

**PLAN COMMISSION**

**-MINUTES-**

**Monday, November 1, 2021 - Commenced at 1:49 P.M. & adjourned at 2:44 P.M.  
City Council Chambers – Municipal Building**

Elkhart City Plan Commission was called to order by Dave Osborne at 1:49 P.M.

**MEMBERS PRESENT**

Dave Osborne- In person  
Ron Davis- In person  
Tom Shoff- Webex  
Johnny Thomas- In person  
Jamie Arce- Proxy- In person  
Mark Datema- In person

**MEMBERS ABSENT**

Tory Irwin  
Brad Billings  
Don Walter  
Kevin Bullard

**REPRESENTING THE PLANNING DEPARTMENT**

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

**LEGAL DEPARTMENT**

**TECHNOLOGY STAFF**

David Hopkins

**RECORDING SECRETARY**

Kayla Jewell

**APPROVAL OF AGENDA**

Motion to approve by Davis; Second by Thomas. Voice vote carries.  
Motion to amend by Arce; Second by Davis. Voice vote carries.  
Motion to approve amended agenda by Davis; Second by Datema. Voice vote carries.

**APPROVAL OF MINUTES**

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

**APPROVAL OF PROOFS OF PUBLICATION**

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

**OLD BUSINESS**

None

**NEW BUSINESS**

**21-SUB-10 PETITIONER IS Meijer Stores Limited Partnership**

**PROPERTY IS LOCATED AT 2426 Cassopolis St., 515 Arlington Road (parcel 02-29-276-016), Vacant Land CR 9 (parcels 02-29-276-041, 042, 043), 2508 and Vacant Land Cassopolis Street (parcels 02-29-276-005, 050, 032, 033, 034, 035), 53301 CR 9 (parcel 02-29-276-036)**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Meijer Subdivision,' a three (3) lot subdivision; a part of the Northeast Quarter of Section 29, Township 38 North, Range 5 East of the Second Principal Meridian, Osolo Township, Elkhart County, Indiana. The purpose of the plat is to create three parcels and establish an access easement on Lot 1 serving Lots 2 and 3. This request represents approximately 24.1 acres. The plat will also dedicate Green Acres Lot 5 as right-of-way and establish a sign easement therein, and dedicate approximately .177 acres of right-of-way along Johnson St.

## **STAFF ANALYSIS**

The petitioner owns a number of parcels equaling approximately 28.5 acres, and is intending to develop it as a 150,000 square foot retail business with two outlots, one of which will be a gas station and convenience store and the other to be developed at a later date. The project has been approved through Technical Review and designers are working on building plans. Construction is anticipated to begin in the spring of 2022.

The proposed subdivision would establish three lots for the three uses, and an access easement on Lot 1 that would ensure access to Lots 2 and 3, since the proposed driveway accessing both Cassopolis Street and Arlington Road runs through Lot 1. It will also dedicate right-of-way along Johnson Street and would dedicate an entire parcel (Green Acres Lot 5) to right-of-way for a public way connecting Arlington Road to Emerson Drive across Cassopolis St. A sign easement would also be established within the latter right-of-way.

The proposal meets the requirements of the R-4 District, and ensures adequate vehicular access for all three parcels.

## **STAFF RECOMMENDATION**

The Staff recommends approval of the three (3)-lot subdivision, to be known as 'Meijer Subdivision,' a part of the Northeast Quarter of Section 29, Township 38 North, Range 5 East of the Second Principal Meridian, Osolo Township, Elkhart County, Indiana, based on the following findings of fact:

- 1) The lot meets the minimum lot area requirements for the B-4, Regional Business District;
- 2) The proposed request results in the creation of 3 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.

Smith states there were 7 letters mailed, 0 returned.

Osborne asks if there are questions from the Commission.

Osborne asks staff to explain the connection for Arlington to Emerson.

Smith and Trotter states originally when Hardee's was developed, there was an access easement developed through their parking lot and so it was changed slightly and that the concept is the same, but the roads were moved a little bit. They go onto explaining how it will be laid out and how it is displayed on the map.

Osborne asks how large the easement will be.

Trotter states 68 feet.

Osborne asks if Hardee's will have to take down their sign.

Trotter replies, no it will not need to move. He states the request that is being presented today is the dedication and its way out to Arlington.

Osborne calls petitioner forward.

Brian Smallwood introduces himself and states he is available to any additional questions.

Osborne asks if there are additional questions from the Members.

Osborne asks Smallwood if he is comfortable with the setup of getting customers in and out of the easement.

Smallwood replies yes.

Osborne calls for a motion.

Datema makes motion to approve with a Do-Pass Recommendation with the listed conditions; Second by Davis. Motion carries.

Osborne- Yes

Davis- Yes

Shoff- Yes

Thomas- Yes

Arce- Yes

Datema- Yes

**21-Z-11 PETITIONER IS Heartland Recreational Vehicles LLC  
PROPERTY IS LOCATED AT Vacant Land on Wade Drive**

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

**STAFF ANALYSIS**

The petitioner owns a +/- 1.7-acre undeveloped parcel along Wade Drive. It is in a block of B-3 zoning with the same ownership with industrial zoning to the north, east, and west, and single family residences to the south. The office building at the southwest corner of Wade Dr. and Dexter Dr. is in that block. They wish to develop this parcel as an RV storage lot, which is not allowed in the B-3 zone. The existing zoning is legacy from when it was under Elkhart County's jurisdiction. Their allowed uses have some differences from the city's designations. While a B use makes some sense as a transition between the M-2 to the north and the R uses to the south, the city's B-3 allows an array of intensive uses, such as car sales, that may not be the best fit for the area.

While a storage lot is the immediate proposal for the property, any rezoning merits consideration as to the array of uses which the property could be used. The M-1 is an industrial class that is less intensive than the M-2 and may result in less intense uses than the B-3. It also functions as a transition between the M-2 to the north and the R-2 to the south. If it is developed, there are screening and buffering standards that would have to be established along the southern edge of the property next to the R-2. These requirements would be subject to staff approval during Technical Review, before any permits could be issued for development.

**STAFF RECOMMENDATION**

1. The request is in keeping with the comprehensive plan, which calls for this property to be developed with industrial uses.
2. Current conditions and the character of current structures and uses in each district will not be impacted because it is in a general industrial area and will be required to buffer against the residential to the south.
3. The M-1 District does allow for the most desirable uses for which the land can be adapted since the site is in a transition between the more intensive M-2 and a row of residential houses.
4. The proposed rezoning will preserve the conservation of property values throughout the City because the existing B-3 zoning already allows a variety of intense uses; M-1 will make it compatible with adjacent 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.

**CONDITIONS**

1. When developed, screening as per 18.7.F and a pavement setback as per 18.7.H shall be established adjacent to any residentially used or zoned property prior to occupancy

Case was tabled until December 6, 2021 meeting. Datema makes motion to approve; Second by Davis. Motion carries.

Osborne- Yes  
Davis- Yes  
Thomas- Yes  
Arce- Yes  
Datema- Yes

A public hearing was still allowed:

Brian Thomas introduces himself and states there is a strip of 6 houses and states there are a few representatives here who would like to speak on behalf of this petition.

John Marks (1402 CR 6 W) introduces himself and states his concerns which currently include the problems with the water table, noise from traffic/airport and the welfare of the area and what will be left for future generations. Marks says they have been let down by the city so far; they were promised city water, city sewer, curbing and storm sewers and street lights. Marks states he is frustrated with the communication between the tax payers and the government and would like to see statements or facts if this were to be passed and to move forward.

Daraleigh Stephenson (1400 CR 6 W) introduces herself and states she understands this petition is more than a RV storage lot, which could change in the future and used for something else. Stephenson says her first concern is the water safety, while they are in the city limits they do not have city water. She then states every house, but hers has city sewer. Stephenson states they need a study to show the impact that the storage lot or any M-1 uses could potentially have on the water table. Her next concern is the potential increase for traffic noise, light exposure and the effect on quality of life. Stephenson states her and the rest of the homes are against the rezoning petition and if it does move forward, the neighbors would like to request additional studies be completed with adequate time to discuss the future possibilities of the area.

Osborne asks Trotter if they would be able to apply for a variance.

Trotter replies yes.

**21-X-11 PETITIONER IS ELKHART COUNTY YOUTH FOR CHRIST  
PROPERTY IS LOCATED AT VACANT LAND IN THE 2700 BLOCK OF PRAIRIE STREET**

A Special Exception per Section 8.3 Special Exception Uses in the R-5, Urban Residential District to allow for the establishment of a community center.

**STAFF ANALYSIS**

The petitioner is a nonprofit that wishes to build a community center on approximately 2.85 acres of undeveloped land on Prairie Street south of Hively Ave. to hold educational and recreational programs for all ages. Planning for the facility is still in its conceptual phase; the petitioner proposes a potential 36,650 sf building with approximately 28,600 sf for parking.

Prairie Street south of Hively is a two-lane arterial street, and the petitioner appears to intend to have access on Prairie Street and from the driveway of the public utility directly to the south. It's will be the responsibility of the petitioner to demonstrate that an agreement can be made with the utility for an access easement and maintenance agreement, and that Prairie Street has the capacity to handle the traffic volume for the community center. Alternatively, if an agreement is not reached, access shall only be from Prairie Street.

**STAFF RECOMMENDATION**

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 its impacts will be similar to commercial properties nearby and screening will be required for adjacent residential areas;
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**

If the Board chooses to approve the requested variance, staff recommends that the following condition be placed upon the approval:

1. If access is to be obtained from the driveway on the parcel to the immediate south, the petitioner must enter into an access and maintenance agreement to share the driveway with the Utility and to establish an access easement on that property.

Osborne asks if there are questions from the Commission.

Smith states this would be a recommendation to the BZA.

Hearing none, Osborne calls petitioner forward.

Crystal Welsh (303 River Race Dr. Goshen) introduces herself and states this petition is to construct a community center in a residential neighborhood. Welsh states the intention was to begin this process a few years ago, which was approved in the past however, there is a time limit on special exceptions so therefore that's why it is being brought back today. Welsh states Darrell Peterson is available for additional questions.

Arce asks Welsh if it was originally going to take place between Prairie and Roys, on the vacant land or has it always had planned to be on the west side of Prairie.

Peterson comes up to the microphone (inaudible).

Osborne calls for a motion.

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

- Osborne- Yes
- Davis- Yes
- Shoff- Yes
- Thomas- Yes
- Arce- Yes
- Datema-Yes

**STAFF ITEMS**

**21-SI-10**  
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  
113 State St Suite 100 & Apartment 200  
115 State St Suite 100 & Apartment 200  
3237 Northview

Commercial Multi-Tenant  
Commercial Multi-Tenant  
New Tenant Space

**STAFF RECOMMENDATION**

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

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

- Osborne-
- Davis-
- Shoff-
- Thomas-
- Arce-
- Datema-

**STAFF ITEMS**

UDO presentation by Eric Trotter

**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.

Tory Irwin, President

Dave Osborne, Vice-President

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