

PLAN COMMISSION

-MINUTES-

Monday, March 7, 2022 - Commenced at 1:47 P.M. & adjourned at 4:10 P.M.
City Council Chambers – Municipal Building

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

MEMBERS PRESENT

Dave Osborne- In person
Ron Davis- In person
Tom Shoff- Webex
Johnny Thomas- In person
Tory Irwin- In person
Mark Datema- In person
Aaron Mishler- In person

MEMBERS ABSENT

Don Walter

REPRESENTING THE PLANNING DEPARTMENT

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

LEGAL DEPARTMENT

Absent

TECHNOLOGY STAFF

David Hopkins

RECORDING SECRETARY

Veronica Donaldson

APPROVAL OF AGENDA

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

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

APPROVAL OF MINUTES

Motion to approve by Mishler; Second by Davis.

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

APPROVAL OF PROOFS OF PUBLICATION

Motion to approve by Mishler; Second by Osborne.

Osborne- Yes

Shoff- Yes
Thomas- Yes
Davis- Yes
Datema- Yes
Mishler- Yes
Irwin- Yes

OLD BUSINESS

**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.

STAFF ANALYSIS

The petitioner submitted a request in December of 2020 to remove a zoning commitment on its property at 309 Stainless Drive signed with Elkhart County in 2016 that prevented access onto County Road 19, to allow for access onto that road. At the time, staff from both Elkhart City and Elkhart County were meeting to discuss the future of the road network in the area, since it is on the edge of the city and each entity controls some of the roads that make up the network. Both entities agreed to fund a traffic study for the area to be conducted by a consultant, and Planning staff asked the Plan Commission to postpone their decision until the study was completed, which it now is.

Since that time, City and County staff have continued to discuss the future of the road network. At this time, the City is focused on potential improvements that would continue to direct traffic to County Road 17. County Road 19 is currently not set up for industrial traffic. It is narrow, there is a railroad crossing without a signal, and the intersection at State Road 120 is not suited to truck turning movements. As of the writing of this report, there are no definite plans to modify the road, meaning that it will not be suited for industrial traffic for the foreseeable future.

At this time, staff believes that removing the zoning commitment preventing access from MorRyde’s property onto County Road 19 would be premature and would not reflect responsible land use policy. Elkhart County added that commitment when MorRyde’s property was rezoned to industrial because the road was not set up to handle industrial traffic. The road has not changed since then, and there are no definite plans to modify the roadway in the foreseeable future. If at some point in the future that were to change, and improvements were planned for the roadway to enable it to handle industrial traffic, the petitioners may reapply to remove the commitment at that time. Until then, staff recommends leaving it in place.

STAFF RECOMMENDATION

The Staff recommends denial of the request to amend the zoning commitment based on the following findings of fact:

- 1) The proposed rezoning is not compatible with the Future Land Use map; while it calls for industrial uses, C.R. 19 is not suited to industrial traffic;
- 2) Current conditions and the character of current structures and uses in each district will be impacted because it would enable industrial traffic to access a road not suited to it;
- 3) Removing the zoning commitment does allow for the most desirable uses for which the land can be adapted – the land is already developed industrially;
- 4) The proposed rezoning will preserve the conservation of property values throughout the City because it will preserve the use of the property as single family dwellings;
- 5) The removal of the zoning commitment is not compatible with the surrounding properties and does not reflect responsible growth and development

Smith states there were 11 letters mailed, 1 returned not in favor (comments not read).

Irwin asks if there are questions from the Commission.

Irwin asks Smith if the final decision would end with Plan Commission.

Smith replies, it would move onto Common Council.

Mishler asks Smith to clarify that staff is recommending a denial.

Smith replies, yes.

Mishler asks Smith to confirm that the county is not in favor and neither is the resident who had written back with comments.

Smith replies, yes.

Irwin states he is going to step into his position as city engineer and states there has been communication with Elkhart County regarding CR 19. The road is not designed to accommodate truck traffic in any way with railroad crossing and intersection with SR 120. Irwin states the engineering department, planning department, property owners and the county are planning to construct a new outlet south to CR 14, which requires approval from the City Council and commissioners.

Irwin calls petitioner forward.

Matthew Smith (Anchor Construction 7121 Grape Rd Granger) introduces himself and states the removal of this zoning commitment that is being requested does not grant the access of the driveway, but however it allows for further discussion with the county on the best way to create the driveway on CR 19. Smith then presents a diagram showing residential and industrial zones for the proposed driveway and explains what the future plan is. Smith says he has further investigated the traffic study and states the assumptions for future growth is understated and goes onto explain the growth that MorRyde has planned for the future and to help their employee's traffic obstacles as well.

Osborne asks if CR 14 have an access or does it border the property.

Irwin replies no, CR 14 is to the South and will require a new road through additional parcels.

Matthew Smith interjects and asks Ryan Smith to confirm there is an additional right of way that the blueprint drive still exists.

Ryan Smith replies (inaudible).

Mishler asks Matthew Smith if it is necessary to rush this situation.

Smith replies MorRyde has been waiting on this for a few years.

Irwin states the reason the city is coordinating with the county is because the road cannot handle the upsurge and industrial traffic. This has created a conversation between the city, the county and Bristol about the future of the development of the area between CR 19 and Bristol. Irwin states there is conversations about the future road that will be parallel to SR 120 which has triggered a much larger, future conversation. Irwin states at this time, he cannot support the recommendation for this petition.

Matthew Smith asks Irwin if the county would require a driveway permit.

Irwin replies no, the parcel is entirely in the city and the reasoning for coordinating with the county is because of the possible future issues this would create.

Irwin calls for a motion.

Mishler makes motion to forward with a Do-Not Pass Recommendation to the Common Council; Second by Davis. Motion carries.

Osborne- Yes
Shoff- Yes
Thomas- No
Davis- Yes
Datema- Yes
Mishler- Yes
Irwin- Yes

**22-SUB-01 PETITIONER IS KIRSTEN COY AND RAFAEL CARDENAS RAMOS
PROPERTY IS LOCATED AT 1328 AND 1334 COUNTY ROAD 6 WEST**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a two-lot subdivision; a part of the Southwest 1/4 of Section 19, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana. This request seeks to split the property on an existing duplex, and establish a platted ingress-egress easement on Tract 2 serving Tract 1.

STAFF ANALYSIS

The petitioners each own part of a property containing a duplex; the units of the duplex are addressed to 1328 and 1334 County Road 6 West. Last year, the former owner of the property had a surveyor supply a survey showing a property split that divided the property into two parcels, splitting the duplex in two, and created an access easement on the driveway. The survey was recorded and both parcels sold to new owners.

The process was done without undergoing the required city processes, and staff holds that it was an illegal division; any property in the city that is subdivided must undergo review by our Plat Committee and Major Subdivisions must also be reviewed by the Plan Commission. Since the proposed split includes an access easement, the proposal is automatically a Major Subdivision and must be reviewed first by the Plan Commission.

Staff learned of the split prior to the sale of the properties and contacted the owner to notify her that she needed to submit applications. Several months passed without any application being submitted, and during that period the properties were sold. Staff has spent considerable time working with the current and former owners to have the appropriate applications submitted. The application we received was less than we would typically process, and the survey provided does not officially qualify as a plat. However, staff believed it was best to proceed with the process and review their application.

The proposed lots met the minimum requirements for parcels in the R-1 District, and the proposed access easement maintains access for both lots. However, the properties do not meet the minimum setbacks or the minimum frontage for the district, and the survey provided does not qualify as an official plat. The petitioners should receive variances for these deficiencies prior to the plat being approved by the Plat Committee.

STAFF RECOMMENDATION

The Staff recommends approval of the two-lot subdivision, a part of the Southwest 1/4 of Section 19, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, based on the following findings of fact:

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

CONDITIONS

- 1) The applicants must submit an official plat.
- 2) The applicants must obtain a setback variance for both properties.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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 10 letters mailed, 1 returned in favor with no comment.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Rafael Cardenas Ramos (1378 CR W) introduces himself and states he purchased the property not knowing the setbacks were incorrect. Ramos states he was under the impression the realtors had everything correctly and asks for the Members to accept how the house currently is due to it not being his fault.

Irwin tells Ramos he appreciates him trying to fix what has happened and states that it is understandable.

Irwin asks if there are any questions from the Members.

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

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

Irwin calls for a motion.

Datema makes motion to approve with a Do-Pass Recommendation with listed conditions; Second by Osborne.

Osborne- Yes

Shoff- Yes

Thomas- Yes

Davis- Yes

Datema- Yes

Mishler- Yes

Irwin- Yes

**22-X-04 PETITIONER IS KNIGHTS OF COLUMBUS / ELKHART COLUMBUS CLUB
PROPERTY IS LOCATED AT 112 E LEXINGTON AVE**

A Special Exception per Section 15.3, Special Exception Uses in the CBD Central Business District, to allow for a charitable organization to operate a soup kitchen.

STAFF ANALYSIS

Susanna's Kitchen is a nonprofit soup kitchen that provides free meals to approximately 100 people five days a week. Hours of operation are 11:30 – 1:30. Clientele includes individuals and families who struggle to meet their food needs, including some (but not all) homeless persons.

Until recently, the operation was located at 431 South Third Street, where it had operated for years. The church that hosted the organization did not allow for the renewal of Susanna's Kitchen's lease, which forced them to seek a new location. The Knights of Columbus on East Lexington offered to house the operation on an interim basis. As of now, the planned arrangement is for Susanna's Kitchen to temporarily operate out of Knights of Columbus, to whom they are paying rent. According to the petitioner, the current plan is to operate there until June 30, 2022 while they seek a permanent home elsewhere.

The organization has been working with the Health Department and has addressed all critical issues found during inspection.

The time frame is not certain, however. For example, they may find another location that needs some upgrades in order for them to operate there, may result in delays for construction.

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 and be compatible with the adjacent commercial properties;

2. The Special Exception will not reduce the values of other properties in its immediate vicinity because the change to the use of the property is temporary. It is anticipated the operation will move to another location by June 30;
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.

Smith states there were 28 letters mailed, 8 returned not in favor, 2 with comments (comments not read). Smith states there is actually no public comment needed.

Irwin asks Smith if the Plan Commission is making a recommendation to the Board of Zoning Appeals.

Smith replies, yes.

Irwin asks if there are questions from the Commission.

Mishler asks if there has been a FOG ordinance granted yet.

Smith refers to Trotter.

Eric Trotter replies the petitioner has been working with the Board of Public Works on this matter.

Mishler asks Trotter if there is a time limit on the approval.

Trotter replies he believes the board is working with the petitioner due to the understanding the location would be temporary.

Irwin states the motion that was passed by the Board of Works was to grant the FOG variance with no restriction placed on the motion.

Irwin asks if there are additional questions for Smith.

Hearing none, Irwin calls petitioner forward.

Dale McDowell (112 E Lexington Ave) introduces himself and states the soup kitchen is working with a local church and would be relocating in June. McDowell states they would like to reopen so they can help serve the community again.

Osborne asks McDowell if they are working with the church now for a permanent location.

McDowell replies yes.

Osborne asks how the negotiations were going with the church.

McDowell replies they are working well together.

Osborne asks if there is an indication when they might be able to make a final decision.

McDowell replies he believes it would be in the next couple of weeks.

Irwin asks if there are additional questions.

Hearing none, Irwin calls for a motion.

Osborne makes motion to forward with a No-Recommendation to the Board of Zoning Appeals; Second by Thomas.

Osborne- Yes

Shoff- Yes

Thomas- Yes

Davis- Yes

Datema- No

Mishler- No

Irwin- Yes

NEW BUSINESS

22-Z-02 PETITIONER IS SAM & ERIC INVESTMENTS LLC

PROPERTY IS LOCATED AT VACANT LOT, BENHAM AVENUE, SOUTH OF 245 WEST HIVELY AVENUE

Per Section 29.11.B, Map Amendments, a request to rezone the property located at Vacant Lot, Benham Avenue, from R-4, Multiple Family Dwelling District to B-2, Community Business District, with commitments.

STAFF ANALYSIS

The petitioner owns two vacant lots comprising a little over one (1) acre on the east side of Benham just south of Hively Avenue, which are the subject of this petition. He also owns the adjacent property at the corner of Hively and Benham which currently has a muffler shop which is about to be redeveloped as a gas station (the gas station at the northeast corner of Hively and Benham is scheduled for demolition).

The petitioner is requesting to rezone the R-4 property to B-2; at this time he is intending to develop it as an auto-oriented building, possibly for the exiting muffler shop, although that is not certain. As a result, the commission should consider the range of possibilities contained within the B-2 district, which allows for a range of medium-intensity businesses such as retail, offices, and minor auto repair. It is less intense than the B-3 which is typically allowed on primary corridors such as Nappanee and Cassopolis Streets. Currently the two parcels function as a buffer between commercial and residential. The immediate vicinity is mixed, with commercial, multifamily residential, and single family residential all in the vicinity. Properties that are on a commercial edge next to residential should be handled deliberately. The petitioner has worked with staff and has agreed to increase the buffering along the southern boundary to twenty (20) feet (an increase from the fifteen feet required) and to install an opaque six (6) foot fence in addition to the vegetation that's required, which will be memorialized as a zoning commitment that carries the weight of law and can be enforced by the City. Staff believes the proposal will function as an edge to the commercial district centered on Hively and offer adequate buffer adjacent to the residential district to the south.

STAFF RECOMMENDATION

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

- 1) The proposed rezoning is compatible with the Future Land Use map, which calls for the area to be developed with low density residential uses but doesn't take into account existing commercial uses;
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because an extended buffer area will be established to the south;
- 3) The B-2 District does allow for the most desirable uses for which the land can be adapted;
- 4) The proposed rezoning will preserve the conservation of property values throughout the City because it is adjacent to commercial and multifamily, and will establish a larger buffer area than is typically required to the south;
- 5) The rezoning of the property to R-2, Single Family Dwelling District is compatible with the surrounding properties and does reflect responsible growth and development.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Debra Hughes (3220 Southview Dr.) introduces herself and states she is representing the petitioner. Hughes states the petitioner owns the property at the Southeast corner of Hively and Benham which is being redeveloped as a new convenience store and the two lots adjacent to that. Hughes states there is currently commercial property existing so she believes it is a reasonable request to locate the new proposed commercial property from the petitioner. Hughes then states the petitioner has been working with staff on the proper buffer they will need as well.

Thomas asks if the petitioner plans to move across the street from their present location.

Hughes replies, yes and the gas station at the Northeast corner will be closed.

Thomas asks if the old location will be torn down.

Inaudible introduces himself and restates what Hughes had said previously.

Irwin states the question Thomas asked was not answered and asked again if the old location is planned to be demolished.

Inaudible replies, yes.

Mishler asks if the fuel storage tanks will be removed or left on site.

Inaudible replies, yes.

Mishler asks again if they will be removed or left on site.

Inaudible replies that he owns everything on the outside of the building (inaudible).

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.

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

Osborne- Yes

Shoff- Yes

Thomas- Yes

Davis- Yes

Datema- Yes

Mishler- Yes

Irwin- Yes

**22-FSP-02 PETITIONER IS TODD VELDMAN, ALL SECURE STORAGE- COUNTY ROAD 17, LLC
PROPERTY IS LOCATED AT 1185 FREMONT COURT**

As required by Section 20.7.B seeking approval for an Amendment to a Final Site Plan for two new buildings totaling 32,450 square feet and 26,310 square feet of pavement, at an existing Self-Storage Facility at 1185 Fremont Court.

STAFF ANALYSIS

The petitioner owns a 10.2-acre site at the end of the Fremont Court. The property is currently developed and used self-storage facility. The petitioner wishes to develop 2 additional buildings. The new site plan features a 32,450 sq., foot building and a 26,310 sq. foot building. These buildings will be a continuation of the overdevelopment of a self-storage facility.

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 developer is in the process of addressing concerns raised by staff based on review of the project during Technical Review;
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.

Hooley states there were 17 letters mailed, 0 returned.

Osborne calls petitioner forward.

Jeffrey Shaffer (Abonmarche 315 W Jefferson) introduces himself and states the petitioner agrees with the staff report and as far as Tech Review, the only comment was the fire department is asking for a fire hydrant to be placed on the property. Shaffer states the petitioner has resubmitted plans and are waiting on approval from the fire department.

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

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

Mishler states "Council passed an abatement for pontoon items, which is right next to this for an expansion. So seeing another business right there attempting to grow continues to show that the economic heart of our city is striving forward."

Osborne calls for a motion.

Mishler makes motion to approve with a Do-Pass Recommendation; Second by Davis.

Osborne- Yes

Shoff- Yes

Thomas- Yes

Davis- Yes

Datema- Yes

Mishler- Yes

Irwin- Yes

**22-FSP-03 PETITIONER IS HIGHWATER MARINE LLC DBA GODFREY MARINE
PROPERTY IS LOCATED AT 4500 MIDDLEBURY STREET**

As required by Section 20.7.B seeking approval for an Amendment to a Final Site Plan for a new 22,896 square foot building, 26,780 square feet of paving, and a 22,400 square foot addition to an existing building, at 4500 Middlebury Street, Elkhart, IN.

STAFF ANALYSIS

The petitioner owns a developed industrial property at 4500 Middlebury Street. They wish to receive site plan approval for a new 22,896 square foot building, 26,780 square feet of paving, and a 22,400 square foot addition to an existing building. The project has yet to go through Technical Review. Based on a preliminary review without a full set of drawings, staff does not anticipate significant issues with obtaining approval and permits. The petitioner will still be required to submit the project through Technical Review and receive approval prior to obtaining any permits.

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 will have to pass 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 Jeffrey Shaffer has a minor update, which a driveway was added. Smith states Staff has reviewed it and the recommendations remains the same.

Smith states there were 9 letters mailed, 0 returned.

Mishler states there is a large amount of additional paving and asks if there has been any concerns or questions related to drainage or irrigation.

Smith replies the petitioners will have to submit a complete drainage plan to be reviewed by the engineering staff.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Jeffrey Shaffer (Abonmarche) introduces himself and states they are asking for a slight revision to the original application. Shaffer states the petitioner has been working with Godfrey Marine on making the new Plant 9 which is located south of Plant 6, on the East side of Bullard Rd. Shaffer goes onto say they have been working with Godfrey on the best way to move truck traffic in and out of the building and have come to the conclusion adding a new driveway would be best. Shaffer states the best and most cost effective option would be to build a new driveway to Bullard Rd where the trucks would turn in and go South and then back into the truck dock. Shaffer addresses Mishler's question and states the petitioner will meet the city's requirements for storm water.

Irwin asks if there are additional questions for Shaffer.

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

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

Irwin calls for a motion.

Datema makes motion to approve the amended site plan; Second by Osborne.

Osborne- Yes

Shoff- Yes

Thomas- Yes

Davis- Yes

Datema- Yes

Mishler- Yes

Irwin- Yes

22-Z-03 PETITIONER IS PATRICK INDUSTRIES, INC.

PROPERTY IS LOCATED AT 5305 BECK DRIVE

Per Section 29.11.B, Map Amendments, a request to rezone two of the three parcels addressed to 5305 Beck Drive from M-2, General Manufacturing District to M-1, Limited Manufacturing District.

STAFF ANALYSIS

Patrick Industries currently operates at this location. They currently have two buildings at this property and desire to expand their operation to the south. The current operation is in the M-1 Limited Manufacturing District. The new building will be constructed in the M-2 General Manufacturing District. Their operation is permitted in the M-1 Limited Manufacturing District and the rezoning will allow the expansion of their business.

STAFF RECOMMENDATION

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

- 1) The proposed rezoning is compatible with other existing industrial businesses in the area;
- 2) Current conditions and the character of current structures surrounding the site will not be impacted as the property currently is in operation;
- 3) With the adjacent industrial properties, the M-1 rezoning would be the most desirable use for which the property can be adapted;
- 4) The proposed rezoning will preserve the conservation of property values throughout the City because it is adjacent to industrial uses;
- 5) The rezoning of the property to M-1, Limited Manufacturing District is compatible with the surrounding properties and does reflect responsible growth and development.

Hooley states there were 12 letters mailed, 0 returned.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Terry Lang (694 W Lexington Ave) introduces himself and states the petitioner is proposing an additional building South of the two currently there. Lang goes onto say the parcel is split zoned; "what they are desiring to do is to extend the current zoning further to the South to incorporate the new building area to allow it to be within the appropriate zoning of that M-1 use."

Irwin asks if there are additional questions for Lang.

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

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

Irwin calls for a motion.

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

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

21-ANX-07 PETITIONER IS IRON GATE I LLC

PROPERTY IS LOCATED AT VACANT LAND COUNTY ROAD 24, PARCEL ID #20-06-19-301-002.000-009

As prescribed by Section 29.11.B, a request to annex one (1) parcel located at Vacant Land, County Road 24, land containing approximately 6.13 acres. To also rezone the 6.13 acres of land contained within the petition from R-1, Single-Family Residential District to B-3, Service Business District.

STAFF ANALYSIS

This staff report is being prepared for annexation 21-ANX-07 to annex land generally to the south of County Road 24 and east of Nappanee Street, Parcel ID #20-06-19-301-002.000-009, Elkhart, Indiana 46517, Concord Township.

The land in the petition is undeveloped and zoned R-1 in Elkhart County's jurisdiction. The intent of the petitioner is to develop the property as a self-storage facility in concert with the recently-annexed B-2 properties to the east. The proposed use would be allowed if the property is rezoned to B-3, which is a part of this request.

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 six (6) acres. The territory to be annexed is approximately 20% 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 commercial.
3. The current conditions and the character of current structures under construction and future structures is consistent and the City will be enhanced by the annexation;
4. The annexation is in accordance with the most desirable use;
5. The annexation will conserve property values throughout the jurisdiction; and

6. The annexation represents responsible growth and development of the City of Elkhart.

Smith states this was advertised in the paper and staff did not receive any correspondence.

Irwin asks Smith if the petitioner would like to annex because of the need of utility connections.

Smith replies yes.

Irwin states it appears to be a landlocked parcel at the moment with no access to utilities or road.

Smith replies, "the area that was annexed recently, they're developing a development road which may be dedicated at a later time so it will all be developed in concert with each other."

Irwin asks Smith what the plans are for the utilities.

Smith replies he is unable to answer.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Crystal Welsh (303 RiverRace Dr.) introduces herself and states this property is owned in conjunction by a group and it needed to come through two annexations because the back parcel didn't have continuity until the first section came in, which is why it was a two-step process. Welsh then states, the subdivision will also be a multi-step process and they have received a preliminary plat for the the property that's already been annexed which needed to go through secondary platting for the Casey's piece. Welsh then states the likelihood is the remainder of the property and this piece will all come in as a new primary and secondary and the engineering and site work will be done prior to a secondary petition for the plat. Welsh says the intent and the reason why the property owner requested it to be B-3 is because of possible interest in doing a self-storage lot which depending on how the storage lot is constructed, it may or may not need public utilities. Welsh states she believes the intent for the front parcels on 19 would have utility connections, however they are not far enough yet into the development process to know whether the back parcel is also going to need utilities. Welsh then states, "As mentioned, the primary subdivision that was submitted for the annex piece, have the future public dedicated roads as Out Lots so that they are already in place and have legal descriptions so that it will be easier at a later date to dedicate those when they get to the secondary process."

Irwin tells Welsh, if utilities are needed and it's not coming through dedicated, it would need easements and the city isn't in a position to be able to fund utility extensions. Irwin then states the shared access points don't work well because everyone believes they're a public road so when they start failing majority of people will call the city to complain.

Welsh replies there couldn't be a platted subdivision in the city until it was annexed, but the timeline on Casey's project which is the North corner was shorter than waiting to get the entire additional pieced annexed. The intention is for it to be part of the already approved subdivision in the city, timing is off.

Mishler asks if there are additional considerations other than a self-storage lot.

Welsh replies the likelihood is that once this parcel would get brought in, the subdivision would be re-platted the roads would be dedicated prior to any developments occurring on the lot.

Irwin asks if there are questions for Welsh.

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

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

Irwin calls for a motion.

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

Osborne- Yes

Shoff- Yes
Thomas- Yes
Davis- Yes
Datema- Yes
Mishler- Yes
Irwin- Yes

22-Z-04 TABLED UNTIL APRIL 4, 2022 MEETING

Irwin calls for a motion (inaudible)

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

**22-Z-05 PETITIONER IS CITY OF ELKHART INDIANA
PROPERTY IS LOCATED AT 511 DIVISION STREET**

Per Section 29.11.B, Map Amendments, a request to rezone the property located at 511 Division Street from M-1 Limited Manufacturing to R-4 Multiple Family Dwelling District.

STAFF ANALYSIS

The City of Elkhart owns a development site at the southwest corner of Richmond and Division Streets. The nonprofit La Casa is interested in developing the site as a ten (10) – unit apartment building. The site is located in a mixed-use district; nearby there are single-family, commercial, and multi-family are nearby, and it is within walking distance of downtown. The parcel, at over a half-acre, is also large enough to contain such a substantial improvement.

The site is currently zoned M-1, which is an industrial classification. Its development as an industrial use is both unlikely and less desirable than as an apartment building. The proposed development would reinforce and enrich the mixed-use, urban character of its neighborhood, and would put its residents within a beneficial distance to both employment and shopping. The proposed rezone from M-1 to R-4 represents a responsible approach to land use regulation given its context.

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 mixed uses;
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because it will reinforce the urban nature of its context;
- 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 with comments and 1 returned not in favor with comments. Comments were: "I am attaching these comments to the Elkhart City Plan Commission sheet. The address in question has a highly visible presentation for people coming to our city. As Rice Field and the Central School building are used for festivals, competitions and educational meetings, many people drive by this corner property when turning onto Blazer Blvd. I have agreed to consider changing the zoning out of M-1 as light manufacturing does not match the best presentation for the future of this property. I am, on the other hand, concerned that R-4 could have positive and negative presentation possibilities. A well designed and nicely maintained property with green space and landscaping would be a positive impact in this space. This is how I designed and have maintained my own property. In fact, all three dental offices agreed to design our buildings with similar features and esthetics in mind. The concern would

be to allow a dwelling that is too large for the space not allowing for adequate parking, landscaping or green space. In addition, as is always a planning concern, is that a landlord would slowly allow overcrowding parking spilling onto the street or other local properties, and bushes and grass that is not maintained. Limits on the number of people/unit/cars should be placed. I want everyone in this discussion to have a vision of our city guests driving past this corner on the way to a football game. We should all aim to have it be warm and welcoming so as to represent Elkhart well.”

Irwin asks if there are questions from the Commission.

Irwin asks Smith to clarify there would be 14 parking spots for a 10 unit building.

Smith replies, yes.

Irwin asks if this has gone through Tech Review.

Smith replies, it has not.

Irwin asks if the petitioner is proposing access to Monroe Street only and not off Division.

Smith replies (inaudible).

Irwin calls petitioner forward.

Jamie Richardson (861 Parkway Ave) introduces herself and states she is representing the petitioner. Richardson states, “The apartment building does go forward with and is consistent with the comprehensive plan that was adopted by City Council on February 2, 2015. Under the future plans the city wanted to steer away from the industry and downtown area and bring in commercial and housing such as residential space along with open spaces. By rezoning this land and allowing this property to become an apartment building that’s moving forward with exactly the residential and having that green space there. Also, the comprehensive plan also talks about reinvesting into the area and by reinvesting and making this an apartment complex, it also brings in more people to the downtown area for jobs- shopping and attending different things that Elkhart puts on to brighten and make Elkhart a more ideal place for people to move to. This also encourages the innovation of underutilized space. Currently, this property is vacant and the building on it has not been used for quite a while. While it’s been vacant, it’s been an eyesore. By allowing this to become residential and become an apartment it also will help take away the eyesore of the current vacant lot. This is an efficient and economic use of the land. It is most desirable here because not only would you be bringing in more people to live there, that brings in more commercial areas and for people to go in all the commercial buildings and businesses downtown especially with public transportation being within close distance as well for those in the apartments to get to if necessary. Since the land is currently vacant and a building is just a vacant lot, by constructing a modern, attractive apartment unlike the current vacant lot, it will help raise the property values. There’s already existing infrastructure there. There’s already water, sewer, NIPSCO, gas service, AEP electric and Comcast. The future tenants are only a few are only a few blocks away from shopping and public transportation. I know there’s an issue people have brought up by parking and having that public transit and walking distance of things downtown that reduces the need for cars.”

Mishler asks Richardson if there are plans for a fence to separate the business on the South and will the residents be able to walk through the property to get to the apartment parking lots.

Brad Hunsburger (516 S. Main St.) introduces himself and states there are no intentions for fencing at the moment however, that could change in the future. Hunsburger then states there is a desire for a traffic control device at the end of the drive lane into the parking lot to avoid the possibility of people driving through it.

Osborne asks if the water retention area is going to be fenced.

Hunsburger replies they tried to be designed so they’re shallow enough to not need a fence. He then says the most expensive thing would be to retain it underneath the parking lot so the hope is to have a mobile slope.

Irwin asks if the plan is to pave the alley, driveway or parking lot and maintain it.

Hunsburger replies, yes that is correct and that will be verified in Tech Review.

Mishler asks if there are environmental concerns.

Hunsburger replies at this point if there are any, it will be very minimal.

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

Doug Snyder (59508 CR 23 Goshen) introduces himself and states his concern when lower income housing is put in, it will decrease his property value at his office which will affect his future retirement. Snyder believes if the apartment complex will be going in, the violence will continue and become even worse and a fence will not be beneficial (inaudible). He continues to say he would rather see the lot stay vacant instead of the apartment complex being put in.

Kevin Foy (30590 N. Shore) introduces himself and states he is a realtor with RE/MAX, who has lived in the neighborhood for 20 years. Foy states within those 20 years, he has been around 10plexes within State and Division area. Foy then goes onto say this would be a stretch for the historic district and his personal experiences regarding selling his personal property on the specific rules that apply to the house being located in the historic district. Foy discusses the concerns also regarding the sewer and piping in the neighborhood.

Chuck Sanders (510 State St.) introduces himself and states he is afraid his building which is M-1 and if a multi-dwelling unit it built, it would decrease the value of his property because a small business may not want to go in being so close to apartments. Sanders says he doesn't have an opposition to the property being developed, but he does not believe 10 apartments is the answer.

Thomas Kulesia (520 State St) passes out his prepared packet information and discusses the zoning, setback and ordinances in the city and historical district.

Irwin tells Kulesia this is a public comment portion and they are not there to debate.

Kulesia goes onto explain the map sites and print outs he has provided to the members regarding the ordinances provided on the packets.

Irwin encourages Kulesia to come to the City Council meeting as well.

Judy Sanders (510 State St) introduces herself and states she is concerned about the parking availability and would like either a curb or a fence to protect her property.

Irwin asks Smith or Trotter to come back to the microphone. Irwin asks for clarification if the parcel is in the historic district.

Trotter replies, no.

Irwin asks if the parcel is in the River Walk District.

Trotter replies, he does not believe it is. Trotter states it appears to be directly adjacent, but not within.

Irwin asks Trotter if the streets have never been on a list for water and sewer replacement.

Trotter replies, that is correct they have not.

Mishler states he is very proud of the city's economic development and specifically the city's affordable and workforce housing. Mishler states there is nothing wrong with having affordable housing for the citizens who may need them and the nearby property values will not decrease.

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 Thomas.

Osborne- Yes
Shoff- No
Thomas- Yes
Davis- Yes
Datema- Yes
Mishler- Yes
Irwin- Yes

22-X-05 TABLED UNTIL APRIL 4, 2022 MEETING

Davis makes motion to table until the April 4, 2022 meeting; Second by Datema.

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

22-Z-06 PETITIONER IS MAPLE CITY RENTALS, LLC
PROPERTY IS LOCATED AT 222 MIDDLEBURY STREET

Per Section 29.11.B, Map Amendments, a request to rezone the property located at 222 Middlebury Street from O, Office District to R-4, Multiple Family Dwelling District.

STAFF ANALYSIS

The site consists of the old Middlebury School built in the early 1900's. Though the building has sat empty for many years and has been slightly altered the Indiana Historic Sites categorizes this site as outstanding. The property is in some disrepair and the desire is to rehabilitate the building.

The petitioner desires to convert the building into 8 to 10 apartment units. The rezoning of the O-Office District to R-4 would make an apartment building a permitted use. The use of the building would be similar to surrounding uses while keeping the historic exterior appearance.

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 mixed uses;
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because it will reinforce the urban nature of its context;
- 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.

Hooley states there were 36 letters mailed, 3 returned to sender.

Irwin asks if they plan to remove the old building or renovate it.

Hooley states the intent is to rehabilitate the existing structure.

Irwin calls petitioner forward.

Troy Nichols (694 W Lexington Ave) introduces himself and states he purchased the property two years ago with a different intent. He states he has been approached by others looking to purchase it, but would like to keep it and renovate it. Nichols believes it would be a great space for an apartment building (inaudible).

Osborne asks if Nichols is the owner and owns Maple City Rentals.

Nichols replies, yes.

Mishler asks if it would be market rate.

Nichols replies, yes.

Irwin states he believes it would be a great utilization of the existing building.

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

Ray Enfoeld (22216 CR 10) and states he is an architect in the city and he believes the building has potential once it is renovated. He goes onto say Nichols has been working well with him and approves his intentions.

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.

Osborne- Yes

Shoff- Yes

Thomas- Yes

Davis- Yes

Datema- Yes

Mishler- Yes

Irwin- Yes

STAFF ITEMS

EnFocus Presentation

Trotter states there is discussion about the feather flags that are throughout the community and in Elkhart City, which they are currently not allowed. Trotter states the city is looking to update the city's zoning ordinances and have hired EnFocus to do some research on the best practices for the city.

Shivanhi Tiwari and Sheng Ang go over their presentation regarding feather flags in hopes to potentially update the City of Elkhart's zoning ordinance.

Irwin and Mishler thank Tiwari and Ang for their great work and presentation.

Trotter states there will be more presentations by EnFocus planned for in the future.

22-SI-04

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

1702 Hampton Road

Commercial

219 W Lexington Ave

2721 Prairie Street

2525 N John Weaver Parkway

Change of addresses annexed home

Conversion of building into Commercial

New Community Center

New Industrial Building

Irwin asks if there are questions from the Commission.

Irwin calls for a motion.

RECOMMENDATION

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

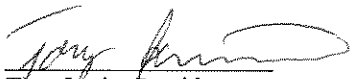
Davis makes motion to approve; Second by Mishler. Motion carries.

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

ADJOURNMENT

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

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



Tory Irwin, President



Dave Osborne, Vice-President