

original

**PLAN COMMISSION
-MINUTES-**

**Monday, January 4, 2021 - Commenced at 1:45 P.M. & adjourned at 03:17 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
Brad Billings-Webex
Mary Olson- Phone
Tom Shoff- Phone
Ron Davis-Webex
Johnny Thomas-Webex

MEMBERS ABSENT

Mike Sweet

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director for Planning- Webex
Ryan Smith, Planner-Webex

LEGAL DEPARTMENT

Randy Arndt, Deputy City Attorney- Webex

TECHNOLOGY STAFF

Victor Limon

RECORDING SECRETARY

Jennifer Drlich

APPROVAL OF AGENDA

Motion to approve by Olson; Second by Billings. Voice vote carries.

ELECTION OF OFFICES

Motion to approve by Billings; Second by Olson. Motion carries.

Osborne - Yes
Billings - Yes
Davis - Yes
Olson - Yes
Shoff - Yes
Thomas - Yes
Schaffer - Yes

APPROVAL OF MEMBERS OF PLAT COMMITTEE

Motion to approve by Olson; Second by Billings. Voice vote carries.

APPOINT MEMBERS TO BZA

Motion to approve by Davis; Second by Olson. Voice vote carries.

APPROVAL OF MINUTES FOR NOVEMBER 2, 2020

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

APPROVAL OF PROOFS OF PUBLICATION

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

OLD BUSINESS

None

NEW BUSINESS

CASE# 21-X-01 PETITIONER IS FRANCISCO SESMAS AND MARIA TORRES PROPERTY IS LOCATED AT 2215 SOUTH SIXTH 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 Center.

STAFF ANALYSIS

The petitioner owns a house that was formerly a residence on a .28-acre lot and has been using it as a daycare center for several years without the required special exception which is a violation of the zoning ordinance. Under Elkhart's zoning ordinance, a daycare in a residential house in which the provider does not live is classified as a daycare center. The business currently has a license for up to 12 children, and operates only during the summer months.

The buyer under contract, Maria Torres, currently operates several other daycares in the area. According to the Elkhart County Assessor's records state the house is 732 square feet the spatial standards for daycares are 35 square feet per child, making the space adequate for the maximum licensed capacity of 12 children. Generally speaking, Ms. Torres has a good recent record with state inspections of her operations, without an excessive number of critical violations. Records dating back to 2018 for this location have been reviewed by staff, and there have been no critical violations.

The interior of the house appears to be well established for a daycare. The exterior includes playgrounds in the front and back, and the entire property is enclosed by a fence. However, the fence has a large gate in front for the driveway; daycare staff should take care to ensure the fence is closed while children are outside. One safety violation noted that the gate was open during an inspection by the state's Family and Social Services Administration (FSSA).

The site is currently not served by sewer and water, and only a water line currently exists along Sixth Street. A sewer extension has been requested for the adjacent property to the south, and is scheduled for 2021. Should the septic system fail, it would need to be serviced until a sewer connection is available.

Staff has some concerns about the site. First and foremost are a couple of health and safety concerns. During staff's inspection, the exterior of the house had fungi growing on it. Removing this growth should be a part of normal maintenance. Additionally, the garage has a roof that's in poor condition and appears to be in danger of failing. The petitioner should repair, demolish, or block off access to the garage (with a barrier such as a fence).

Additionally, there is an unimproved driveway leading to the garage. The daycare clients are apparently using this driveway and part of the lawn area for drop off/pick up in violation of the zoning ordinance. The petitioner should install a paved parking/pick-up/drop-off area, subject to staff's prior approval.

STAFF RECOMMENDATION

The Staff recommends approval of the special exception 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 the property size is ample, the building has an ample setback from the street and is screened by a fence;
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. The petitioner or lessee shall pave a pickup/drop off area to city standards prior to the daycare's resuming operation this summer; a plan shall be submitted and approved by city staff before any work is done;
2. Property maintenance to ensure health and safety should occur prior to reopening. These include removing fungi from the house siding, and either fixing the garage roof, demolishing the garage, or placing a barrier around it.
3. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings. The fence gate should be closed while children are outdoors.
4. The facility and grounds shall be kept clean at all times.
5. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
6. There shall be no exterior display, signs, or other forms of advertising on the premises..

7. A copy of the child care license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
8. 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.
9. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
10. There shall be a maximum of twelve (12) children.
11. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by January 13, 2023.

Schaffer asks if there are questions from the Commission.

Olson asks Smith to address the utilities, as it states city utilities are not provided to this site.

Smith agrees with Olson's statement. Smith says there is a waterline. However, there is currently not a sewer. There are plans for the sewer to become available to the south property in the spring.

Schaffer asks Smith if he is understanding this special exception correctly in regards to the applicant; he has multiple home-based daycares.

Smith states daycares with five or more children have to get a special exception in most zones, regardless of location. The state considers if the structure is residential, it would be a daycare home. Smith states, the city considers if the operator actually lives on property that is when it is a daycare home. If they do not live there, it would be classified as a daycare center.

Schaffer asks if there are additional questions for the staff. Hearing none, he calls the petitioner forward.

The petitioner is not present.

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

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

Osborne asks for the conditions.

Schaffer asks Olson if her motion included the conditions in the staff report.

Olson states yes, her motion is to include the conditions in the staff report.

Thomas asks what difference there is if the daycare is during the summer time or year round.

Schaffer asks Smith if this can be answered.

Smith states that it will not make a difference and was not included in the conditions. Smith also tells Thomas if he feels that it should be added, it can be entertained. However, as presented it was not a contingent on approval.

Osborne states he has a concern that there is not a deadline as to when the improvements will be completed in order for the daycare to reopen.

Smith states this would be monitored as a matter of compliance and if the members would like a date set, this can be brought to attention.

Schaffer agrees with Osborne and asks to see a condition stating the repairs need to be addressed no later than April 30, 2021 if plans are to open on May 15, 2021.

Schaffer calls for an amended motion and an amended second for completion of improvements to be completed by the official date of May 1, 2021.

Olson makes an amended motion to approve with a Do-Pass to BZA with conditions listed in the reports and an additional condition that the improvements be completed by May 1, 2021; Second by Davis. Motion carries.

Osborne - Yes
Billings - Yes
Davis - Yes
Olson - Yes
Shoff - Yes
Thomas - Yes
Schaffer - Yes

**CASE# 21-FSP-01 PETITIONER IS GFS MERGER III LLC
PROPERTY IS LOCATED AT 2700 CASSOPOLIS STREET**

As required by Section 20.10.A.2 seeking a Minor Amendment to the Final Site Plan approval for a 460 square foot addition at an existing grocery/food store on land totaling 3.2 acres, more or less, located at 2700 Cassopolis Street, Elkhart, IN.

STAFF ANALYSIS

The petitioner owns a 13,000 square grocery/food service store located on a 3.2-acre site located at 2700 Cassopolis Street that was built in 1995. They wish to add a 460 square foot vestibule with new signage to the front of the building. The vestibule will be used primarily for storage of grocery carts, expanding the usable area within the store and updating its branding. The project falls under the threshold of 1,000 square feet typically required for a Technical Review application. The project will be required to be reviewed and approved through the Local Plan Review process with the Building Department prior to permitting.

STAFF RECOMMENDATION

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 is below the minimum threshold to be reviewed through Technical Review;
4. The use conforms to the Comprehensive Plan which is anticipated to call for commercial uses;
5. The proposed use should not be detrimental to the property values of adjacent properties.

Smith states there were 22 letters mailed, 2 returned. One in favor and one not in favor with no comments.

Schaffer asks if there are questions from the Commission.

Hearing none, Schaffer calls petitioner forward.

John Hamilton introduces himself and states he is a project manager with MS Consultants in Columbus, Ohio. Hamilton states they are the architects and engineers for Gordon Food Services. He states the project scope is the addition of a 460 sq. ft. cart room along with an updated main entrance, new exterior finishes, canopies and lastly, the facade will receive new finishes.

Schaffer asks the Members if there are questions for Hamilton.

Billings tells Hamilton he is glad to see addition for the cart room because he thought it was a Covid pick-up area.

Hamilton tells Billings, no it's an extension for the cart room which will allow for a new branding for the store at the entrance.

Schaffer asks the Members if there are questions for Hamilton.

Hearing none, Schaffer opens for public comments for the petition.

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

Schaffer calls for a motion.

Billings makes motion to approve for final site plan; Second by Osborne. Motion carries.

Osborne - Yes
Billings - Yes
Davis - Yes
Olson - Yes
Shoff - Yes

Thomas - Yes
Schaffer - Yes

CASE# 21-Z-01 PETITIONER IS H & O INVESTMENTS PROPERTY, LLC
PROPERTY IS LOCATED AT SW CORNER OF CR 6 AND STRYKER STREET

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

STAFF ANALYSIS

The petitioner is seeking to rezone the corner +/- 1.19-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 and the lot referenced today.

The new development proposal for the majority of the site was submitted for Technical Review. The proposed development, which is a permitted use, has addressed all comments raised by staff and that plan has been approved. The only portion of the site without an approved development plan is this 1.19-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 not yet addressed all comments raised from the 2019 Technical Review submittal. The Fire Department review is the only department that is approved. There are still a majority of comments outstanding and it has not been demonstrated to staff that the comments are able to be addressed. Façade, landscape, storm water retention, potable water connection and an approved Stormwater Pollution Prevention Plan (SWPPP).

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. The impact from traffic would likely be less intense as well.

Staff is not in favor of this iteration of the site development. This plan no longer provides for the B uses together along the CR 6 frontage. The previous plan allowed for similar uses to be developed together – this plan does not. The potential traffic issues associated with this plan pose a potential issue with the adjacent neighborhood. Although they are not within the City limits, staff feels this standalone B use is not favorable to the adjacent neighborhood or the City.

STAFF RECOMMENDATION

- 1) It is anticipated that once the Future Land Use map is adopted the request will not be in keeping with the comprehensive plan which will call for the area to be developed with industrial uses.
- 2) Current conditions and the character of current structures and uses in each district will be impacted because standalone commercial use will cause potential traffic congestion within the neighborhood and conflict issues with increased westbound traffic on CR 6.
- 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 B-2, Community Business District is not compatible with the surrounding properties and does not reflect responsible growth and development. This plan places a B use within an area of largely industrial uses that will potentially impact the surrounding area negatively.

CONDITIONS

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

Smith states there were 27 letters mailed, 1 returned not in favor with comments. Comments were:
Good Day to you all.

My name is Darlene Underwood and I am one of two spokes persons for the Area 6 Neighborhood which is situated just North and East of Stryker Street in Elkhart, Indiana 46514.

I received a letter from the Planning Commission in Dec. 2020 asking me if I would be in favor of a request for H &O Investment LLC to rezone the property located at the Southwest corner of CR 6 and Stryker Street from M-1 Limited manufacturing District to B-2, Community Business District.

At that time, Mr. Ryan Smith was nice enough to call me and address my issues to this subject.
I wish to thank him personally for his quick response to this problem.

I personally, have no issues with H & O Investment LLC putting a Dollar Store on that property in question.
However, after talking with many of my neighbors, the problem we all have is with H & O Investment LLC.s plans for the Parking Entrance and Exit to this Dollar Store to be added on the Side Street known as Stryker Street.

A number of these homeowners are very concerned with the traffic and the speed issues that this entrance and exit onto Stryker Street will bring onto our area 6 neighborhood roads, streets and drives.
This is an issue which all of the Area 6 neighborhood Homeowners took to the Common Council with their signed Petition which ended with the Favor of Mayor and the Council Members back in 2018 .
Therefore, I must agree with them.

Since this Stryker Streets Entrance and Exit for this Dollar Store is what is causing such an issue to this property in question.
Hopefully, I can try to explain the issue a little better.

Our Area 6 Neighborhood includes approximately 4 blocks and hundreds of homeowners on the North and East side of this property in question.
A number of these properties are connected to Stryker Street (mine included).

The Area 6 Neighborhood continues down both sides of County Road 6 until you get to County Road 11. Then they continue North and South down County Road 11 all the way to the bypass on one end and picks up at the light on the corner of County Rd. 6 and County Road 11 in the other direction to continue South to the Trailer Park on County Road 11.

First of all:

I am very sure that many of these homeowners that live close to this property and even those that are not close to that property, will be effected by the issues associated with this property in question.

Second, They did not receive a letter to ask them if they were in favor or not of this plan to add a Dollar Store to that property in question.

Third, if they had, I can safely say that most of them would have not been in favor of it .

Especially since the H &O Investment LLC is so adamant on adding their Parking Entrance and/or Exit for this Dollar General Store onto Stryker Street.

However, I believe most of the homeowners are not against the Dollar Store itself.
They simply ask the owners of this property to put their parking entrance and exit off of County Road 6 instead of letting the traffic come onto Stryker Street as a parking entrance and exit to their store.

I would go into detail as to the reasoning as to why that is, but I decided to send you the petition that the Common Council favorably agreed to and why it was recorded within the City records back in 2018 so you could see for yourself what the reasons for our objections to this parking entrance and/or exit off of Stryker Street was and still is and why this issue materialized in the first place and continues to worry us to this day.

As an argument for this issue the homeowners want to address the fact that many Dollar General Stores have just one parking entrance and exit off of a main highway.

A few homeowners point out the Dollar General Stores on County Road 12 and also the one just added at five points on 12 as having one parking entrance and exit off of the main highway. They use this as a recommendation to a point of interest.

I can only hope that H & O investment LLC has a change of heart and decides to direct their traffic parking area for their Dollar General Store to be off of County Road 6 as Mr. Ryan Smith has already suggested to them.

For if this issue goes forward, I am pretty darn sure that most homeowners in the area 6 neighborhood will be sitting at the Common Council Meeting to voice their objections.

As for me, I have told Mr. Smith how I truly would like for this issue to be over with once and for all but I am and have been obligated to continue to speak for the safety of the children of this area 6 neighborhood and for the will of the people of this area 6 neighborhood.

I thank you all for your time and attention.

Sincerely,
Darlene Underwood

Schaffer asks if there are questions from the Commission.

Schaffer asks what uses are allowed in a B2 Zone.

Trotter lists the following: appliance, convenience, dry cleaning, financial institution, grocery/food, hotel/motel, liquor, medical supply, service station, vehicle full service wash, photography studio and also anything that is permitted in B1 Zone as well.

Schaffer asks Trotter if B2 includes an example like a fast food restaurant.

Trotter replies yes it would because restaurants and catering are permitted use along with alcohol service or outdoor dining up to 50% interior seating.

Schaffer asks if there are additional questions from the Commission.

Hearing none, Schaffer calls petitioner forward.

Tom Cowen introduces himself (Cleveland, Ohio) and states Dollar General is one of his clients and that is the reason he is here today; to ask for approval on moving forward with the intended project. Cowen states Dollar General is a strong retailer who continues to invest in local communities, especially in Elkhart. This is why Dollar General is interested in the CR 6 and Stryker location as it is not being used. Cowen states there was some economic issues that were not allowing the project to move forward previously. However, now those issues have been resolved. Cowen then states the plan is to discuss the past technical review comments with the team in hopes to move forward. Cowen says Dollar General has protected their stores, customers and employees during this pandemic and has followed the CDC's guidelines. He also states Dollar General is planning to stay as the companies are committed to 15 years, plus another 20 years of extensions regarding the lease.

Whitney Pilzala introduces herself (5225 Venture Park Dr Kalamazoo, MI) states she is a civil engineer for the project and goes into detail regarding the building. The Dollar General will be about 9,000 sq. ft. and about 30 parking spaces as well as having access off of Stryker Street. She then states the access to Stryker would best fit their scenario versus having additional access points. Pilzala says Dollar General does not typically generate additional traffic. The traffic that Dollar General has is usually from people traveling to the area in the first place. She then states they intend to meet all of the necessary requirements and address additional comments from Technical Review as they have the submittal ready to given.

Osborne asks if there has been discussion of creating a joint entrance.

Ryan White (418 S. Main Street) introduces himself as the real estate broker on this project site. White explains this scenario had been discussed but ultimately it would be a safety hazard for the traffic. White states it would become an issue as traffic would be

turning right or left around trucks. For example, it would be potentially blocking the views of the drivers in order to safely exit the joint entrance. White says it was difficult for him to hear the reasoning for denial and if those could be explained again.

Trotter states, "primarily from staff's perspective there's a difference between what was proposed to us last year versus what is being proposed this year. The previous submittal allowed for the B-uses across the CR 6 frontage, it had the potential for a cluster of B-uses with a potential for rear drive, to put that traffic on the service drive. Now with this current proposal B-use is to the west have gone away because the new purchaser of the property has a much larger operation needed that frontage on 6. So now we are left with a B-use standalone by itself. That was our concern with the traffic that would be generated, with that BU standing alone and not really reflective of the area in which would be located.

White states, beforehand the front edge could have up to three retail users that would enter and exit in the same spot. He then says the entrance Trotter is speaking about is 20ft or so south of where the entrance for Dollar General is. White reiterates and questions that the scenario from last year could have up to three retail users coming out onto Stryker Street, but now with just Dollar General it is an issue.

Schaffer asks for additional questions for the petitioner.

Olson asks how many Dollar Generals are within the corporate limits of the city of Elkhart.

Cowen states he believes there are five, which there may be more that surround the city, but in the city itself five is his estimate.

Olson disagrees with Cowen's estimate and goes on to say the Dollar General, close to her, there are issues regarding mask policies.

Schaffer states this is about zoning to a B2 which means it is a decision about land use and the location of the driveway. Then this would become a staff issue through the driveway permit and the site plan process as well. Schaffer asks if this is truly a proper location for a gas station, convenience store or a restaurant with a drive-through.

White responds that it could be, however it depends.

Schaffer asks, "But from a traffic and an adjacent neighborhood, is that the type of uses? The reason I state this is, as you all know as our staff report stated, this project has been through many iterations and I'm sure Dollar General intends to develop it. But there's a chance it could fall apart tomorrow...If your client has a B2 zone, what's to stop them from coming in with a gas station, a convenience store or a drive-through restaurant?"

White responds that this is a fair question and says he recently had a situation where the county allowed zonings with specific types of conditions like restricting uses within the zone to only certain businesses.

Schaffer states to White, "The joint driveway from CR 6, and again knowing a little bit of history of this development, obviously your client made the decision at that point knowing that your client was putting two uses that said that they couldn't share traffic. And so I understand your client's perspective. Your client probably had to pick, do I do with the bigger land sale that's not going to be compatible traffic wise with my Dollar General? Or do I try and make the two go together? So from Mr. Osborne's question I understand your response. My response back is a little bit of well, that was your client's decision and I guess if we are looking at some sort of zoning commitments, I would hope that maybe you'd go back to your client or to the buyer and try to revisit that that was not a situation created by the city. That was a situation created by your client who chose that larger use that became inconsistent with the traffic from the Dollar General...It unfortunately doesn't carry a lot of favor with me personally because it was a situation you created."

White responds, "previously though, when we were dealing with Dollar General and 19, there was no curb cut to 6."

Schaffer says he understand however, through some permutations there was a curb cut to CR 6 that was approved on the other parcel which then changes the situation. He then asks how many of the Dollar Generals are owned by this particular group or have they sold it to a third party.

Cowen responds they are the developer who buy the land and then develop the land. After the development, they have a consortium of investors who want Dollar General properties and either own properties for long term or sell them to an investment group.

Schaffer asks if they are typically local owners.

Cowen replies it can local owners and they do sell to general contractors who then develop the properties.

Schaffer asks if there are additional questions from the Members.

Hearing none, Schaffer opens for public comments for the petition.

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

Billings interjects that there are four Dollar Generals within two miles.

Cowen replies to Billing's statement that within every two miles, something would be deemed convenient and that is why there are multiple Dollar Generals.

Schaffer calls for a motion.

Schaffer suggests to make a motion to table to allow the developer to refine their application to include zoning commitments that might address some of the concerns.

Olson makes motion to deny; Second by Shoff. Motion carries with a Do-Not pass recommendation to the Common Council.

Osborne - Yes
Billings - Yes
Davis - Yes
Olson - Yes
Shoff - Yes
Thomas - Yes
Schaffer - Yes

**CASE# 21-SUB-01 PETITIONER IS GOSHEN HEALTH SYSTEMS
PROPERTY IS LOCATED AT 851 PARKWAY AVENUE**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a replat of Lot 2D, as the said Lot is known and designated on the recorded Replat of the North Portion of Lot 2 in Parkway at 17 DPUD, Phase 1 to be known as 'Replat of Lot 2D in Parkway at 17 Phase 1.' This request seeks to relocate the existing twenty-two (22) foot platted ingress-egress easement immediately to the west to allow for relocated parking. The proposed ingress-egress easement will be twenty-four (24) feet in width and will directly adjacent to the future building. No lot lines will be modified and no other easements will be modified as a part of this request.

STAFF ANALYSIS

The petitioner is redeveloping the site as a medical clinic. The new building proposed to be constructed in two phases. During the site development phase of the project, it was determined the 22-foot ingress/egress easement located at the eastern portion of the lot would need to be relocated. Currently, the ingress/egress easement is directly adjacent to the eastern property line. The new location is 24 feet to the west, adjacent to the back of the second phase of the proposed new medical building. This adjustment will allow a new row of parking where the existing easement is currently located. The easement itself allows for access between the lot to the east and the lot to the south.

There will be no modifications to other easements currently recorded for this lot.

STAFF RECOMMENDATION

The Staff recommends approval of a Preliminary Plat for a replat of Lot 2D, as the said Lot is known and designated on the recorded Replat of the North Portion of Lot 2 in Parkway at 17 DPUD, Phase 1 to be known as 'Replat of Lot 2D in Parkway at 17 Phase 1.' This request seeks to relocate the existing twenty-two (22) foot platted ingress-egress easement immediately to the west to allow for relocated parking. The proposed ingress-egress easement will be twenty-four (24) feet in width and will directly adjacent to the future building. No lot lines will be modified and no other easements will be modified as a part of this request, based on the following findings of fact:

- 1) The relocation has no impact to the adjacent development/users and will not require the adjustment of any existing lot lines;

- 2) The proposed request results in the ability for the developer to add an additional row of parking at the easternmost part of the lot. This will allow for more onsite parking for the medical building;
- 3) The proposed relocation of the ingress/egress easement will not compromise any existing development. Nor will it prevent the circulation of traffic within the 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 17 letters mailed, 0 returned.

Schaffer asks if there are questions from the Commission.

Hearing none, Schaffer calls petitioner forward.

Crystal Welsh (1009 South 9th St) states, "As staff indicated when the new building proposal came about to develop the medical facility here and the pipeline was being (inaudible). It was important for us to try and maximize parking while still allowing for the ingress easement that is existing. We have communicated with both of the property owners that are impacted by this shift. They have given their permission and signed affidavit proving the shift from the easement so that can be recoded along with the plan if it is approved by the city. Again, all this does is shift so now the easement is in line with the drive aisle for the parking way.

Shaffer asks if there are any additional questions from the staff.

Hearing none, Schaffer opens for public comments for the petition.

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

Schaffer calls for a motion.

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

Osborne - Yes
Billings - Yes
Davis - Yes
Olson - Yes
Shoff - Yes
Thomas - Yes
Schaffer -Yes

**CASE# 21-FSP-02 PETITIONER IS GOSHEN HEALTH SYSTEM, INC. BEAU MCNEFF
PROPERTY IS LOCATED AT851 PARKWAY AVE**

As required by Section 20.7 B. seeking Final Site Plan approval for an 8,520 square foot medical facility with 84 parking spaces, on land totaling 2.2 acres more or less, located at 851 Parkway Avenue, Elkhart, IN.

STAFF ANALYSIS

The petitioner owns a 2-acre site at the northwest corner of the Parkway at 17 business development. The property was previously developed and used as a restaurant. The current owner wishes to redevelop the land as a medical office. The new site plan features a building to be constructed in two phases – the first phase consisting of 8,500 square feet and the second an additional 5,600 square feet – and include a total of 57 parking spaces. The new layout requires an existing access easement to be moved, which is

being simultaneously reviewed under 21-SUB-01. The project has been reviewed through Technical Review, and the petitioner is in the process of addressing staff concerns.

STAFF RECOMMENDATION

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 developer is in the process of addressing concerns raised by staff based on review of the project during Technical Review;
4. The use conforms to the Comprehensive Plan which is anticipated to call for business or mixed uses;
5. The proposed use should not be detrimental to the property values of adjacent properties.

Smith states there were 17 letters mailed, 0 returned.

Schaffer asks if there are questions from the Commission.

Hearing none, Schaffer calls petitioner forward.

Crystal Welsh (1009 S 9th St) introduces herself again and states the intent for this project is for a medical office with a pharmacy. She also mentions that Pat Gross, who is from DJ Construction, is also here to answer any questions.

Schaffer asks if there are additional questions from the staff.

Hearing none, Schaffer opens for public comments for the petition.

Limon states there is a Facebook comment from Kevin Bullard, "Will it be adequate for when CR 14 has improved to the East 2 CR 19?"

Schaffer asks Welsh if she would like to address the question, which he rephrases as if CR 14 has ever widened would there be any significant issues that would affect the building.

Welsh replies, "No, not the building. There's a pretty significant front yard setback. It may impact the drainage because there's a retention pond facility there, but obviously that's much easier to address than a building issue."

Schaffer closes the public portion of the meeting.

Schaffer calls for a motion.

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

Osborne - Yes

Billings - Yes

Davis - Yes

Olson - Yes

Shoff - Yes

Thomas - Yes

Schaffer - Yes

**CASE# 20-FSP-03 PETITIONER IS TM3 SPORTS, LLC
PROPERTY IS LOCATED AT 1162 FREMONT COURT**

As required by Section 20.7.B seeking approval for an Amendment to a Final Site Plan for three additions to the existing building totaling 48,621 square feet , 8,469 square feet of new paving and a recessed loading dock on land totaling 5.08 acres, more or less, located at 1162 Fremont Court, Elkhart, IN.

STAFF ANALYSIS

The petitioner owns an existing 50,000 square foot facility on a 5-acre site. The property is in the process of being sold to an existing business whose base is also on Fremont Court that intends to use the property as a warehouse. The use conversion will

include an expansion over two phases, with three building additions totaling 48,000 square feet, a truck dock, and 8,000 square feet of pavement. The underlying use is permitted within the district; the project has been reviewed through the Technical Review process and the applicant is in the process of providing additional details requested.

STAFF RECOMMENDATION

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 developer is in the process of addressing concerns raised by staff based on review of the project during Technical Review with some additional information pending;
4. The use conforms to the Comprehensive Plan which is anticipated to call for commercial or mixed uses;
5. The proposed use should not be detrimental to the property values of adjacent properties.

Smith states there were 9 letters mailed, 0 returned.

Schaffer asks if there are questions from the Commission.

Schaffer asks Smith if the parking will remain adequate.

Smith replies yes, it has been reviewed through Technical Review.

Schaffer calls petitioner forward.

Stephanie Floyd (58640 State Rd 15) states she is representing the buyer and the contractor. Floyd says the facility is going to be growing in size, but will be reducing in traffic because it will no longer be a sports facility, just a warehouse. She then explains the new business hours and how there will be minimal employees as well. Floyd says this will be a two phase project in which the architectural group were looking for the floor plans for more details- she mentions the plan were dropped off. Floyd also states all other items have been submitted through Technical Review.

John Sotebeer also says, in the first phase, the parking lot will be embellished and spruced up.

Schaffer opens for public comments for the petition.

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

Schaffer calls for a motion.

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

- Osborne - Yes
- Billings - Yes
- Davis - Yes
- Olson - Yes
- Shoff - Yes
- Thomas - Yes
- Schaffer -Yes

STAFF ITEMS

21-SI-01
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

2808 Woodland Estates Drive

New Single Family Residence

Commercial

801 Benham – A-M; 101-106; 110-115	Faith Mission Tiny Structures/Tiny Houses
3299 Hampton Drive	New Service Pedestal
5200 Hoffman Street	New Spec Industrial/Warehousing Building
575 Jackson Boulevard East	New Martin's Building
2000 Middlebury Street Suites 1 & 2	New Suites in Existing Industrial Building
421 Vistula Street, Suites 100 & 200	Mixed Use Building

STAFF RECOMMENDATION

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

Schaffer asks if there are questions from the Commission.

Schaffer calls for a motion.

Osborne makes motion to; Second by Olson. Motion carries.

- Osborne - Yes
- Billings - Yes
- Davis - Yes
- Olson - Yes
- Shoff - Yes
- Thomas - Yes
- Schaffer - Yes

ADJOURNMENT

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


Jeff Schaffer, President


Dave Osborne, Vice-President