

PLAN COMMISSION

-MINUTES-

Monday, May 3, 2021 - Commenced at 1:45 P.M. & adjourned at 3:03 P.M.
City Council Chambers – Municipal Building

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

MEMBERS PRESENT

- Jeff Schaffer- In person
- Dave Osborne- In person
- Mary Olson- Phone- joined at 2pm
- Tom Shoff- Webex
- Don Walter- Webex
- Johnny Thomas- In person

MEMBERS ABSENT

- Brad Billings
- Ron Davis
- Mike Sweet

REPRESENTING THE PLANNING DEPARTMENT

- Eric Trotter, Planner- Webex
- Ryan Smith, Planner- In person
- Nathan Hooley- Webex

LEGAL DEPARTMENT

- Randy Arndt, Deputy City Attorney- Webex

TECHNOLOGY STAFF

- Justin Knopsnyder

RECORDING SECRETARY

- Kayla Jewell

APPROVAL OF AGENDA

- Motion to amend by Osborne; Second by Thomas. Voice vote carries.
- Motion to approve by Osborne; Second by Thomas. Voice vote carries.

APPROVAL OF MINUTES

- Motion to approve by Osborne; Second by Thomas. Voice vote carries.

APPROVAL OF PROOFS OF PUBLICATION

- Motion to approve by Osborne; Second by Thomas. Voice vote carries.

OLD BUSINESS

**21-Z-04 PETITIONER IS H&O INVESTMENT PROPERTY, LLC
PROPERTY IS LOCATED AT COUNTY ROAD 6 AND STRYKER STREET**

Per Section 29.11.B, Map Amendments, a request to rezone the property located at the Southwest corner of County Road 6 East and Stryker Street (vacant land) from M-1, Limited Manufacturing District to B-2, Community Business District with owner commitments.

STAFF ANALYSIS

The petitioner is seeking to rezone the corner +/- 1.35-acre parcel from M-1, Limited Manufacturing District to B-2, Community Business District for the purpose of developing a Dollar General retail store. After being annexed to the City in 2017, a petition was filed in 2018 to seek rezoning from PUD and R-1 (approved by the County Commissioners) to M-1 for a proposed large warehouse and manufacturing facility. The facility was never constructed.

In 2019, the entire undeveloped site (+/- 16 acres) had a proposal submitted to rezone for a PUD to allow for B uses along CR 6 and M uses at the rear of the site. The Planned Unit Development would allow for a higher level of review by the Plan Commission to ensure the development standards for the corridor were achieved. The 2019 proposal was again for a large manufacturing facility at the rear – farthest away from CR 6 and commercial uses north along the frontage adjacent to CR 6. However, those projects did not materialize due in part to the fact that sanitary sewer would need to be extended to the site and those costs were not able to be absorbed into the development proposal. Subsequently, the request for the Planned Unit Development was withdrawn.

In December 2020, a new petition was submitted to subdivide the site into two lots. One lot to develop a new use for the majority of the site for a driveway company, and the lot referenced today. The driveway company has received permits. A rezoning petition was filed for the January Plan Commission meeting under 21-Z-01, which at the time received a unanimous do-not-pass recommendation from the Plan Commission, and was withdrawn before being heard by the Common Council.

The only portion of the site without an approved development plan is this 1.35-acre site. The request to change the zoning and develop a retail store is before this body again because the developer for the current manufacturing use is extending sewer to the site. The retail use would be able to then connect to the public service.

The retail developer has submitted plans again through the Technical Review process; it has passed with the exception of the SWPPP being approved and some minor details on the design treatment of the building.

After hearing the public comments heard during the first rezoning application, the petitioner agreed to work with the city and adjacent neighborhood representatives to address some of their traffic concerns. After several meetings and revisions to the site plan, a driveway configuration that featured a left-turn-only egress, thereby directing exiting traffic to County Road 6, was generally agreed upon as the best solution to the traffic concerns. As far as staff knows, the neighborhood representatives spoke with many of their constituents and have endorsed the driveway and the project. The petitioner should be credited with their willingness to engage with the neighborhood and being flexible in their design.

Since the April plan commission meeting, the petitioners have responded to concerns from the Plan Commission by submitting a series of zoning commitments. Staff approves of the proposed commitments with a few suggestions for edits:

- Point 3 should explicitly state there shall be no vehicular access from CR 6
- Point 6 should remove the provision for recycled asphalt and recycled concrete
- A legal description should be attached.

Currently, permitted M uses are able to be developed on this lot. Contractors offices, professional offices, office uses related to manufacturing activities, service businesses that provide services to the manufacturing uses, equipment rental facilities are examples that are permitted by right that do not require a rezoning. These types of use are found more frequently along this portion of the CR 6 corridor, although it's worthy to note that the Elkhart County properties to the east are zoned PUD B-3; presumably they may be developed with B uses. An M use that would fit on this lot, such as an office or contractor's operation, would likely have less impact in terms of traffic than the retail use.

STAFF RECOMMENDATION

The Staff offers no recommendation for the rezoning.

CONDITIONS

1. Any site development shall be approved through Technical Review prior to permitting.
2. ADDED IN MEETING: A written commitment provided omitting anything that says Elkhart County Advisory Plan Commission and substituting Elkhart City Pan Commission.

Schaffer asks Smith if the site plan that was presented in April has changed.

Smith replies no, not that he is aware of.

Schaffer then reiterates what Smith had previously stated regarding the commitments; the commitments have been reviewed and the staff feels comfortable with it. The commitments have also been cleaned up for legalities and therefore have a revised document that is currently being presented.

Smith states yes, "The two points that got revised where I wanted a clearer prevention of access off CR 6...and then there was that part about recycled concrete and asphalt, which we typically don't allow so that was removed as well. Other than that, it's the same."

Schaffer asks if there are questions from the Commission.

Hearing none, Schaffer calls petitioner forward.

Tom Cowen (Zaremba) introduces himself and states the case was tabled last month and then gives options that could potentially go in the parcel, which Cowen believes would not be a good fit. He then states Dollar General has been working with the city to compile a list of commitments. Cowen says in the document that has been created, Zaremba Group has agreed to the possible future uses if Dollar General decides to vacate the site in the future. He then states the commitment letter has been agreed to by senior management at Dollar General, which is not something that is normally done. This would be in addition to all previous commitments that were made prior, including the restriction to not allow the right access South on Stryker St. Cowen concludes his statement by restating they are here to ask for the Commission's approval to move forward with the rezoning petition from M-1 to a B-2. Cowen states there are other options that could be put on this parcel without having to go before a board and Cowen believes Dollar General will be a great fit for this area. He states Whitney, the lead civil engineer, is available for any technical questions.

Schaffer asks to confirm Mary Olson has joined via Webex/phone.

Olson replies yes and states she has opinions about the Dollar General petition.

Schaffer asks Olson for her questions/comments.

Olson states CR 6 has a large amount of activity and she doesn't believe the construction that is currently happening will be a good blend. Olson states there is a Dollar General down the road on Bristol Street, although she does think they are a great store. Olson states she does not believe this will be a safe corner even with the cement lane restrictions and therefore she is still opposed.

Schaffer asks if there are additional questions from the Commission for the petitioner.

Osborne asks to verify that the petitioner has worked with the neighborhood and have received their blessing.

Cowen replies, yes they have and the majority would be in favor.

Schaffer states there is an e-mail from Darlene Underwood that is included in the packets which provides support from the local residence.

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

Hearing none, Schaffer opens for public comments in the room in favor or opposition of the petition.

Ryan White introduces himself and states he is the broker on the project. He states this land has been sitting vacant for many years and he is looking forward to the development in the future and its growth. White states there should be support even if Dollar General isn't bringing in high tech jobs, it is still development and helping the community. He states he has spoken to many people within the city and is hearing they are in favor. White states this is Dollar General's fourth time presenting to the Plan Commission and have worked with the city to try and have everyone's needs met. White asks if there are any questions for him.

Hearing none, Schaffer asks if there is anyone else who would like to speak in favor or opposition for this petition.

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

Smith states the petition was advertised and 26 letters were sent out and 0 received back.

Schaffer calls for a motion.

Osborne states he has a question for Smith; Osborne says a lot of this pertains to the Elkhart County Advisory Plan Commission.

Smith replies that it should have been corrected and what he believes happened was there were a couple of examples to work from, one in which was from Elkhart County which may have been copied. Smith states this should not go through the Elkhart County Plan Commission; this is the only Plan Commission it will go before; it should be Elkhart City.

Osborne asks if this written commitment will have to be corrected.

Smith apologizes and says, yes it will need to be corrected before it's recorded.

Schaffer calls for a motion.

Osborne makes motion to approve with a Do-Pass recommendation to the Common Council with the written commitment provided and A written commitment provided omitting anything that says Elkhart County Advisory Plan Commission and substituting Elkhart City Pan Commission; Second by Shoff. Motion carries.

Schaffer- Yes
Osborne- Yes
Olson- No
Shoff- Yes
Walter- Yes
Thomas- Yes

NEW BUSINESS

#21-FSP-04 PETITIONER IS LAVANTURE REALTY INC PROPERTY IS LOCATED AT 3806 GALLATIN WAY

As required by Section 20.7.B seeking approval for an Amendment to a Final Site Plan for a 38,500 square feet addition with nine (9) new loading docks and 18,150 square feet of new asphalt pavement on land totaling fourteen (14) acres, more or less, located at 3806 Gallatin Way, Elkhart, IN.

STAFF ANALYSIS

The petitioner owns an existing 100,000 square foot facility on a 14-acre site. The business, Lavanture Products, is a distributor of products used in the RV industry, and is experiencing growth, necessitating the expansion. The expansion will include a 38,500 square foot building addition, nine new loading docks, and 18,000 square feet of new pavement. The underlying use is permitted within the district; the project has been reviewed and approved through the Technical Review process.

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;
3. The project has passed the City's Technical Review process;
4. The use conforms to the Comprehensive Plan which is anticipated to call for industrial uses;
5. The proposed use should not be detrimental to the property values of adjacent properties.

Smith states there were 15 letters mailed, 1 returned in not in favor with no comments.

Schaffer asks if there are questions from the Commission.

Hearing none, Schaffer calls petitioner forward.

Andrew Harmon (J.A. Wagner Construction) introduces himself and states it is a 38,500 sq. foot building addition to an existing building that will allow for additional distribution for manufactured homes including RVs and automotive. Harmon states it would be an addition to the South end of the building and it is not the final building addition since there's additional space that is available.

Schaffer asks if there are any questions for the petitioner.

Hearing none, Schaffer opens for public comments in favor or opposition of the petition.

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

Schaffer calls for a motion.

Osborne makes motion to approve the amendment to the Final Site Plan; Second by Shoff. Motion carries.

Schaffer- Yes
Osborne- Yes
Olson- Yes
Shoff- Yes
Walter- Yes
Thomas- Yes

Schaffer states 21-Z-05 has withdrawn and will not be heard.

**21-Z-06 PETITIONER IS LYNDASAY AND AARON HEMMICK- HEMMICK PROPERTIES LLC
PROPERTY IS LOCATED AT PARKING LOT WEST OF 2014 E. BRISTOL ST.**

Per Section 20.10.B.1, a Major Amendment to an M-1 Detailed Planned Unit Development (M-1 DPUD), to revoke the DPUD, adopted via Ordinance Number 98-05 approved by the Elkhart County Commissioners. Also; Per Section 29.11.B, Map Amendments, a request to rezone two parcels located at 2704 Toledo Road and Vacant Lot Toledo Road (west of Middleton Run Road, north side) from B-3, Service Business District and PUD, Planned Unit Development (M-1 Standards) to M-1, Limited Manufacturing District.

STAFF ANALYSIS

The petitioners own two noncontiguous parcels along the Toledo Road corridor immediately west of Middleton Run Road; the eastern parcel also fronts on Middleton Run Road. A potential buyer intends to redevelop these two parcels along with an adjacent parcel that is already zoned M-1 into a complex for warehousing. The existing zoning at 2704 Toledo Road, which is currently occupied by a tile company in a converted residential building, is zoned B-3, and the vacant parcel is a PUD which uses the M-1 standards.

In order to facilitate this development, which would include a demolition of the property at 2704 Toledo Road, the petitioners wish to rezone these two parcels to M-1 to make it consistent with the parcel to the west which will also be part of the development. The petitioners' agent has worked with staff to determine the best course forward, and staff has reviewed a preliminary, conceptual site plan which would generally adhere to the proposed zoning district's requirements.

The vacant lot that is currently a PUD was approved by the Elkhart County Commissioners' ordinance number 98-05 prior to the area's annexation in 2015. By city ordinance, PUDs are intended "to encourage quality land development and site design without the use of typical zoning standards."

When this PUD, which was classified as a DPUD (Detailed Planned Unit Development) under the county's zoning ordinance, was established, a proposed site plan was approved as part of the ordinance. The ordinance itself has few stipulations other than that the base district is M-1. Over two decades have passed and the property was never developed to the approved site plan. The new proposed plan differs from the adopted site plan, meaning that the petitioners had the option to either revise the final site plan by ordinance or rezone the property by ordinance. Staff recommended the latter since the property is proposed to be part of a larger development, and taking that action would consolidate a larger area into a single zoning district.

This request would both revoke the existing PUD and rezone both parcels to the M-1, Limited Manufacturing District. The properties front on Toledo Road, which is a mixed industrial and commercial corridor, and also borders on a large industrial area to the north. While the intent is to develop it as a warehouse, with any rezoning it's important to take into consideration the range of uses allowed in a rezone. In this case, the M-1 is a limited manufacturing district with landscaping requirements along arterial roads. M-1 uses are similar to adjacent uses to the north and are unlikely to have a negative impact on adjacent business properties.

STAFF RECOMMENDATION

The Staff recommends approval of the rezoning request based on the following findings of fact:

- 1) It is anticipated that once the Future Land Use map is adopted the request will be in keeping with the comprehensive plan which will call for the area to be developed with commercial and industrial uses.
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because it will be compatible to adjacent commercial and industrial uses and landscaping along Toledo Road will be required.
- 3) The M-1 District does allow for the most desirable uses for which the land can be adapted since the site will accommodate a number of permitted M uses that are compatible with the area.
- 4) The proposed rezoning will preserve the conservation of property values throughout the City because the land will be developed to current standards, be in active use, and be compatible with adjacent properties.

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 20 letters mailed, 2 returned in favor with no comments.

Schaffer asks if there are questions from the Commission.

Schaffer asks Smith if the salon is currently located on East or West.

Smith replies, it would be to the East. He states the house is zoned B-1 so it would be allowed there, however not the parking lot so the petitioner would like to consolidate the two.

Schaffer asks the house will then become the salon and then on the West will become the parking lot.

Smith replies yes and there may be an expansion in the future, but he has not received plans regarding it.

Schaffer calls petitioner forward.

Lori Snyder introduces herself and states she is representing the current owners of this property, which is being used for a window business. Snyder explains the whereabouts of the location and states the current owners have improved the conditions of the location. She states they have a purchaser for the building and for it to be transitioned to the hair salon, it would need to be rezoned to B-1.

Schaffer asks if there are any questions from the Members.

Hearing none, Schaffer opens for public comments in favor or opposition of the petition.

Robert Malone states he owns some of the properties behind this building and would like to know how far back into the property the petitioner plans to take care of. He states that himself along with other owners often have to trim and do the upkeep for the backside of the area.

Schaffer asks if there are any additional public comments.

Margaret Kinsey introduces herself (inaudible) and states there are no plans for the property that's attached to the parking lot, but they do plan to help keep the area maintained.

Schaffer suggests Snyder and Kinsey speak with Malone after the meeting in regards to his question and create a good relationship between neighbors.

Schaffer asks if there is anyone else who would like to speak in opposition or favor of the petition.

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

Schaffer calls for a motion.

Shoff makes motion to approve with a Do-Pass Recommendation to the Common Council; Second by Osborne. Motion carries.

Schaffer- Yes

Osborne- Yes

Olson- Yes

Shoff- Yes

Walter- Yes

Thomas- Yes

21-Z-07 PETITIONER IS 123 COUNTY ROAD 17, LLC
PROPERTY IS LOCATED AT 123 COUNTY ROAD 17

Per Section 20.10.B.1, a Major Amendment to the Lumber Site Detailed Planned Unit Development (DPUD) to allow for the removal of land area equal to 16.2 acres, more or less. The land to be removed from the existing DPUD is at 123 County Road 17,

for the purpose of developing it as a self-storage facility. This request seeks to amend Ordinance Number 03-12 approved by the Elkhart County Commissioners.

Per Section 29.11.B, Map Amendments, a request to rezone the property located at 123 County Road 17 from DPUD M-1, Detailed Planned Unit Development District to the M-1 Standards, to M-1, Limited Manufacturing District.

STAFF ANALYSIS

The school is requesting these improvements to their existing campus in response to a merger in the high school districts. The school is in need of increased student parking as well as the ability to handle an increase in bus traffic. The reconfiguring of the existing parking area and the drop-off area will assist in handling the increase in students. The circulation improvements throughout the campus are necessary to help with increased foot traffic and to increase pedestrian safety. The new fueling center will help the school maintain the increased number of buses coming to the property.

The proposed pick-up/drop-off area will be constructed on a portion of the school property currently being used as a baseball field. This new area is adjacent to a vacant piece of property that abuts a light industrial use.

The bus fueling center will construct two (2) above ground fuel tanks. The first is a 6,000-gallon gasoline tank and the second is a 15,000-gallon diesel fuel tank on existing improved surfaces surrounded by existing industrial uses. This is a Special Exception of uses in the M-2 General Manufacturing District Section 19.3 A. stating all Special Exceptions in the M-1, Limited Manufacturing District specifically Section 18.3 K. with regards to bulk storage tanks. Tanks storing liquids or gases that require filing a Tier 1 or 2 SARA (Superfund Amendment and Reauthorization Act) report or those that exceed an NFPA classification of 2 such filing require additional approval. Also referencing Section 18.3 L. which requires a Special Exception for the storage of any liquid or gas in excess of 10,000 gallons.

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 will be similar to the remainder of the campus;
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

1. Any site development shall be approved through Technical Review prior to permitting.

Trotter states there were 29 letters mailed, 0 returned.

Schaffer asks if there are questions from the Commission.

Schaffer asks Trotter when the county had approved the DPUD.

Trotter replies he believes it was back in 2003.

Schaffer calls petitioner forward (inaudible).

Crystal Welsh (1009 S Ninth St) introduces herself and states she is representing the property owner and mentions James Skillen is available to help answer questions. Welsh states the intent is to put a self-storage facility in and they believe it will be a good use for its location because of its proximity to the city. It will be located on a heavily traveled area, but it will be tucked back and they are hoping to have the neighbor's approval as well due to what the current conditions are. Welsh states this will go through Tech Review and meet the city's standards. She states the DPUD that the county put into place is not consistent with the use they plan to use it for (inaudible).

Schaffer asks if there are questions from the Members.

Osborne asks Welsh if the retention pond will be big enough.

Welsh replies the engineering details will come in after the rezoning would be approved, but as a condition of the rezoning it would have to go through Tech Review and would meet city requirements.

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

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

Schaffer calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation, with listed conditions to the City Council; Second by Shoff. Motion carries.

Schaffer- Yes

Osborne- Yes

Olson- Yes

Shoff- Yes

Walter- Yes

Thomas- Yes

21-Z-08 PETITIONER IS JEREMIAH MATTHEWS
PROPERTY IS LOCATED AT 1311 WEST HUBBARD AVENUE

Per Section 29.11.B, Map Amendments, a request to rezone the property located at 1311 West Hubbard Avenue (vacant land) from R-3, Two-Family Dwelling District to R-2, One-Family Dwelling District.

STAFF ANALYSIS

In April of this year, the petitioner filed for the rezoning of two parcels from R-3 to R-2. There was an error in the legal description in the case publication; the petitioner and staff opted to move forward with the partial rezoning for 1313 W Hubbard and readvertise and rehear the case for 1311 W Hubbard.

The petitioner owns three lots on the 1300 block of West Hubbard Avenue in the Elliston Addition subdivision, which he wishes to develop with single family residences. The property at 1309 West Hubbard is zoned R-2 and has been issued construction permits. The properties at 1311 and 1313 West Hubbard, however, are zoned R-3. While single family dwelling structures are permitted in the R-3 district, the setback requirements are different. The petitioner wishes to build two additional residences with a similar footprint, and is requesting that the two parcels zoned R-3 be rezoned to R-2. The petition for rezoning of 1313 W Hubbard is already underway; this petition represents the rezoning for 1311 W. Hubbard.

The rezoning would consolidate the property as part of a large R-2 area, ensuring that any development would be compatible with surrounding properties.

STAFF RECOMMENDATION

The Staff recommends approval of the rezoning request based on the following findings of fact:

1. The request is in keeping with the comprehensive plan, which calls for this property to be developed with low density residential uses.
2. Current conditions and the character of current structures and uses in each district will not be impacted because it will be compatible to adjacent properties also zoned R-2.
3. The R-2 District does allow for the most desirable uses for which the land can be adapted since the site is in a single family residential neighborhood otherwise zoned R-2.
4. The proposed rezoning will preserve the conservation of property values throughout the City because the land will be developed to current standards, be in active use, and be compatible with adjacent properties.
5. The rezoning of the property to R-2, One-Family Dwelling District is compatible with the surrounding properties and does reflect responsible growth and development.

Smith states there were 24 letters mailed, 0 returned.

Smith states staff has agreed to represent the petitioner.

Schaffer asks Smith if this case came with the two previous cases from last month's meeting and if Matthews would repeat everything that was said last time.

Smith replies yes, it was a legal description error which was then required to be re-advertised.

Schaffer asks if there are questions from the Commission.

Hearing none, Schaffer opens for public comments in favor or opposition of the petition.

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

Schaffer calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation to the Common Council; Second by Thomas. Motion carries.

Schaffer- Yes

Osborne- Yes

Olson- Yes

Shoff- Yes

Walter- Yes

Thomas- Yes

**21-PUD-01 PETITIONER IS BARAK GROUP LLC.
PROPERTY IS LOCATED AT VL HAINES DRIVE**

Per Section 20.10.B.1, a Major Amendment to the Villas at Lexington Landing Planned Unit Development (PUD) to allow for the removal of land area equal to 2.3 acres, more or less. The land to be removed from the existing PUD is at Vacant Lot, Haines Drive (Lot 2 in Lexington Landing), for the purpose of developing it as fourteen (14) single family attached residential units. This request seeks to amend Ordinance Number 5030 approved by the Elkhart City Common Council.

To establish a new Conceptual Planned Unit Development with fourteen (14) single family attached residential units, subject to final plan approval by the Elkhart City Plan Commission; land area of 2.3 acres, more or less.

STAFF ANALYSIS

The petitioner is seeking to develop 14 duplex style villa homes on the undeveloped portion of the original Lot 2 of the Haines Lexington Landing subdivision. The request is twofold. First, to remove the undeveloped land referenced in the petition from the original PUD which allowed for fifteen (15) units and second, to establish a new conceptual planned unit development for the proposed 14 villas.

In 2007, the Plan Commission and Common Council approved a PUD that established a sixteen (16) unit attached residential development. Later that same year the PUD was amended to reduce the number of units to 15 and to establish a common area with a clubhouse. That project was never completed. Only four (4) units were built on the north end of the development – that portion was subdivided to establish lots of record for each villa.

In 2020, the petitioner requested to amend the PUD to allow for up to 22 units in total. That project withdrawn.

Today's request has fewer units than the previous request. With the reduced number of units, this plan reflects a similar development pattern that currently exists north of this development with the existing duplexes. This plan also reflects an aesthetic consistent with the overall Lexington Landing neighborhood.

STAFF RECOMMENDATION

The Staff recommends approval of the conceptual Planned Unit Development based on the following findings of fact:

1. The proposed conceptual site plan will be similar to the development found north of the proposed project in relation to rhythm and exterior facade. The impact on adjacent properties will be minimal;
2. The proposed duplex villas will be compatible with the rest of the development and will meet the other requirements of the PUD;

3. The proposed development will add a minor amount of traffic to Haines Drive, which has adequate capacity.

Trotter states there were 19 letters mailed, 1 returned in favor and 1 returned not in favor with no comments.

Schaffer asks if there are questions from the Commission.

Shoff asks Trotter if this is same proposal that was previously presented with a one car garage.

Trotter replies, yes; There will be a single story site plan and a two story site plan, but all with two car garages.

Schaffer asks if there are additional questions for Trotter.

Schaffer asks Trotter, "The original PUD authorized the construction of 16 units and a clubhouse, then it went to 15 units and a clubhouse. Four were built and the proposal we have in front of us is for 14. So basically we've gone from 16 and a clubhouse to 15 and a clubhouse to the net result here will be 18 units. Is this correct?"

Trotter replies, "The very first was 16 no clubhouse then it was reduced to 15 with the clubhouse then I believe your synopsis going forward is correct."

Schaffer states there will be a total of 18 units.

Schaffer calls petitioner forward.

Ken Jones (JPR-inaudible address/not on sign in sheet) and Tom De Meester (Barak Group) introduce themselves and state they have been working together to design a project that is more in line with what the neighbors would like to see. Jones states there will be two additional units from what was originally approved back in 2007 and will be owner occupied. Jones says there will be a mix of one-story and two-story units with two car garages and believes this will be a good development for the city. Jones states De Meester will be providing information regarding the quality of construction along with the amenities included.

De Meester states the last time this petition was presented it was unsuccessful and had a lot of opposition against the original plan. He goes on to say they have sat down, listened and reviewed what the HOA would like to see and created a new viable plan that follows suit with what construction and development is already there. De Meester states previously these units were rentals and have now been changed to owner occupied with a single-story layout and a two-story layout. The new units will follow the same standards to what are already exists in the neighborhood.

Schaffer asks if there are questions from the Members.

Schaffer asks the petitioners to place the diagrams in front for the audience to view.

Hearing none, Schaffer opens for public comments in favor or opposition of the petition.

Robert Brown (308 Haines Dr.) asks to verify that these units will be sold and not used as rentals (inaudible) and there is not overnight parking.

Joleen Krausse (410 Riverpoint Dr.) asks to verify the number of units.

Schaffer states he can answer this, 14 units to go along with the 4 existing units so there will be a total of 18.

Krausse states she is thankful and appreciative of the work the petitioners have done in regards to communication with the HOA and neighborhood.

Richard Acre (208 Haines Dr.) states he is a member of the board and appreciates the petitioners reaching out to work with the board members and neighborhood to meet the necessary requirements.

Schaffer asks if there are additional public comments.

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

Schaffer asks the petitioner to come back up to the microphone and answer two questions; the units will be sold as owner occupied and an investigation of the overnight parking rules.

De Meester agrees to both of these.

Schaffer calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation to the Common Council; Second by Shoff. Motion carries

Schaffer- Yes

Osborne- Yes

Olson- Yes

Shoff- Yes

Walter- Yes

Thomas- Yes

**21-PUD-02 PETITIONER IS BESS DEVELOPMENT, LLC
PROPERTY IS LOCATED AT LOT 2 CASSOPOLIS STREET – CURRENTLY VACANT IN THE 2100-2200 BLOCK
OF CASSOPOLIS STREET**

To establish a new Conceptual Planned Unit Development (PUD) for the purpose of developing a senior living facility with approximately 146 residential units, subject to final plan site approval by the Elkhart City Plan Commission with a land area of +/- 8.34 acres.

STAFF ANALYSIS

The petitioner is proposing to develop a new three story assisted living, senior living and memory care facility on land that is currently vacant in the 2100 block of Cassopolis Street. The area of the parcel in question is 8.34 acres. The site is accessed through a platted easement behind what is currently Communitywide Federal Credit Union and a small strip center with medical offices.

This proposal serves to meet the need of housing diversification by adding additional dwelling units for an aging demographic in our community. The developer is proposing 146 new units. They are broken down as follows – 32 units are memory care, 30 are assisted living and 84 are senior living. The petitioner is proposing a reduced number of on-site parking spaces as the majority of residents will not be driving. Where 220 spaces would be required for a typical development, there are 126 spaces proposed for the project – a reduction of approximately 43%. Staff supports this plan as we agree that there isn't a need for the extra pavement when the site could be better programmed for natural areas and on-site retention.

The proposed building is situated in an H-style layout with the parking and access road at the perimeter of the parcel. The interior areas of the building have some outside walking areas and the plan depicts the storm water collection areas at the western part of the property – currently with a drainage easement agreement for the southernmost retention pond.

The proposed Planned Unit Development (R-4) is conceptual, which means the submittal contains general information for the plan – property boundaries, existing site features, general street layout, proposed use, setback and preliminary on-site drainage. If approved by the Common Council a final site plan must be submitted to the Plan Commission for approval at a public hearing.

STAFF RECOMMENDATION

The Staff recommends approval of the conceptual Planned Unit Development based on the following findings of fact:

- 1) The Comprehensive Plan calls for this area to be developed with mixed uses. The proposed use is compatible with commercially mixed uses.
- 2) The proposed use should not negatively impact surrounding properties. The plan depicts adequate parking.
- 3) The proposed use is compatible with other activity currently occurring in the general area – which is largely service commercial and medical.

Trotter states there were 23 letters mailed, 0 returned.

Schaffer asks if there are questions from the Commission.

Schaffer reiterates what Trotter has said; the petition comes to Plan Commission, City Council and then back for a Final Site Plan to Plan Commission.

Trotter replies yes.

Schaffer asks if there are additional questions from the Members.

Hearing none, Schaffer calls the petitioner forward.

Crystal Welsh (1009 S Ninth St) states she is representing Sterling Group and Bess Development while the property owners are available in the audience as well. Welsh says this is a conceptual PUD and is hoping after the Council's approval the case will also enter into Tech Review and then be presented back to Plan Commission for the Final Site Approval. Welsh states not only is housing critical for the city, but housing for seniors especially. These units will allow for individuals who would need independent living/care and those who need more assistance. She says it will be located in a great location, but set back off the street to allow for more retail opportunities (inaudible).

Schaffer asks if there are questions for Welsh.

Osborne states he has a concern with the parking being reduced to 50% (inaudible).

Welsh replies (inaudible in beginning of statement) the memory care folks will not have a car, so by the nature of those units the parking spots have been pulled. (inaudible) Welsh then says the parking that is zoned for this type of project is not necessary based on the experience (inaudible).

Osborne states there is available land on property that's not being developed.

Welsh replies, yes they did not want to over park and they wanted to provide as much green surface as possible. However, if there is concern this is an option to expand parking.

Schaffer asks if there are additional questions.

Hearing none, Schaffer opens for public comments in favor or opposition of the petition.

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

Schaffer calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation to the Common Council; Second by Shoff. Motion carries.

Schaffer- Yes
Osborne- Yes
Olson- Yes
Shoff- Yes
Walter- Yes
Thomas- Yes

STAFF ITEMS

21-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

1006 ½ Fulton St.
1101 W Garfield Ave.
3611 Oak Ridge Dr.
1018 W Wolf Dr.

Upstairs Apartment
New One Family Dwelling
New One Family Dwelling
New One Family Dwelling

Commercial

2044 Airport Dr. H#41

New Hanger

2993 Paul Dr.
3900 S Main St.
4000 S Main St.

Existing Building with New Business
Flavor Freeze
Concord Community Transportation Depot

STAFF RECOMMENDATION

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

Schaffer calls for a motion.

Osborne makes motion to approve; Second by Olson and Shoff. Voice vote carries.

Schaffer states there is an additional Staff Item.

Smith states Edgar Marino would need to be appointed to the Plat Committee and would be replacing Tori Irwin. Smith then says Staff does recommend.

Schaffer calls for a motion.

Osborne makes motion to approve; Second by Thomas. Voice vote carries.

ADJOURNMENT

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


Jeff Schaffer, President


Dave Osborne, Vice-President