

originals

PLAN COMMISSION

-MINUTES-

Monday, December 6, 2021 - Commenced at 1:47 P.M. & adjourned at 2:46 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
Kevin Bullard- In person
Mark Datema- In person

MEMBERS ABSENT

Brad Billings
Don Walter

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director for Planning- In person
Nathan Hooley, Planner- In person

LEGAL DEPARTMENT

Absent

TECHNOLOGY STAFF

Matthew Riggs- In person

RECORDING SECRETARY

Kayla Jewell

2022 CALENDAR APPROVAL

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

APPROVAL OF AGENDA

Motion to approve amended agenda by Osborne; Second by Davis. Voice vote carries.

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

APPROVAL OF MINUTES

Motion to approve by Davis; Second by Osborne.

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

APPROVAL OF PROOFS OF PUBLICATION

Motion to approve by Datema; Second by Osborne.

Datema- Yes
Irwin- Yes
Osborne- Yes

Shoff- Yes
Thomas- Yes
Bullard- Yes

OLD BUSINESS

Motion to table 20-Z-04 for 60 days by Osborne; Second by Thomas.

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

**20-Z-04 PETITIONER IS R&R PROPERTY LEASING
PROPERTY IS LOCATED AT 309 STAINLESS DRIVE**

Per Section 29.11.B, Map Amendments, a request for an amendment to Zoning Commitment Document #2016-15221 established with the Elkhart County Advisory Plan Commission, which states that "Any future development must utilize Stainless Drive for access to the site. Access onto County Road 19 is not permitted." The petitioner wishes to remove this stipulation to allow access to the property from County Road 19.

Motion to table 21-Z-11 until January 3, 2022 meeting by Osborne; Second by Thomas.

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

**21-Z-11 PETITIONER IS HEARTLAND RECREATIONAL VEHICLES LLC
PROPERTY IS LOCATED AT VAC LOT WADE DR**

Per Section 29.11.B, Map Amendments, a request to rezone the property located at Vacant Lot County Wade Drive from B-3, Service Business District to M-1, Limited Manufacturing District.

NEW BUSINESS

**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.

Trotter states there were 42 letters mailed, 1 returned 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 asks if there are questions from the Commission.

Osborne asks Trotter if these will be owner occupied.

Trotter replies since this is a private developer, there is no control over if it will be rentals or owner occupied.

Osborne asks Trotter if there is alley parking.

Trotter replies the preliminary site plans they have seen, show driveways out to Decamp.

Irwin states he was involved with the extension of the utilities to the site and they have followed the proper procedure to extend their utilities.

Irwin calls petitioner forward. The petitioner is not present.

Kay Swett introduces herself and states she has questions regarding the petition. She would like to know who the Elite Group is; Are they stationed in the area when the houses will be built; Will they be rental homes; Who is going to watch the properties and ensure they are taken care of. Swett states she has been a resident for over 23 years and she was curious along with her neighbors if the petition had been approved already since the utilities were already put in.

Trotter states the petitioner is not present and a reminder letter was sent out (inaudible). Trotter suggests we table the item until the January 2022 meeting.

Irwin calls for a motion to table until the January 3, 2022 meeting.

Davis makes motion to table until January 3, 2022 meeting; Second by Datema. Motion carries.

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

21-X-12 PETITIONER IS JANEY COOK, PRAYERS MINISTRIES, INC.
PROPERTY IS LOCATED AT 2626 PRAIRIE ST

A Special Exception per Section 4.3 Special Exception Uses in the R-1 One Family Dwelling District to allow for the establishment of a Clubhouse Community called Lexington House which would help people in recovery with education, employment, and support.

STAFF ANALYSIS

The petitioner proposes to occupy a portion of the River of Life Community Church. The Lexington House would provide people with employment, educational, and social programs. The Clubhouse would operate Monday thru Friday 8:30 A.M. till 3:30 P.M. and would have a daily attendance of between 3 to 15 members. They feel that this location is appropriate to their needs as it has access to public transportation and is within walking distance of pharmacies, groceries, Oaklawn Psychiatric Center, and multiple public housing sites.

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 it would provide similar uses as other businesses in the area;
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 and the activity level will be similar to past uses;
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.

Hooley states there were 56 letters mailed, 0 returned.

Irwin asks if there are questions from the Commission.

Bullard asks Hooley if they plan to do a renovation.

Hooley states the business is already occurring, they wanted to come forward and get the proper approval.

Datema asks Hooley if there are guests who are not following the proper directions/program that is put into place, will there be a procedure to remove those individuals.

Hooley states that would be a question best suited for the petitioner.

Irwin calls petitioner forward.

Ross Swihart introduces himself and states he is the executive director of Faith Mission, however today he will be representing the Vice Chair of the board and will be discussing the requirements of the special use. Swihart states Lexington House will be used as a protective and safe place for the public. He then says Lexington House operates as a clubhouse to its members and works to promote the health of those individuals. Swihart states while his grandmother was bipolar, his grandfather looked after her and Swihart believes if there was a place similar to this clubhouse it would have significantly helped his grandfather to ensure his grandmother's welfare and mental health were priority. Swihart states they do not anticipate a large number of members and will be similarly run as a church-to support its members and help them grow in the community. Swihart goes on to discuss the zoning requirements and how the clubhouse will follow those requirements. He then addresses Bullard's question from earlier; from a safety standpoint the church is set up properly already and that is one of the reasons they have chosen to hold the clubhouse in this particular building.

Bullard tells Swihart the building was also used as a voting site and to be aware of their daily operations.

Swihart tells Bullard the public wouldn't be able to tell they are there.

Francis Disoli introduces himself and states he is the executive director of Lexington House. He discusses his background and his career over the past 20 years which includes working for 3 nonprofits. He says the business has been in operation for the past 13 months and has been operating well while being accredited to meet 37 requirements to ensure the quality of the community and its members. He goes on to discuss the clubhouses around the country and specifically in Indiana and states it is a great place to help get people the support they need.

Datema asks what will happen with the members who are not following the procedures.

Disoli states they will be asked to leave or can reach out for external help if needed. He states there are protocols that are put into place to help the individuals who are part of the clubhouse. Overall, most people want to get the help they need and they are happy to do that in any way they can.

Davis asks how they acquire members.

Disoli states many of their members are brought in by word of mouth and Oaklawn.

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.

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

Datema- Yes

Irwin- Yes

Osborne- Yes

Shoff- Yes

Thomas- Yes

Bullard- Yes

**21-X-13 PETITIONER IS MAXIM MANOV/THE LENOX LLC
PROPERTY IS LOCATED AT 101 N. MAIN ST**

A Special Exception per Section 15.3 Special Exception Uses in the CBD, Central Business District to allow for the establishment of a meeting hall/banquet facility.

STAFF ANALYSIS

The petitioner owns an architecturally significant building in the Central Business District that has most recently been used as a bank. The property comprises approximately one acre and the interior space of the building is approximately 6,000 square feet. They propose to occupy the building as an Events Center.

The property has approximately 40 parking spaces on-site, and there are additional public spaces nearby, both on-street and off-street. The facility is adequate to support its use, and the use is desirable for the Central Business District. In general, uses that activate the neighborhood not just during the day but also in the evening and on weekends, as events centers do, are encouraged in this location. The petitioners have stated their intent to both preserve the architecture of the building and ensure that it meets building and fire codes.

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;
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 and the activity level will be is desirable for the Central Business District;
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 were public notices sent out.

Trotter replies the public notices will be read at the Board of Zoning Appeals meeting.

Osborne asks if there is sufficient parking.

Trotter replies there is a public lot within 300 feet of the venue space.

Irwin calls petitioner forward.

Gary Frank introduces himself and states he is an architect here in Elkhart. He states the outside will not be affected, inside will be minimal such as bringing items up to code, updating the restrooms and meeting all accessibilities. Frank states the lower level will be used for catering and the main floor will be used for weddings, holiday gatherings and special occasions. Frank states he expects this to be an upscale venue.

Bullard asks what the capacity would be since there is limited parking.

Frank replies 250-300.

Bullard states his concerns for the parking space.

Irwin interjects and states it will be located in the downtown district and when you have guests downtown and they are required to park and walk to their event, it helps promote the city's businesses and is not an unusual concept as most bigger cities follow this.

Trotter states there is a public lot within a block of the facility that would more than accommodate the capacity the petitioner is referencing.

Irwin states he would like to make a note to the owner that there will be two major construction projects that are on the books for both Jackson and North Main Street that will have a heavy impact on this location.

Osborne asks Frank if they plan to remove the overhang for the drive-thru.

Frank replies there are no plans to remove it, but to enclose it.

Leanne Ivanov introduces herself and states there are no plans to get rid of the overhang. She states her and her husband have been looking for an event space and fell in love with this venue. She states there are no plans to change the look of the building.

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 Davis. Motion carries.

Datema- Yes

Irwin- Yes

Osborne- Yes

Shoff- Yes

Thomas- Yes

Bullard- Yes

21-X-14 PETITION IS RAFAEL PEREZ

PROPERTY IS LOCATED AT 322 E INDIANA AVE

A Special Exception of Section 12.3 of the Community Business District to allow the operation of a tattoo parlor.

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.

Hearing none, Irwin calls petitioner forward. The petitioner is not present.

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

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

Trotter suggests to table the petition until the January meeting.

Irwin calls for a motion to table until the January 3, 2022 meeting.

Davis makes motion to table until January 3, 2022 meeting: Second by Datema. Motion carries.

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

21-R-02
Resolution

Trotter states, "...is the expansion of the tax allocation area number three, the GLC Martin's project. I believe we have Gary Boyn and Chris Pottraz with Warrick & Boyn to speak to this request this afternoon."

Gary Boyn and Chris Pottraz introduce themselves and state the allocation area three is around the corner from the new Martin's store on Jackson. Pottraz states the area currently exists to pay back loan 1, which the city made to GLC for the construction of the Martin's store and the apartments to the South. Pottraz states, "as the area currently exists, there's a shortfall about \$87,000 on payments on the loan one. It was always anticipated that it was a possibility that allocation area three, as it was originally created, would not cover the full amount. So at this point the Redevelopment Commission and GLC is asking that the area be expanded to the full project site. The reason it wasn't created to be the full project site originally is that the old Martin's store was on the South portion of the property so we wanted to wait until that building was demolished in order to maximize the tax increment that would be generated there. After the allocation area is expanded, there will be, or it's anticipated that there will be enough tax increment to make the full payments on loan one with approximately \$55,000 a year extra so there's a little bit of cushion there and that additional TIF would be used on projects serving area 3." Pottraz states if there are any questions, he is happy to answer them.

Boyn states the role of the Plan Commission is to determine that expanding area three is consistent with the master plan for the development of the city. Boyn says, if adopted, it is passed onto the Common Council who looks at the project and decides if it's in the best interest of the city- that the area be expanded and it agrees that its expansions are consistent with the master plan and the project should move forward.

Bullard ask Boyn if something like this has been done before, in another part of the city.

Boyn replies yes, allocation area one has been expanded a couple of times.

Bullard asks Boyn if it would be consistent with its previous expansions.

Boyn states the area in area three, that is being added is currently in allocation area one so the action to Redevelopment Commission has taken with its original declaratory now is to remove the remainder of the south half- which is the GLC project site from allocation number one and move it into allocation area number three. He then goes onto say, the final completed project might not be enough to cover the repayment of loan one. The documents states, if the developer requests the city to expand the area to include the rest of the GLC project area, the city would cooperate with that request.

Osborne asks, for area one are we already allocating some of those TIF dollars or if we take money out of area one, is that going to affect anything that the city is responsible for.

Boyn states, no there is enough cushion in area one and is not currently generating much in TIF. Boyn then says with having just the apartments on the south half, it would not be sufficient to cover the payments needed. He goes onto say some of this excess money that has been generated in area three can be used in the rest of the River District which is located in area one so long as the improvements that were to be made would be local public improvements are benefitting allocation area three (light, sewer, extension of the river walk, etc.)

Irwin asks Boyn the discussion is for the areas within the GLC development site, not the areas or zones that are within the River District.

Boyn replies, yes that is correct. He then states the next project is standalone housing which will generate as much TIF as possible.

Bullard asks Boyn if they are on a timeline as he sees it is on the agenda for that evening.

Boyn states they are and goes onto say, "if the Redevelopment Commission created the temporary base assessment date for that would be the date of the declaratory resolution. In this case, the Redevelopment Commission adopted its amending declaratory resolution about a month ago and in the past that was enough to make the base access value date for the new edition back to January 1, 2021. The state regulations were changed a few years ago to state in order to relate back to the January date before the declaratory resolution action had to adopt the confirming resolution within the same year. Otherwise, the base assessment date would be January 1, 2022 which causes us to create less TIF than we want to. The Redevelopment Commission has to adopt its confirming resolution after both the Plan Commission and Common Council have adopted their resolutions. We have to adopt ours at the December 14 or before December 31st of this year.

Irwin asks if there are additional questions.

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

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

Osborne makes a motion to approve; Second by Datema. Motion carries.

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

STAFF ITEMS

21-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
2402 Waterbend Drive
2632 S Sixth Street

New Single Family Home
New Single Family Home

Commercial
2603 Toledo Road Suite 101 & 102

New Tenant Space

STAFF RECOMMENDATION

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


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

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

ADJOURNMENT

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

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


Tory Irwin, President


Dave Osborne, Vice-President