

PLAN COMMISSION
-MINUTES-
Monday, May 2, 2022 - Commenced at 1:45 P.M. & adjourned at 3:30 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
Johnny Thomas
Tory Irwin
Mark Datema
Aaron Mishler
Beecher – Proxy

MEMBERS ABSENT

Ron Davis
Don Walter

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director for Planning
Ryan Smith, Planner

LEGAL DEPARTMENT

John Espar, Corporation Counsel

TECHNOLOGY STAFF

N/A

RECORDING SECRETARY

Kayla Jewell

APPROVAL OF AGENDA

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

Irwin notes that Beecher has been sworn in by the Mary for proxy voting, and that Schoff can participate but on-line votes are not counted due to rules regarding in-person participation instated after the expiration of the Governor's COVID emergency declaration.

Schoff asks the rules are indefinite.

Irwin states that the resolution is under review but in-person presence would be necessary for the vote to count.

Schoff states that he will try to attend.

APPROVAL OF MINUTES

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

APPROVAL OF PROOFS OF PUBLICATION

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

OLD BUSINESS

22-X-05 PETITIONER IS FRANCISCO SESMAS AND MARIA TORRES
PROPERTY IS LOCATED AT 210 WEST WOLF AVENUE

A Special Exception per Section 5.3, Special Exception Uses in the R-2, One-Family Dwelling District, to allow for a daycare center.

STAFF ANALYSIS

The petitioners recently closed on a property at 210 W. Wolf Ave. that they intend to use as a Class II Daycare; the Indiana State Family and Social Services Administration (FSSA) allows for up to 16 children under a Class II license. The house was built in 1950 and comprises 672 square feet on a .16-acre parcel with an ample backyard. The property is adjacent to Agape Church and across the street from Roosevelt Elementary School.

Initially, staff had some concerns regarding the size of the building, and how staff parking, pickup and drop-off would work. The state requires 560 square feet of usable area for a Class II home. Staff inspected the house on 2/17/22. The house has a very small kitchen, bathroom, and utility area. The petitioners claim they measured the house and will meet the requirement; this will need to be certified by a professional, which the state also requires. Staff believes they may meet the requirement, but that should be confirmed by an architect or engineer.

Past owners have had an informal agreement with the church allowing them to use the edge of its parking lot as a driveway/parking area. The petitioners state they have verbal approval from the church to do so for both employee parking and drop off/pick-up. Additionally, there is considerable congestion on Wolf Avenue for drop off and pickup at Roosevelt, and parents of children at the school often use the church parking lot. Staff is concerned about conflict between the two uses and the utilization of the lot for parking.

The drop-off/pick-up arrangement is acceptable if they receive written approval from the church to use it for that purpose; the Board may contemplate requiring a formal agreement as well. Staff believes employee parking should be handled on-site and kept outside of the church parking lot. The daycare standards for parking are 1 space per employee plus 1 space per 6 students. The lot is 45 feet wide; a parking pad for up to four vehicles could be provided given the width of the lot. Additionally, the petitioners should structure their hours so that drop off and pick up do not conflict with peak times for Roosevelt Elementary.

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 if the conditions are followed;
2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because it will be a small operation and no significant changes to the property are planned;
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.

CONDITIONS

If the Board chooses to approve the requested special exception, staff recommends that the following conditions be placed upon the approval:

1. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises.
5. A copy of the child care home license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
7. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
8. There shall be a maximum sixteen (16) children, including those of the petitioner.
9. Written approval shall be obtained from the adjacent church to allow them to use the church's parking lot for drop-off and pick-up.
10. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by March 14, 2024.
11. Drop-off and pick-up times for the daycare shall be outside of peak times for Roosevelt Elementary traffic.
12. Petitioners shall provide four (4) paved parking spaces adjacent to the rear alley.
13. The usable child care space must meet the state minimum based on the class of license obtained, to be verified by a qualified professional.

Irwin asks if the petitioner is aware of all the conditions.

Smith states that they have been provided with a copy of the staff report.

Irwin asks if this is just for a recommendation to the Board of Zoning Appeals.

Smith confirms.

Osborn asks out of microphone about parking spaces.

Smith states the standard is 9x18 but it is possible to go a little smaller on a residential lot. He would not go less than 8 feet.

Osborne speaks out of microphone.

Smith states yes.

Osborne speaks out of microphone.

Davis asks why item 9 was struck.

Smith states it was because the petitioner will not be living on the premises. It is actually a daycare center. In our zoning ordinance the classification depends on whether you live on the premises. With the state, it depends on the structure; they would consider this a childcare home.

Irwin states there are a lot of conditions and a lot of "ifs", including house size, church parking formal authorization, scheduled pick-ups and drop-offs, and the concerns about traffic. He has reservations about this with the small lot, and a residential home being used for something else when there are those that need housing.

Smith states that the design professional is in attendance and can speak to the square footage.

Irwin asks for the applicants or the representative to appear.

Gary Frank appears in person. He states the daycare will be licensed up to 16 people and he has reviewed the square footage. The house has also been reviewed and approved by the Fire Department. Meals will be produced in sponsoring the childcare food program. The CDC and local Health Department will be followed. The rear yard has a fenced in play area. Parking and drop-off will be by the church, but the rear yard fence is about 20-25 feet in from the alley. They can park there and the area is more than 32 feet wide. Property will be maintained and retain residential appearance. Roosevelt Elementary is across the street and seems very convenient for a daycare center to be in close proximity. The church is to the west, residential areas to the north and south, and the school to the east. This will make a nice transition to these areas.

Irwin asks what is the total square-footage of the house.

Frank states he does not recall, but he knows it met the requirements.

Francisco Sesmas appears in person. He states the state requires 5 square feet per person. He believes the house is over 800, but it has been inspected and licensed.

Osborne asks if they will be able to pave that area.

Sesmas states that is one of the conditions.

Osborne asks if it will be asphalt or concrete.

Sesmas states concrete, as he does that himself.

Irwin asks if he knows that he will need a permit.

Sesmas states that he does.

Irwin calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation to the Board of Zoning Appeals, with the condition that all staff conditions be satisfied before the daycare is in operation; Second by Mishler. Motion carries.

Osborne- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Mishler- Yes
Beecher - Yes

NEW BUSINESS

22-FSP-04 PETITIONER IS MMM REALTY, LLC PROPERTY IS LOCATED AT 1175 FREMONT COURT

As required by Section 20.7.B seeking approval for an Amendment to a Final Site Plan for a new 69,425 square foot building and associated pavement at an existing facility at 1175 Fremont Court

STAFF ANALYSIS

The petitioner owns two properties on Fremont Court, at 1165 and 1162 Fremont Court. As their business is growing, they have acquired property to the south of 1165 from the self-storage facility at 1175 Fremont Court for the development of a new building and associated parking.

They wish to receive site plan approval for the new 69,425 square foot building, The project has been submitted to Technical Review; as of the date of the writing of this document, it has passed except for a minor detail and approval by the Grantors listed in the private Protective Covenants.

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 mostly passed the City's Technical Review Process;
4. The use conforms to the Comprehensive Plan which is anticipated to call for industrial uses;
5. The proposed use should not be detrimental to the property values of adjacent properties.

Smith states there were 21 letters mailed, none returned.

Irwin asks if there are questions from the Commission. Hearing none, calls petitioner forward.

Jeff Ballard appears in person for the petitioner.

Mishler asks if this will be a warehouse or production facility.

Ballard states it will be warehouse distribution. He notes that the building and facilities to the North had drainage compliance issues so their site plan captures all of their storm water runoff.

Osborne asks about the proposed tree line on the west of the property.

Ballard states they will be using the existing buffer, but if it's on the landscape plan, then they intend to plant trees all along the line.

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

Irwin calls for a motion.

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

Osborne- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Mishler- Yes
Beecher – Yes

**22-X-07 PETITIONER IS FELLOWSHIP OF HOPE MENNONITE CHURCH
PROPERTY IS LOCATED BETWEEN 513 AND 529 W GARFIELD AVENUE**

A Special Exception as per Section 5.3, Special Exception Uses in the R-2 District, to allow for a Memorial Garden.

STAFF ANALYSIS

The petitioner, a religious institution, own a vacant lot on the 500 block of West Garfield Ave., which is adjacent to their church building, across an alley, at 1618 S. Sixth Street. The property has been vacant for years, and the church wishes to develop it as a Memorial Garden.

The proposed design includes plantings and landscaping elements, including a north-south walkway that bisects the site, a trellis, and sections for garden plots. No off-street parking will be on the site itself, but the church has a parking lot and there is also public parking on the street. The church would be responsible for maintaining the Memorial Garden.

Staff does not anticipate that the use would cause a significant increase in traffic or entail other impacts that might be a nuisance to neighboring dwellings. The proposed use will be low-intensity and is appropriate for its residential context.

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**;
2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because it will put the site into active use and be maintained by the church;
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, calls petitioner forward.

Andrew Hudson appears via Webex for the petitioner. He notes there are also two other members of the church joined online.

Mishler states that he likes the idea to beautify the area and positively impact property tax values.

Irwin calls for a motion.

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

Osborne- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Mishler- Yes
Beecher – Yes

**22-SUB-04 PETITIONER IS MN VYT LLC ATTN MARIETTA AMERICAN INC BILL SARACCO
PROPERTY IS LOCATED AT 1919 SUPERIOR STREET**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a two-lot subdivision; a part of the West Half of Section 3, Township 37 North, Range 5 East, Concord Township Elkhart County, Indiana. This request seeks to also establish a platted ingress-egress easement on Lot 2 serving Lot 1.

STAFF ANALYSIS

The petitioners is requesting approval of a two (2) -lot subdivision of land that is a portion of the West Half of Section 3, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana. The proposed subdivision would split the existing parcel into two parcels, and create an ingress-egress easement on Lot 2 benefiting Lot 1 that would enable access to the truck docks on the rear of the building on Lot 1.

The zoning for this property is M-1; the layout of the subdivision meets the requirements of the subdivision ordinance. Lot 2 would be available for industrial development.

STAFF RECOMMENDATION

The Staff recommends **approval** of the two lot subdivision, to be known as 'Voyant Beauty Minor Subdivision,' a two (2)-lot subdivision; a part of the West Half of Section 3, 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 M-1, Limited Manufacturing District;
2. The proposed request results in the creation of two (2) 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 27 letters mailed, 2 returned not in favor with comments. Comments were: Do not need more noise.

Irwin asks if there are questions from the Commission. Hearing none, calls petitioner forward.

Terry Lang appears in person for the petitioner. He says the property is a large industrial building located on 43 acres and they are proposing to divide portions of it and there will be an adjacent parcel of 11 acres in size. They are planning to build a secondary building on that parcel at some time. He does not know further details on that. They will have to comply with the extension of sewer water and management of storm water, but they are in the planning stages. On the south side of the existing building there is a loading dock. They are looking to provide and access easement on the new lot to that dock.

Irwin asks if this will require new zoning or if the subdivision will be sufficient.

Lang states it will not require rezoning.

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

Greg and Kathy Deisenroth appear in person. They begin to speak not in favor regarding East Jackson residential developments.

Irwin clarifies that there will not be residential developments. This item is merely to split the current parcel and keep it manufacturing.

Greg Deisenroth states that the letter from the City was misleading and he believed it was a residential development.

Irwin requests for Trotter to explain.

Trotter states that the wording in public notices are based on state statutes which they are obligated to use. The word 'subdivision' is a universal term for any subdividing or division of property whether it is residential, commercial, or in this case manufacturing and industrial. It is an industrial subdivision of one parcel into two to accommodate an additional building.

Irwin requests Lang to further explain.

Lang states the use of the property will not change. They are building a second building to expand operations for it and the split is part of the finance package that is being worked on.

Mishler asks what is being produced.

Lang states he does not know.

Mishler clarifies again that this is not a residential change, but an industrial subdivision to allow for expansion in the future.

Lang confirms and states that he understands within 3-5 years they should expand and there will be the one additional facility.

Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation with conditions listed to the Plat Committee; Second by Mishler. Motion carries.

Osborne- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Mishler- Yes
Beecher – Yes

**22-SUB-05 PETITIONER IS HABITAT FOR HUMANITY OF ELKHART COUNTY
PROPERTY IS LOCATED AT VACANT LAND STIVER AVENUE**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Habitat Vinson Subdivision at Stiver Park, Phase 2.' an eight (8)-lot subdivision; a part of the Northeast Quarter of Section 17, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana.

STAFF ANALYSIS

The petitioners is requesting approval of an eight (8) -lot subdivision of land that is a portion of the Northeast Quarter of Section 17, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana. The proposed subdivision is intended to be developed with single family dwellings, and will retain its R-2 zoning. The right of way and sidewalk widths, as well as the lot dimensions, meet the requirements of the Zoning and Subdivision Control Ordinances.

STAFF RECOMMENDATION

The Staff recommends approval of the eight (8)-lot subdivision, to be known as 'Habitat Vinson Subdivision at Stiver Park, Phase 2,' an 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 R-2, Single-Family Dwelling District;
2. The proposed request results in the creation of eight (8) 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 63 letters mailed, none returned.

Irwin asks if there are questions from the Commission.

Mishler states that a search online shows the property is currently being used as a soccer field. He asks if there has been discussion with the owner what will happen with that.

Smith states that the consultant is here, but it is his understanding that the field is no longer functional.

Mishler states he does not want to take the field away from kids if it is still there.

Osborne asks if the easements for utilities will also be for vehicles.

Smith states they will not.

Mishler asks if these will be for 8 additional affordable homes.

Smith states they could be.

Irwin asks if the other homes recently developed on the south side of Stiver were also Redevelopment homes.

Smith confirms.

Irwin calls petitioner forward.

Crystal Welsh appears in person for the petitioner. She states the petition is for an 8 lot subdivision. The first 6 were developed early on with Habitat. This is the extension, which is why it is named Phase 2. It will bring the infrastructure down the cul-de-sac for the 8 new homes. There is a utility easement so that when they get to Tech Review the water system can be looped to get out to the south, but also for drainage. The utility easement is wide enough for a utility vehicle to get in for repairs, but is not intended for driving.

Osborne asks if the drive easement to the cul-de-sac will be deeded to the City as a street.

Welsh states that it is intended to be a dedicated right-of-way.

Osborne asks if the City will maintain it.

Welsh confirms that it will be built to City standards to be dedicated in the platting process.

Greg Conrad appears in person to represent the petitioner. He states the subdivision seeks to address the need for affordable housing. Habitat serves people who are working people with between 30 and 80% of the average median income. These are standard Habitat homes between 1200-1400 square feet, 3 bedrooms, 1 ½ baths, or 4 bedrooms, 2 baths with the size of the house based on the family. They would be owner occupied with subsidized, 0% mortgages. The families go through the standard education classes of financing and budgeting, homebuilding, home maintenance, and being a good neighbor. There is a waiting list for families waiting for homes. They have built 2 homes this year with 3 more under construction. There are 7 families on the list right now with another 5 to be added this month.

Irwin states that he knows Habitat does great work and this is greatly needed. He opens for public comments in favor or opposition of the petition.

Rick Newbill appears in person. He states he is the President of Southdale Bridge Builders Neighborhood Association as well as the Director and Chief Officer of other organizations. They represent about 7 different neighborhoods and their community. He states that they have been involved with Lacasa for about 11 years and have developed a quality of life program. He states that it utilizes different assets in the neighborhood so that they can come together collectively to see what needs were. One of the items was concerning children that were at risk, to keep them off the streets. Various options were discussed and a soccer program was started. They used Stiver field and grew from 13 kids the first year to over 700 from the community by making it economically

feasible for kids to play. He states he spoke to his neighborhood and knows how important affordable housing is. This is something they want to develop, but it stopped the children from playing soccer. He stated when COVID hit they recommended not playing. During that time, they could not afford insurance because spent money on a tractor and equipment out of his pocket. He hopes that Habitat will continue to work with the neighborhood in a neighborhood Association and to have a relationship with the Fuller Center for Housing to build affordable housing. He speaks to Conrad regarding the need for a working relationship and another place to play soccer.

Irwin suggests that he also reach out to the Parks Department to see if they can provide assistance. Hearing no further comments, he closes the public portion of the meeting.

Irwin calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation to the Plat Committee with conditions; Second by Mishler. Motion carries.

Osborne- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Mishler- Yes
Beecher – Yes

**22-Z-07 PETITIONER IS ELKHART REDEVELOPMENT COMMISSION
PROPERTY IS LOCATED AT 1701 STERLING AVENUE**

Per Section 29.11.B, Map Amendments, a request to rezone the property located at 1701 Sterling Avenue from M-2, General Manufacturing District to R-4, Multiple Family Dwelling District.

STAFF ANALYSIS

The City of Elkhart Redevelopment Commission owns a three and a half acre development site on the west side of Sterling Avenue, between Indiana Avenue and Lusher Avenue. A developer has submitted a proposal to develop the property as a multifamily development, with an anticipated 24 units. The site is located on a primary street within the city, and a railroad right-of-way borders its rear property line.

The property is currently zoned M-2, which is a remnant from when industrial land uses were common along the corridor. The existing industrial uses on Sterling have mostly gone into disuse, and the location and depth of the lot make it unlikely to be redeveloped as an industrial property. In recent years, industrial uses have moved out to the periphery of the city on larger lots, and this section of Sterling Avenue has become a primarily residential corridor. The Comprehensive Plan calls for the area to be converted to residential.

The M-2 zoning district is no longer the most appropriate for the site. Conversion to R-4, Multiple Family Dwelling District is appropriate because it is a large lot on a primary corridor, where multi-family dwellings are appropriate. The site plan submitted is illustrative and has not yet been submitted to the City's Technical Review process.

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 residential uses;
2. Current conditions and the character of current structures and uses in each district will not be impacted because it will not have an impact on adjacent industrial and commercial uses;
3. The R-4 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 is adjacent to a mix of uses;
5. The rezoning of the property to R-4, Multiple Family Dwelling District is compatible with the surrounding properties and does reflect responsible growth and development.

Smith states there were 27 letters mailed, 1 returned in favor. Six returned not in favor with comments. Comments were:
"I've lived here on Sterling Ave for 48 years, watched it improve little by little. Now you want to move low income government funded tenants right across the street. Sterling Ave is an emergency weather route with a high volume of traffic due to the industry,

Moryde is constantly up and down the road. Elkhart is becoming a low-income government funded rental capital estate. I will fight this until the end or the city can make me an offer to buy my house.”

“The city has built many apartment buildings within the last few years. I am curious how many of these are at full capacity. I don’t feel like we need to build another low-income apartment in my neighborhood. This is a nice area that would benefit from something else, preferably extending the park on Sterling Ave. I know I am not the only resident in this area that feels this way. I truly hope our voices are heard.”

“Will this property be for sale when cleared? I could use more parking.”

Irwin asks if there are questions from the Commission.

Mishler asks if the housing is planned for market rate apartments, workforce housing, or government subsidized.

Smith states his understanding is it’s for workforce housing but the Redevelopment Commission can speak to that.

Osborne asks if the property is to the south of the new park on Sterling and if there are currently dilapidated industrial buildings on that site.

Smith confirms.

Osborne asks if there are environmental issues there.

Smith does not believe they’ve done that assessment yet.

Osborne states they will have to remove the blown out building.

Irwin asks if they are asking for the vacation of the right-of-way.

Smith states that is pending.

Irwin calls petitioner forward.

Kristin Smole appears in person. She states the property was listed for sale in early 2021, due to state statute. There is currently a bid out for demolition and they are working very closely with MACOG and IDEM to test the site for remediation. They are asking for the rezone from manufacturing to residential to provide more workforce housing. It speaks directly to the plan that was done for the Sterling Avenue neighborhood that was given. There was input from the public, from the neighborhood that was also taken into account at that time.

Mishler asks if the Redevelopment Commission still owns the property.

Smole states they do at this time. The developer has not taken site control, but they are present and very interested in the property.

Mishler asks for a definition of workforce housing.

Smole states that the simple definition is if you make the average income of an Elkhart resident, you can afford to live in Elkhart.

Irwin asks if the property could be rezoned to R-4, something found wrong, and the developer could back out and the property is still zoned as R-4.

Smole confirms. She states that still goes in line with the plans and they hope, no matter what, to create residences in the future.

Irwin asks if the developer has someone to present.

Brandon Shields appears in person for Corporation. He states they have worked with the City for the better part of a year to make this happen. He clarifies that the affordable housing is IRS Tax Credit program, funded through the state. He says it is not Section 8 truly based on income. The tax credit program can go up to 80% of the area median income. It is income restricted but people can make 55-60,000 a year. It is workforce housing for the working family looking to make the step from low income renting to affordable housing, and then homeownership. These will be lease-purchased townhomes. It is a new program through the IHADA.

They are not for sale immediately; it is a path to affordable homeownership. People enter into an agreement and go through a 15 year affordability period. At the end of 15 years, they have the right to purchase at a discounted price.

Mishler asks if there are any concerns about proximity to the railroad and attracting residents.

Shields states that this is not a concern and they have done this before. They erect a sound berm first. This will have the sound wall on both the Main Street and Sterling sides.

Thomas asks if these will be rental houses.

Shields states they will be lease to purchase townhomes.

Thomas asks about the 15 years.

Shields states it is a new program through the IHCD that they recently started.

Daniel Murphy appears in person.

Thomas asks if someone lives in the house for 5 years and moves out if the house is rented to someone else who must be there for 15 years before they can buy it.

Murphy states that after 15 years it would be a right of first refusal by the same resident. The 15 years begins from when the building is in service. The developer must keep the building in compliance with the government for 15 years, but after that, regardless of who has been renting the unit during that time period, the current resident has the right to purchase.

Thomas asks if that is the same if the resident has only been there 1 or 2 years.

Murphy confirms.

Schoff asks what they expect the cost to be after the 15 years.

Murphy states it should be around the \$20,000 range because most of the cost has been covered by the developer's financing.

Irwin asks if they are applying the rental fee toward the capital expense of the construction.

Shields speaks out of microphone.

Schoff states he cannot hear.

Shields repeats that it is a new program for affordable homeownership and there are a lot of questions on it and explaining how it works.

Thomas asks what the rent would be.

Shields states that a 3 bedroom would be between 800-900 dollars, but if going to the 80% median income of the area there is a cap. The cap could then be \$1000. They want to make truly affordable housing, so if the market study says they can only rent it for \$850, then they will.

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

Scott Norwood appears in person to oppose. He lives directly across from this building which is a blemish. He states he would rather see the zoning as M-2 or M-1 rather than residential. Sterling is a main corridor and there is considerable truck traffic. He is concerned for children and school bussing. He has seen this is often a high speed corridor for the police when they have pursuits. He is concerned it will bring additional demands on a system that is already stressed, such as adding more children for teachers. M-1 or M-2 would add more tax revenue to the city. He does not see as much revenue coming from residential. He would like to see small business neighborhoods to increase incomes and make adjustments for the current residents.

Suzu (inaudible) introduces herself and states she would like to see more walking paths available in the area and is worried about the noise.

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 Osborne. Motion carries.

Osborne- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Mishler- Yes

Beecher – Yes

22-Z-08 PETITIONER IS ELKHART REDEVELOPMENT COMMISSION

PROPERTY IS LOCATED AT 1710 S MAIN STREET

Per Section 29.11.B, Map Amendments, a request to rezone the property located at 1710 South Main Street from M-2, General Manufacturing District to R-4, Multiple Family Dwelling District

STAFF ANALYSIS

The City of Elkhart Redevelopment Commission owns a three and a half acre development site on the east side of South Main Street, between Indiana Avenue and Lusher Avenue. A developer has submitted a proposal to develop the property as a multifamily development, with an anticipated 25 units and an associated building for management and community building. The site is located on a primary corridor within the city, and a railroad right-of-way borders its rear property line.

The property is currently zoned M-2, which is a remnant from when industrial land uses were common along the corridor. However, the location and depth of the lot make it unlikely to be redeveloped as an industrial property. In recent years, industrial uses have moved out to the periphery of the city on larger lots, and South Main Street has become a primarily commercial and residential corridor. The Comprehensive Plan calls for the area to be converted to residential.

The M-2 zoning district is no longer the most appropriate for the site. Conversion to R-4, Multiple Family Dwelling District is appropriate because it is a large lot on a primary corridor, where multi-family dwellings are appropriate. The site plan submitted is illustrative and has not yet been submitted to the City's Technical Review process.

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 residential uses;
2. Current conditions and the character of current structures and uses in each district will not be impacted because it will not have an impact on adjacent industrial and commercial uses;
3. The R-4 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 is adjacent to a mix of uses;
5. The rezoning of the property to R-4, Multiple Family Dwelling District is compatible with the surrounding properties and does reflect responsible growth and development.

Smith states there were 35 letters mailed, 0 returned not in favor. 1 phone call received not in favor with comments. Comments were: "They've heard statistics about crime and public housing. They are concerned about the police presence. It is located near railroad tracks and is not safe. They called the police recently and it took over 3 hours to arrive. The commenter is 83 years old, there are not enough police officers, and they cannot afford to leave. There is a problem with Taylor and it being overcrowded."

Irwin asks if there are questions from the Commission.

Mishler asks how many units.

Smith replies 25.

Mishler asks if South Main will have to be closed during construction and if there are any concerns regarding the utilities.

Smith says he does not anticipate any utility issues and refers back to Irwin.

Mishler states to the audience and members there is nothing wrong with workforce housing and goes onto explain examples of these individuals who live within the city and their job titles.

Irwin states there is a desperate need for all housing.

Irwin calls petitioner forward.

Kristen Smole presents herself and states the building was acquired in 2015, demolished in 2016 and then offered for sale in 2017. Smole goes onto say it is the same developer as earlier with a similar plan. Smole asks if there are any questions.

Mishler asks (inaudible)

Smole replies, it has all been taken care of.

Irwin asks if this still needs to go through Tech Review.

Smole replies, yes and this is just for the rezone.

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 Datema. Motion carries.

Osborne- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Mishler- Yes

Beecher – Yes

STAFF ITEMS

22-SI-06

Plan Commission approval of proposed address for the City of Elkhart

STAFF ANALYSIS

Irwin asks if there are questions from the Commission.

Irwin calls for a motion.

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

Osborne- Yes

Thomas- Yes

Irwin- Yes

Datema- Yes

Mishler- Yes

Beecher – Yes

22-SI-07

Staff requests approval to an update of a Final Site Plan for Avid Hotel at 327 North Pointe Boulevard; the plan previously received Final Site Plan Approval on December 2, 2019.

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

2415 Decamp Avenue
2425 Decamp Avenue
2475 Decamp Avenue
2501 Decamp Avenue
2503 Decamp Avenue
2509 Decamp Avenue

New Single Family Residential
New Single Family Residential
New Single Family Residential
New Single Family Residential
New Single Family Residential
New Single Family Residential

Commercial

3075 Belvedere Road

New RV Campground

STAFF 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.

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

Osborne- Yes
Thomas- Yes
Irwin- Yes
Datema- Yes
Mishler- Yes
Beecher – Yes

ADJOURNMENT

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


Tony Irwin, President


Dave Osborne, Vice-President