

AGENDA
ELKHART CITY PLAN COMMISSION
MONDAY, December 2, 2024 AT 1:45 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

THIS MEETING WILL BE HELD ELECTRONICALLY VIA WEBEX.

This meeting can also be accessed via WebEx. To join, go to <https://signin.webex.com/join>, enter **2318 992 3329** as the meeting number, and "**Plan2024**" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to Carla.Lipsey@coei.org prior to the meeting.

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES September 2024**

4. **NEW BUSINESS**
Staff Item
24-SI-08- Acceptance of Street Name Change
Approval of Street Name Change for the City of Elkhart.

Presentation to the UDO

5. **ADJOURNMENT**

PLEASE REMEMBER TO USE YOUR MICROPHONE WHEN SPEAKING.
ERRORS IN THE MINUTES MAY RESULT DUE TO VOICES BEING INAUDIBLE.

PLAN COMMISSION

-MINUTES-

**Tuesday, September 3, 2024 - Commenced at 1:45 P.M. & adjourned at 2:46 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
Dave Osborne
Dan Boecher
Diana Lawson
Rochali Newbill
Ron Davis
Christopher Baiker
Aaron Mishler

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director of Planning

LEGAL DEPARTMENT

Maggie Marnocha, Corporation Counsel

RECORDING SECRETARY

Jen Drlich

APPROVAL OF AGENDA

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

APPROVAL OF PROOF OF PUBLICATION

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

APPROVAL OF MINUTES

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

OLD BUSINESS

None

NEW BUSINESS

**24-SUB-02 PETITIONER IS Almac Development
PROPERTY IS LOCATED AT 2700 Jeanwood Drive**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a two-lot subdivision; to be known as 'Pio Minor Subdivision', a two (2) lot subdivision, a part of the Northwest Quarter of Section 26, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana. This request seeks to also establish a Cross Access easement on Lot 1 for the benefit of Lot 2.

STAFF ANALYSIS

The petitioners is requesting approval of a two (2) -lot subdivision of land that is part of the Northwest Quarter of Section 26, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.

The proposed subdivision will reconfigure the exiting parcel lines to accommodate the southern parcel made larger for development. The request will also establish a cross access easement on Lot 1 for the benefit of Lot 2.

The project has been reviewed and approved at Technical Review. This board submittal is the last remaining item to be addressed.

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 Statues, 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 Staff recommends **approval** of the two lot subdivision, to be known as 'Pio Minor Subdivision,' a two (2)-lot subdivision; a part of the Northwest Quarter of Section 26, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, based on the following findings of fact:

- 1) The lots meet the minimum lot area requirements for the M-2, General Manufacturing District;
- 2) The proposed request results in the creation of two (2) lots as defined by the Zoning and Subdivision Ordinance with the established cross access easement;
- 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.

- 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 states that eight letters were mailed, but none were returned.

Irwin asks if there are questions from the Commission.

Mishler asked, What are they planning to put here.

Trotter replies, Petitioners are here. I believe it's a manufacturing facility.

Irwin calls the petitioner forward.

Jeff Gastel from JPR 325 S. Lafayette is representing and is speaking on behalf of the petitioner. The petitioner is seeking to add a manufacturing facility. Everything has been submitted and approved, and we are ready to move on to the next step. With the approval of the final plat, we will be submitting the final plat at the next deadline.

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-SUB-02 with a Do-Pass Recommendation with listed conditions; Second by Newbill. Motion carries

Davis -Yes
Boecher-Yes
Lawson-Yes
Baiker-Yes
Mishler-Yes
Newbill-Yes
Osborne-Yes
Irwin-Yes

NEW BUSINESS

24-Z-04 PETITIONER IS Annette Peoples

PROPERTY IS LOCATED AT Vacant Lot (1700 block) Oakland Avenue; Parcel 20-06-07-430-022.000-012
Per Section 29.11.B, Map Amendments, a request to rezone 1723 Oakland Avenue (06-430-022) from R-4, Multiple Family Dwelling District to R-2, One Family Dwelling District.

STAFF ANALYSIS

The petitioner is requesting a rezoning from R-4, Multi Family Dwelling District to R-2, One Family Dwelling District with the intent of constructing two (2) single family residential structures. The site is located at the

northwest corner of W Wolf and Oakland Avenues. The area is a mix of low density residential structures in an area that is ready for new infill development like what is proposed with this petition.

This rezoning request activates vacant land that has been vacant since 2006 when the previous structure was demolished. This project helps our community continue to address the shortage of residential dwelling units. The final layout for the project has not yet been finalized. However, the project will be required to be submitted for review by zoning and building staff to ensure it meets all applicable code requirements. The project will also be required to submit a minor subdivision to establish new lots of record.

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 residential uses.
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because the proposed single family development will blend well with the surrounding residential uses;
- 3) The R-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 is adjacent to other residential uses;
- 5) The rezoning of the property to R-2, One Family Dwelling District is compatible with the surrounding properties and does reflect responsible growth and development.

A total of 30 letters were mailed, and none were returned.

Irwin asks if there are questions from the Commission.

Irwin calls the petitioner forward.

Hugh Williams from JPR 350 W Blaine is representing and is speaking on behalf of the petitioner. The petitioner is requesting a rezoning from R-4, Multi Family Dwelling District to R-2, One Family Dwelling District with the intent of constructing two (2) single family residential structures.

Mishler asks if they have any idea about the price points of these homes.

Williams states that, compared to other existing homes built, their prices range from \$180,000 to \$220,000.

Baiker asks if there is an approximation of the size of the dwelling.

Williams mentions that the homes range from 900 to 1,200 square feet. Buyers in the area are expressing a desire for larger homes, ideally around 1,500 square feet. However, achieving this may require a variance due to the necessary setbacks.

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.

Osborne makes a motion to approve 24-Z-04 with a Do-Pass Recommendation to Common Council; Second by Davis. Motion carries

Davis -Yes
Boecher-Yes
Lawson-Yes
Baiker-Yes
Mishler-Yes
Newbill-Yes
Osborne-Yes
Irwin-Yes

NEW BUSINESS

24-SUB-03 PETITIONER IS Jenway Majestic, LLC AND Wrangler Real Estate, Inc. PROPERTY IS LOCATED AT VL Vernon Avenue and Greenleaf Boulevard

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Vernon's Reserve Subdivision,' a eight (8)-lot subdivision; a part of the Southwest Quarter of Section 35, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana

STAFF ANALYSIS

The petitioner owns a parcel comprising approximately 2.64 acres (including right-of-way) that they wish to develop as an 8-lot subdivision for single-family residences. The property is zoned R-1; single family residences are a permitted use in the R-1 District and have a minimum house size of 1,250 square feet; in the case of two-story houses the first floor must contain 850 square feet.

The planned layout is to have the road terminate to a cul de sac at the eastern end of Vernon Avenue with one lot to front on Greenleaf. The retention will be accommodated in road side swales. The layout will include five-foot sidewalks to facilitate pedestrian use. The plat includes required setbacks that demonstrate that each lot is buildable.

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 has had preliminary review around the technical aspects of the project and no issues are anticipated.

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** a Preliminary Plat for a subdivision to be known as 'Vernon's Reserve Subdivision,' a eight (8)-lot subdivision; a part of the Southwest Quarter of Section 35, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.. The lots meet the minimum lot area requirements for the R-1, One-Family Dwelling District;

- 1) All 8 proposed single-family lots meet all of the bulk standards of the R-1 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 states that 30 letters were mailed, and none were returned.

Irwin asks if there are questions from the Commission.

Mishler asked if the newly annexed areas will have sidewalks, unlike previous annexations.

Trotter replies, yes

Irwin calls the petitioner forward.

Crystal Welsh from Abonmarche 303 River Race Drive is representing and is speaking on behalf of the petitioner. The petitioner is requesting to develop as an 8-lot subdivision for single-family residences. Petitioner is hoping to move quickly to the engineering and tech review process.

Inaudible

As part of the annexation process, we needed to provide an estimate of the access value for the fiscal plan. Based on our analysis of comparable properties in the area, we believe the assessed value will be approximately \$250,000. We are assuming a range of \$300,000 to \$400,000.

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

Sara Mitchell from 3325 Vernon Avenue is the road going through Greenleaf Avenue from Vernon Avenue.

Irwin stated that there will be a cul-de-sac at the end of Vernon based on the plan.

Mitchell asks, What will the size of the lots be.

Trotter replies that the lots will meet our minimum requirements of 9,500 square feet, ranging from 95 square feet up to 13,305 square feet.

Mitchell asks if this is an addition to the previous proposal for the three-lot subdivision that came through earlier this summer.

Trotter clarifies that the incident occurred in the county, not in the city.

Mitchell opposes this request. Mitchell also has a neighbor on Vernon Avenue who opposes it.

Drlich states that the neighbor must appear on camera and introduce himself to the commission.

Andy Crobot, who lives on Vernon Avenue, opposes this request.

Irwin asks Mitchell if that concludes the comments.

Mitchell asks whether we have time to oppose this, or if we need to oppose it, or if this is just informational.

Irwin replies, please send your comments to the staff. This is preliminary to the plat or subdivision process, not final approval, and it is one step in the overall process.

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

Irwin calls for a motion.

Mishler makes a motion to approve 24-SUB-03 with a Do-Pass Recommendation with listed conditions; Second by Davis. Motion carries

Mishler-Yes
Baiker-Yes
Boecher-Yes
Newbill-Yes
Lawson-Yes
Davis-Yes
Osborne-Yes
Irwin-Yes

NEW BUSINESS

24-SUB-04 PETITIONER IS Almac, Inc.

PROPERTY IS LOCATED AT VL County Road 4 (02-13-401-003 and 02-13-426-004)

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Elkhart East Area 'A' Subdivision,' a thirteen (13)-lot subdivision; a part of the Southeast Quarter of Section 13, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.

STAFF ANALYSIS

The petitioner owns approximately 112 acres north of County Road 4 - Elkhart East Area 'A'. This land was recently annexed to the city. The petition is for a thirteen (13) lot industrial subdivision.

The development entrance is between County Road 15 and County Road 17. The layout calls for the road to come north off County Road 4 to a tee intersection with the access for each parcel served from the proposed street.

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 Statues, 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** a Preliminary Plat for a subdivision to be known as 'Elkhart East Area 'A' Subdivision,' a thirteen (13)-lot subdivision; a part of the Southeast Quarter of Section 13, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.

The lots meet the minimum lot area requirements for the M-2, General Manufacturing District;

- 1) All 13 proposed industrial lots meet all of the bulk standards of the M-2 Zoning 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 states that 25 letters were mailed, and 0 were returned.

Irwin asks if there are questions from the Commission.

Mishler inquired about the planned road construction. What will it look like, and what are the estimated costs and timeline. Is the city handling this, or is it the developer.

Trotter replies that the developer is present in the audience.

Irwin calls the petitioner forward.

Ken Jones from JPR 325 S. Lafayette Blvd is representing and is speaking on behalf of the petitioner. The petitioner is requesting for a thirteen (13) lot industrial subdivision. This land has recently been annexed to the city. Infrastructure for this project will cost about \$3.2 million. The engineering phase is currently underway. The project will serve as an extension and will follow the same design format as previous projects. The building constructed on this site will be larger, and we are expecting investments to reach \$100 million in new constructed value.

Irwin is asking who is funding the infrastructure project.

The petitioner responds by the developer.

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

Dave Alleshashi of 51902 Glen Drive: I am amazed that this is happening in the city rather than the county. I was unaware of this meeting, and it seems that the county land will be annexed into the city. I believe the neighbors were not properly notified about this. Our taxes will likely increase with the annexation.

Tina Rody of 22274 County Road 4: I have concerns about the wildlife. We have retention ponds not being maintained. There is a lot more traffic. I oppose this annexation.

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

Mishler asks is this the final step.

Trotter replies that this has to go through tech review and plat committee.

Mishler asks this still has to through tech review and plat committee and our responsblity today will be a regulatory body to make sure all the conditions are met.

Irwin asks if the city has any plans to annex any residential units on County Road 4.

Trotter replies, no

Irwin calls for a motion.

Mishler makes a motion to approve 24-SUB-04 with a Do-Pass with conditions listed; Second by Davis. Motion carries

Davis -Yes

Boecher-Yes

Lawson-Yes

Baiker-Yes

Mishler-Yes

Newbill-Yes

Osborne-Yes

Irwin-Yes

NEW BUSINESS

24-PUDA-04 PETITIONER IS A and L Properties INC. and Kyle Miller Ten Com.

PROPERTY IS LOCATED AT Lot 14 Parkway Avenue – 07-07-100-017

Plan Commission ratify staff's determination and permit the screen printing and embroidery use as permitted withing this development district Planned Unit Development.

STAFF ANALYSIS

The petitioner is proposing to construct a new building on Parkway Avenue that will relocate the company from a site in Elkhart County. It will house the design and fabrication of wholesale screen printed and embroidered materials. As well as the distribution of the material in bulk. The project is in the final approval process with Technical Review and will be submitted for final site plan approval before this body next month.

The zoning for the development was approved in Elkhart County prior to annexation. The underlying zoning is B-3, which in the city permits a wide variety of uses; most of which work well and complement one another in a development like this. The question before this body is whether the Plan Commission agrees with staff's assertion that the activity performed by this business is commercial in nature and not an industrial use.

The processes that occur at the business are outlined in the material submitted by the applicant. It describes in detail the automated process by which the design is placed on the material being screen printed and embroidered. The activity is all contained within the building, it produces little noise and no vibration outside of the building. The development conditions require that no business establishment shall create a nuisance from noise, smoke or odor, which this does not. The district should also have access to a major arterial roadway that can accommodate truck traffic, which this site does as well.

Staff would argue that other permitted uses in the B-3 such as the printing, binding and publishing of newspapers, periodicals, books and stationary are similar and are permitted in the B-3 district and should be allowed as a similar type use and be permitted to move to the final site plan approval next month.

STAFF RECOMMENDATION

The Staff recommends the Plan Commission ratify staff's determination and permit the screen printing and embroidery use as permitted within this development district Planned Unit Development

Irwin asks if there are questions from the Commission.

Mishler asked if screen printing and embroidery are the same as the printing, binding, and publishing of newspapers.

Trotter responds in a similar use.

Mishler continues to add a kind of text style instead of using paper. What is the pushback against it being considered that it's not that.

Trotter replies because it not listed in the permitted uses staff is interpered the ordainace and bringing it to the board and thus the decision ratified by the plan commission today.

Misher ask has there been any previos examples of screen printing in the past in the city.

Trotter responded not for screen printer, but we have sought clarification for other planned unit developments in the past, although it was several years ago and does not typically occur very often.

Misher is asking if there are any concerns from the staff regarding this request.

Trotter replies no because the activity occurs inside the building and is of a similar type of use that is permitted in B3. Staff definitely endorsed this.

Mishler asked whether there are any environmental concerns.

Trotter responds with a no.

Irwin calls the petitioner forward.

Andrew Cunningham from JPR 325 S. Lafayette Blvd is representing and is speaking on behalf of the petitioner. The petitioner is requesting to construct a new building on Parkway Avenue that will relocate the company from a site in Elkhart County. It will house the design and fabrication of wholesale screen printed and embroidered materials. As well as the distribution of the material in bulk. The project is in the final approval process with Technical Review and will be submitted for final site plan approval before this body next month.

Irwin asks if there are questions from the Commission.

Mishler asked if there is any information about a potential timeline and the number of jobs.

Cunningham replies as soon as possible this fall.

Brad Martin from Martin Marketing stated that they hired four salesmen and are building enough office space to hire five more people, both in production and packaging. They also need more warehouse space and office space.

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-PUDA-04 with a Do-Pass Recommendation; Second by Newbill. Motion carries.

Boecher -Yes
Mishler-Yes
Baiker-Yes
Lawson-Yes
Mishler-Yes
Newbill-Yes
Osborne-Yes
Irwin-Yes

NEW BUSINESS

24-X-07 PETITIONER IS City of Elkhart

PROPERTY IS LOCATED AT 1300 BL INDIANA AV and Thomas

Per Section 6.3, Special Exception Uses, (4.3 J) Public Utilities and public service uses to allow for the construction of a new lift station, equipment building, monorail system, fence and CSO storage tank.

STAFF ANALYSIS

The petitioner is requesting a special exception to allow for the construction of a new lift station, equipment building, monorail system, security fence and Combined Sewer Overflow (CSO) storage tank.

The request is part of the City of Elkhart's Long Term Control Plan (LTCP) which is mandated by the Environmental Protection Agency (EPA).

The site is adjacent to existing sewer infrastructure along both Lafayette Street and Indiana Avenue where sewer flows will be directed to the new lift station and CSO storage tank. The design was completed to meet the parameters found in the LTCP as well as the necessary operational access to both the lift station and the CSO storage tank.

The storage tank has been designed to resemble a building which will help the structure blend more easily into the street scape along Indiana Avenue. The exterior elevations are included in the packet.

The above grade CSO storage tank will incorporate an access stair tower. Security fencing will be built around the lift station to protect the monorail system that will serve the lift station.

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 because all structures will be built per all applicable local building and federal (where applicable) codes;
2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because the new equipment will be screened and will not impact the adjacent uses;
3. The Special Exception **shall** conform to the regulations of the zoning district in which it is to be located because the equipment will not generate adverse effects on adjacent properties with noise, emissions or vibrations.

Trotter states that no letters were mailed because this is not a public hearing.

Irwin asks if there are questions from the Commission.

Newbill asked whether this storage tank will be located in a residential neighborhood.

Trotter replies that it is right next to Indiana and adjacent to the former Boling clinic, which is now a church and community service on the east.

Newbill is inquiring if there are any similar tanks in the community now.

Trotter responds with a yes.

Newbill asks no leakage or problems in the past.

Trotter responds by saying no and mentions several audience members can confirm this.

Mishler asks if there is a lift station mentioned and whether there are concerns about noise or foul smells from this facility since it's a giant tank of combined sewer overflow.

Trotter replies that it's relatively quiet, but we have the consultant and several people here who can discuss the technical requirements of the machinery for this equipment.

Newbill mentioned that you didn't respond to the question about the smell.

Trotter replies adjacent to the other CSO project and there hasn't been a smell to them.

Irwin states that the city currently has three storage tanks, all of which are underground. This will be the first above-ground tank. One underground tank is located in Hyde Park, which is a residential neighborhood; another is situated next to the EEC, also in a residential area; and the third is downtown near Waterfall Drive.

The odors emitted from an above-ground facility will not differ from those of the underground tanks, as vapors and air still rise. If you have experienced the low-level smells produced by these facilities, you would know they are not particularly strong. We also have options to install equipment if we encounter any minor issues. Measures have already been put in place to accommodate potential concerns. As far as the lift stations, we have eighty-seven located throughout the city next to businesses, houses, and restaurants.

Irwin calls the petitioner forward.

Jeff Schaffer, Assistant Engineer for the City of Elkhart, is accompanied by Jaime Poczky from DLZ, who is representing and speaking on behalf of the petitioner. The petitioner is requesting a special exception to allow for the construction of a new lift station, an equipment building, a monorail system, a security fence, and a Combined Sewer Overflow (CSO) storage tank.

Jamie Poczky from DLZ is reviewing the handouts (EXHIBIT A). The lift station is located in the northwest quadrant, while the storage tank is in the southeast quadrant. As Jeff mentioned, the project involves the collection of two large combined sewer overflow (CSO) storm sewers that run along the north and south sides of the site. The lift station will be situated underground, and to operate the facility, we need to house a significant amount of electrical equipment.

There will be a building on-site designed to store all the electrical components. Since the equipment is large, we've added a monorail system to facilitate better access for maintaining the underground equipment. Additionally, the site will be completely fenced and landscaped, as illustrated in the renderings.

The CSO tank is a concrete structure designed with visual elements, including a stair tower that will help break up the boxy appearance of the tank. Solar panels will also be installed on the site.

Newbill asked if it is more economically feasible to build this above ground rather than below ground and the size.

Pocesky responded yes and that the dimensions are 80 by 120, which amounts to 1.7 million gallons.

Newbill ask will this be largest one in the City.

Schaffer explains that this will be the largest tank we have operated. Over the last 15 years, we have managed the other three tanks located on Fulson Street, Hyde Park, and Golslot. We chose to build this tank above

ground rather than below ground, which is unique to this location. We believe we can operate it successfully in any neighborhood in the city.

Irwin mentions that the architects have worked hard to make it resemble any other commercial building.

Osborne inquires about the monorail system.

Schaffer explains that a series of I-beams will be installed above the lift station. This lift station is significantly larger than typical lift stations and will be equipped with five different pumps, each with a capacity of 200 horsepower. The I-beams will create a system that allows us to use a crane rail and chain to remove a pump if necessary, rather than having to bring in a crane for the work.

Shaffer stated that we have had many meetings with Community Church services, the ministry on the corner, and other residents. We have worked to inform them about what is happening there.

Irwin mentions that once the project is complete, there will be a quadrant of the area that will be green and open. We are collaborating with the city to develop a plan for that space that will benefit the public.

Osborne inquired about the water runoff from the roads and parking lots.

Shaffer states that everything will be addressed in the project.

Irwin asks if there are questions from the Commission.

Irwin stated that there will be no public hearing on this matter; it will be addressed in the Board of Zoning Appeals (BZA).

Irwin calls for a motion.

Lawson makes a motion to approve 24-SI-02 with a Do-Pass Recommendation to BZA Second by Davis. Motion carries

Mishler -Yes

Baiker-Yes

Boecher-Yes

Newbill-Yes

Lawson-Yes

Davis-Yes

Osborne-Yes

Irwin-Yes

NEW BUSINESS

24-AP-01 PETITIONER IS Ivy Iverson

PROPERTY IS LOCATED AT 1900 & 1904 W Franklin Street

Ivy Iverson is appealing the decision of the City of Elkhart Plat Committee of the Rosie's Minor Subdivision to the Elkhart Plan Commission. On July 23, 2024, the City of Elkhart Plat Committee approved a one-lot replat of the original two (2) lot subdivision. Ms. Iverson wishes the existing plat to remain unchanged.

STAFF ANALYSIS

On July 11, 2024, the Planning Department, received a request for a new subdivision from a surveying firm, Land and Boundary on behalf of their client Gurpreet Singh. Mr. Singh purchased the property, which is zoned M-1, Limited Manufacturing District, with the desire to construct a four (4) unit multifamily dwelling. He worked with the Planning Services staff to develop his project and a site plan that would meet the requirements of the Zoning Ordinance. Since the parcel was being developed as one entity, the Planning Services staff required Mr. Singh to replat the property into one lot. In June 2024, the Board of Zoning Appeals heard the request from the petitioner, heard public comment and granted the request for a four (4) unit structure on the site in question. The use of the property has been settled.

The City's Subdivision Ordinance does not address replats of established subdivisions. Since at least 2007 and with consultation with the Legal Department, the action of lot consolidation is to treat the replat as a Minor Subdivision and follow the requirements of Article 6 of the Subdivision Ordinance. Based on the requirements of the Ordinance, Land and Boundary submitted the Minor Subdivision (replat); the Plat Committee met and approved the minor subdivision, in this case, the combining of two (2) separate platted lots in to one platted lot for the purposes of development. (Please see attached Plat Committee meeting notes).

As required by the Ordinance, the surrounding property owners within 300 feet of the minor subdivision were notified of the decision of the Plat Committee. The Petitioner's business is within the 300 foot notification area and appealed the decision of the Plat Committee as allowed by the Subdivision ordinance. ARTICLE 7 of the Ordinance requires all appeals to be directed to the Plan Commission for a final decision. Ms. Iverson's objections to the decision are explained in her letter dated August 6, 2024 to the Plat Committee. With all due respect, Ms. Iverson's concerns appear to be related to the proposed use of the property rather than the replat of the property.

In response to Ms. Iverson's concerns, staff would offer the following information: The property is zoned M-1. The property owner petitioned and was granted a use variance to allow the four (4) unit building to be constructed. The proposed development has been reviewed by city staff and is in accordance with the requirements of the district for which the property is zoned. The replat is the final step in the redevelopment of the property and was requested by the Planning Services Staff to accommodate the proposed development. The property owner not only submitted a replat of the property, he submitted a site plan that does, in fact, meet the developmental requirements of the Zoning Ordinance. The site plan meets the density, parking, and open space requirements residential districts for the number of units proposed by Mr. Singh. The arguments made by the petitioner related to traffic are at best speculative in nature as there is no way to presuppose the future tenants actions. The other questions she poses are hypothetical and cannot be addressed in this report. Generally speaking, the property, when developed and maintained, should improve the overall property values.

STAFF RECOMMENDATION

Staff recommends that the Plan Commission uphold the decision of the Plat Committee and allow the property to be replatted into one parcel (Lot 1) for purposes of development in compliance with the approved site plan

because the property owner has complied with all the requirements of the Subdivision Ordinance, and the proposed use is in compliance with the requirements of the Zoning Ordinance.

Irwin asks if there are questions from the Commission.

Misher is asking if we are currently voting to repeal a previous decision from the plat committee that authorized this development.

Trotter stated that Ms. Iverson is requesting the replatted lot not be approved and that the lots remain as two separate platted lots.

Mishler asks that we will be voting on her proposals for the property, and that the developer has met all requirements while collaborating with city staff.

Trotter responded affirmatively, noting that the board action also approved the city's use.

Trotter reported that 29 letters were mailed, and 3 were returned: 1 in favor with comments and 2 not in favor. **Ronald and Jackie Clay of 1812 W. Franklin St.** comments were will be attending the meeting we were told by someone that works for the city if something happened to our house we could not rebuild, were told this was manufacturing only and what will happen to our property value if we wanted to sell it would go way down cause we don't know why kind of people will live there and we all are tired of landlords not doing anything about there renters being loud fighting and trying to run people over in the neighborhood, a lot of people do not want this apartment complex, they are afraid of being harassed or worse, a lot of times it's not about the money it's about what is best for the neighborhood.

Irwin rephrased Mishler's statement, explaining that we cannot do anything regarding the BZA's approval of the use. The only action we can take is to override the plat committee's decision to allow these two parcels to merge into one. That is the only matter we are considering.

Irwin calls the petitioner forward.

Irwin calls for a motion.

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

Jeff Schaffer
Assistant City Engineer
City of Elkhart
President of the Plat Committee

The role of the Plat Committee is to determine if the subdivision ordinance requirements are being met and if all conditions set by the Plan Commission, City Council, or the Board of Zoning Appeals (BZA) have been fulfilled. We found that all BZA requirements were in place, and the subdivision requirements were also met. This is why we approved the plat that was presented to us. As Trotter mentioned, it is a four-unit structure, which technically falls under the residential building code and does not require a site plan. However, the applicant went above and beyond by providing the Plat Committee with a site plan that included parking and utility

connections. We feel that the original applicant did what was necessary, and the subdivision should be approved.

Mishler asks if this will be considered dead if it doesn't receive a motion.

Irwin replies without a motion or second the motion would be dead.

Marnocha states its my understanding if someone makes a motion without a second it would be dead it wouldn't need to be voted on.

Mishler states it has to be a motion made first

Marnocha states she wasn't sure but the motion should have been made at the beginning.

Marnocha then asks the board there wasn't a motion made at the beginning.

Irwin replies no

Mishler replies: Normally, there is a motion to adopt and ordain an ordinance, but in this case, if it is a piece of legislation, we would have a motion to pass it either to the BZA or PC. The city council dies when we have committees on a regular vote and without a motion, but this is slightly a different matter because of state statutes, so I just wanted clarification.

Marnocha states Eric and I agree that because this is an appeal, and even though the petitioner did not show up, she did appeal. I would recommend that the board make a motion and then take a vote for the record.

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

Irwin calls for a motion.

Osborne makes a motion to affirm 24-AP-01 with a recommendation to affirm the Plat Committees decision on the replat; Second by Boecher. Motion carries.

Davis -No
Baiker-Yes
Newbill-No
Mishler-Yes
Lawson-Yes
Boecher-Yes
Osborne-Yes
Irwin-Yes

Irwin states the request for the appeal is denied and the plat committee's decision is upheld.

NEW BUSINESS

24-SI-06 PETITIONER IS City of Elkhart

Addressing

PROPERTY IS LOCATED AT City of Elkhart

Residential

463 James Street – New SFR – 06-04-403-023

Commercial

915 Benham Court – Public Works station – 06-08-208-009

2411 County Road 10 W. – Elkhart Schools - 01-36-277-004

2439 County Road 10 W. – Elkhart Schools - 01-36-252-003

Bldg. A, B, C

1116 Parkway Avenue – new parking lot – 07-07-151-003

1128 Parkway Avenue – Martin Marketing – 07-07-151-005

2512 Twentieth Street – parking lot – 06-18-152-013

Irwin calls for a motion.

Davis makes a motion to approve 24-SI-06 with a Do-Pass Recommendation; Second by Mishler. Motion carries.

NEW BUSINESS

21-SUB-09 PETITIONER IS Emerald Chase Land Development LLC, Conway Hershberger, Member

PROPERTY IS LOCATED AT Henke Street (CR 106) and Hickory Lane

Extension of Boulder Run Subdivision request for an additional twelve (12) months

Staff Analysis

On October 4, 2021, the Plan Commission approved the preliminary plat for Boulder Run, an 85-lot subdivision located near the intersection of Hendke Street and Ada Drive. Approval of major subdivisions is tentative and valid for a period of twelve months, unless an extension is granted. In September 2022, the petitioner requested and was granted an extension of twelve months to October 4, 2023 while attempting to finalize the project.

During the time since the first extension, the petitioner has diligently maintained the property, contracted for engineering design and platting while negotiating with Indiana Michigan Power continue. The petitioner has requested that the plan commission approval be extended for an additional period of twelve months, until October 4, 2025. Staff has no objection to the request.

The petitioner again wishes to extend the approval for an additional (12) months to October 4, 2025, while infrastructure costs are finalized.

Irwin asks if there are questions from the Commission.

Mishler asks how many times we have granted extensions.

Trotter replies three.

Mishler continues to add we have done three previously.

Trotter replies no, we typically don't get subdivisions this large with the complex nature of this subdivision.

Mishler asks have we seen anything built during this time's home construction.

Trotter replies, only cutting the grass.

Mishler states that since 2021, they have had multiple extensions, and they have only mowed the grass, with no homes built.

Trotter replies they were initially struggling with Indiana Michigan Power for some of it. They are working with our department on some additional issues.

Irwin asks when Timberstone came in and if it was not in the city originally.

Trotter replies that in the County, we did the first three phases had been approved through their secondary platting process I believe we did the fourth and fifth sections of that, and we clarified the development requirements for that subdivision then.

Irwin calls for a motion.

Boecher makes a motion to approve 21-SUB-09 with a Do-Pass recommendation for an extension of Boulder Run for 12 months; Second by Newbill. Motion carries.

Mishler -No
Baiker-Yes
Boecher-Yes
Newbill-Yes
Lawson-Yes
Davis-Yes
Osborne-Yes
Irwin-Yes

ADJOURNMENT

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

Tory Irwin, President

Dave Osborne, Vice-President

DRAFT



MEMORANDUM

DATE: December 2, 2024

TO: Elkhart City Plan Commission

FROM: Jeffrey Schaffer, Engineering *JDS*

RE: **Acceptance of Street Name Change – “Patterson Court” to “Enchanted Garden Lane”**

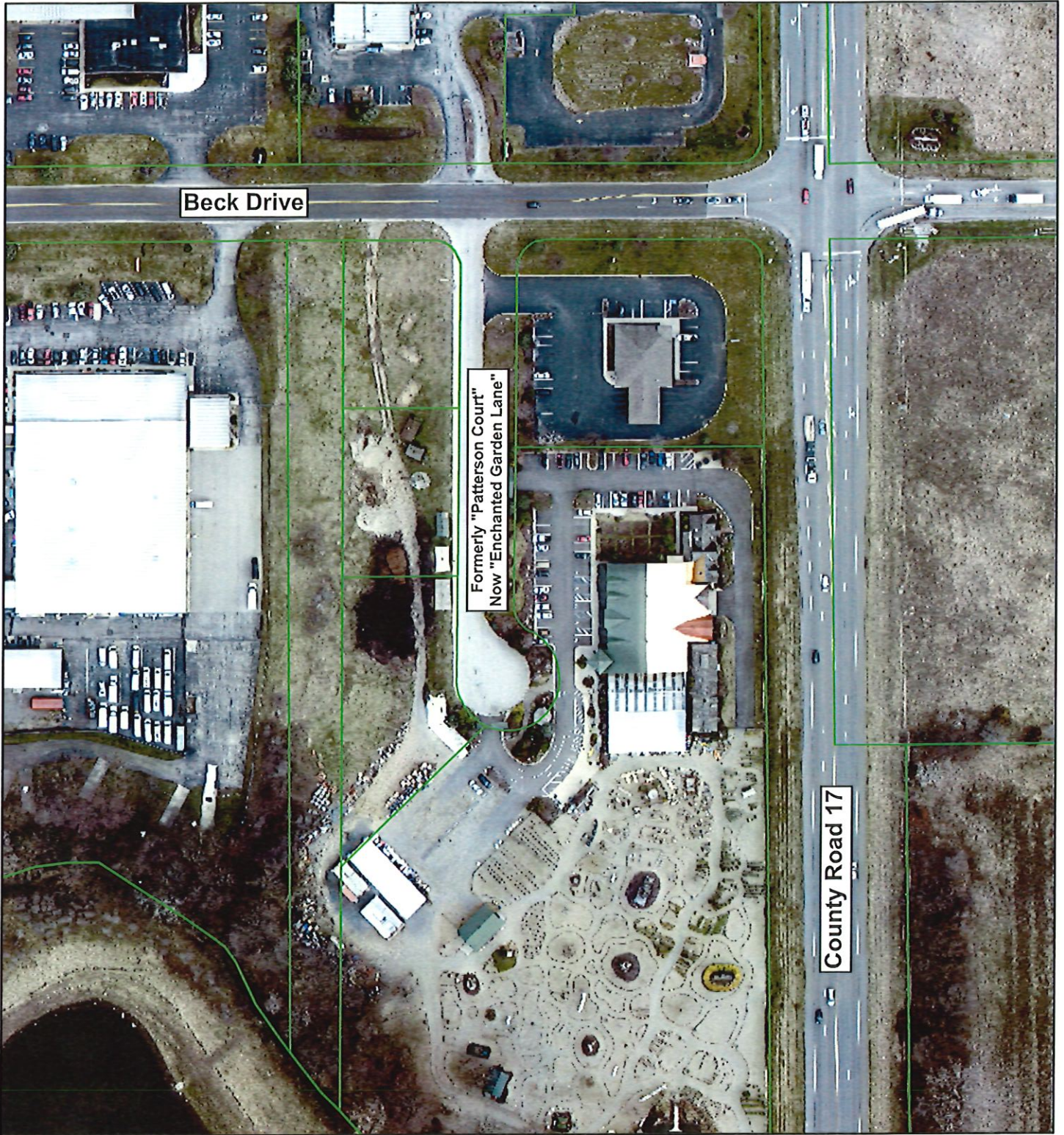
On June 13, 2023, the Mayor authorized the changing of a street name. The street formerly known as “Patterson Court” is now known as “Enchanted Garden Lane”.

Under IC 36-7-4-405, the Mayor, as “Executive”, has the authority to name or rename streets. The City Staff is then required to make all of the applicable changes to city maps and other documents, notify Elkhart County, and notify other applicable agencies as specified by IC 36-7-4-405. The Engineering Staff recently noted that this second step never occurred with this name change; this action will rectify that. In addition, this will enter the name change into the City’s official records.

The action requested by the Elkhart City Plan Commission is as follows:

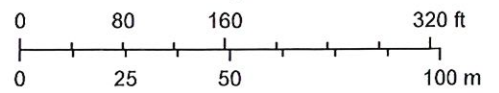
Accept the Street Name Change previous directed by the Mayor, changing the name of “Patterson Court” to “Enchanted Garden Lane”, and direct the Engineering Staff to take appropriate actions as specified by IC 36-7-4-405.

Patterson Court to Enchanted Garden Lane



10/28/2024, 3:04:36 PM

1:2,400



Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA



City of Elkhart
Mayor's Office

June 13, 2023
In Celebration
of
Enchanted Gardens Lane

Linton's was founded in 1982 by Mark Linton and over the past 40 years has become a go-to resource for all things landscaping in the greater Elkhart region. Their landmark location on one of the busiest roads in the county gives their many visitors an enchanted experience exploring the garden center, floral and gift shop, nursery, and learning from experts about landscape maintenance.

The City of Elkhart is excited to join the Linton team for the dedication of the newly renamed "Enchanted Gardens Lane." Congratulations, Linton's!

Mayor Rod Roberson

Rod Roberson
Mayor



Planning & Development
Community Development
Economic Development
Planning Services
229 S. Second St.
Elkhart, IN 46516
574.294.5471
Fax: 574.295.7501

M e m o r a n d u m

To: Plan Commission Members
From: Eric Trotter
Date: December 2, 2024
RE: Zoning Ordinance Update

This afternoon the commission will be presented with draft sections for the update to the Zoning Ordinance – the Unified Development Ordinance (UDO). The UDO consolidated the three primary ordinances planning staff administers on a daily basis – zoning, subdivision and preservation. You will be shown the new table of contents, layout and organization, updated graphics and new zoning district titles. A timeline for work sessions and final public meetings to introduce the final document prior to adoption will also be presented.

While the original goals of this update have remained the same, which were to make sure our City remains competitive from an economic development standpoint and to ensure we regulate land use efficiently and effectively - a number of circumstances caused us to reevaluate and expand the original scope. The largest of which were the new neighborhood plans (River District, Downtown and Benham) that were drafted over the last two and a half years to three years. They focused on neighborhood identity, density and design, walkability and an emphasis housing which helped to guide the development of the UDO.

The final update created a more user/business-friendly ordinance that can be understood by all, simplified regulations and removed inconsistencies and redundancies to result in more concise standards, re-organized the ordinance to make it easier for the public to find the information they're looking for and added more graphics, tables, and charts to better convey the regulations in the ordinance. The document also increased flexibility within the ordinance to allow planning staff to work with the applicants to get the best outcome based on site conditions, added districts or standards to address new development types while removing regulations that are no longer applicable, ensures consistency with changes in state and federal law, and ensures consistency with the vision and policies of the comprehensive plan.