

**PLAN COMMISSION**  
**-MINUTES-**  
**Monday, April 4, 2022 - Commenced at 1:45 P.M. & adjourned at 2:06 P.M.**  
**City Council Chambers – Municipal Building**

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

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Ron Davis

**REPRESENTING THE PLANNING DEPARTMENT**

Ryan Smith, Planner- In person

**LEGAL DEPARTMENT**

Absent

**TECHNOLOGY STAFF**

Anthony Elkins

**RECORDING SECRETARY**

Veronica Donaldson & Kayla Jewell

**APPROVAL OF AGENDA**

Motion to approve amended agenda by Thomas; Second by Mishler.

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

**APPROVAL OF MINUTES**

Motion to approve amended December 6, 2021 minutes by Mishler; Second by Shoff.

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

Motion to approve amended December 6, 2021 and regular minutes for March 7, 2022 by Thomas; Second by Osborne.

Osborne- Yes  
Shoff- Yes  
Thomas- Yes  
Irwin- Yes

Datema- Yes  
Walter- Yes  
Mishler- Yes

**APPROVAL OF PROOFS OF PUBLICATION**

Motion to approve by Mishler; Second by Osborne.

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

**OLD BUSINESS**

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

**PROPERTY IS LOCATED AT VACANT LAND FRONTING ON BENCHMARK DRIVE**

Per Section 29.11.B, Map Amendments, a request to rezone parcel number 20-07-06-151-001.000-039 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.

Smith states there were 12 letters mailed, 0 returned.

Irwin calls petitioner forward.

Terry Lang (715 S Michigan St. South Bend) introduces himself and states it is a split zone and it is desired to add an additional building on the site (inaudible).

Irwin asks if there are any questions from the Commission.

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 Mishler. Motion carries.

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

**22-X-05- TABLED UNTIL MAY 2, 2022 MEETING**

Irwin calls for a motion.

Mishler makes motion to table the case until the end of the meeting; Second by Thomas.

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

Mishler makes motion to table the case until the May 2, 2022 meeting; Second by Osborne.

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

**NEW BUSINESS**

**22-X-06 PETITIONER IS LYNN CAROL BLACKMORE, ALSO KNOWN AS LYNN CAROL ABERNATHY  
PROPERTY IS LOCATED AT 1403 LAUREL STREET**

A Special Exception per Section 5.3, Special Exception Uses in the R-2, One-Family Dwelling District, to allow for a Day Care Home

**STAFF ANALYSIS**

The petitioner, Ms. Abernathy (formerly known as Ms. Blackmore) previously ran a daycare home at this location under 13-X-05, which was approved by this board on July 11, 2013. The daycare ceased operation for a period greater than one year; Ms. Abernathy wishes to start the operation again, which necessitated a new application for a Special Exception.

The house, built in 1950, comprises approximately 1,200 square feet on a .2-acre site. The house and grounds appear to be in good condition. The house has a spacious backyard and is located on a corner with a small driveway; parents may use part of the driveway or the two streets to drop off and pick up children. The daycare will necessitate a license from the Indiana Family and Social Service Administration (FSSA)

**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 because the site has a fenced yard and parents can park on either of the two intersecting streets;
2. The special exception will not reduce the values of other properties in its immediate vicinity because the site must retain its residential character;
3. The special exception shall conform to the regulations of the Zoning District in which it is to be located because there can be no noise, smoke or odors that would compromise the neighboring properties.

## CONDITIONS

1. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises.
5. A copy of the child care home license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
7. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
8. There shall be a maximum twelve (12) children, including those of the petitioner.
9. The operator of the day care center shall live on the premises.
10. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by April 11, 2024.

Irwin asks Smith if the last time this was passed in 2013, there was the one-year requirement hence why it is coming back to the board again.

Smith replies, yes.

Irwin asks if the Plan Commission is making a recommendation to the BZA.

Smith replies, yes.

Mishler asks if there are any concerns regarding traffic.

Smith replies, no. It is not uncommon to have similar daycare facilities like this in the city.

Irwin asks if there are additional questions from the Members.

Hearing none, Irwin calls petitioner forward.

Lynn Abernathy (1403 Laurel St) introduces herself and states she is looking to open the daycare as her full time job. Abernathy states she has saved enough money to support this job.

Thomas asks if there are any employees.

Abernathy replies, no.

Mishler asks about a required license.

Abernathy replies, yes but she has to have this approved first.

Irwin asks if the neighbors are aware of the daycare.

Abernathy replies, yes and they love getting to see the children.

Abernathy asks if signs are allowed in the window.

Irwin replies, yes.

Irwin asks if there are any additional questions from the Members.

Hearing none, Irwin calls for a motion.

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

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

**STAFF ITEMS**

**22-SI-05**

**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**

Parke Place Mobile Home Park  
2767 Burr Oak Avenue  
2137 Woodland Estates Drive  
2133 Woodland Estates Drive

Please see page 2 and 3.  
New Single Family Residence  
New Single Family Residence  
New Single Family Residence

**Commercial**

1175 Fremont Court  
135 S Nappanee Street

New Industrial Building  
New Commercial Tenant Space

**STAFF RECOMMENDATION**

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

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

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

Smith asks the Plan Commission if anyone would be available for a special meeting, regarding a major subdivision. The members state they would need to check their schedules to see if they would be able to attend.

**ADJOURNMENT**

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

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

Tory Irwin, President

Dave Osborne, Vice-President

DRAFT