

**PLAN COMMISSION
-MINUTES-**

**Tuesday, July 6, 2021 - Commenced at 1:45 P.M. & adjourned at 2:25 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- In person
Brad Billings – In person
Johnny Thomas- In person
Tory Irwin- In person
Jamie Arce (Proxy)- In person

MEMBERS ABSENT

Mary Olson
Tom Shoff
Don Walter
Ron Davis

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Planner- In person
Ryan Smith, Planner- In person

LEGAL DEPARTMENT

N/A- unable to access WebEx

TECHNOLOGY STAFF

Anthony Elkins

RECORDING SECRETARY

Kayla Jewell

APPROVAL OF AGENDA

Motion to approve by Billings; Second by Thomas. Voice vote carries. (not recorded via WebEx)

ELECTION OF A PRESIDENT

Motion to approve by Billings; Second by Thomas. Voice vote carries. (not recorded via WebEx)

APPOINTMENT OF THE BZA

(not recorded via WebEx)

APPROVAL OF MINUTES

Motion to approve by Osborne; Second by Thomas. Voice vote carries. (not recorded via WebEx)

APPROVAL OF PROOFS OF PUBLICATION

Motion to approve by Billings; Second by Davis. Voice vote carries. (not recorded via WebEx)

OLD BUSINESS

None

NEW BUSINESS

21-SUB-04 PETITIONER IS BARAK GROUP LLC

PROPERTY IS LOCATED AT VACANT LOT HAINES DRIVE, HAINE'S LEXINGTON LANDING LOT 2

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'The Villas of Lexington Landing, Phase 2', a fourteen (14) lot subdivision; a part of the Southeast Quarter of Section 1 and the Northeast Quarter of Section 12, Township 37 North, Range 4 East, Baugo Township, Elkhart County, Indiana. This request represents approximately 2.3 acres.

STAFF ANALYSIS

The petitioner is requesting preliminary approval of a fourteen (14) lot subdivision. The total area contained in the request is +/- 2.3 acres. The proposed subdivision will reorient an existing fifteen (15) foot drainage easement to match the location of the storm sewer between lot 10A and 11A.

The land is to be developed with fourteen (14) single family attached dwelling units as approved by the establishing ordinance for the second phase of the Villas at Lexington Landing PUD, Ordinance No. 5848 approved by the City Council on June 7, 2021.

The revised configuration of the lots meets the minimum size requirements of the zoning district.

STAFF RECOMMENDATION

The Staff recommends approval of the fourteen (14) lot subdivision, a Preliminary Plat for a subdivision to be known as 'The Villas of Lexington Landing, Phase 2,' and approval of extinguishing a fifteen (15) foot storm drain easement and creation of a new fifteen (15) foot drainage easement shared equally between Lot 10A and Lot 11A, based on the following findings of fact:

- 1) The lot meets the minimum lot area requirements for the PUD, Planned Unit Development District;
- 2) The proposed request results in the creation of fourteen (14) lots as defined by the Zoning and Subdivision Ordinance. This request will also extinguish an existing fifteen (15) foot Storm Drain Easement and establish a fifteen (15) foot drainage easement between Lot 10A and Lot 11A as depicted on the preliminary plat;
- 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.

Smith states there were 19 letters mailed, 1 returned in favor with no comment.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Bob Heiden (325 S Lafayette Blvd South Bend) introduces himself and states he is available for any questions.

Irwin asks if there are any questions from the Members.

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

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

Trotter states there will be a third step for the final site plan.

Irwin calls for a motion.

Osborne makes motion to approve with conditions; Second by Billings. Motion carries.

Osborne- Yes
Billings – Yes
Thomas- Yes
Irwin- Yes
Arce- Yes

21-SUB-05 PETITIONER IS 500 MAIN LLC (EDWARD F BRADLEY, MEMBER), CITY OF ELKHART, BY AND THROUGH ITS BOARD OF PUBLIC WORKS AND THE CITY OF ELKHART, BY AND THROUGH ITS REDEVELOPMENT COMMISSION

PROPERTY IS LOCATED AT 500 S. MAIN STREET AND THE MARION STREET PARKING GARAGE
Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Marion Street Redevelopment Plat', a four (4) lot subdivision located at 500 S Main Street; a part of the Southeast Quarter of Section 5, Township 37 North, Range 5 East, Concord Township, Elkhart, Indiana. To also re-establish a new street right of way – Hug Street and to dedicate additional right of way along existing building at 500 S. Main Street. This request represents approximately 2.609 acres. This is a re-application of 19-SUB-02, which was approved on March 4, 2019 but not recorded, and has since expired.

STAFF ANALYSIS

The petition is joint application by 500 Main LLC (Edward F Bradley, member), City of Elkhart, by and through its Board of Public Works and the City of Elkhart, by and through its Redevelopment Commission. The site is 500 S. Main Street and the Marion Street Parking Garage. The subdivision to be known as 'Marion Street Redevelopment Plat'.

The petitioners wish to subdivide the land into four (4) lots, with one area known as Lot 5 as a loading dock. The proposed Lot 1 will contain the 500 S. Main hotel building. Lot 2 is the western portion of the Marion Street parking garage. Lot 3 is the eastern portion of the Marion Street parking garage. Lot 4, which is unbuildable, will be used for a future parking area. The area labeled Lot 5 on the preliminary drawing is a loading platform for businesses in the area – it too is unbuildable at only 577 square feet.

Land will also be dedicated as a part of this request. The land adjacent to the proposed Lot 1 will be dedicated to the City of Elkhart. Additionally, the land south of the parking garage will reestablish Hug Street to the eastern edge of the proposed Lot 4. The preliminary request has been submitted to the Board of Public Works. The Board is contemplating an amendment that the proposed area to be dedicated between Lot 1 and Lot 2 be an access easement rather than a right of way.

The land referenced in this petition is currently zoned CBD, Central Business District.

STAFF RECOMMENDATION

The Staff recommends approval of the four (4) lot subdivision with one (1) undevelopable parcel known as Lot 5, a Preliminary Plat for a subdivision to be known as 'Marion Street Redevelopment Plat' and approval to dedicate right of way and to reestablish Hug Street based on the following findings of fact:

- 1) The lot meets the minimum lot area requirements for the CBD, Central Business District;
- 2) The proposed request results in the creation of four (4) lots as defined by the Zoning and Subdivision Ordinance with one undevelopable parcel known as Lot 5. This request will also dedicate right of way adjacent to Lot 1 and reestablish Hug Street;
- 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.

Irwin calls for a motion.

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

Osborne- Yes
Billings – Yes
Thomas- Yes
Irwin- Yes
Arce- Yes

**21-PUDA-03 PETITIONER IS MARK T. IAMMARTINO AS CONSOLIDATED ESTATE TRUSTEE AND SUCCESSOR
IN INTEREST TO KRK INVESTMENTS, INC.
PROPERTY IS LOCATED AT 1710 Leer Drive**

Per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Park Six Planned Unit Development ordinances approved by the Elkhart County Commissioners numbered 85-35 and 88-35 to change the underlying zoning district from M-1, Limited Manufacturing to B-3, Service Business District.

STAFF ANALYSIS

The site at 1710 Leer Drive is located within the Park Six Industrial Park north of CR 6 west of CR 11. The area was annexed to the City in 2015. The site in question is located at the front of the park where for a number of years, a former payroll processing company operated. This would allow the proposed use to fit well in the building with few alterations needing to be made. The front part of the park where the building is located, has more commercial uses with more intense uses as you move toward the back of the park. The petitioner(s) are seeking to amend the Planned Unit Development to redevelop the site for office space with a retail showroom for medical equipment and supply company for patient use in the home. Equipment can be rented or purchased. Examples of equipment items include: hospital beds, commodes, patient lifts, bath items, lift chairs, bathroom aids, cpap/bipap devices, wound supplies, nebulizers, wheelchairs, incontinence items, bed rails, canes, walkers, crutches, walking boots, knee scooters, wrist and knee braces, etc. The number of employees will be 4 in the beginning and additional will be added as needed with an anticipation of 20-25 employees on site as the business grows. The hours of operation will be Monday - Friday 9am to 5pm.

The other part of the building will be used as an alternative wellness center focusing on neuro feedback and IV therapy. From information provided to staff – neurofeedback, also known as EEG (electroencephalogram) biofeedback, is a therapeutic intervention that provides immediate feedback from a computer-based program that assesses a client's brainwave activity. The program then uses sound or visual signals to reorganize or retrain these brain signals. By responding to this process, clients learn to regulate and improve their brain function and to alleviate symptoms of various neurological and mental health disorders.

It is used in children, adolescents, and adults with seizure conditions, behavior disorders, attention deficits and autism. Other people that seek treatment for ongoing developmental delays, acquired brain injuries, birth trauma, anxiety, depression, post-traumatic stress disorder and stress-related problems. Additionally, insomnia or interrupted sleep patterns, as well as those with age-related cognitive loss, may seek out this treatment. Neurofeedback may also be used as an adjunct intervention with other forms of therapy. Onsite treatments will be administered by trained professionals certified in such therapy.

IV therapy is a delivery method for fluids and medication. "IV" stands for intravenous, which means it's administered through the veins. The fluid that contains vitamins and minerals or medication is delivered via an IV drip or injection into the vein, which allows the therapy to move quickly through your bloodstream. Renovar will have a Licensed Nurse Practitioner onsite to administer the therapy. Typical uses of this therapy include general wellness, vitamin deficiency and flu/rehydration.

STAFF RECOMMENDATION

The Staff recommends approval of the major amendment to the Planned Unit Development based on the following findings of fact:

- 1) The Comprehensive Plan calls for this area to be developed with industrial uses. The proposed use is compatible with other commercial uses found in the area.
- 2) The proposed uses should not impact the other permitted uses approved for this PUD. The proposed use should not negatively impact surrounding properties. The site has adequate parking for both customers and for delivery vehicles used in the daily operation of the business.
- 3) The proposed uses are compatible and similar in intensity with other retail activity that currently exists in the development.

Trotter states there were 9 letters mailed, 1 returned not in favor with comments. Comments were:

Plan Commission,

We received a notification regarding a public hearing for case #21-PUDA-03, a zoning issue at 1710 Leer Dr, Elkhart, which is the property directly west of ours. We will be unable to attend the web meeting on 7 /6/21, but wish to make our comments known to the commission.

Regarding the zoning district change from Limited Manufacturing to Service Business District, our only real concern is traffic. This industrial park has ONE entrance/exit. We have expressed in 2 letters (attached) and several phone calls to the Common Council, the Traffic Superintendent, and the Right-of-Way Engineer that traffic on and off of CR 6 is a serious concern for us. The entrance to our industrial park is a hazard on a daily basis, and with increased traffic in/out, this will become an even greater problem. Please understand our concern is for public safety. We cannot support more traffic to an area that already endangers drivers entering & exiting our facility and has great potential for causing serious accidents and even fatalities. I'm certain a traffic study would indicate that a second entrance/exit to the businesses is necessary, or at the very least, a traffic light is required. Please address the traffic issue at hand prior to adding more congestion to our business area. We appreciate your serious consideration.

Irwin asks Trotter if Kurshner is a resident on CR 6.

Trotter replies no, he owns the business across the street.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Brian Holt (10611 Edison Rd Osceola) introduces himself and states he is representing the petitioner. (Inaudible for almost the entire time Holt is speaking). Holt presents the slideshow to the Commission.

Irwin asks Holt if they have an idea on how many customers they are anticipating seeing on a daily basis.

Holt states the question will be addressed by another representative.

Jennifer Holt (10611 Edison Rd Osceola) introduces herself. (Inaudible for almost entire time Holt is speaking). Holt presents her portion of the slideshow to the Commission.

Billings states he believes there will be significantly less customers with the new business and he is glad to see something being done with the building. Billings then asks Holt if they plan to do hospital beds.

Holt replies (inaudible).

Billings states it will be similar to an Alick's Home Medical Care.

Kendra Ramseyer (52284 Durchester Ct Granger) introduces herself and states the wellness boutique helps clients focus on their mental and physical wellbeing. The medical office will offer a variety of services such as neuro feedback, IV therapy, botox, acupuncture and massage therapy which will be conducted by trained and qualified professionals. Ramseyer then says there will also a small retail store in the waiting room which will sell holistic health products such as vitamins, supplements, oils, salts, etc.

Irwin asks if this will be by appointment only and if so, how many appointments will be expected per day.

Ramseyer replies, yes it will be appointment only and she doesn't intend on more than 1 to 2 people per hour.

Irwin asks if there are additional questions from the Members.

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 Billings. Motion carries.

Osborne- Yes
Billings – Yes
Thomas- Yes
Irwin- Yes
Arce- Yes

21-R-01

Dayna Bennett introduces herself and states she is the Director of Development Services. Bennett states, "What you have before you is an amendment to a resolution that was done in 2013, where the Redevelopment Commission adopted a Declaratory Resolution to create the consolidated South Elkhart economic development redevelopment area. What that included was an opportunity for us to have some additional flexibility in encouraging economic development in this area. The amendment before you today is to amend the acquisition list; that was a part of the original, a change to the original list that was adopted in 2013 to include the Woodland Crossing Mall. You may or may not be aware that that property has recently gone up for sale. This does not mean that the city is going to engage in the purchase. We just want to ensure that we have options so that the right development occurs in that space which is so critical to that community."

Irwin asks if there are questions from the Members.

Billings asks if this is the old Pierre Moran Mall.

Bennett replies, yes.

Irwin asks when it went up for sale.

Bennett replies, we were made aware about 2 months ago that it would be put up for sale. She then states it hasn't officially been listed yet, but there may be conversations that are occurring before the official listing.

Irwin asks if there are additional questions from the Members.

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; Second by Billings. Motion carries.

Osborne- Yes

Billings - Yes

Thomas- Yes


Irwin- Yes

Arce- Yes

Trotter states 21-SI-07 will be moved to the August Plan Commission Meeting.

ADJOURNMENT

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


Tory Irwin, President


Dave Osborne, Vice-President