

PLAN COMMISSION
-MINUTES-
Monday, January 6, 2025 - Commenced at 1:45 P.M. & adjourned at 2:13 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

Tory Irwin
Diana Lawson
Rochali Newbill
Aaron Mishler
Ron Davis

Members Absent.

Christopher Baiker
Dan Boecher
Dave Osborne

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director of Planning

LEGAL DEPARTMENT

Maggie Marnocha, Corporation Counsel

RECORDING SECRETARY

Carla Lipsey

APPROVAL OF AGENDA

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

APPROVAL OF OCTOBER 2024 MINUTES

Motion to approve by Lawson; Second by Davis

APPROVAL OF PROOF OF PUBLICATION

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

ELECTION OF OFFICERS

Irwin announced that not all members were present for today's meeting. As a result, we will temporarily elect officers until all members can be present for a permanent election for the year. Irwin then asked for nominations for the position of Temporary Vice President. Lawson nominated Aaron Mishler for Temporary Vice President, and Davis seconded the motion.

Lawson nominated Aaron Mishler for Temporary Vice President. Seconded by Davis. Voice vote carries

Davis-Yes
Newbill-Yes
Lawson-Yes
Irwin-Yes
Mishler-Yes

Mishler nominated Tory Irwin for Temporary President, Seconded by Davis. Voice vote carries

- Davis-Yes
- Newbill-Yes
- Mishler-Yes
- Lawson-Yes
- Irwin-Yes

Trotter informed Irwin that a temporary secretary should be nominated for today's meeting.

Lawson nominates Rochali Newbill as Temporary Secretary. Seconded by Mishler. Voice vote carries.

- Lawson-Yes
- Mishler-Yes
- Newbill-Yes
- Davis-Yes
- Irwin-Yes

NEW BUSINESS

24-SUB-05 PETITIONER IS Habitat for Humanity of Elkhart County & KTK Properties LLC

PROPERTY IS LOCATED AT 3105 Homer Avenue

Per Article 4 of the Subdivision Ordinance, approval of an amended Preliminary Plat for a subdivision known as 'Homer Avenue Subdivision,' to add an additional six (6) lots to the original ten (10)-lot subdivision request; a part of the Southeast Quarter of Section 16, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana.

STAFF ANALYSIS

The request is to amend the Preliminary Plat for the subdivision known as 'Homer Avenue Subdivision.' The amendment will add an additional six (6) lots to the original ten (10)-lot subdivision approved by this body in August 2024. The land is located in a part of the Southeast Quarter of Section 16, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana.

The petitioner is purchasing land north of the previously approved subdivision to add an additional six (6) lots to the ten (10) previously approved. This request would bring the total acreage to approximately 5.89 acres (including right-of-way). The property is zoned R-2; single-family residences are permitted use in the R-2 District and have a minimum house size of 950 square feet; in the case of two-story houses the first floor must contain 600 square feet.

This phase also has an existing single-family dwelling. It is owned by the seller and will remain owned by KTK Properties. The proposed subdivision will incorporate the home as the proposed Lot 16.

The planned layout will finish the connection to phase one out to Homer Avenue. The new phase will also connect to the planned retention found in phase one. The layout will include five-foot sidewalks to facilitate pedestrian use. This plat includes required setbacks that demonstrate that each lot is buildable.

The west boundary of this subdivision is Manning Ditch, which is a county-regulated drain. All construction will be outside the required 75' setback. The petitioner is seeking permission to overflow into the ditch for

stormwater. At the time of the writing of this report – the approval from the Elkhart County Drainage Board was not finalized.

The project meets the requirements of the Zoning and Subdivision Ordinances including lot size, layout, and street width. It has not been submitted yet to the city's Technical Review process but will be required to do so and pass prior to construction.

Staff Recommendation

Per IC 36-7-4-702, a plan commission must consider when determining whether to grant primary/preliminary approval of a plat, the plan commission shall determine if the plat or subdivision qualifies for primary/preliminary approval under the standards prescribed by the subdivision control ordinance.

Under the 700 Series of the Indiana Code Statutes, the review of primary/preliminary plats are ministerial and if the proposed preliminary/primary plat has adhered to all of the requirements prescribed by the subdivision control ordinance, the plan commission must grant approval, thereby,

The City of Elkhart Planning Staff has reviewed the subject petition and recommends **approval** to amend the Preliminary Plat for a subdivision to be known as 'Homer Avenue Subdivision,' for a now sixteen (16)-lot subdivision; a part of the Southeast Quarter of Section 16, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana.

The lots meet the minimum lot area requirements for the R-2, One-Family Dwelling District;

- 1) All 16 (adding 6 with this request) proposed single-family lots meet all of the bulk standards of the R-2 Zoning District, One-Family Dwelling District, specifically, minimum lot size, lot frontage, and property development setbacks;
- 2) In review of the proposed preliminary plat for a new major subdivision, Staff finds the petitioner has demonstrated compliance with all the enacted regulations of both the City of Elkhart Zoning and Subdivision Control Ordinance.

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.

- 4) The project must be reviewed and approved through the City's Technical Review process prior to the submission of the final plat to the Plat Committee.

Trotter notes that 22 letters were mailed, and none were returned.

Irwin asks if there are questions from the Commission.

Mishler asks whether this will be a cul-de-sac or a through road.

Trotter responded that, if you examine the included materials, you'll notice that the southern half was approved in August. At that time, it included a stub street to the north, as they were negotiating with the property owner. Those negotiations have since concluded, and the property owner is now a joint petitioner for today's proposal. They plan to extend the street into a loop, creating a large U shape that will connect both the north and south to Homer Avenue. This current phase, along with the previous phase, will feature single-family homes that will be part of the new subdivision.

Mishler responds, Thank you.

Irwin calls the petitioner forward.

Crystal Welsh from Abonmarche, located at 303 River Race Drive, is representing Habitat for Humanity alongside Greg Cunningham. The petitioner is requesting an amended Preliminary Plat for a subdivision known as the Homer Avenue Subdivision. If approved today, we will proceed to the final approval stage. We have oversized the retention pond to accommodate the new lots without changing its size or location. We hope this will move forward smoothly, so we are here to seek your approval.

Cunningham mentioned that, based on our previous conversation about the ten lots, there is a significant need for housing in the area. Currently, approximately 30 families are waiting for Habitat housing. We are enthusiastic about this project because we have already built four to five homes in the vicinity, all of which meet or exceed community standards. These new homes and lots will be designated for owner-occupied single-family residences.

The house we initially acquired for this project underwent a complete renovation, and we successfully moved a family into it at the end of the year. This home has been extensively remodeled from top to bottom, and the family is thrilled to be living there. We believe this project will positively transform the density of the area. Overall, we think this is an excellent initiative for both the neighborhood and Habitat for Humanity.

Newbill asks if this is a one-story or two-story home.

Cunningham replies that there are two homes on the property. One is a tri-level home that they acquired and renovated, while most of the other homes in the area are single-story. The other owner is keeping their property as a rental and is maintaining it as a single-story home. Overall, their homes consist of a mix of one-story and two-story designs.

Inaudible

Cunningham explains that the minimum requirement for the smallest house they build is a 1,200-square-foot home with three bedrooms and one and a half baths. For families of different sizes or single individuals, they also offer a two-bedroom, one-and-a-half-bath home that is 1,000 square feet, which would be the smallest option available. However, the majority of their homes are three to four bedrooms.

Newbill asks whether the guideline changes based on income.

Cunningham states every year the guideline goes up we are averaging 30-80 % income.

Newbill states that there will be no interest for 30 years.

Cunningham responded that we would remain interest-free for the duration of the loan.

Mishler asks if you provide new owners with a copy of the city's welcome pamphlet that includes information about trash pickup and utility services.

Cunningham replies that we provide them with a homeowners manual as part of our educational partnership. We have code enforcement come and conduct a two-hour session on being a good neighbor, and we provide the information at closing.

Mishler states, Thank you. I want to express that with the recent passing of Jimmy Carter, we have an opportunity to vote on something he cared deeply about: Habitat for Humanity. Thank you for bringing this to our attention.

Irwin opens for public comments in favor or opposition to the petition.

Ralph Spelbring of 236 Bank St. asks the board about the minimum lot size required for a single-family house in the city of Elkhart.

Irwin replied that you are welcome to consult with the staff to get that answered.

Irwin asks if there are questions from the Commission.

Irwin calls for a motion.

Mishler makes a motion to **approve** 24-SUB-05 with a Do-Pass Recommendation; Second by Newbill. Motion carries

Davis -Yes

Newbill-Yes

Mishler-Yes

Lawson-Yes

Irwin- Yes

24-Z-08 PETITIONER IS Vashu Motels

PROPERTY IS LOCATED AT 2807 Cassopolis St

Per Section 29.11.B, Map Amendments, a request to rezone 2807 Cassopolis Street (02-20-454-018) which has two zoning classifications, from B-3, Service Business District and M-1, Limited Manufacturing District to B-3, Service Business District for the entire parcel.

Staff Analysis

The petitioner is requesting a rezoning to allow the hotel site to be redeveloped as a drive-thru coffee shop. The current zoning has the parcel split with two separate zoning districts – B-3, Service Business District at the east end, and the west end being M-1, Limited Manufacturing District. The reason for the request is the mix of zoning found on the site; with B-3, Service Business District being the zoning classification for the entire site.

Staff supports the request. The manufacturing zoning is no longer appropriate for this corridor and the rezoning will make the redevelopment of the site easier. Approving the rezoning would allow for the reuse of the property to a desired use and provide for new investment along this critical corridor. Redevelopment of the site will improve the sense of welcome and Elkhart community image as discussed in the Comprehensive Plan. City staff welcomes this new development.

The parcel is surrounded by other long-established commercial uses. A conceptual site plan of the drive-thru is included in the packet. The project will still need to be submitted for review and approval for Technical Review as well as approval from the Indiana Department of Transportation (INDOT).

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 uses;
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because the proposed use will blend well with the surrounding commercial and restaurant uses;
- 3) The B-3, Service Business 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 other commercial uses;
- 5) The rezoning of the property to B-3, Service Business District is compatible with the surrounding properties and does reflect responsible growth and development because the redevelopment as a drive-thru coffee shop is permitted within the B-3 District.

Trotter states there were 15 letters mailed and 0 returned.

Irwin asks if there are questions from the Commission.

Newbill inquired about the meaning of the project's submission status.

Trotter responds that since it is adjacent to State Road 19, INDOT must consider the curb cuts due to the use change.

Mishler asks if we know the name of the coffee chain.

Trotter indicates that the petitioner is online and can share that with us.

Irwin officially states that the picture included in the packet is incorrect.

Trotter responds, I apologize; I am aware.

Irwin calls the petitioner forward.

John Schebaum, BFA, Civil Engineer, and Roger Franz, the developer for the project, are representing the petitioner who is seeking approval for a rezoning of the property. The aim is to redevelop the hotel site into a drive-thru coffee shop. Currently, the parcel is divided into two separate zoning districts: B-3 (Service Business District) on the east end and M-1 (Limited Manufacturing District) on the west end.

Mishler asks if you can tell us the name of the coffee chain.

Schebaum responded that the name of the coffee shop is Seven Brew.

Irwin opens for public comments in favor or opposition to the petition.

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

Irwin calls for a motion.

Mishler makes a motion to approve 24-Z-08 with a Do-Pass Recommendation to Common Council; Second by Newbill.
Motion carries

Mishler-Yes

Newbill-Yes

Lawson-Yes

Davis-Yes

Irwin-Yes

25-SI-01 PETITIONER IS City of Elkhart Planning & Zoning Department

PROPERTY IS LOCATED AT City Of Elkhart

The Planning and Zoning Department is requesting approval of the addresses that have been reserved for structures in the City of Elkhart.

Residential

2619 Greenleaf Boulevard new single-family dwelling 02-34-376-027

Commercial

914 Thomas Street new lift station (TBD)

2620 Ada Drive new fire station 02-26-126-026

Industrial Subdivision

| | |
|-----------------------------|--|
| 4703 Elkhart East Boulevard | 22428 Elkhart East Boulevard |
| 4704 Elkhart East Boulevard | 53050 Elkhart East Boulevard |
| 4708 Elkhart East Boulevard | 2 Elkhart East Boulevard |
| 4800 Elkhart East Boulevard | 22365 Elkhart East Boulevard |
| 4805 Elkhart East Boulevard | 22344 Elkhart East Boulevard |
| 4901 Elkhart East Boulevard | VL Elkhart East Boulevard (20-02-25-203-005.000-026) |
| 4902 Elkhart East Boulevard | 22285 Elkhart East Boulevard |
| 5000 Elkhart East Boulevard | 22105 Elkhart East Boulevard |
| 5005 Elkhart East Boulevard | 22158 Elkhart East Boulevard |

2500 Columbia Drive
2505 Columbia Drive
2600 Columbia Drive
4801 Challenger Drive
4903 Challenger Drive
5001 Challenger Drive
2503 Discovery Drive
2507 Discovery Drive
2601 Discovery Drive
5003 Endeavour Drive
5100 Endeavour Drive
2605 Market Court
2608 Market Court
2612 Market Court

53320 Columbia Drive
53345 Columbia Drive
53208 Columbia Drive
22420 Challenger Drive
22290 Challenger Drive
22150 Challenger Drive
53339 Discovery Drive
53279 Discovery Drive
53149 Discovery Drive
22158 Endeavour Drive
22047 Endeavour Drive
53211 Market Court
53174 Market Court
53124 Market Court

RECOMMENDATION

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

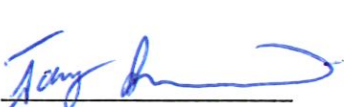
Irwin asks if there are questions from the Commission.

Irwin calls for a motion.

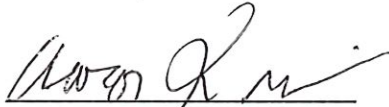
Davis makes a motion to **approve** 25-SI-01 with a Do-Pass Recommendation; Second by Mishler. Motion carries

ADJOURNMENT

Lawson makes a motion to adjourn; Second by Mishler. Motion carries



Tory Irwin, President



Aaron Mishler, Vice-President