 square feet, and to add new and remove existing pavement, at 1020 Herman Street, Elkhart, IN.

STAFF ANALYSIS

The petitioner owns a 410,000 square foot manufacturing facility in the Eastland Industrial Park, originally developed in 1990. They wish to add approximately 80,000 square feet of building area, add some additional pavement and selectively remove some pavement. The reduction will result in smaller curb cuts which will benefit the vicinity. The northern addition will expand a nonconformity in relation to its setback, which was approved by the Board of Zoning Appeals via variance 21-BZA-26 on July 8, 2021. The project has passed the city's Technical Review process.

STAFF RECOMMENDATION

The Staff recommends approval of the final site plan based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
2. The proposed use is permitted within the underlying zoning of the Planned Unit Development;
3. The project has passed the City's Technical Review Process;
4. The use conforms to the Comprehensive Plan which calls for industrial uses;
5. The proposed use should not be detrimental to the property values of adjacent properties

Trotter states there were 20 letters mailed, 1 returned in favor with comments. Comments were: "Good morning, It appears to me that this proposed expansion might very well stress the existing infrastructure, in this area of the Eastland Park. The roadways are falling apart under the traffic load, in a large part, from this facility. I see that that design will add to the Bullard Ditch via retention overflow. Walking around site, it appears that a fair amount of the site work and some paving has commenced or has been completed. Will there be adequate "green space provided with all of the additional paving for trucks and turns. How many curb cuts are allowed per site? This seems to be over cooked!"

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Andrew Harmon (JA Wagner Construction, 4900 Middlebury St) introduces himself and states Welch Packaging is outgrowing their initial facility. Harmon says the future project would include taking the current center parking lot and removing it so they would be able to put in a new building and relocate the existing parking lot to the rear of the building which separates both truck and car traffic. He goes onto say, the two additions to the North of Eastland and to the West of Herman will eliminate the current truck traffic issue. Harmon states the current problem is, the trucks are stopping on the road and backing-in because of a non-conforming truck dock on either side of the building. Harmon states all of the truck docks will be off of Herman and all truck traffic maneuvering will be done completely on site. Harmon says they are taking many of the curb-cuts that are currently 200-300 feet to 40-50-foot radius which will give more green space in the end.

Irwin asks if there are questions for the petitioner.

Bullard asks Harmon and Irwin if there are plans to improve the roads.

Irwin replies, the roads are high on their paver-list for resurfacing. Irwin states as far as drainage, there are no current plans to add a curb or gutter/storm sewer.

Bullard asks Harmon if the truck traffic will exit off of Herman St then down Middlebury St.

Harmon replies, yes that would be his assumption.

Bullard states he is happy with the remodel that is being proposed.

Irwin opens for public comments in favor or opposition of the petition.

Hearing none, Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Shoff makes motion to approve with a Do-Pass Recommendation; Second by Datema. Motion carries.

- Osborne- Yes
- Davis- Yes
- Shoff- Yes
- Thomas- Yes
- Irwin- Yes
- Datema- Yes
- Walter- Yes
- Bullard- Yes

**22-Z-01 PETITIONER IS CHARLES AURAND AND STEVEN AURAND
PROPERTY IS LOCATED AT 1637 1643 1649 INDIANA AVENUE WEST**

Per Section 29.11.B, Map Amendments, a request to rezone the property located at 1637, 1643, and 1649 West Indiana Avenue from R-3, Two-Family Dwelling District to R-2, One-Family Dwelling District.

STAFF ANALYSIS

The petitioners own three residential properties comprising three single family dwellings on approximately 1.73 acres of land. The properties currently have split zoning, with R-3 to the north and R-2 to the south, and some of the structures on the properties cross property lines. They are in the process of cleaning up the property lines and rezoning; a minor subdivision application has been

submitted simultaneously with this rezoning request, which will be reviewed by Plat Committee. The rezoning will make each parcel a single zoning district, and consolidate the zoning with a block of R-2 to the north, west, and south.

STAFF RECOMMENDATION

The Staff recommends approval of the rezoning request based on the following findings of fact:

- 1) The proposed rezoning is compatible with the Future Land Use map, which calls for the area to be developed with low density residential uses;
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because the properties will continue to be used as single family dwellings;
- 3) The R-2 District does allow for the most desirable uses for which the land can be adapted.
- 4) The proposed rezoning will preserve the conservation of property values throughout the City because it will preserve the use of the property as single family dwellings;
- 5) The rezoning of the property to R-2, Single Family Dwelling District is compatible with the surrounding properties and does reflect responsible growth and development.

Trotter states there were 43 letters mailed, 0 returned. Trotter also states the petitioner has already submitted through Plat Committee and has preliminary approval.

Irwin asks if there are questions from the Commission.

Bullard asks if this is simply "house cleaning".

Trotter replies, yes and goes onto explain the purpose of the Commission hearing this case.

Irwin asks if this case will move forward to another board.

Trotter replies, this action will be a recommendation (do-pass or no recommendation) to the Common Council.

Irwin calls petitioner forward.

Chris Marbach introduces himself again and states the purpose of this petition is to put the three lots into one zoning district.

Irwin opens for public comments in favor or opposition of the petition.

Hearing none, Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Davis makes motion to approve with a Do-Pass Recommendation to the Common Council; Second by Datema. Motion carries.

- Osborne- Yes
- Davis- Yes
- Shoff- Yes
- Thomas- Yes
- Irwin- Yes
- Datema- Yes
- Walter- Yes
- Bullard- Yes

**22-SUB-02 PETITIONER IS BACK TABLE LLC
PROPERTY IS LOCATED AT VACANT LAND, TIMBERSTONE DRIVE EAST**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Timberstone Fifth D.P.U.D.' a 44-lot subdivision; a part of the West 1/2 of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana

STAFF ANALYSIS

The petitioners is requesting approval of a 44-lot subdivision of land that is a portion of the West 1/2 of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana. The proposed subdivision is intended to be the final phase of the Timberstone subdivision, being situated immediately to the north of it. The subdivision began its planning and permitting process when under the Elkhart County jurisdiction in 2005.

The zoning for this plot of land is DPUD R-1, which requires a minimum area of 9,500 square feet, which is met by each of the proposed lots. The zoning limits the development possibilities to single family residential. The developer is proposing access via the existing Timberstone Drive East and Timberstone Drive West, which have two ultimate access points from County Road 15.

Based on the review of the block layout, the proposal meets the requirements of the Subdivision Ordinance in terms of street width, layout, block length, and cul de sac diameter.

The project has been submitted for Technical Review and is currently under review, which will examine matters such as road design, landscaping, utilities, and drainage. Review and approval will also be required prior to submission of the final plat to the Plat Committee.

In 2015 the Plan Commission approved Phase Four of the subdivision under 15-SUB-02. At the time, the plan commission agreed that subsequent plats could go straight to Plat Committee. However, the proposed configuration of the lots has changed since that original application, and staff believed bringing it before the Plan Commission was warranted.

STAFF RECOMMENDATION

The Staff recommends approval of the 44 lot subdivision, to be known as ‘Timberstone Fifth D.P.U.D.’ a part of the West 1/2 of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, based on the following findings of fact:

- 1) The lots meet the minimum lot area requirements for the DPUD R-1: Detailed Planned Unit Development to the R-1 Standards District;
- 2) The proposed request results in the creation of 44 lots as defined by the Zoning and Subdivision Ordinance.
- 3) The proposed subdivision will not compromise any existing development.

CONDITIONS

- 1) The approval is preliminary only. The applicant must submit the required application materials for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.
- 2) Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.
- 3) Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.
- 4) The project must be reviewed and approved through the City’s Technical Review process prior to the submission of the final plat to the Plat Committee.

Trotter states there were 35 letters mailed, 1 returned not in favor with comments. Comments were: “Hello, my name is Lori Stickel. 2520 County Road 15. I’m neither for or against the subdivision growth behind my property. My concerns are for my 2 dogs that right now can run my fenced in property. When the wooded area is cleared I’m almost sure the existing fence running the width of my property will not survive. It is a metal fence that was there when I bought the property 30 years ago. Will I be notified about this and a date when this work takes place? Will there be a replacement that can take place for the fence? My dogs are friendly but would run if given the chance and their safety is my greatest concern.”

Irwin asks if there are questions from the Commission.

(Inaudible)

Trotter replies, "There are frontage blocks on 6 and this is another probably 150 or 200' South to those frontage lots."

(Inaudible)

Trotter replies, "Correct. There is an unbuilt, un-platted egress out to Hanover Park Estates or I believe Bridge Road Farms. But at this time, is not constructed."

Irwin calls petitioner forward.

Crystal Welsh (Abonmarche, 3003 River Race Dr.) introduces herself and states she is representing the petitioner, Back Table Development. Welsh states this is the fifth and final section of Timberstone which will provide 44 additional single family homes. Welsh states she believes it has been submitted to Tech Review and have received the comments back for staff review earlier today.

Osborne asks Welsh, "What is going to stop a homeowner from going out there and doing something in the retention area?"

Welsh replies, the retention areas will be held in an easement which they do not have the right to build any structures or make any amendments, modifications to the drainage once it is constructed.

Osborne asks welsh (inaudible)

Welsh replies, "This retention area is not platted as an individual lot, but as portions of those existing lots." Welsh then goes onto say there was a question regarding the circle- the area in the middle that will be held as a common area.

Irwin states, "Dave, just as a homeowner with a retention pond on his lot, if they take the easement to the County, the assessor will account for that as unusable common drainage land."

Bullard asks Welsh if there will be additional lots going in towards the back of the entrance, as there are concerns with emergency going in and out of the area and if it has been approved with the emergency departments (fire, police, etc.)

Welsh replies, yes which is included in the Tech Review process.

Irwin opens for public comments in favor or opposition of the petition.

Hearing none, Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Davis makes motion to approve with a Do-Pass Recommendation; Second by Osborne. Motion carries.

Osborne- Yes

Davis- Yes

Shoff- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Bullard- Yes

**21-ANX-05 PETITIONER IS LD ELKHART IN LANDLORD, LLC
PROPERTY IS LOCATED AT 25610 COUNTY ROAD 4 AND 52396 COUNTY ROAD 9**

As prescribed by Section 29.11.B, a request to annex two (2) parcels located 25610 County Road 4 and 52396 County Road 9, land containing approximately 104.67 acres.

STAFF ANALYSIS

This staff report is being prepared for annexation 21-ANX-05 to annex land generally to the south of County Road 4, east of Johnson Street, and north of the Toll Road, Elkhart, Indiana 46514, Osolo Township.

The land in the petition is partially developed and zoned commercially under two separate PUDs in Elkhart County's jurisdiction, the Project Cardinal GPUD B-3 and the LazyDays RV DPUD B-3. The northern parcel has already been developed with an RV sales and service business; the petitioner intends to develop the property further with a new RV Service Center, Pre-Delivery Inspection Facility and Distribution Center. The proposed use would be allowed under the stipulations of these PUDs adopted under Elkhart County's jurisdiction. A conceptual site plan is included; the project has not yet been submitted to the City's Technical Review process.

The annexation request is voluntary. The property meets the contiguity requirement in order to file a petition to seek annexation. The size of the area to be annexed is approximately 105 acres. The territory to be annexed is approximately 18% contiguous to the current City limits, being contiguous on its northern and eastern boundaries. The contiguity requirement stated in the Indiana Code is 12.5%.

STAFF RECOMMENDATION

Staff recommends approval of the annexation as described in the Legal Description contained in the Petition based on the fact that it meets all applicable requirements of IC 36-4-3, and on the following findings of fact:

1. The area to be annexed meets all applicable requirements of IC 36-4-3;
2. The Comprehensive Plan map has not been approved for this area; it is anticipated that the revised map will designate its future land use as commercial.
3. The current conditions and the character of current structures under construction and future structures is consistent and the City will be enhanced by the annexation;
4. The annexation is in accordance with the most desirable use;
5. The annexation will conserve property values throughout the jurisdiction; and
6. The annexation represents responsible growth and development of the City of Elkhart.

Smith stated this was advertised in the paper and we did not receive any comments.

Irwin asks Smith if they are wanting sewer and water.

Smith replies, yes that is my understanding.

Irwin asks Smith if the petitioners understand that it could be difficult to add water to the site.

Smith states the project engineer is present and will be able to address those questions.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Debrah Hughes introduces herself and states she is from Surveying and Mapping and is representing the petitioner along with Scott Moody who is also from Lazy Days RV to help answer questions. Hughes states the purpose of this annexation is to use city sewer and water through the city's utilities. Hughes says the uses are a RV service center which has been existing for over 15 years. Hughes states, "The company would like to build a pre-delivery inspection facility to the south on the empty agricultural land. Lazy Day RV is a national RV retailer and so they would take delivery locally inspect the merchandise at the facility before they were shipped out...It would be a building with overhead doors and maintenance facilities inside and then a large RV parking lot for over 1000 parking spaces." (inaudible)

Irwin replies to Hughes and says there is sewer and water on CR 4, it ends at the apartments. He then goes onto say the city is not in position to help extend those utilities.

Hughes replies, the petitioner is aware and it would be at their own expense.

Irwin states he is unaware of the depth on sanitary requirements so there may be a forced connection.

Osborne asks if there will be motor homes or travel trailers parked there.

Hughes replies, there will be some motor homes.

Osborne asks (inaudible)

Hughes replies, that the requirement is to have paved parking areas.

Smith interjects, "When the county approved a PUD, they approve a site plan with it so if we're taking in their rules and regulations, we would be compelled to honor what was approved through the county."

Bullard asks what size the building will be.

Hughes replies, 31,000 sq. ft.

Irwin asks if there are additional questions from the Members.

Hearing none, Irwin opens for public comments in favor or opposition of the petition.

Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation to the Common Council; Second by Datema. Motion carries.

Shoff has left the meeting.

Osborne- Yes

Davis- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Bullard- Yes

**22-X-01 PETITIONER IS BETANIA MINISTRIES INC
PROPERTY IS LOCATED AT 525 HARRISON ST**

To vary from Section 13.3 Special Exception Uses in the B-3 Service Business District to allow the property to be used as a Church.

STAFF ANALYSIS

The petitioner owns two parcels of land on Harrison Street that is currently being operated as a church. The north property is occupied by their facility and the southern parcel is being used as an outdoor playground. The applicant states that the church has had a positive influence on the surrounding neighborhood. As the property is located in a commercial district a Special Exception is needed to operate a church.

STAFF RECOMMENDATION

Staff recommends approval of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected as this use will provide services to the general public;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because there will be little to no physical changes to the property;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Jose Botell (525 Harrison St) introduces himself and states the building has been operating as a church since 2007 and trying to provide a place for the community.

Irwin asks if there are questions for the petitioner.

Bullard asks Botell how the parking will work for the church and how many spaces are available.

Botell replies there are around 15 spaces.

Bullard asks how large the congregation is.

Botell replies around 15-25 members.

Irwin asks if there are additional questions from the Members.

Hearing none, Irwin opens for public comments in favor or opposition of the petition.

Hearing none, Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Datema makes motion to approve with a Do-Pass Recommendation to the Board of Zoning Appeals; Second by Thomas. Motion carries.

Osborne- Yes
Davis- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes

**22-X-02 PETITIONER IS MAC REAL ESTATE, CLAIR MCKINLEY
PROPERTY IS LOCATED AT 2501 S NAPPANEE STREET**

To vary from Section 12.3 Special Exception Uses in the B-2 Community Business District to allow a Meeting Hall/Banquet Facility.

STAFF ANALYSIS

The petitioner is leasing tenant space within an existing multitenant commercial building. The intended use of the tenant space is an event center. The petitioner states that the space could be used for conferences and educational training. The petition states that the space would be able to accommodate 200 people. Primary operation of the facility will be on Sundays but the facility will be available throughout the week from 10 AM till 11 PM.

STAFF RECOMMENDATION

Staff recommends approval of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected as this use will provide services to the general public;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because there will be little to no physical changes to the property;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

Irwin asks if there are questions from the Commission.

Irwin asks Smith what the cross street is.

Smith replies, it's where the Chalet and car wash area is.

Irwin asks if there are additional questions from the Members.

Hearing none, Irwin calls petitioner forward.

Octavia Ray introduces herself and states the intention for her business is to offer educational training, spiritual conferences, meetings and events.

Irwin asks if there are questions for the petitioner.

Bullard asks if the event center will be open to the entire community.

Ray replies, she would filter through the clients who have applied to rent the facility to ensure it's taken care of.

Irwin asks if there are additional questions for the petitioner.

Hearing none, Irwin opens for public comments in favor or opposition of the petition.

Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Davis makes motion to approve with a Do-Pass Recommendation to the Board of Zoning Appeals; Second by Osborne. Motion carries.

- Osborne- Yes
- Davis- Yes
- Thomas- Yes
- Irwin- Yes
- Datema- Yes
- Walter- Yes
- Bullard- Yes

STAFF ITEMS

22-SI-01

Addressing

STAFF ANALYSIS

The Planning and Zoning Department is requesting approval of the addresses that have been reserved for structures in the City of Elkhart.

Residential
 152 State St. Apt 100 & 200
 1334 Hester St.
 1326 Hester St

New Duplex
 New Single
 New Single

RECOMMENDATION

Staff recommends that the Plan Commission assign the proposed addresses based on staff recommendation.

Irwin asks if there are questions from the Commission.

Irwin calls for a motion.

Davis makes motion to approve Second by Datema. Motion carries.

- Osborne- Yes
- Davis- Yes

Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes

22-SI-02

Staff requests feedback as to whether two types of façade materials should be classified as corrugated metal.

STAFF ANALYSIS

Throughout the city, a number of transportation corridors are classified as Development Districts, which have additional design standards for new buildings and additions. They tend to be on major commercial corridors and gateways into the city; Nappanee Street and Cassopolis Street are two examples. Part of the design requirements have to do with limits of certain materials on facades visible from the roadway. Specifically, Section 24.9.D.2 – Material Standards, states:

“All facades which face roadways, parking areas or residential districts shall utilize vinyl or aluminum siding for no more than fifty percent (50%) of the facade and shall utilize corrugated metal for no more than twenty-five percent (25%) of the facade.”

The rationale for the design standards in Development District is to elevate the quality of new development in prime locations, to foster economic development and enhance the image of the city. For these reasons, the Zoning Ordinance encourages the use of façade materials that are superior in quality and worth in these areas.

At issue currently is the definition of “corrugated metal.” The Zoning Ordinance does not have a specific definition for this material. In cases where we do not have a codified definition of a term used in the Zoning Ordinance, it is common practice to use dictionary definitions. The Merriam Webster dictionary defines the noun “corrugated iron” as “usually galvanized sheet iron or sheet steel shaped into straight parallel regular and equally curved ridges and hollows.” The verb “corrugate” is defined as “to form or shape into wrinkles or folds or into alternating ridges and grooves : furrow.”

Staff has recently received a façade proposal along a Development District and major commercial corridor and gateway to the city that uses three metal materials for the entirety of the façade (although one possible variation also includes some masonry), two of which staff believe may be considered corrugated. Both are formed steel. On the three facades visible from the roadway, the two materials in question make up at least 44 to 49% of the façade of the version with partial masonry. Staff believes that the option without the masonry would utilize the two materials for nearly the entire façade except for small areas shown as horizontal striping on the attached elevations. In the version without the masonry, metal material would make up the entirety of the facades except for doors and windows.

The two materials at issue here are made by McElroy Metal. Pictures are provided here and excerpts from a materials catalog are attached. Note that the proposed colors for the building differ from the colors shown in the catalog images.

The material that is proposed to make up the largest part of the façade metal is the Multi-V, seen below. This is the material that is shown with vertical lines on the attached elevations.

The second material that would make up a small portion of the façade, between the first and second story windows on the elevations, is the Mega-Rib, seen below.

The applicant has stated that the masonry addition puts the project over budget and would prefer to do without; if that is the case the entire façade would be made up of metal except for windows and doors.

Staff is requesting the Plan Commission’s advice on whether either or both of the materials presented here should be classified as “corrugated metal,” and subject to limitations on the facades of buildings in Development Districts.

RECOMMENDATION

Staff has thus far considered the materials presented here to be considered corrugated metal. Plan Commission members are asked for their opinion, keeping in mind the precedent that it may set for future development in key corridors of the city, where a great amount of time and investment has gone into enhancing the quality of development. Generally speaking, staff does not believe that all- or mostly metal and corrugated metal buildings constitute the type of development the City should be encouraging in these key districts. A concurrence that these should be considered corrugated metal would set a positive precedent for future development. Should the Plan Commission concur and classify the materials as corrugated metal, the petitioner may come back in February and request relief from the standards of the ordinance for this specific project, which would leave the standard in place for other development in the

future. A disagreement and not classifying the material as corrugated metal would set a precedent that would enable other projects to use these and similar materials unlimitedly.

Smith states the petitioner brought in 2 physical materials as a sample and he also has a third sample in the catalog. Smith goes onto explain what direction the material would be (vertical or horizontal).

Bullard asks for clarification, "You're asking us to give you a recommendation that these products fall under corrugated metal which then could be restricted to use."

Smith replies, "We're not claiming that it is corrugated metal, but this one and the other one that I have in the catalog..."

Bullard asks if it's similar to a pull barn type corrugated metal.

Irwin asks Smith, if this does not go the way the petitioner is seeking, will they file for a special exemption to the BZA.

Smith replies it would come back to Plan Commission only.

Bullard asks if there are buildings who are using this type of metal, to see an example.

Smith replies, he believes there are some buildings that use it in small portions of the façade, but he would need to further investigate.

Irwin asks if the petitioner is here to speak.

Smith replies, no and goes onto explain this did not need to be advertised this month and therefore it could be handled as a staff item to allow for opinions before the petitioner would present at the next meeting.

Irwin reiterates the board does not need to vote, however staff is looking for guidance on whether or not this material would be considered corrugated metal.

Trotter states, "What we are looking at is from this body as staff is some guidance on how you are helping us to interpret our ordinance as in its current state because what it's going to boil down to is what do you want our commercial corridors to look like and how you want our new construction to evolve." Trotter goes onto say, this is an item staff didn't feel they could say yes or no, especially with the percentage of metal that would be present on the building without prior discussion from the Plan Commission.

Osborne asks what is the durability of the material and wants to have spec sheets provided prior to make a recommendation.

Trotter states staff is trying to receive feedback because of the percentage of metal allowed thus so far since 1998. Trotter then says, "This body has let staff work with petitioners and we don't typically have issues with people that come before us...I think we brought maybe one or two back to the Plan Commission where we have not been able to come to an agreement. With this amount of metal on this corridor or with the amount of investment that the city and other people are making in this, we wanted to make sure this was a group discussion so everyone was on the same page moving forward."

Osborne asks the location.

Trotter replies, Cassopolis.

Irwin calls for a motion.

Osborne asks if they sold their land to Meijer and will be relocating to Cassopolis.

Trotter replies (inaudible)

Irwin states in his personal opinion, they did not originally vote on the 25% rule but the intent was not to have metal be the dominant material used on these type of developments, but to use nicer materials such as brick.

Bullard asks Trotter how large of a square footage they are intending for and goes onto say it could look more presentable on this type of building versus a pull barn for example.

Trotter states the struggle is staff discussing what the type of material that is going to be considered corrugated metal since technology has so vastly changed from 1998 until now.

Irwin asks Trotter if we will be seeing this at the next meeting.

Trotter replies, "What we're asking today is if you feel that this is corrugated metal or not and if you feel that it is corrugated metal, then the petitioner, because of the tight timeline, this was the only course of action I could offer to them without having a public hearing because they did not make it to us in time to have a public hearing today. We have this interim step before they would come back so if indeed today you feel that this is corrugated metal, we would say okay that's fine. Then we would go back to the petitioner and say you have to file to come back for this body to make an argument for why you feel that you should be given relief from the requirements."

Thomas asks Trotter what his opinion is.

Trotter replies in the past 20 years he has been in this position, the ordinance has prevented buildings from taking on an industrial look on the overlay districts because those individuals have met those requirements. Trotter then goes onto say, there is a cost to the builder in locating in that particular area, but in turn you typically have higher traffic numbers and a benefit of being in close proximity to new construction with a similar design style which in turn all benefit from this. He then says for those individuals who are meeting those requirements benefit from the mutual understanding of the regulations and the percentage on this building is why staff wanted to bring it back to the Plan Commission first.

Thomas asks if it is a particular building.

Trotter replies it would be the new North End Cycle.

Irwin asks Trotter the percentages that are allowed on the building.

Trotter replies and states the buildings cannot have more than 25% corrugated metal on the façade.

Irwin asks how much of the building would be the corrugated material and if they were meeting the 25% regulation.

Trotter replies, no.

Smith states on the original application, the entire façade except for windows and doors would have been one of the three samples of metals. He then states that the petitioner came back with an alternative proposal where they would have 4 or 5 feet of masonry along the ground which reduced the metal appearance to 44%. However, the client had discussed with the petitioner that this would go over their budget and would prefer to do away with masonry and use the corrugated metal instead.

Bullard asks if it would be proper if the Members voted on it, to give some guidance and whether it's positive or negative and to say that this is not corrugated metal, which then can be voted on and interpreted.

Irwin states he agrees with Bullard and says even if the Plan Commission decides it is not, the petitioner will come back to us next meeting for an exemption.

Bullard states, "If we say it is corrugated metal, they will come back for an exemption...so if we say it's not, they can continue building." He then goes onto say he would like to state this is not corrugated metal, so they can use more than the 25% allowed.

Bullard makes motion to approve the material is not considered corrugated metal; Second by Osborne. Motion carries.

Irwin states, a yes vote would mean the petitioner can proceed with the product and a no vote would mean that they would need to come back.

Bullard states, this will give guidance to staff for future developments.

Osborne- Yes

Davis- No

Thomas- No

Irwin- No

Datema- No


Walter- No
Bullard- Yes

Irwin states so that would be 5-2 that the product is corrugated metal and the petitioner would need to come back to the Plan Commission.

ADJOURNMENT

Irwin calls for a motion to adjourn meeting. Davis approves motion to adjourn and is seconded by Datema. Meeting is adjourned and all are in favor.

Osborne- Yes
Davis- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Walter- Yes
Bullard- Yes



Tory Irwin, President



Dave Osborne, Vice-President