

**PLAN COMMISSION
-MINUTES-
Monday, March 1, 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 Jeff Schaffer at 1:45 P.M.

MEMBERS PRESENT

Jeff Schaffer- In person
Dave Osborne- In person
Brad Billings - Webex
Ron Davis- Webex
Mary Olson- Phone
Tom Shoff- Webex
Don Walter- Webex

MEMBERS ABSENT

Johnny Thomas
Mike Sweet

REPRESENTING THE PLANNING DEPARTMENT

Ryan Smith, Planner- Webex
Nathan Hooley- Webex

LEGAL DEPARTMENT

Randy Arndt, Deputy City Attorney- Webex

TECHNOLOGY STAFF

Justin Knopsnyder

RECORDING SECRETARY

Jennifer Drlich

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES FOR JANUARY 4, 2021 AND FEBRUARY 1, 2021

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

APPROVAL OF PROOFS OF PUBLICATION

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

OLD BUSINESS

None

NEW BUSINESS

**20-ANX-03 PETITIONER IS DALJINDER SINGH
PROPERTY IS LOCATED AT VL W. HIVELY AVENUE AND S. 6TH STREET**

As prescribed by Section 29.11.B, a request to annex property at W. Hively Avenue and S. 6th Street, land containing approximately .91 acres.

STAFF ANALYSIS

This staff report is being prepared for annexation 21-ANX-03 to annex land at the intersection of W. Hively Avenue and S. 6th Street, Elkhart, Indiana 46517, Concord Township.

The property is currently zoned in Elkhart County as R-1, One Family Dwelling District and will remain the same once annexed to the City. The current use is vacant land with one single family dwelling under construction. The need for the annexation is to

allow the petitioner to connect to the City's water and sewer. This annexation is advantageous to the City as it will eventually bring three single family dwellings thus continuing to address the deficit of housing units as demonstrated by the Zimmerman Volk study. The first house is currently under construction.

The annexation request is voluntary. The property meets the contiguity requirement in order to file a petition to seek annexation. The size of the area to be annexed is approximately .91 acres. The territory to be annexed is approximately 25.64% contiguous to the current City limits, being contiguous on its northern boundary. The contiguity requirement stated in the Indiana Code is 12.5%.

STAFF RECOMMENDATION

Staff recommends approval of the annexation as described in the Legal Description contained in the Petition based on the fact that it meets all applicable requirements of IC 36-4-3, and on the following findings of fact:

1. The area to be annexed meets all applicable requirements of IC 36-4-3;
2. The Comprehensive Plan map has not been approved for this area; it is anticipated that the revised map will designate its future land use as residential.
3. The current conditions and the character of current structures under construction and future structures is consistent and the City will be enhanced by the annexation;
4. The annexation is in accordance with the most desirable use;
5. The annexation will conserve property values throughout the jurisdiction; and
6. The annexation represents responsible growth and development of the City of Elkhart.

Smith states we have not received any public comment back.

Schaffer asks if there are questions from the Commission.

Billings states he has a question for Smith. Billings asks if there will be enough room available for two additional houses on a .91 acre.

Smith replies yes, there will be. Smith states it may need a variance for the Sixth Street setback, but it is a platted block.

Schaffer asks if there are questions from the Commission.

Hearing none, Schaffer calls petitioner forward.

The petitioner introduces himself (inaudible).

Schaffer asks if there are additional questions for the petitioner.

Hearing none, Schaffer opens for public comment.

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

Schaffer calls for a motion.

Billings makes motion to approve to the Common Council with a Do-Pass recommendation with conditions; Second by Shoff. Motion carries.

Osborne - Yes
Billings - Yes
Olson - Yes
Shoff - Yes
Walter- Yes
Schaffer - Yes

21-Z-02 PETITIONER IS GLENN W LEMMON AND MITCHELL JELLISON INC.
PROPERTY IS LOCATED AT 2704 TOLEDO ROAD AND VAC-LOT TOLEDO ROAD

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.

CONDITIONS

If the Plan Commission chooses to approve this request, staff recommends the following conditions be placed upon the approval:

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

Smith states there were 14 letters mailed, 1 returned in favor with no comment.

Schaffer asks if there are questions from the Commission.

Hearing none, Schaffer calls petitioner forward.

Terry Lang (715 S Michigan St South Bend) introduces himself and states he has nothing additional to add.

Schaffer asks if the Members have any additional questions for Lang.

Hearing none, Schaffer opens for public comment.

Tammy Lemak introduces herself and states she lives next door to the property. She would like to know what the noise and pollution level will be like and what exactly is going into the building.

Schaffer asks if there are additional statements or questions for public comment.

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

Schaffer asks Lang to address Lemak's questions. Lang states Lemak will be next to the North end part of the property, which is in the middle of the industrial property. The proposed use for the property is a warehouse and potentially in the future, used for Flexgo.

Schaffer asks, "Are those people who are currently in the same overall development, just an expansion of existing uses in the development?"

Lang states, "Yes, Flexgo is located further to the west of the site and further north of the site."

Schaffer asks, "So, at this point, not necessarily a new user that's proposed to come in, just an expansion of the existing."

Lang tells Shaffer that is correct.

Olson states Flexgo has a wonderful history with Elkhart and is a responsible company.

Billings states he sees there will be a relocation of the sanitary sewer for a later date and it runs under the proposed building. Billings asks if it would be better to move that now or to have plans prior to putting the building in.

Lang states the city has no record of it whatsoever and he believes it is probably abandoned. Lang says for the first phase of the project the area is being avoided. This will allow for time to further investigate and if necessary relocate or vacate it.

Schaffer calls for a motion.

Osborne makes motion to approve to the Common Council with a Do-Pass recommendation with conditions; Second by Olson. Motion carries.

Osborne - Yes

Billings - Yes

Davis - Yes

Olson - Yes

Shoff - Yes

Walter- Yes

Schaffer - Yes

**21-X-05 PETITIONER IS ELKHART COMMUNITY SCHOOLS
PROPERTY IS LOCATED AT 2720 CALIFORNIA RD.**

A Special Exception, R-1, One-Family Dwelling District, to allow for the expansion of an educational facility on an existing campus. Also a Special Exception to allow the installation of two (2) above ground fuel tanks in a M-2 General 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.

Schaffer asks if there are questions from the Commission.

Davis asks if all of the safety requirements have been met, especially the state's requirements for an above ground storage tank.

Hooley states that would need to be looked into and could be a building department question.

Olson asks if there will be any screening or protection to stop intruders. While it goes through Tech Review, will it be something that is discussed.

Hooley states from the site inspection, it appears the area that the fuel tanks are located will be fenced off.

Schaffer asks if there are additional questions.

Hearing none, Schaffer calls petitioner forward.

Andrew Cunningham (inaudible- S. Lafayette Blvd South Bend) introduces himself and addresses the two previous questions. Cunningham states regarding screening and security, there are existing fences there and there are plans to add additional fencing. Screening is something that can be taken into consideration to be added. Cunningham also responds to Olson's second question and states the residential area will be screened.

Schaffer repeats Davis' question; the safety review of the tank, is that done by the building department or is it done by the state.

Cunningham says there will be a safety review from the state (inaudible comments after).

Schaffer asks if the Zoning Department will receive a copy of the state approval.

Cunningham states that is something that can be done.

Schaffer states this is a condition that will be suggested to the BZA.

Schaffer asks if there are additional questions for the petitioner.

Hearing none, Schaffer opens for public comment and mentions that this will be moving forward to the BZA.

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

Schaffer calls for a motion and a proposed condition to the BZA that the final safety approval for the above ground storage tank be provided to the planning and zoning staff.

Olson makes motion to approve to the Board of Zoning Appeals with a Do-Pass with added conditions; Second by Shoff. Motion carries.

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

STAFF ITEMS

21-SI-03

Plan Commission approval of proposed address for the City of Elkhart

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

146 State Street, Apartments 1 & 2

2 Apartments in existing residential structure

Commercial

500 Benchmark Drive

Alliance RV – New Building

217 County Road 17, # 101 & 102

Two existing buildings on commercial site

3245 Northview Drive Suites 1 & 2

Suite split in existing strip mall

299 West Wolf Avenue

New Electrical Box

Schaffer asks if there are questions from the Commission.

Hearing none, Schaffer calls for a motion.

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

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

UPDATE

Smith introduces Nathan Hooley and states he is a new planner and will be joining Plan Commission meetings. He then states he is looking for two volunteers; to update the sign section of our ordinance and create a small committee/work group with stakeholders. We would like two members in that task.

Billings states he would be interested.

Schaffer also states he would be interested.

Schaffer asks if there are additional staff items.

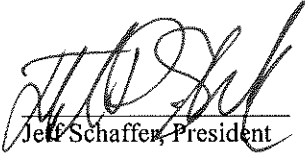
Smith states there is not.


Schaffer calls for a motion.

Schoff makes motion to approve; Second by Sweet. Voice vote carries.

ADJOURNMENT

Schaffer calls for a motion to adjourn meeting. Billings approves motion to adjourn and is seconded by Davis. Meeting is adjourned at 2:25pm and all are in favor.


Jeff Schaffer, President


Dave Osborne, Vice-President