

PLAN COMMISSION

-MINUTES-

**Tuesday, July 5, 2022 - Commenced at 1:45 P.M. & adjourned at 2:30 P.M.
City Council Chambers – Municipal Building**

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

MEMBERS PRESENT

Dave Osborne
Ron Davis
Mark Datema
Don Walter
Aaron Mishler

MEMBERS ABSENT

Tom Shoff
Johnny Thomas
Tory Irwin

REPRESENTING THE PLANNING DEPARTMENT

Ryan Smith, Planner

LEGAL DEPARTMENT

Maggie Marnocha

TECHNOLOGY STAFF

Matt Riggs

RECORDING SECRETARY

Jennifer Drlich

APPROVAL OF AGENDA

Motion to amend the agenda; 22-X-09 to be tabled until the September meeting; Motion by Mishler; Second by Datema. Voice vote carries.

APPROVAL OF PROOFS OF PUBLICATION

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

OLD BUSINESS

None

NEW BUSINESS

**22-Z-09 PETITIONER IS CITY OF ELKHART INDIANA BENEFIT OF DEPARTMENT OF REDEVELOPMENT
PROPERTY IS LOCATED AT VACANT LOT SOUTH MAIN STREET, 20-06-09-454-001.000-012**

Per Section 29.11.B, Map Amendments, a request to rezone the property located at Vacant Lot, South Main Street from M-2, General Manufacturing District to R-4, Multiple Family Dwelling District.

STAFF ANALYSIS

The City of Elkhart Redevelopment Commission owns a .11-acre development site on the east side of South Main Street, between Indiana Avenue and Lusher Avenue. The city has recently rezoned the 3.4-acre site to the north to R-4 for the purpose of redeveloping it as a multifamily residential project. A developer has submitted a proposal to develop the property as a multifamily development, with an anticipated 23 units and an associated building for management and community building. The city's and the developer's intention is to use this .11 acre site as part of that development. The site is located on a primary corridor within the city, and a railroad right-of-way borders its rear property line.

The M-2 zoning district is no longer the most appropriate for the site. Conversion to R-4, Multiple Family Dwelling District is appropriate because it will combine with the parcel to the north for a single development. The site plan submitted is illustrative and has not yet been submitted to the City's Technical Review process.

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 residential 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 R-4 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 uses;
- 5) The rezoning of the property to R-4, Multiple Family Dwelling District is compatible with the surrounding properties and does reflect responsible growth and development.

Smith states there were 21 letters mailed, 0 returned.

Osborne asks if there are questions from the Commission.

Mishler asks if there is a proposed plan for what the space will be used for.

Kristen Smole replies, no there is not any specific set plans as of now. However, with conversation from the developer, it looks to be proposed to be used as an amenity for the residents who will be living in the multi-family dwellings.

Datema asks if all environmental processes are followed through the EPA/state.

Smole replies, yes and goes onto explain how there are specific standards and laws for the rezoning to become residential.

Osborne calls for a motion.

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

- Osborne- Yes
- Davis- Yes
- Datema- Yes
- Walter- Yes
- Mishler- Yes

**22-X-08 PETITIONER IS SPA INC
PROPERTY IS LOCATED AT 3404 TOLEDO ROAD**

A Special Exception per Section 7.3, Special Exception Uses in the R-4, Multiple Family Dwelling District, to allow for a women's ministry home.

STAFF ANALYSIS

The petitioner owns and operates a women's ministry home that has been operating since 1998. The organization offers shelter, case management, education, meals, and other types of support to women in need due to a variety of issues, including addictions, incarceration, and homelessness.

SPA, Inc. own two properties, one in the city and one in the county. The city property comprises approximately four acres, has 20 beds, and offers the first 4-6 months of a 1 year program., as well as housing the administrative offices of the organization. The property to the east, in the county, makes up 1.5 acres, has ten beds, and is intended for women who have completed the first phase of the program and are working.

The city property was annexed in 2018. At the time the organization was expanding their facilities, and decided to apply for annexation and connect to city utilities rather than keeping their well system. The property had a special use permit in the county which recently expired, necessitating its review by this Board.

The location is appropriate and the facilities adequate for the current operation. Staff has no objections to the organization continuing to operate in its capacity at this location, and it provides a much-needed service to the community. Should the program ever expand, it will necessitate additional review by the Board through the same process.

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 has been operating at this location for over two decades;
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.

Osborne asks if there are questions from the Commission.

Hearing none, Osborne calls petitioner forward.

Ryan Smith presents himself as the petitioner.

Osborne calls for a motion.

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

Osborne- Yes

Davis- Yes

Datema- Yes

Walter- Yes

Mishler- Yes

STAFF ITEMS

22-SI-08

Vacant Lot CR 6

STAFF ANALYSIS

The petitioner owns approximately 25 acres of undeveloped land on County Road 6 west of John Weaver Parkway. They intend to develop it initially with a 144,000 square foot building fronting on CR 6 and a potential future building to the south comprising an anticipated 194,400 square feet.

In regards to the appeal from architectural standards, staff met with the petitioners Wednesday June 29 to go over the aspects of the building design that did not meet current standards to see if there would be a way to bring the design closer to conformance. Subsequently, they submitted a revision to the front façade and renderings on Friday July 1.

Changes to the design of the building include adding a color change in metal under the windows, and a projected wrap, and additional landscaping in the form of foundation plantings. This staff report will address the revised plan:

Under 24.9.B.2 (a-k), at least three out of eleven possible design treatments. At the time of application, only color change was credited to the building. However, the additional landscaping, display windows, and canopies can be credited as well. Therefore, in staff's opinion, the building now meets this section of the ordinance, and it is no longer necessary to request a variance on this part of the ordinance.

Under 24.9.C.(1,2) roofs are required to have at least one (1) vertical change of at least three (3) feet from the predominant roof design and two of a list of four design elements. No changes have been made to the proposed façade. However, staff recognizes that the style of construction, a pre-engineered industrial building, presents a maintenance issue that would likely cause problems for the end-user of the building.

Under 24.9.B.1.a (iii,iv), which requires projections and recessions, the petitioners have made an attempt to meet the code with the two pilaster-like projecting elements flanking the main entrance. And under 24.9.D.2, the building is proposed to be predominantly corrugated metal.

STAFF RECOMMENDATION

Staff recommends to approve the appeal from Section 24.9.C(1, 2) and makes no recommendation on the appeal from Sections 24.9.B.1.a (iii,iv) and 24.9.D.2.

Osborne asks Smith about recommending approval on the first item.

Smith replies, no further action is needed.

Osborne asks if there are questions from the Members.

Osborne asks Smith for more detail regarding the non-approval for the remainder of listed items.

Smith states the Plan Commission can weigh-in on whether they would be varied or not. Smith says it is a pre-engineered building which presents challenges as far as meeting the design requirements.

Smith states there were 10 letters mailed; 1 returned not in favor and 1 returned in favor.

Pat Gross (DJ Construction) introduces himself and states he is representing the petitioner. Gross states the project has an updated and additional builds/features on the property. He asks for the members to approve the new roof standards.

Osborne asks Gross if there is a considerable slope on the roof and how it slopes.

Gross replies, it slopes from East to West.

Osborne asks Gross about the type and size of gutters.

Mishler asks what will be manufactured in the building.

Gross replies the tenant is currently unknown, but could be used for light distribution such as warehousing.

William Baker (28291 CR 6) comes to the microphone and states he would like the building to look nice for the neighbors. He also states he would like it to stay residential.

Osborne asks if there are additional questions.

Datema asks if the staff would agree with the assessment Gross has stated regarding the gutters and roof slope.

Smith replies, yes.

Mishler makes motion to approve the appeal based on the petitioner's findings and facts; Second by Datema. Motion carries.

- Osborne- Yes
- Davis- Yes
- Datema- Yes
- Walter- Yes
- Mishler- Yes

22-SI-09

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.

Residential

709 Fieldhouse Avenue
152 State Street, Suites 1 and 2
631 Markle Avenue

New Single Family Residential
Suite number revision
New Single Family Residential

Commercial

650 Bullard Road
510 Benchmark Drive
3075 Belvedere Road
1301 Sanford School Road East
3075 County Road 6 West, Suites 100 & 101
Building

New Industrial Building
New Industrial Building
New RV Capground
New Address for Annexed Property
New Industrial Multi-Tenant

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

RECOMMENDATION

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

ADJOURNMENT

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

Tory Irwin, President

Dave Osborne, Vice-President

DRAFT

