

**PLAN COMMISSION**  
**-MINUTES-**  
Tuesday, January 3, 2023 - Commenced at 1:45 P.M. & adjourned at 2:53 P.M.  
City Council Chambers – Municipal Building

DRAFT

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

**MEMBERS PRESENT**

Dave Osborne  
Ron Davis  
Mark Datema  
Tony Irwin  
Proxy-Tim Reecer  
Proxy-Danielle Neal  
Proxy-Arvis Dawson

**MEMBERS ABSENT**

Aaron Mishler

**REPRESENTING THE PLANNING DEPARTMENT**

Ryan Smith, Planner- In person  
Nathan Hooley, Planner- via Webex

**LEGAL DEPARTMENT**

Maggie Marnocha, Corporation Counsel- In person

**TECHNOLOGY STAFF**

Ian Irizarry

**RECORDING SECRETARY**

Jamie Kochanowski

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

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

**APPROVAL OF PROOFS OF PUBLICATION**

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

**ELECTION OF OFFICERS**

Motion to by Davis for the same officers of 2022 to remain with addition of Datema as secretary;

Motion by Dawson; Second by Neal. Roll call vote. Motion Carries.

Proxy Neal	Yes
Ron Davis	Yes
Mark Datema	Yes
Dave Osborne	Yes
Arvis Dawson	Yes
Tony Irwin	Yes

**OLD BUSINESS**

None

**NEW BUSINESS**

**NEW BUSINESS**

**23-X-01 PETITIONER IS IGLESIA DEL DIOS VIVO**

**PROPERTY IS LOCATED AT 1209 HARRISON STREET**

A Special Exception per Section 12.3.A, Special Exceptions Uses in the B-2 Neighborhood Business District, to allow for the establishment of a church in an existing commercial building.

**DRAFT**

**STAFF ANALYSIS**

The petitioner has purchased an existing office building with the intent of renovating the building to use as a church. This building was previously used as a clinic and the applicant is proposing some interior remodeling to accommodate the needs of their forty members. The floor plans provided show several existing offices that will be removed to create a large congregation space. Some of these spaces will remain for other church purposes. At this time, no proposals were made for changes to the exterior of the building. The site also has fifteen parking spaces that will accommodate the church members.

**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 no exterior changes to the existing building;
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**

None

Irwin asks if there are questions from the Commission.

Irwin calls petitioner forward.

Mr. Gabriel Lopez, 864 State Line Road, Calumet City, IL via webex states they purchased the property and that it is a clinic and they would like to use it for 6 members of their church for a Bible study place. Says they will remodel and obtain permits.

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

Irwin closes the public portion of the meeting.

Irwin asks if there are questions from the Commission.

Irwin calls for a motion.

Osborne makes motion with a Do-Pass Recommendation to the BZA; Second by Datema. Roll call vote. Motion carries.

- Ron Davis-Yes
- Mark Datema-Yes
- Proxy-Arvis Dawson-Yes
- Dave Osborne-Yes
- Proxy-Tim Reecer-Yes
- Proxy-Danielle Neal-Yes
- Tory Irwin-Yes

**23-X-02 PETITIONER IS DARRELL PETERSON, EXECUTIVE DIRECTOR, ELKHART COUNTY YOUTH FOR CHRIST, INC**

**PROPERTY IS LOCATED AT 2721 PRAIRIE STREET**

A Special Exception per Section 8.3 Special Exception Uses in the R-5, Urban Residential District, to allow for a K thru 6 Charter School and for the expansion of a previous Board approved community center to include an additional property to the overall development.

## STAFF ANALYSIS

The petitioner is a faith-based organization that has previously received approval for a Community Center at 221 Orange Street. The petitioner would like to expand this approval to include a property immediately to the north that currently has a house. They are also requesting to be permitted to operate a K-6 Charter school at this location.



These two uses would be able to utilize the same facility but operate at different times. The Community Center would use the building in the evenings and weekends and the school would operate during the workweek. If approved, the school would be able to accommodate two hundred students with a staff of twenty.

There are no set plans for the existing house located north of where the Charter School is being constructed. There was an original submittal to have the structure removed and add additional parking or it may just become additional outdoor activity space. It is also possible the house could become administrative offices for the Charter School. In any of these scenarios, the applicant will need to work with staff and the Building Department to pull all permits and meet all regulations.

## 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 it is a minor expansion of an already approved use;
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

None

Irwin asks if there are questions from the Commission.

Dawson says he is a board member for the Charter School.

Irwin calls petitioner forward.

Crystal Welsh, Abonmarche, 303 River Race Drive, Goshen also Kurt Weimer on the line via webex. Crystal states they came to the commission last year to get the special exception to operate the community center on the site and says the Charter school has looked at several locations and this seems to be the best fit for both. Crystal also states that most schools are vacant after hours, so it is a good use of public and community dollars to support two really great uses for the youth in our community.

Irwin opens for any questions for the petitioner.

Datema inquires what would be the time difference between when the kids get out of school to when the programming begins in the evening like one, two or three hours between.

Kurt Weimer, 51870 Winding Waters Lane, Elkhart, IN via webex responds the target is minimum 15-30 minutes between school to services for the evening purposes.

Datema inquires what services will be provided following the school in the evening and will there be high risk groups being served that would be around the children earlier in the day.

Welsh responds Youth for Christ is the Lifeline program and they were the original applicant for the Community Center.

Datema inquires if there is a substance abuse program being served out of the building.

Dawson responds it is an after school program for the kids. Dawson also responds that they do have housing for kids after school, but that is at a different location.

Welsh states the original petition for the lifeline building was to operate the lifeline program for youth.

**DRAFT**

Weimer responds this is an after school program where the kids are being bussed there and school age children coming from schools. Irwin asks for any other questions.

Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Osborne makes motion with a Do-Pass Recommendation to the BZA; Second by Neal. Roll call vote. Motion carries.

Proxy-Danielle Neal-Yes

Ron Davis-Yes

Mark Datema-Yes

Proxy-Arvis Dawson-Yes

Proxy-Tim Reecer-Yes

Dave Osborne-Yes

Tory Irwin-Yes

**22-ANX-02 PETITIONER IS STAYLOCK STORAGE IN LLC C/O STORAGE RENTALS OF AMERICA  
PROPERTY IS LOCATED AT 53400 COUNTY ROAD 113**

As prescribed by Section 29.11.B, a request to annex one (1) parcel located at 53400 County Road 113, land containing approximately 15.4 acres. To also rezone the 15.4 acres of land contained within the petition from DPUD M-1, Detailed Planned Unit Development (M-1 Standards) to M-1, Limited Manufacturing District.

**STAFF ANALYSIS**

This staff report is being prepared for annexation 22-ANX-02 to annex land generally addressed to 53400 County Road 113, Parcel ID #20-02-26-276-013.000-026, Elkhart, Indiana 46514, Osolo Township.

The land in the petition is partially developed and zoned DPUD M-1 in Elkhart County's jurisdiction. The intent of the petitioner is to continue to use and develop the property as a self-storage facility, with the planned addition of a 40,000-60,000 square foot building also to be used for self-storage. The petitioner is also requesting the land be rezoned to M-1. The proposed use would be allowed in the M-1 District. It is not anticipated that costs related to the provision of city services will increase for this annexation, and the city's total levy will be increased both with the current state of the property as well as with the planned new building.

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 15.4 acres. The territory to be annexed is approximately 46% 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.

**DRAFT**

**CONDITIONS**

None

Smith states this was advertised but there were no public notices mailed; we have not received any feedback and this would be a recommendation to the City Council.

Irwin asks if there are questions.

Dawson responds asking what the purpose of the annexation is and what the particular reason is they want to annex into the City.

Smith responds to connect to utilities.

Dawson asks if we have a line.

Irwin responds he is guessing we have verified that.

Smith responds yes according to GIS.

Reecer inquires if the rezone is the difference between the county zoning standards and the city's zoning standards.

Smith responds no it will just simplify administration and the one difference it will not have to come back to the plan commission and tech review will be required.

Irwin calls petitioner forward.

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

Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Osborne makes motion with a Do-Pass Recommendation to the Common Council; Second by Datema. Roll call vote. Motion carries.

Ron Davis-Yes  
Proxy-Danielle Neal-Yes  
Mark Datema-Yes  
Proxy-Tim Reecer-Yes  
Dave Osborne-Yes  
Proxy-Arvis Dawson-Yes  
Tory Irwin-Yes

**23-SUB-01 PETITIONER IS EGAP ELKHART I, LLC**  
**PROPERTY IS LOCATED AT 154 W HIVELY AVENUE (WOODLAND CROSSING)**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Woodland Crossing,' a six (6)-lot subdivision with mutual cross access easements; a part of the Northeast Quarter of Section 17, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana.

**STAFF ANALYSIS**

The Petitioners own two parcels comprising approximately 33.4 acres, including a 31.9 acre parcel zoned B-2 containing the Woodland Crossing shopping center and a vacant 1.6-acre property zoned R-1. The owner wishes to subdivide it into six lots in order to facilitate sale and adaptive reuse and/or redevelopment. The proposed subdivision conceives of the property as having six buildings; the main building comprising Kroger and the former Sears would be split into three separate buildings on separate parcels to be redeveloped or reused by separate entities.

The property has already been developed with a complex system of parking areas and driveways. At this time no specific physical changes are proposed. However, in order to subdivide the property, a number of variances from the Zoning Ordinance are proposed, and will be under consideration by the Board of Zoning Appeals (BZA) on January 12. The proposed variances include: ten (10) foot setbacks for the main building that is being subdivided, lot frontages less than 75 feet on Lots 2, 3, and 4, a building (Kroger) that is four feet taller than what is allowed (35 feet), and the existing lack of a bufferyard on the north section of the property adjacent to R-1 zoning. The details of variance request 23-BZA-04 are:

To vary from Section 12.4, Yard Requirements in the B-2 District, which requires a thirty (30) foot front setback and ten (10) foot side setbacks for buildings to allow the following: on Lot 2, a ten (10) foot front (south) and zero (0) foot side (east) setback, a variance of twenty (20) and ten (10) feet; on Lot 3, a ten (10) foot front (south) setback and zero (0) foot side (east and west) setbacks, a variance of twenty (20) and ten (10) feet; and on Lot 4, a side (west) setback of zero (0) feet, a variance of ten (10) feet in a proposed subdivision of an existing development.

To also vary from Section 12.4, Yard Requirements in the B-2 District, which allows building heights to be a maximum of thirty-five (35) feet, to allow an existing building on Lot 4 in a proposed subdivision to be thirty-nine (39) feet in height, a variance of four (4) feet.

To also vary from Sections 4.4, Yard Requirements in the R-1 District, and 12.4, Yard Requirements in the B-2 District, which requires seventy-five (75) feet of frontage for new parcels, to allow in a proposed subdivision on an existing development the following: on Lot 2, frontage of zero (0) feet, a variance of seventy-five (75) feet; on Lot 3, zero (0) feet of frontage, a variance of seventy-five (75) feet; and on Lot 4, twenty-nine (29) feet of frontage on Hively Avenue, a variance of forty-six (46) feet.

To also vary from Section 12.5.F.1 Landscape Requirements in the B-2 District, which requires a parcel greater than three (3) acres to have a twenty (20)-foot wide landscaped area adjacent to a residentially zoned or used property, to allow an existing development to maintain a zero (0) foot setback adjacent to an R-1 zone, a variance of twenty (20) feet.

The deviation from Zoning Standards, and multiple ownership with shared access is not common in shopping centers of this type. The proposed subdivision will facilitate the reuse and redevelopment of the property, which is a significant landmark within the City. The subdivision will also establish a common easement of access throughout the property, allowing any parcel the use of any "existing drive aisles and travel ways," enabling access to the lots with limited or no frontage.

#### **STAFF RECOMMENDATION**

The Staff recommends approval of six-lot subdivision to be known as 'Woodland Crossing' with a common mutual ingress-egress easement across all existing drive aisles and travel ways, a part of the Northeast Quarter of Section 17, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, based on the following findings of fact:

1. The lots meet the minimum lot area requirements for the B-2, Community Business District and R-1, One-Family Dwelling District, except where noted;
2. The proposed request results in the creation of six (6) additional lots as defined by the Zoning and Subdivision Ordinance.
3. The proposed subdivision will not compromise any existing development.

#### **CONDITIONS**

1. The approval is preliminary only. The applicant must submit the required application materials for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.
2. Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.

3. Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.
4. The project must be reviewed and approved through the City's Technical Review process prior to the submission of the final plat to the Plat Committee.
5. The petitioner must receive approval from the Board of Zoning Appeals for the variances listed in the staff report prior to the Final Plat being recorded.

**DRAFT**

Smith states there were 61 letters mailed, 1 returned in favor with no comment.

Irwin adds that he would like to add one condition is that there needs to be private easements added across all the lots for all of the utilities. Irwin also adds that the utilities serving different buildings run across lots which will be separate lots.

Irwin asks if there are questions from the Commission.

Daterna responds regarding existing drive aisles and travel ways, understands there is no way they can adjust the lane travel at any point capping off lanes of travel to landlock a retailer.

Smith responds they would have to do a revision of the easement and that would be recorded on the plat so it is permanent unless there would be an amendment done that would require approval.

Irwin calls petitioner forward.

Jeff Barnes, Jones, Petrie, Rafinski (JPR), 325 S Lafayette Blvd, South Bend, IN 46601, the land surveyor, Essential Growth Properties is also online; Jeff states there is a lot going on with this development and a lot to address while submitting the plat, asks for guidance and input from the commission. Barnes also says this is a good thing to revitalize the area and bring more opportunities to the facility.

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

Mark Troyer, 245 Thorndale Drive, Elkhart, IN resident speaks in response to development is very interested in what the shopping center owners plan to do and would like for it not to affect their property/home in any negative way. Resident states their backyard is to the north side, the green space by the Public Library. Troyer states he is looking to the Plan Commission to help them out and that everything being done not detriment the area. Troyer also states he understands these are new owners, and the previous owners were not very cooperative.

Irwin responds this is the first step to replat the land and this is not about buildings or new development at this time and have no plans at this time.

Smith responds there is no word to any physical changes, but changes would require B2 standards (moderate density business district) and would need to go to the BZA (a public meeting) for anything outside of that.

Irwin assures resident Mark Troyer that the staff will keep him in the loop and make sure he knows what is going on.

Irwin closes the public portion of the meeting.

Irwin asks if there are any other questions.

Osborne responds stating that the resident was talking about lot 1 which is on the North West side and inquires to the current zoning.

Smith responds the property is R1 and that if something was built there it would have to be a single family residence right now. Smith also responds with this subdivision, the lines between the zoning districts are not going to line up and will need rezoned.

Osborne states that this may give comfort to the residents there remaining R1.

Dawson states that there may need to have a buffer that maintains the R1 field on anything proposed.

Smith inquires where the buffer would need to be.

Dawson responds from Thorndale all the way down to the library.

**DRAFT**

Smith responds that if it is redeveloped, we cannot make that requirement but they could voluntarily do that.  
Dawson encourages the staff to request that.

Datema inquires on the recreational aspect of the comprehensive plan.

Smith responds that he noticed that, but does not have a response at this time as that being on the agenda at this point.

Irwin calls for a motion.

Dawson makes motion with a Do-Pass Recommendation to the Common Council with the conditions outlined by staff and the additional condition that the utilities be in an easement that is developed across all these sites. Second by Neal. Roll call vote. Motion carries.

Proxy-Tim Reecer-Yes

Mark Datema-Yes

Ron Davis-Yes

Proxy-Arvis Dawson-Yes

Proxy-Danielle Neal-Yes

Dave Osborne-Yes

Tory Irwin-Yes

**23-X-03 PETITIONER IS WOLF PACK, LLC**  
**PROPERTY IS LOCATED AT 112 E LEXINGTON AVENUE**

A Special Exception per section 15.3, Special Exception Uses in the Central Business District (CBD), to allow an event center in an existing commercial building

**STAFF ANALYSIS**

The petitioner has purchased an existing commercial building in the downtown area just east of Main Street. This building was previously a Knights of Columbus meeting hall. The petitioner desires to use the building as an event center. The building has existing bar and kitchen facilities but the proposal is for clientele to cater their own food for events. The petitioner is looking into applying for a liquor license as a service to their business.

The property has a few parking spaces in the rear of the building and has access to on street parking as well as an adjacent public parking lot. At this time, the petitioner is not proposing any exterior changes to the building other than new signage for the business.

**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 no exterior changes to the existing building;
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**

None

Irwin asks if there are questions from the Commission.



Irwin calls petitioner forward.

Ignacio Perez, 57805 9<sup>th</sup> St, Elkhart, IN 46517, states he just bought this building and is trying to open up the event center like it used to be the Knights of Columbus, will try and paint the outside and inside of the building.

**DRAFT**

Neal inquires of the primary use of the facility.  
Perez responds it will be rented out.

Dawson asks Perez of he has done this before or if it is his 1<sup>st</sup> venture.

Perez responds it is his first venture.

Dawson inquires if they will be requiring a liquor license.

Perez replies by saying yes and that that they will hire a lawyer to go through.

Neal inquires what hours they will be open.

Peres responds by saying all day events closing at 11:00pm.

Davis inquires to the capacity of the event center.

Perez replies that the one upstairs in the front is 350, back in the bar is 100 and the basement where the kitchen is, is 200.

Davis inquires if parking will be an issue.

Perez responds he doesn't believe it will be.

Reecer inquires how many spaces they have.

Perez responds 10 and they will need to use public parking.

Reecer states Perez says they could have 600 people in the building and that there are not 600 spaces and asks if they will be doing multiple events on a single day.

Perez responds only 1.

Neal inquires if they will be doing the catering.

Perez replies they will be hiring the catering.

Irwin asks if they will be having the catering brought in or if they will be doing the cooking there.

Perez responds for right now it will be brought in.

Irwin explains there are requirements from the County Health Department as well as the City, and encourages due diligence from petitioner to meet all those.

Osborne states that he owns property near there and asks if there will be outside activities such as children outside when they have events. Osborne explains that in the past, children have been allowed to be outside unattended.

Perez responds his idea is to make a place for the children in the bar in the basement with games (a place for the kids to play).

Datema inquires if there will be an outdoor smoking area.

Perez responds no they will not.

Dawson mentions that the building is historical and in the downtown district has brought a lot of activity which they want and he wishes Perez well and on behalf of the City. Dawson also states that anything that the City can do to make them successful that we are here to help. Dawson tells Perez, "Thank you for opening it up."

**DRAFT**

Perez responds that what he wants to do and he is thinking about painting inside and outside.

Irwin states it is great to have that space occupied again.

Reecer inquires if the recent event at that facility was their event asking if it went well.

Perez replies that it was their event and that it was a family event.

Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Dawson makes motion with a Do-Pass Recommendation to the BZA; Second by Reecer. Roll call vote. Motion carries.

- Proxy-Arvis Dawson-Yes
- Dave Osborne-Yes
- Proxy-Tim Reecer-Yes
- Mark Datema-Yes
- Ron Davis-Yes
- Proxy-Danielle Neal-Yes
- Tory Irwin-Yes

**STAFF ITEMS**

**23-SI-01**

Plan Commission approval of proposed address for the City of Elkhart.

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

**Residential**

- |                                    |                               |
|------------------------------------|-------------------------------|
| 1413 Prairie Street Apt. 100 & 200 | Existing Residential Building |
| 1415 Prairie Street Apt. 100 & 200 | Existing Residential Building |
| 201 N Third Street Apt. 100 & 200  | Existing Residential Building |

**Commercial**

- |                    |                                |
|--------------------|--------------------------------|
| 145 Prairie Street | Standalone ATM                 |
| 2200 Gavin Street  | Readdressing Existing Business |

**STAFF RECOMMENDATION**

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

Dawson makes motion to approve; Second by Reecer. Voice vote carries.

**ADJOURNMENT**

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

Tory Irwin, President

Dave Osborne, Vice-President

**DRAFT**