

ORIGINAL

PLAN COMMISSION

-MINUTES-

**Tuesday, January 2, 2024 - Commenced at 1:47 P.M. & adjourned at 2:35 P.M.
City Council Chambers – Municipal Building**

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

MEMBERS PRESENT

Ron Davis
Danielle Neal-Proxy
Dave Osborne
Aaron Mishler
Dan Boecher
Tory Irwin

MEMBERS ABSENT

Diane Lawson

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director of Planning
Kristen Smole, Asst. Dir. Economic Development

LEGAL DEPARTMENT

Maggie Marnocha, Corporation Counsel

TECHNOLOGY STAFF

Ian Irizarry

RECORDING SECRETARY

Carla Lipsey

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Neal makes a Motion to table; Second by Mishler. Voice vote carries.

APPROVAL OF PROOFS OF PUBLICATION

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

OLD BUSINESS

None

ELECTION OF OFFICERS

Irwin has announced that the first item on the agenda is the election of officers. The nominations for 2024 will now take place. Irwin then asks if there are any nominations for Vice President. Davis suggests that the elected officers from 2023 be retained, but Mishler reminds everyone that they must vote on each officer individually. Irwin agrees and asks for a nomination for the Vice President position. Davis nominates Dave Osborne for the role, with Mishler seconding the motion. Mishler then raises a question about whether they should wait for additional people to be appointed before making a decision. Irwin responds that they already have a quorum of members for 2024, so they can choose to wait or proceed with the vote.

Commission Attorney Maggie Marnocha has stated that we need to elect officers today to proceed with the day's agenda. Eric Trotter has suggested that in the past, officers were selected only for January, to give new members a chance to participate in the process.

Irwin mentioned that we will be electing officers in February and reaffirming their positions.

Davis nominates Dave Osborne for Vice President. Seconded by Mishler. Voice vote carries

Davis- Yes
Mishler-Yes

Osborne- Yes
Boecher- Yes
Neal- Yes
Irwin- Yes

Osborne nominates Tory Irwin for President. Seconded by Mishler; Motion carried by voice vote

Davis- Yes
Mishler- Yes
Osborne- Yes
Boecher- Yes
Neal- Yes
Irwin- Yes

Neal nominates Aaron Mishler for Secretary. Seconded by Boecher. Motion carried by voice vote.

Davis- Yes
Mishler- Yes
Osborne- Yes
Boecher- Yes
Neal- Yes
Irwin- Yes

Irwin asked Trotter if we need to appoint members to the Plat committee and BZA.

Trotter responded that for the January meeting, we need to appoint someone to the BZA to achieve a quorum since we will have a full board by February.

During the meeting, Irwin requested a nomination for the appointment to the BZA but the discussion was tabled for a later date.

NEW BUSINESS

**23-ANX-03 PETITIONER IS Landmark Prime Development, LLC and TGS Investments, LLC
PROPERTY IS LOCATED AT 53893 North Park Avenue and 53847 North Park Avenue**

As prescribed by Section 29.11.B, a request to annex six (6) parcels located at 53893 North Park Avenue and 53847 North Park Avenue, land containing approximately 9.2 acres.

20-02-29-476-022.000-026
20-02-29-476-023.000-026
20-02-29-476-024.000-026
20-02-29-476-026.000-026
20-02-29-476-027.000-026
20-02-29-476-021.000-026

STAFF ANALYSIS

This staff report is being prepared for annexation 23-ANX-03 to annex land generally addressed to 53893 North Park Avenue and 53847 North Park Avenue, Elkhart, Indiana 46514, Osolo Township.

The land in the petition is established industrial uses located in the North Johnson Industrial Park west of Johnson Street. The purpose of the annexation is to connect to the sanitary sewer. The septic field system is failing and without connection to public utilities, growth, and any future expansion would be compromised. The petitioner is in the process of working with the Public Works Department to determine the most appropriate and cost-effective connection options.

The annexation request is voluntary. The property meets the contiguity requirement to file a petition to seek annexation. The size of the area to be annexed is approximately 9.2 acres. The territory to be annexed is approximately 24.58% contiguous to the current City limits. The contiguity requirement stated in the Indiana Code is 12.5%.

STAFF RECOMMENDATION

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

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

Kristen Smole, the Assistant Director of Economic Development, spoke in favor of the annexation of Jet Technologies. She explained that there are economic benefits to this annexation, and the fiscal study conducted recommended it would be beneficial for the city. However, there is a limit to any kind of expansion due to the lack of city services, including the need for sewers in the area.

Irwin asks if there are questions from the Commission.

Mishler inquires of Smole whether the city taxpayers will bear any costs for the municipality.

Smole replied, No, it will be a private line.

Irwin says, Utilities will not bear the cost of providing the annexation parcel.

Irwin calls the petitioner forward.

Todd Sullivan, the petitioner from Jet Technologies, has reported that the septic field system is failing. As a result, the company's growth and future expansion plans are at risk due to the absence of a connection to public utilities. To tackle this issue, the Public Works Department is currently working with the petitioner to determine the most appropriate and cost-effective connection options.

Irwin asks if there are questions from the Commission

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

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

Irwin calls for a motion.

Mishler makes a motion to forward 23-ANX-03 to the Common Council with a Do-Pass Recommendation; Second by Osborne.
Motion carries

Davis- Yes
Neal- Yes
Osborne- Yes
Mishler- Yes
Boecher- Yes
Irwin- Yes

NEW BUSINESS

24-FSP-01 PETITIONER IS Seahawk Corporation (contract purchaser – Holladay Properties)
PROPERTY IS LOCATED AT 810 E Windsor Avenue – site currently vacant

As required by Section 20.7.B seeking approval for a Final Site Plan for a proposed four (4) story hotel with associated 128 parking spaces at VL E. Windsor Avenue.

STAFF ANALYSIS

The petitioner is seeking final approval for a new four-story hotel on a plot located on the north side of E Windsor Avenue at the junction of Coast Court and Johnson Street. The proposed site will have 128 parking spaces and a shared retention area on the North side of the hotel. The hotel is expected to have 122 rooms with five employees on the largest shift. The project has been submitted and approved through Technical Review.

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 with the approval of the amendment approved earlier this year – 23-PUDA-03;
3. The developer has addressed all concerns raised by staff based on the review of the project during the Technical Review;
4. The use conforms to the Comprehensive Plan which calls for mixed uses;
5. The proposed use should not be detrimental to the property values of adjacent properties.

Trotter states there were 13 letters mailed, 0 returned

Irwin asks if there are questions from the Commission.

Irwin inquired whether this was something that the plan commission had already authorized.

Trotter confirmed that the amendment was approved by the Council last year and the final site plan for the hotel is currently being developed.

Irwin calls the petitioner forward.

Petitioner Mike Doyle Holladay Properties is requesting approval of the final site plan for a new four-story hotel on a 2.4-acre parcel located on the North side of E Windsor Avenue at the intersection of Coast Court and Johnson Street. The proposed Wood Spring Suites Hotel will have 122 all-suite rooms and 128 parking stalls. The PUD Amendment was approved by the Common Council in May 2023, Tech Review Approval was granted in Nov 2023, and the Final Site Plan was approved in Jan. 2023. Holladay Properties is a fully integrated real estate development and management firm headquartered in South Bend. The company owns 25 hotels in 6 different states.

Some of the comments received during the Technical Review process included minor tweaks to the plan versions. For instance, the main entry of East Windsor Avenue was moved slightly to the West to align with a new left turn lane reconstructed medium along East Windsor Avenue. Additionally, a public sidewalk was added within the right of way of East Windsor Avenue.

There is a retention pond on the site that is shared with the property to the North. The pond has been modified to increase its storage capacity. To achieve this, a shared drainage easement agreement has been created between Seahawk and the North property owner. This agreement is currently being filed with the Elkhart County Clerk.

The site will have a secondary entry off of Coast Court for employee and service truck access, deliveries, and trash removal. Parking spaces will be made of standard-duty asphalt pavement.

These are the main points addressed during the technical review.

The project has been submitted and approved through Technical Review

Irwin asks if there are questions from the Commission.

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

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

Irwin calls for a motion.

Mishler makes a motion to approve 24-FSP-01 with a Do-Pass Recommendation; Second by Neal. Motion carries

Boecher-Yes

Mishler-Yes

Davis-Yes

Osborne-Yes

Neal-Yes

Irwin-Yes

NEW BUSINESS

24-FSP-02 PETITIONER IS Joseph Ryan, LLC

PROPERTY IS LOCATED AT 902 E CR 6

As required by Section 20.7.B seeking approval for a Final Site Plan for a new expanded parking lot for the dental practice at 902 E County Road 6.

STAFF ANALYSIS

The petitioner is requesting final site plan approval for an expanded parking area for employees of the dental practice at 902 E County Road 6. The parking area was recently annexed to the city to accommodate the expansion – 23-ANX-02. The site at 52948 CR 9, before annexation, had a single-family dwelling that was recently razed to accommodate the parking area. The expanded lot will utilize the existing curb cut not introducing any new access points from Johnson Street/County Road 9.

The project has been submitted and approved through Technical Review

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 as the parking area will be built to all applicable standards;
2. The proposed use is permitted within the underlying zoning of the Planned Unit Development;
3. The developer has addressed all concerns raised by staff based on review of the project during the Technical Review;
4. The use conforms to the Comprehensive Plan which is anticipated to call for mixed uses;
5. The proposed use should not be detrimental to the property values of adjacent properties.

Conditions

1. Parcels shall be combined and the adjacent public right of way dedicated via a minor subdivision to the City of Elkhart.

Trotter states there were 15 letters mailed, 0 returned

Irwin asks if there are questions from the Commission.

Irwin calls the petitioner forward.

Debra Hughes, from 2810 Dexter Drive, is speaking on behalf of Joseph Ryan, LLC. The petitioner is requesting final site plan approval for an expanded parking area for employees of the dental practice located at 902 E County Road 6. The parking area was recently annexed to the city to accommodate the expansion.

The project has been submitted and approved through Technical Review

Irwin asks if there are questions from the Commission

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

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

Irwin calls for a motion.

Neal makes a motion to approve 24-FSP-02 with a Do-Pass Recommendation with listed conditions; Second by Davis. Motion carries

Osborne-Yes

Mishler-Yes

Davis-Yes

Neal-Yes

Boecher-Yes

Irwin-Yes

STAFF ITEMS

24-SI-01

Addressing

STAFF ANALYSIS

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

Commercial

810 E. Windsor Ave- 24-FSP-01

Irwin asks if there are questions from the Commission.

Irwin calls for a motion.

Mishler makes a motion to approve; Second by Neal. Motion carries

Irwin has requested an appointment to the BZA from Trotter.

Trotter responded saying that he would search for a proxy to attend the BZA meeting scheduled for next week.

ADJOURNMENT

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


Tory Irwin, President


Dave Osborne, Vice-President