

**PLAN COMMISSION**  
**-MINUTES-**  
**Monday, October 3, 2022 - Commenced at 1:45 P.M. & adjourned at 2:39 P.M.**  
**City Council Chambers – Municipal Building**

Elkhart City Plan Commission was called to order by Tory Irwin at 1:45 P.M.

**MEMBERS PRESENT**

Dave Osborne  
Ron Davis  
Tory Irwin  
Mark Datema  
Don Walter  
Aaron Mishler

**MEMBERS ABSENT**

**REPRESENTING THE PLANNING DEPARTMENT**

Ryan Smith, Planner- In person

**LEGAL DEPARTMENT**

Maggie Marnocha-Online

**TECHNOLOGY STAFF**

David Hopkins

**RECORDING SECRETARY**

Kayla Jewell

**APPROVAL OF AGENDA**

Motion to approve by Davis; Second by Datema. Voice vote carries.

**APPROVAL OF MINUTES**

Motion to approve by Mishler; Second by Davis. Voice vote carries.

**APPROVAL OF PROOFS OF PUBLICATION**

Motion to approve by Davis; Second by Mishler. Voice vote carries.

**OLD BUSINESS**

None

**NEW BUSINESS**

**22-FSP-07 PETITIONER IS LD ELKHART IN LANDLORD LLC  
PROPERTY IS LOCATED AT 3250 JOHNSON STREET**

As required by Section 20.7 B, seeking Final Site Plan approval for Phase One of an RV Inspection and Distribution Center, including a one-story, 41,000 square foot building and associated parking lot on land totaling 63.28 acres, more or less, located at 3250 Johnson Street. The request includes variances from developmental standards, including: a) no foundation planting area next to the building, b) a six (6) foot ornamental fence in the front yard where four (4) feet is allowed, c) side and rear parking lots for RV storage to be built without a six (6) inch curb or parking lot landscaping, and d) front parking lot light poles to be 20 feet in height and rear parking light poles to be 35 feet in height where light poles are required to be of uniform height no taller than 20 feet.

**STAFF ANALYSIS**

The petitioner owns a 63-acre parcel that was annexed earlier this year along with a 21-acre parcel to the north. The property is being developed as part of a complex of RV sales, service, and distribution. The northern parcel has already been developed, this proposal is for Phase I of the southern parcel. The petitioner plans to come back to the Plan Commission next year with Phase II, and there will be at least one more subsequent phase after that.

Proposed is a 41,000 square foot building with some parking for customers and some parking for RVs. Future plans include an expansion for a much larger future building and RV storage area. The project has mostly passed tech review and staff is in support of the project in general.

There are a number of standards that the proposed development does not meet. Staff believes some variances are warranted and some are not. The request and staff's recommendations are as follows:

- No foundation planting area next to the building. The petitioner intends to place a canopy on the front of part of the building that will put the foundation in shade, and there are several service bays that take up the length of the façade. Staff believes a variance is warranted in this scenario.
- A six (6) foot ornamental fence in the front yard where four (4) feet is allowed. A security fence is reasonable in this case, and the decorative ornamental fence is appropriate.
- Side and rear parking lots for RV storage to be built without a six (6) inch curb or parking lot landscaping. Staff believes these requirements can be met. There are any number of parking lots in the city with curbs and landscaping; drivers are able to negotiate those and snowplow operators can work around them as well. This is a business district and staff's expectation is that the petitioner should meet those standards. Additionally, it is a very large parking lot; breaking it up with landscaping enhances the district and improves site conditions.
- Front parking lot light poles to be 20 feet in height and rear parking light poles to be 35 feet in height where light poles are required to be of uniform height no taller than 20 feet. Staff concurs some variation is appropriate but believes the 30' standard should be met. The property is adjacent to a small residential property to the northwest. Lighting is supposed to be uniform in height, and when adjacent to residential, it is limited to 20'. The petitioner is asking for a compromise, where lighting adjacent to the residence is 20' and the lighting for the rest of the development is taller. However, staff believes a 30' height, which is the maximum under the Zoning Ordinance, should be met.

#### **STAFF RECOMMENDATION**

The Staff recommends approval of the final site plan, as well as variances for the foundation planting, six (6) foot ornamental fence, and lighting up to 30 feet not adjacent to residential, 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 mostly 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.

Smith states there were 16 letters mailed, 0 returned. He states he did receive 1 phone call in regards to a concern about traffic on Johnson St.

Irwin asks if there are questions from the Commission.

Mishler asks Smith to verify the address and location.

Osborne asks Smith if the variances are being approved by Plan Commission or if it would move onto BZA, etc.

Smith replies, Plan Commission will make the final decision on the variances since it will not be moving forward to BZA.

Osborne asks Smith if the variances listed are considered conditions.

Smith replies, yes. The board can consider the variances conditions.

Osborne and Smith discuss different options as to how to approve the conditions and variances.

Mishler asks Smith why Staff would prefer a height restriction within a certain distance of a residence.

Smith replies, there are three regulations; when it is within 75 feet of a residence, the maximum height is 20 feet, all lights must be uniform in height and lastly, in a commercial development (not adjacent to a residence) 30 feet is the maximum height. This is a very

big site that has a small border, next to a residence so the petitioner is asking to place the 20 foot lights and then the remainder of lights would be 30 feet tall.

Osborne asks Smith if Staff is recommending 30 feet and not 35 feet for height.

Smith agrees.

Davis asks Smith if it would move to Common Council.

Smith shakes his head no.

Walter asks Smith if the resident is aware of the difference in heights and if there is anyone in opposition.

Smith replies that he has not reached out to that specific resident, but staff did not receive any responses back.

Irwin asks Smith if the County had requirements for the height.

Smith replies he does not recall seeing it in the county's code, but is not positive.

Irwin states he believes the resident who called lives in the county since there are no residents who live in the city.

Mishler asks if there is concern regarding to traffic.

Smith asks if it is in regards to Staff.

Mishler replies, yes.

Smith says if it is past Tech Review, it would have gone through traffic review as well.

Mishler agrees with the 30 foot height. He asks Smith if this is a standard height for other facilities.

Smith replies, it was allowed with Meijer.

Irwin calls petitioner forward.

Debra Hughes (3220 Southview Dr. Elkhart) introduces herself as the civil engineer on the project. Hughes goes over the details of the project that occurred in the past, in both the county and city. She states the petitioner would like to offer a service center for the customers, where they can bring their RVs to have maintenance work done. Hughes states there are four variances, as staff mentioned prior (no foundation planting on the front façade, 6' ornamental fence in front yard, height of lamp posts/lights, concrete curb/landscaping in parking lot). Hughes states the petitioner is able to meet all of the recommended variances except they would like to not include the curb/landscaping due to the lot being for manufacturing and the dangers for the drivers themselves. Hughes hands out a photo to the Members that shows a similar layout for the desired parking lot, but is located in the county. Hughes goes over similar sites, like Bennington.

Irwin asks Hughes out of the companies listed who have similar desired parking lots, how many are located in the city.

Hughes replies 3 Heartland facilities, Rance Aluminum Trailers, TR RV, Bennington Marine, Alliance RV.

Mishler asks Hughes if islands are located within the parking lots.

Hughes replies they are similar to the photo that was passed out.

Mishler asks if there were any variances granted or were they brought into the city as is.

Smith replies he would need to further investigate, but he believes most were developed in the county previously.

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

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

Mishler states he thinks all of the request is a fair compromise.

Datema asks if the petitioner could further explain, other than aesthetically, how the lot would be an improvement.

Hughes replies there will be a front yard landscaping, trees planted along the toll road and the 6 billboards will be removed. She also states the majority of the traffic will be coming off CR, which will be internal traffic.

Walter states he thinks the presentation, to avoid the obstacles are very necessary.

Mishler asks how many jobs this will bring.

Rich Olszewski (7718 Ashford Dr. Lakeland Dr. Florida) states 40-50 jobs.

Irwin calls for a motion.

Mishler makes motion to accept the variances and a modification requiring 30' instead of 35' (except for 20' facing residential), no parking islands in the lot and no foundation planting in the area next to the building, 6' ornamental fence, no back with a Do-Pass Recommendation; Second by Osborne. Motion carries.

- Osborne- Yes
- Davis- Yes
- Irwin- Yes
- Datema- Yes
- Walter- Yes
- Mishler- Yes

Motion to approve the Final Site Plan by Mishler; Second by Datema.

- Osborne- Yes
- Davis- Yes
- Irwin- Yes
- Datema- Yes
- Walter- Yes
- Mishler- Yes

**22-SUB-06 PETITIONER IS TLTA, LLC**  
**PROPERTY IS LOCATED AT VACANT LAND, EAST OF NAPPANEE STREET AND SOUTH OF COUNTY ROAD 24**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a partial replat of the Hilltop Subdivision. Proposed to be added is a 6.13 acre, more or less, parcel to be known as Lot 5. Also proposed to be established is a .42- acre parcel, more or less, from land included in the original Lot 3, to be known as Outlot D. Also proposed is to establish, on the drive running north-south, parallel to Nappanee Street, a temporary cul-de-sac on Outlot D. The proposed subdivision is to be known as 'Hilltop Second Subdivision,' a part of the Northwest Fractional Quarter of the Southwest Quarter of Section 19, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana.

**STAFF ANALYSIS**

The petitioners previously came before the Plan Commission with the initial Hilltop Subdivision in January of this year; at that time it was a seven-lot subdivision. It was approved and Lot 1 has been recorded as a final plat. Since their first appearance, a 6.13-acre parcel to the east has been annexed into the City.

This revision proposes to add that parcel to the subdivision, and to create an Outlot D out of the original Lot 3. The additional outlot would serve to complete the lots necessary for a drive running from Nappanee Street to County Road 24 which will serve as the primary outlets for the lots as they develop. The eastern lot is intended to be developed as a self-storage facility. The revision also proposes a temporary cul-de-sac to be used as the drive initially develops from the north, to be used until the rest of the drive is developed connecting it to Nappanee Street.

The size and the configuration of the parcels meet the requirements of their districts and staff is generally in support of the lot configurations. The driveway should be developed to the city's standards for roadways and dedicated as a city street. Additionally, the size of the cul-de-sac does not meet city standards, and would not accommodate turnarounds for all emergency vehicles. Last, while the proposed application shows a drainage area on Lot 5 for runoff from the roadway, engineering has yet to be done.

**STAFF RECOMMENDATION**

The Staff recommends approval of the eight (8)-lot subdivision, to be known as 'Habitat Vinson Subdivision at Stiver Park, Phase 2,' a n eight (8)-lot subdivision; a part of the Northeast Quarter of Section 17, 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 B-2, Community Business District and B-3, Service Business District;
- 2) The proposed request results in the creation of two (2) additional 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.
- 5) The driveway shall be developed to standards for City streets, and be dedicated as a city street.
- 6) The temporary cul-de-sac shall be reconfigured to accommodate emergency vehicles.

Smith states there were 12 letters mailed, 0 returned.

Irwin asks if there are questions from the Commission.

Mishler asks Smith if there is information regarding utilities or simply looking at the subdivision process. He states he is concerned about the emergency vehicle traffic. Mishler asks if the developers have responded to the concerns from the city.

Smith replies the consultant has been notified and it has not gone through Tech Review yet.

Davis asks if the entrance would be off of 24.

Smith replies that is the initial entrance, they are planning to also connect to Nappanee St. Smith states Welsh can provide additional information.

Irwin calls petitioner forward.

Crystal Welsh (Abonmarche 303 River Race Dr) introduces herself and states the property could not be annexed all at one time, which had to be done in two phases which will be the same as the subdivision. However, the intent was always to act as one subdivision. Welsh states they are establishing the configuration of the road at a later date and to make it into a "L" shape. She goes onto say it will have to go through engineering, Tech Review and secondary then it will be decided per city standards what the cul-de-sac will look like. Regarding the traffic for lots 2 and 3, once the use is determined for the lots, it will then have a traffic study completed and the permit issued. Welsh then goes onto discuss the size of the platted outlets will likely not be large enough for the right of way, but the developer is willing to make adjustments in order for it to be the correct size. She states it is all commercial.

Irwin tells Welsh the city will require the water extension to be looped to Lot 5, which will be reviewed in Tech Review.

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

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

Irwin asks Smith if the action is finalized by Plan Commission.

Smith replies, yes for the preliminary and then it will go to Platt Committee.

Irwin calls for a motion.

Osborne makes motion to approve the preliminary temporary subdivision with a Do-Pass Recommendation with the conditions listed in the staff report; Second by Davis. Motion carries.

Osborne- Yes

Davis- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Mishler- Yes

**22-ANX-01 PETITIONER IS WE IMPACT PROPERTIES LLC  
PROPERTY IS LOCATED AT 29224 COUNTY ROAD 6 WEST**

As prescribed by Section 29.11.B, a request to annex one (1) parcel located at 29224 County Road 6 West, land containing approximately 2.45 acres.

**STAFF ANALYSIS**

This staff report is being prepared for annexation 22-ANX-01 to annex a single parcel on the south side of County Road 6 West to the west of John Weaver Parkway, Parcel ID # 20-01-26-201-004.000-005, Elkhart, Indiana 46514, Cleveland Township.

The land in the petition is currently in development in tandem with adjacent parcels as an industrial facility. The petitioner has a reciprocal agreement with Elkhart County allowing review, permitting, and inspections to be conducted by the City of Elkhart. The proposed use is allowed in the M-1 District and will be similar to other industrial uses in nearby corridors. It's anticipated that an increase in tax revenue will offset any additional costs of service provision.

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 2.45 acres. The territory to be annexed is approximately 50% contiguous to the current City limits, being contiguous on its western boundary. 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 industrial.
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 states this was not advertised due to it being an annexation and did not receive any phone calls.

Mishler asks Smith if it will go to Council.

Smith replies, yes. He states the annexation came through for architectural relief so it will need to come back for a final OK.

Irwin calls petitioner forward.

Matt Shuster (We Impact Properties) introduces himself and states he is available for any additional questions.

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.

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

Osborne- Yes

Davis- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Mishler- Yes

### **STAFF ITEMS**

Irwin calls for a motion to have 22-SI-10 removed from being tabled; Osborne makes a motion to approve; Second by Misher. Motion carries.

### **22-SI-10**

An appeal as per Section 26.4.2.B for a Development Plan, to vary from Section 24.9.B.1.a (iii,iv) which requires projections and recesses have a minimum depth of thirty-two (32) inches and a minimum width of forty-eight (48) inches every one hundred (100) linear feet, to allow for a building with three facades without projections and recessions.

To also appeal to vary from Section 24.9.B.2(a-k), which requires on primary facades three (3) out of eleven (11) design treatments, to allow for one facades with no design treatments, one facade with two(2) design treatments. Also from Section 24.9.B.2(l-m) which requires one (1) out of two (2) design treatments, for two facades with one design treatment and one facade with no design treatments.

To also appeal to vary from Section 24.9.D.2 which states that "all facades which face roadways... shall utilize corrugated metal for no more than twenty-five percent (25%) of the façade," when located in a Development District, to allow three facades in a Development District to utilize corrugated metal for up to 100% of three facades.

### **STAFF ANALYSIS**

The petitioner owns a 1.4-acre property at the intersection of County Road 6 East and Stryker Street that is zoned M-1. They intend to develop it with a 16,750 spec building with the tenant to be determined.

Three side of the building represented today in this appeal are primary facades. The east, north and west facades are all visible from CR 6 and therefore must meet the overlay district standards. The building is oriented toward the east facing Stryker Avenue, with the primary entrance on the same east façade. The rear of the building, with this orientation is to the west, is still a primary facade.

Staff has worked with the petitioner to try to come up with a scheme that meets the architectural standards. There are still a number of shortcomings on the current proposal. For the north and east facades, they are close to meeting the façade requirements. Staff suggests installing additional landscaping beyond what is required by ordinance, which would result in their meeting the requirements under 24.9.B.2(a-k). The petitioner is planning to install irrigation, which should be commended for their commitment to maintenance.

The west façade is relatively bare. The petitioner has made no effort to meet any element of the required overlay requirements, presenting an unadorned façade to County Road 6. Landscaping, some differentiation in color or material, or additional windows or false windows would bring the property closer to meeting the façade requirements. Staff is open to hearing alternatives. Additionally, wainscoting would reduce the amount of uninterrupted vertical siding.

Dylan Troyer (Mid-State Construction) introduces himself and states he is representing the petitioner. Troyer states he was not present at the last meeting, however staff and the developer have come to an agreeance for the architectural relief (two tone siding, increase of square footage of glass and masonry on the NE side and a screen wall to the west so it is not as visible from the road).

Irwin asks if there are questions from the Commission.

Irwin asks Smith if everything stated by Troyer is correct.

Smith replies, yes and goes over what Troyer has stated. Smith also states a condition should be made that an agreement must be made with the neighboring property owners in regards to the screening and if it is not followed through, then the petitioner must come back for approval.

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. He recommends to approve the first and third paragraph of the staff report pending the agreement with the home owners.

Datema makes motion to approve; Second by Mishler. Motion carries.

- Osborne- Yes
- Davis- Yes
- Irwin- Yes
- Datema- Yes
- Walter- Yes
- Mishler- Yes

**22-SI-11**  
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
- 1908 Belmont Avenue
- 1920 Belmont Avenue
- 221 Haines Drive
- 1635 Huron Street
- 1639 Huron Street
- 2430 Timberstone Drive East
- Commercial
- 2098 Cassopolis Street
- 2968 Cassopolis Street
- 2245 County Road 24
- 3250 Johnson Street
- 700 South Main St. Suites 101, 102, 103, 201, 202
- Numbers on 2 Residential and 2 Commercial Units in Existing Building
- 1301 East Sanford School Road

- New Single Family Residential
- New Single Family Residential
- New Single Family Residential
- New Single Family Residential
- New Single Family Residential
- New Single Family Residential
- New Service Pedestal
- New Traffic Signal, Emerson and Cassopolis
- New
- New RV Service and Distribution Center
- 1 New Residential Unit and Reassigned
- New RV Sales and Service Center

Irwin calls for a motion.

Davis makes motion to approve; Second by Osborne. Motion carries.

- Osborne- Yes
- Davis- Yes
- Irwin- Yes
- Datema- Yes

Walter- Yes  
Mishler- Yes

**ADJOURNMENT**

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

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Tory Irwin, President

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Dave Osborne, Vice-President

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