

PLAN COMMISSION

-MINUTES-

Monday, August 1, 2022 - Commenced at 1:45 P.M. & adjourned at 2:05 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
Ron Davis
Tory Irwin
Mark Datema
Don Walter
Aaron Mishler

MEMBERS ABSENT

REPRESENTING THE PLANNING DEPARTMENT

Ryan Smith, Planner

LEGAL DEPARTMENT

Maggie Marnocha

TECHNOLOGY STAFF

David Hopkins

RECORDING SECRETARY

Jennifer Drlich

APPROVAL OF AGENDA

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

APPROVAL OF PROOFS OF PUBLICATION

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

NEW BUSINESS

**22-FSP-05 PETITIONER IS R & R PROPERTY LEASING INC
PROPERTY IS LOCATED AT 3701 COOPER DRIVE**

As required by Section 20.7.B seeking approval for an Amendment to a Final Site Plan for a building addition totaling 10,000 square feet at 3701 Cooper Drive, Elkhart, IN.

STAFF ANALYSIS

The petitioner owns a complex of properties on Cooper Drive. As their business is growing, they are seeking to expand their facility at 3701 Cooper Drive.

They wish to receive site plan approval for the new 10,000 square addition to an existing building, The project has been submitted to and passed Technical Review. It meets all city developmental standards and would be an expansion of a permitted use in the PUD.

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 5 letters mailed, 0 returned.

Irwin asks if there are questions from the Commission.

Mishler asks what the proposed use is for the building.

Smith replies he believes they are expanding their operations, which is a manufacturing facility.

Mishler asks if Smith knows how many additional job opportunities this will create.

Smith replies, he is not sure, but the petitioner can answer that question.

Irwin calls petitioner forward.

Cara Donchak (Anchor Construction) introduces herself and replies to Mishler's question. Donchak states her guess would be 25 new job opportunities.

Rick Sotebeer also introduces himself.

Irwin calls for a motion.

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

Osborne- Yes

Davis- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Mishler- Yes

**22-FSP-06 PETITIONER IS BGN ENTERPRISES LLC
PROPERTY IS LOCATED AT 4637 CHESTER DRIVE**

As required by Section 20.10 A.2 seeking approval for an Minor Amendment to a Final Site Plan for the addition of two loading docks to an existing building at 4637 Chester Drive, Elkhart, IN.

STAFF ANALYSIS

The petitioner owns two parcels with two facilities in an industrial park PUD. They wish to add two truck docks to an existing building that already had a single truck dock. The project has passed Technical Review and meets the city's developmental standards. The Zoning Ordinance requires staff bring minor changes to developments in PUDs to the Plan Commission in writing without the need for a public hearing.

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 mostly passed the City's Technical Review Process;
4. The use conforms to the Comprehensive Plan which calls for industrial uses;
5. The proposed use should not be detrimental to the property values of adjacent properties.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Rick Sotebeer introduces himself once again.

Irwin calls for a motion.

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

Osborne- Yes

Davis- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Mishler- Yes

**22-X-10 PETITIONER IS LALLY SHOPPING MALL INC
PROPERTY IS LOCATED AT 2707 TOLEDO ROAD**

A Special Exception as per Section 13.3, Special Exception Uses in the B-3 District, to allow for the establishment of a church at an existing strip mall at 2707 Toledo Road.

STAFF ANALYSIS

The petitioner owns a strip mall built in 1990 on Toledo Rd., an auto-oriented thoroughfare on the southeast edge of town with a mix of uses including commercial, industrial, and residential uses. As a strip mall, the interior space is ample for a church and there is ample parking for the church, and its operating hours are likely to be off-peak times for the remainder of the strip mall. There is ample space between it and any nearby residential uses, and there is an ease of access being located on a major road. It's unlikely that the use as a church will have a detriment to surrounding properties and the facilities are adequate for the proposed use.

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 there will be no exterior changes except for signage;
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.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Therese Geise (214 S Main St) introduces herself and states she is the leasing agent at Summit Ridge.

Issac and Juan Baltezar (57012 Sequoia Dr.) introduce themselves.

Geise states the property would like to be remodeled and are hoping for approval so they can move forward with signing their lease.

Irwin asks if there are any questions from the Members.

Mishler states to the Members that churches are non-taxable entities for the city.

Osborne states they would be renting the space, not yet purchasing so the landlord would be paying the real estate taxes.

Irwin calls for a motion.

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

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

**22-Z-10 PETITIONER IS SGR I LLC AND LIFE CENTER OF ELKHART COUNTY, INC.
PROPERTY IS LOCATED AT 1111 AND VACANT LAND, WEST BRISTOL STREET**

Per Section 29.11.B, Map Amendments, a request to rezone the property containing approximately fifteen (15) acres located at the southwest corner of Edwardsburg Avenue and Bristol Street from M-2, General Manufacturing District to B-2, Community Business District.

STAFF ANALYSIS

This proposed rezoning includes four parcels, one owned by Life Center of Elkhart County, Inc. (0-02-31-476-011.000-027), and three owned by SGR II (20-02-31-426-004.000-027, 20-02-31-426-002.000-027, and 20-02-31-426-001.000-027). The proposed rezoning area comprises approximately 15 acres total. It does not include the entirety of all parcels; if the rezoning is successful, the petitioners plan to reconfigure the lots and transfer all relevant properties to SGR II for the development of a medical facility. The properties are currently zoned M-2, and the proposed zoning is B-2. The B-2 zoning would accommodate the proposed use. Additionally, the M zoning along the Bristol Street corridor is a legacy zoning that is outdated. As the corridor develops towards commercial with contemporary development trends, and the Comprehensive Plan calls for the area to be developed with commercial and mixed uses, the B-2 represents a responsible zoning district for the property.

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 commercial and mixed uses;
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because it will have a positive benefit on the corridor;
- 3) The B-2 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 shifts the development possibilities from industrial to commercial
- 5) The rezoning of the property to B-2, Community Business District is compatible with the surrounding properties and does not reflect responsible growth and development.

Smith states there were 16 letters mailed, 0 returned.

Irwin asks if there are questions from the Commission.

Osborne asks if a public hearing is needed.

Smith replies, yes.

Mishler states he has questions for the petitioner.

Irwin calls petitioner forward.

Jerry Nixon (109 Wayne St) introduces himself.

Mishler asks which medical organization this would be.

Nixon replies he is not able to provide that information yet and states he will next move to Board of Zoning Appeals and Common Council and then at that time they may provide the specific medical organization.

Mishler asks if construction will begin this year or next year.

Nixon replies the first quarter of next year is when they are hoping to begin.

Mishler asks how many jobs will be available.

Nixon replies he does not have an exact number, but he knows it is not a relocation of services- it is an expansion of services.

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.

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

Osborne- Yes

Davis- Yes

Irwin- Yes

Datema- Yes

Walter- Yes

Mishler- Yes

ADJOURNMENT

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

Tory Irwin, President

Dave Osborne, Vice-President

