

ORIGINAL

PLAN COMMISSION

-MINUTES-

Monday, February 5, 2024 - Commenced at 1:46 P.M. & adjourned at 2:15 P.M.

City Council Chambers – Municipal Building

Elkhart City Plan Commission was called to order by Tory Irwin at 1:46 P.M.

MEMBERS PRESENT

Dave Osborne
Aaron Mishler
Ron Davis
Dan Boecher
Christopher Baiker
Diane Lawson
Rochali Newbill
Tory Irwin

REPRESENTING THE PLANNING DEPARTMENT

Mike Huber, Director of Planning

LEGAL DEPARTMENT

Maggie Marnocha, Corporation Counsel

TECHNOLOGY STAFF

James Hines

RECORDING SECRETARY

Carla Lipsey

APPROVAL TO AMEND AGENDA

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

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

APPROVAL OF PROOFS OF PUBLICATION

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

OLD BUSINESS

None

ELECTION OF OFFICERS

Irwin announced that the first item on the agenda was the election of officers. The nominations for the year 2024 were to take place. Irwin then asked if there were any nominations for the position of President. Mishler nominates Tory Irwin for President with Osborne seconding the motion. Irwin then asked for nominations for the position of Vice President. Mishler nominates Dave Osborne for Vice President, with Mishler seconding the motion. Finally, Irwin asked if there were any nominations for the position of Secretary. Lawson nominates Aaron Mishler for Secretary with Osborne seconding the motion.

Mishler nominates Tory Irwin for President. Seconded by Osborne. Voice vote carries

Boecher- Yes
Lawson-Yes
Osborne- Yes
Davis- Yes
Baiker- Yes

Mishler Yes
Newbill-Yes
Irwin-Yes

Mishler nominates Dave Osborne for Vice President. Seconded by Davis; Motion carried by voice vote

Mishler- Yes
Osborne- Yes
Boecher-Yes
Lawson- Yes
Davis- Yes
Baiker-Yes
Newbill- Yes
Irwin-Yes

Lawson nominates Aaron Mishler for Secretary. Seconded by Osborne. Motion carried by voice vote.

Davis- Yes
Boecher- Yes
Lawson- Yes
Baiker- Yes
Mishler- Yes
Osborne- Yes
Newbill-Yes
Irwin-Yes

Irwin requested a motion to appoint a member from the Plan Commission to the Board of Zoning.

Irwin informs that the Board of Zoning Appeal meets on the second Thursday of each month at 6 PM to discuss zoning appeals and determine if they get approved.

Christopher Baiker was appointed to the Board of Zoning by Osborne. Davis seconded the motion, which was carried by voice vote.

Newbill- Yes
Boecher- Yes
Lawson- Yes
Osborne- Yes
Davis- Yes
Baiker- Yes
Mishler-Yes
Irwin-Yes

NEW BUSINESS

24-Z-02 PETITIONER IS Daniel A. Burns

PROPERTY IS LOCATED AT Vacant Lot (formerly 3811 S. Main Street) S. Main Street; Parcel 20-06-23-353-001.000-011

Per Section 29.11.B, Map Amendments, a request to rezone 3811 S. Main Street (06-23-353-001) from R-1, One Family Dwelling District to B-1, Neighborhood Business District.

Huber has pointed out that the current zoning reflected on the map differs from the actual zoning, which was being reviewed by Eric Trotter. Trotter has suggested that there might be some discrepancies between the zoning on the map and his research. Therefore, we are recommending a change in the zoning. The proposed zoning is B1 Business District, which is more suited to the property's mixed-use quarter that is transitioning from residential to commercial uses.

STAFF ANALYSIS

In 2020, the petitioner acquired the property at 3811 S. Main Street that contained a single-family dwelling with the future goal of expanding the dental practice directly north of the site. In August 2021, the home was demolished.

In late 2023, the petitioner's agent submitted the project for Technical Review in order to begin the process of expanding the dental practice north at 3807 S. Main Street. At the same time, a petition was filed to begin the process of rezoning in order for the zoning to match the eventual use. The project has been reviewed and approved in Tech Review pending the rezoning of the site.

Staff supports the rezoning and look forward to the continued investment in the South Main Street corridor.

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 commercial uses;
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because it will not have an impact on adjacent industrial and commercial uses;
- 3) The B-1 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 commercial uses;
- 5) The rezoning of the property to B-1, Neighborhood Business District, is compatible with the surrounding properties and does reflect responsible growth and development.

Huber states there were 15 letters mailed, 0 returned

Irwin asks if there are questions from the Commission.

Irwin calls the petitioner forward.

Debra Hughes, 2810 Dexter Drive SAM, is speaking on behalf of Daniel Burns. The petitioner requests rezoning approval to expand their parking lot for clients. The proposal has already gone through Tech review and received approval.

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 24-Z-02 to the Common Council with a Do-Pass Recommendation, Second by Davis.
Motion carries

Davis- Yes
Boecher- Yes
Lawson- Yes
Mishler- Yes
Baiker- Yes
Osborne-Yes
Newbill -Yes
Irwin- Yes

NEW BUSINESS

24-MSUB-01 PETITIONER IS DVS, LLC

PROPERTY IS LOCATED AT 209 CR 17 and 5140 Beck Drive

Per Section 5 of the City of Elkhart Subdivision Ordinance, primary approval of a two (2) lot subdivision replat to adjust the lot line between 209 CR 17 and 5140 Beck Drive and to also establish two (2) access easements as a part of this approval.

STAFF ANALYSIS

DVS, LLC (d.b.a. Alpha Systems) owns several parcels north of Beck Drive. The company is in the process of selling some of the property to American Millworks. Because of the change in ownership, it is necessary to adjust the parcel lines to eliminate any future non-conforming setbacks and establish access easements.

The land contained in this request is partially in the Elkhart Industrial Park Phase VII and part is unplatted. There are several easements established so access can continue to occur between the buildings. The easements are noted on the plat and are as follows – a 15' easement along the south boundary, a 15' easement along the new Lot 1 and Lot 2 and a new easement along an existing easement to Beck Drive.

STAFF RECOMMENDATION

The Staff recommends **approval** a Preliminary Plat for a subdivision to be known as 'American Millworks Minor Subdivision' a two (2)-lot subdivision replat with established access easements; a part of the Southeast Quarter of Section 36, Township 38 North, Range 5 East, Concord Township, Elkhart County, Indiana, based on the following findings of fact:

- 1) The lots meet the minimum development requirements for the M-2, General Manufacturing District;
- 2) The proposed request results in the replat of two (2) lots as defined by the Zoning and Subdivision Ordinance.
- 3) The proposed subdivision will not compromise any existing development.

CONDITIONS

- 1) The approval is preliminary only. The applicant must submit the required application materials for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.
- 2) Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.
- 3) Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.
- 4) The project must be reviewed and approved through the City's Technical Review process prior to the submission of the final plat to the Plat Committee.

Huber states there were 16 letters mailed, 0 returned

Irwin asks if there are questions from the Commission.

Irwin calls the petitioner forward.

Mike Curry (2810 Dexter Drive) is speaking on behalf of the petitioner American Millworks. The petitioner requests approval to adjust the parcel line to establish easement access.

Irwin asks if there are questions from the Commission.

Irwin has asked the petitioner to take into consideration the utility work that the staff has noted. Part of this work would involve identifying the sources of water, electricity, sewer, gas, and internet, and ensuring that they are not crossing properties. In case they are, additional easements for access and use would be required.

Petitioner clarified that there were 2 minors and a third page containing a full topographical map of the utilities.

Irwin responded he did not receive them. Make sure to coordinate with Trotter to ensure all utilities are within easements.

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.

Davis makes a motion to approve 24-MSUB-01 with listed conditions, Second by Newbill. Motion carries

Davis- Yes
Baiker- Yes
Mishler- Yes
Lawson- Yes
Osborne- Yes
Newbill -Yes
Irwin- Yes

NEW BUSINESS

24-MSUB-04 PETITIONER IS Bhavesh Patel d.b.a Lakshmeevaan, LLC PROPERTY IS LOCATED AT 2701 W. Lexington Avenue

Per Section 5 of the City of Elkhart Subdivision Ordinance, primary approval of a two (2) lot subdivision replat and also establish an access easement as a part of this approval. The access easement is required, as the proposed Lot 2 will have no street frontage. The parcels were established in Elkhart County prior to the current subdivision ordinance. Existing zoning is B-2, Community Business District the plan commission actions is Approval or disapproval with conditions; Final Plat submitted to Plat Committee for final approval, and the comprehensive plan does call for the land to be developed with commercial uses.

STAFF ANALYSIS

The Petitioners own two parcels comprising approximately 2.02 acres (including right-of-way). Currently, on the proposed Lot 1 is a convenience store and on the proposed Lot 2 is a self-storage facility.

The petitioner seeks to establish two (2) lots of record in order to sell the proposed Lot 2. The City's subdivision ordinance requires the minor subdivision be presented to the plan commission in order to give preliminary approval because of the access of easement that is proposed for this petition. All accesses of easement must go before the Plan Commission for review prior to being presented to the Plat Committee for secondary approval.

Lot 2 does not have street frontage and was established by metes and bounds in Elkhart County prior to annexation. The action today will create two (2) lots of record plus an access of easement along the west property line twenty (20) feet wide that will wrap around to the south property line - this will allow for access to the self-storage facility.

Based on information from the Public Works Department, a 48" storm sewer line will need to be identified on the plat. The Plat Committee can address this and other comments prior to being released for recording.

STAFF RECOMMENDATION

The Staff recommends **approval** a Preliminary Plat for a Minor subdivision to be known as 'Patel Minor Subdivision,' a two (2)-lot minor subdivision with an access easement on Lot 1 benefiting Lot 2; a part of the Southwest Quarter of Section 1, Township 37 North, Range 4 East, Cleveland 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;
- 2) The proposed request results in the creation of two (2) lots as defined by the Zoning and Subdivision Ordinance and a twenty (20) foot access easement on the west and south side of Lot 1 benefiting Lot 2;

- 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.

Huber states there were 13 letters mailed, 0 returned

Irwin asks if there are questions from the Commission.

Irwin calls the petitioner forward.

Dale Kesler (67191 Conrad Road) is speaking on behalf of the petitioner. The petitioner is requesting approval to create two lots of records in order to adjust the parcel line and establish easement access for proposed Lot 2.

Irwin asks if there are questions from the Commission.

Mishler inquires about the proposed timeline and completion date of the project from Kesler.

Kesler replies the petitioner will proceed with the purchase and renovate the storage unit once approved.

Irwin states part of this work involves identifying sources of water, electricity, sewer, gas, and internet, and ensuring that they do not cross properties based on provided plans and easements.

Kesler confirms that utilities have been located both on the site and plan.

Irwin states that private properties will have dedicated easements in addition to the public easements for the storm sewer.

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

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

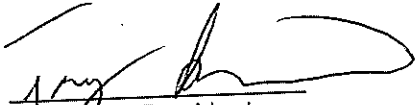
Irwin calls for a motion.

Mishler makes a motion to approve 24-MSUB-04 with a Do-Pass Recommendation with listed conditions; Second by Osborne. Motion carries

Mishler-Yes
Osborne-Yes
Boecher-Yes
Lawson- Yes
Davis-Yes
Baiker-Yes
Newbill-Yes
Irwin -Yes

ADJOURNMENT

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


Tory Irwin, President


Dave Osborne, Vice-President