

AGENDA
ELKHART CITY PLAN COMMISSION
MONDAY, FEBRUARY 5, 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 <http://coei.webex.com>, enter 2310 506 8344 as the meeting number and "PLAN" 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 OCT, NOV, DEC. 2023 & JAN. 2024
4. APPROVAL OF PROOFS OF PUBLICATION

2024 ELECTION OF OFFICERS

5. OLD BUSINESS
NONE

6. NEW BUSINESS

24-Z-02 PETITIONER IS Daniel Burns

PROPERTY IS LOCATED AT 3811 S Main St

Per Section 29.11.B, Map Amendments, a request to rezone 3811 S. Main Street (06-23-353-001) from R-1, One Family Dwelling District to B-2, Community Business District

24-MSUB-01 PETITIONER IS DVS LLC

PROPERTY IS LOCATED AT 209 County Road 17 & 5140 Beck Drive

Per Section 5 of the City of Elkhart Subdivision Ordinance, primary approval of a two (2) lot subdivision replat to adjust the lot line between 209 CR 17 and 5140 Beck Drive and to also establish two (2) access easements as a part of this approval.

24-MSUB-04 PETITIONER IS Bhavesh Patel

PROPERTY IS LOCATED AT 2701 W. Lexington Ave.

Per Section 5 of the City of Elkhart Subdivision Ordinance, primary approval of a two (2) lot subdivision replat and also establish an access easement as a part of this approval. The access easement is required as the proposed Lot 2 will have no street frontage. The parcels were established in Elkhart County prior to the current subdivision ordinance.

7. ADJOURNMENT

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



Staff Report

Planning & Zoning

Petition: 24-Z-02

Petition Type: Rezoning

Date: February 5, 2024

Petitioner: Daniel A. Burns

Site Location: Vacant Lot (formerly 3811 S. Main Street) S. Main Street; Parcel 20-06-23-353-001.000-011

Request: Per Section 29.11.B, Map Amendments, a request to rezone 3811 S. Main Street (06-23-353-001) from R-1, One Family Dwelling District to B-2, Community Business District.

Parcel I.D. Number(s): 20-06-23-353-001.000-011

Existing Zoning: R-1, One Family Dwelling District

Size: +/- .97 Acres

Thoroughfares: S. Main Street

School District: Concord Community Schools

Utilities: Available to site

Surrounding Land Use & Zoning:

The property is in an established mixed use corridor that is transitioning from residential to commercial uses zoned B-1, Neighborhood Business District and B-2, Community Business District and PUD for commercial uses.

Applicable Sections of the Zoning Ordinance:

See enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for this area to be developed with commercial uses.

Plan Commission Action: Recommendation to Common Council.



Staff Analysis

In 2020, the petitioner acquired the property at 3811 S. Main Street that contained a single family dwelling with the future goal of expanding the dental practice directly north of the site. In August 2021, the home was demolished.

In late 2023, the petitioner’s agent submitted the project for Technical Review in order to begin the process of expanding the dental practice north at 3807 S. Main Street. At the same time a petition was filed to begin the process of rezoning in order for the zoning to match the eventual use. The project has been reviewed and approved in Tech Review pending the rezoning of the site.

Staff supports the rezoning and look forward to the continued investment in the South Main Street corridor.

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 it will not have an impact on adjacent industrial and commercial uses;
- 3) The B-2 District does allow for the most desirable uses for which the land can be adapted;
- 4) The proposed rezoning will preserve the conservation of property values throughout the City because it is adjacent to a mix of commercial uses;
- 5) The rezoning of the property to B-2, Community Business District is compatible with the surrounding properties and does reflect responsible growth and development.

Photos



Attachments

Petition, appeal letter, affidavit, and site plan.

EXHIBIT A

LEGAL DESCRIPTION per Document Number 2020-27222 -- PARCEL B

Beginning at a point on the South line of Section 22, Township 37 North, Range 5 East which is 915.3 feet East of the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 22; thence North 14.05 feet to an iron stake; thence North 57° 10' East 838.3 feet to the center of the concrete pavement commonly known as the Lincoln Highway; thence South 32°50' East along the center line of said Lincoln Highway, 62 feet; thence Southwesterly at right angles to the center of said pavement known as the Lincoln Highway, 773 feet to the South line of said Section 22; thence West along the South line of said Section 22, 85 feet to the place of beginning, ALSO known as Lot #6 In Martin's unrecorded Addition.

(1)EXCEPTING THEREFROM a certain tract of land containing .1549 acres and more particularly set forth In a Commissioner's Deed from Robert H. Kiebel to Concord Metropolitan School District, recorded in Deed Record 242, page 42 of the records in the office of the Recorder of Elkhart County, Indiana.

(2)FURTHER EXCEPTING THEREFROM A part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 37 North, Range 5 East, more particularly described as follows:

Commencing at the Southwest corner of said Quarter Quarter Section; thence due East along the South line of said Section 915.3 feet to the most Westerly and Southerly corner of land conveyed to Charles Jr. and Margaret Kipker (Elkhart County Deed Record 257, page 640) for the beginning point of this description; thence North 00°00'51" West along the Westerly line of Kipker land 14.50 feet (original describe distance is 14.05 feet) to the most Northerly and Westerly corner of said Kipker land; thence North 56°27'24" East along the Northwesternly line of said Kipker land 100.90 feet; thence South 82°34' East parallel with and 40 feet Northerly (measured at right angles) from the project centerline as shown on plans for the improvement of the Mishawaka Road - County Road No. 20 dated July 27, 1979 a distance of 95.51 feet to the Southeasterly line of said Kipker land; thence South 56°57'24" West along the Southeasterly line of Kipker land 104.84 feet to the South line of said Section; thence due West along the South line of said Section 91.41 feet (original described distance is 85 feet) to the place of beginning.

(3)FURTHER EXCEPTING THEREFROM A part of the Southwest Quarter of Section 22, Township 37 North, Range 5 East, Elkhart County, Indiana, and being described as follows:

Commencing at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 22, Township 37 North, Range 5 East, thence North 89°52'57" East (bearings based on the Location Control Route Survey Plat, Project NH-219-5(), recorded in Instrument Number 2002-09261, in the Office of the Recorder of Elkhart County) 918.37 feet (915.30 feet per Deed) along the South line of said Quarter-Quarter Section; thence North 1°10'04" West 12.73 feet (14.05 feet per Deed) to the prolongation of the Northwestern line of the grantors' land; thence North 56°22'42" East 785.16 feet along the prolongation of the Northwestern line of the grantors' land and the Northwestern line of the grantors' land to the point of beginning of this description; thence continuing North 56°22'42" East 50.00 feet along said Northwestern line to the centerline of U. S. R. 33 per Project F-420 (9), 1969, being the North corner of grantors' land; thence South 33°56'00" East 62.00 feet along the centerline of said U. S. R. 33 to the East corner of the grantors' land; thence South 56°22'42" West 50.00 feet along the Southeastern line of the grantors' land; thence North 33°36'00" West 62.00 feet to the point of beginning.

(4)FURTHER EXCEPTING THEREFROM, A part of the Southeast Quarter of Section 22, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana described as follows: Commencing at the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 22, designated as point "53" on the Location Control Route Survey recorded as Instrument 2018-08135 in the Office of said Recorder, thence South 89 degrees 51 minutes 11 seconds East 917.13 feet (915.3 feet by Deed Record 257, page 640) along the South line of said section to the Southwest corner the tract of land described in Deed Record 257, page 640 in the office of said Recorder; thence North 0 degrees 56 minutes 03 seconds West 14.05 feet along the West line of said tract to the prolonged Northwestern line of the grantor's land: thence North 56 degrees 13 minutes 57 seconds East 101.40 feet along said prolonged Northwestern line to the Northern boundary of Mishawaka Road and the POINT OF BEGINNING of this description: thence continuing North 56 degrees 13 minutes 57 seconds East 60.72 feet along the Northwestern line of the grantor's land; thence South 83 degrees 05 minutes 19 seconds East 56.23 feet; thence South 84 degrees 29 minutes 09 seconds East 19.78 feet to the Southeastern line of the grantor's land; thence South 57 degrees 25 minutes 16 seconds West 64.79 feet along said Southeastern line to the Northern boundary of said Mishawaka Road; thence North 82 degrees 10 minutes 34 seconds West 72.05 feet along the boundary of said Mishawaka Road to the point of beginning and containing 0.069 acres, more or less.

PETITION #: 24-Z-02

FILING FEE: \$ 400

PETITION to the PLAN COMMISSION

PETITION TYPE: REZONING

This action requires final approval from the Common Council

Property Owner(s): Daniel A Burns

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Daniel A Burns

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 3811 S Main Street Elkhart IN 46517

Zoning: R-1 to B-2

Present Use: Former residence, now empty lot Proposed Use: parking lot for medical office

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Daniel A Burns

SIGNATURE(S): *Daniel A Burns* DATE: 12/8/23

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Plan Commission docket:

- ☒ One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- ☒ A completed Petition form signed by the legal owner of record (or approved representative).
- ☒ If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- ☒ A full and accurate legal description of the property.
- ☒ One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 25 copies must be submitted.
- ☒ Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

AFFIDAVIT IN SUPPORT OF REZONING PETITION

I, Daniel A Burns, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my rezoning petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at 3807 S Main Street Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 8th day of 12, 2023.

Daniel A Burns

Printed: Daniel A Burns

I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

Daniel A Burns

Printed: Daniel A Burns

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Daniel A Burns, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 8 day of December, 2023.



My Commission Expires:

March 28, 2030

Megan Woest

Printed: Daniel A Burns Megan Woest

Notary Public in and for the State of Indiana
Resident of St. Joseph County, Indiana



Staff Report

Planning & Zoning

<u>Petition:</u>	24-MSUB-01
<u>Petition Type:</u>	Minor Subdivision
<u>Date:</u>	February 5, 2024
<u>Petitioner:</u>	DVS, LLC
<u>Site Location:</u>	209 CR 17 and 5140 Beck Drive
<u>Request:</u>	Per Section 5 of the City of Elkhart Subdivision Ordinance, primary approval of a two (2) lot subdivision replat to adjust the lot line between 209 CR 17 and 5140 Beck Drive and to also establish two (2) access easements as a part of this approval.
<u>Existing Zoning:</u>	M-2, General Manufacturing District
<u>Size:</u>	+/- 15 Acres
<u>Thoroughfares:</u>	Beck Drive
<u>School District:</u>	Concord Community Schools
<u>Utilities:</u>	Available and provided to site.
<u>Plan Commission Action:</u>	Approval or disapproval with conditions; Final Plat submitted to Plat Committee for final approval.

Surrounding Land Use & Zoning:

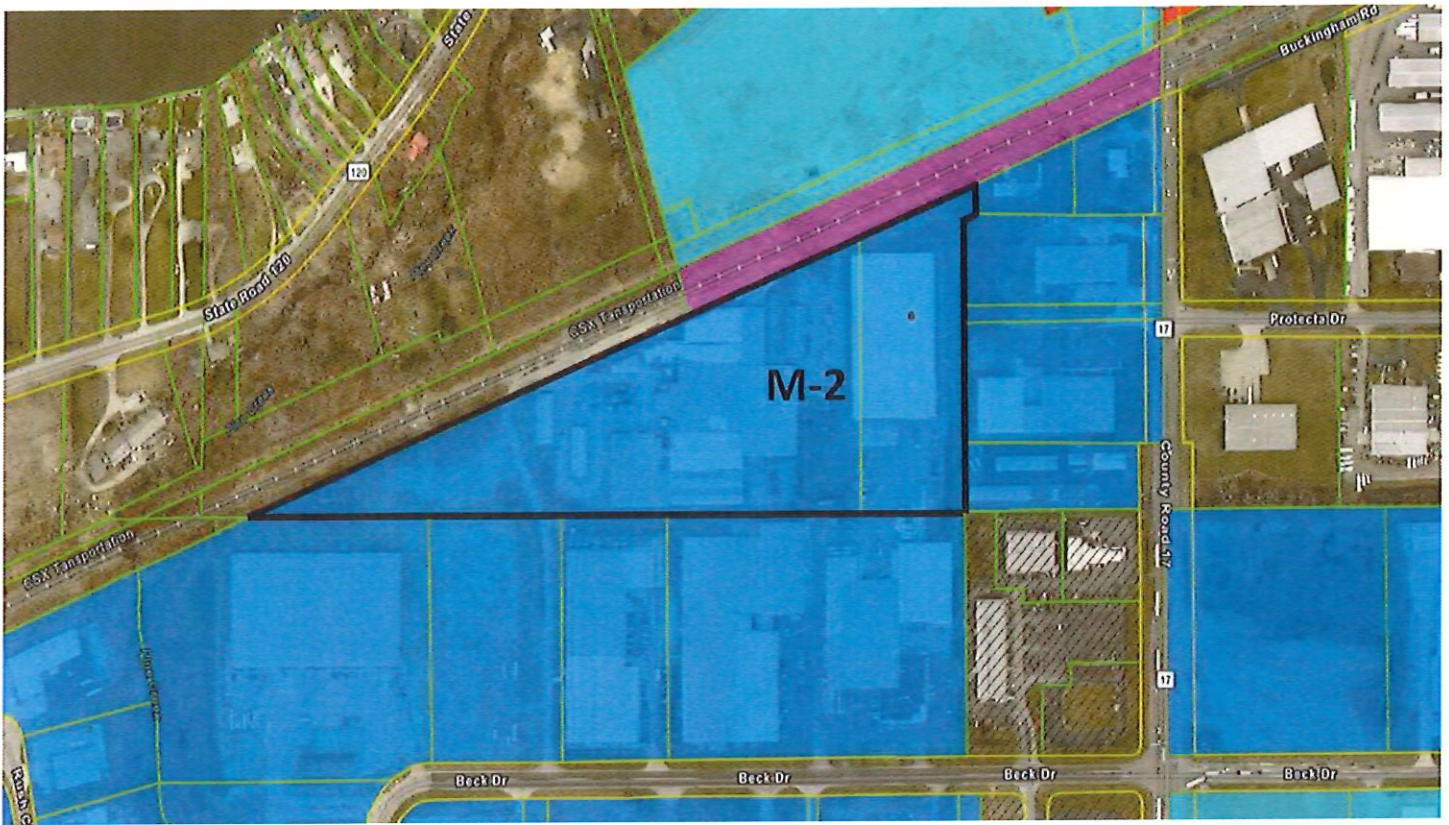
The property is surrounded by industrial uses to the west, south and east zoned M-2 and some residential in Elkhart County across the rail line to the north.

Applicable Sections of the Zoning Ordinance:

Article 4 of the Subdivision Ordinance, Section 5

Comprehensive Plan:

The Comprehensive Plan does call for the land to be developed with industrial uses.



Staff Analysis

DVS, LLC (d.b.a. Alpha Systems) owns several parcels north of Beck Drive. The company is in the process of selling some of the property to American Millworks. Because of the change in ownership, it is necessary to adjust the parcel lines to eliminate any future non-conforming setbacks and establish access easements.

The land contained in this request is partially in the Elkhart Industrial Park Phase VII and part is unplatted. There are several easements established so access can continue to occur between the buildings. The easements are noted on the plat and are as follows – a 15' easement along the south boundary, a 15' easement along the new Lot 1 and Lot 2 and a new easement along an existing easement to Beck Drive.

Recommendation

The Staff recommends **approval** a Preliminary Plat for a subdivision to be known as ‘American Millworks Minor Subdivision’ a two (2)-lot subdivision replat with established access easements; a part of the Southeast Quarter of Section 36, Township 38 North, Range 5 East, Concord Township, Elkhart County, Indiana, based on the following findings of fact:

- 1) The lots meet the minimum development requirements for the M-2, General Manufacturing District;
- 2) The proposed request results in the replat of two (2) lots as defined by the Zoning and Subdivision Ordinance.
- 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.

Photos





Attachments

Petition and primary plat.

LEGAL NOTICE #24-MSUB-01

Hearing on proposed Minor Subdivision **#24-MSUB-01**

NOTICE is hereby given that the City of Elkhart Plan Commission will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **MONDAY, FEBRUARY 5, 2024 at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on Minor Subdivision **#24-MSUB-01**

Petitioner: DVS LLC

Request: Per Section 5 of the City of Elkhart Subdivision Ordinance, primary approval of a two (2) lot subdivision replat to adjust the lot line between 209 CR 17 and 5140 Beck Drive and to also establish two (2) access easements as a part of this approval.

Location: 209 County Road 17 & 5140 Beck Drive

Zoning: M-2, General Manufacturing District

This meeting can also be accessed via WebEx. Virtual attendance is strongly encouraged but not mandatory; however, City Hall is open for in-person participation. To join, go to <http://coei.webex.com>, enter **2310 506 8344** as the meeting number and "PLAN" 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.

LEGAL DESCRIPTION:

LOT 1 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF ELKHART INDUSTRIAL PARK PHASE VII, A SUBDIVISION IN THE CITY OF ELKHART, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA, SAID PLAT BEING RECORDED IN PLAT BOOK 38, PAGE 21 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA. ALSO: A PART OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 5 EAST, SITUATE IN CONCORD TOWNSHIP, ELKHART COUNTY, STATE OF INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 36; THENCE NORTH 89 DEGREES 39 MINUTES WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 36, A DISTANCE OF 876.27 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 0 DEGREES 21 MINUTES EAST A DISTANCE OF 592.79 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE CONSOLIDATED RAIL CORPORATION RAILROAD RIGHT OF WAY; THENCE SOUTH 70 DEGREES 29 MINUTES WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID RAILROAD, A DISTANCE OF 1744.37 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 36; THENCE SOUTH 89 DEGREES 39 MINUTES EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 36, A DISTANCE OF 1640.56 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION.

ALSO RIGHTS OF INGRESS AND EGRESS AS SET OUT IN A GRANT OF EASEMENT DATED SEPTEMBER 3, 2002 AND RECORDED JUNE 3, 2003 AS DOCUMENT NUMBER 2003-22738 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Commission, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 19th day of January 2024, by the City of Elkhart, Plan Commission.

Publication Date: 1/26/2024

NOTE NOT FOR PUBLICATION . . . The City of Elkhart Planning Department, Municipal Building, 229 South Second Street, Elkhart, IN 46516 . . . should be billed for the cost of this publication. Please send proof of publication to this



December 18, 2023

City of Elkhart
Planning Development Services Department
229 S. Second Street
Elkhart, IN 46516

Attn: Eric Trotter

RE: AMERICAN MILLWORKS MINOR SUBDIVISION SUBMITTAL

Dear Eric,

Please find the included items as part of the review for the proposed American Millworks Minor Subdivision

- 2 copies of the minor subdivision
- 1 copy of the 2017 Marbach ALTA survey
- Completed and signed application
- Check in the amount of \$100.00

Should you have any questions or concerns do not hesitate to contact me at 574.622.1900

Sincerely,

A handwritten signature in black ink, appearing to read 'Mikel Currier', is written over a faint, larger version of the same signature.

Mikel Currier, PS
Senior Project Manager

Enclosures

\\saminc\elk\PROJECTS\1023083846\02Corresp\Transmittals\2023-12-18 COE transmittal\2023-12-18 COE trans.docx



PETITION #: 24-MSUB-01

FILING FEE: \$ 100

PETITION to the PLAT COMMITTEE

PETITION TYPE: MINOR SUBDIVISION

Property Owner(s): DVS LLC

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Nancy B. Smith

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 209 County Rd 17, Elkhart, In 46516 & 5140 Beck Drive, Elkhart, In 46516

Zoning: Industrial

Present Use: Industrial Proposed Use: Industrial

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): David V. Smith Jr., member

SIGNATURE(S): [Signature], member DATE: 12-18-23

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Plat Committee:

- ☐ A completed Petition form signed by the legal owner of record (or approved representative).
- ☐ A completed Application for Approval of a New Subdivision.
- ☐ If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- ☐ A full and accurate legal description of the property.
- ☐ Two bonds and two mylars of the proposed plat drawing signed by the legal owner of record.
- ☐ One copy of the Appeal Letter signed in ink by the owner (or representative) of the property. (Optional)
- ☐ Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

City of Elkhart

Application for Approval of a New Subdivision in the City of Elkhart

Date: 12/13/2023

City of Elkhart Plat Committee
Municipal Building
229 S. Second Street
Elkhart, Indiana 46516

Dear Plat Committee:

Preliminary approval is hereby requested for a subdivision to be known as
American Millwork Minor Subdivision

Said Subdivision is legally described as follows: (attach legal description).



Staff Report

Planning & Zoning

<u>Petition:</u>	24-MSUB-04
<u>Petition Type:</u>	Minor Subdivision
<u>Date:</u>	February 5, 2024
<u>Petitioner:</u>	Bhavesht Patel d.b.a Lakshmeeva, LLC
<u>Site Location:</u>	2701 W. Lexington Avenue
<u>Request:</u>	Per Section 5 of the City of Elkhart Subdivision Ordinance, primary approval of a two (2) lot subdivision replat and also establish an access easement as a part of this approval. The access easement is required, as the proposed Lot 2 will have no street frontage. The parcels were established in Elkhart County prior to the current subdivision ordinance.
<u>Existing Zoning:</u>	B-2, Community Business District
<u>Size:</u>	+/- 2.0 Acres
<u>Thoroughfares:</u>	W. Lexington Avenue
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to site.
<u>Plan Commission Action:</u>	Approval or disapproval with conditions; Final Plat submitted to Plat Committee for final approval.

Surrounding Land Use & Zoning:

The property to the south is residential land zoned R-2 adjacent to the St. Joseph River, the land to the east and west is commercial zoned B-2 with the land to the north a mix of commercial, a motel and light industrial zoned B-3 and M-1.

Applicable Sections of the Zoning Ordinance:

Article 4 of the Subdivision Ordinance, Section 5

Comprehensive Plan:

The Comprehensive Plan does call for the land to be developed with commercial uses.



Staff Analysis

The Petitioners own two parcels comprising approximately 2.02 acres (including right-of-way). Currently, on the proposed Lot 1 is a convenience store and on the proposed Lot 2 is a self-storage facility.

The petitioner seeks to establish two (2) lots of record in order to sell the proposed Lot 2. The City's subdivision ordinance requires the minor subdivision be presented to the plan commission in order to give preliminary approval because of the access of easement that is proposed for this petition. All accesses of easement must go before the Plan commission for review prior to being presented to the Plat Committee for secondary approval.

Lot 2 does not have street frontage and was established by metes and bounds in Elkhart County prior to annexation. The action today will create two (2) lots of record plus an access of easement along the west property line twenty (20) feet wide that will wrap around to the south property line - this will allow for access to the self storage facility.

Based on information from the Public Works Department, a 48" storm sewer line will need to be identified on the plat. The Plat Committee can address this and other comments prior to being released for recording.

Recommendation

The Staff recommends **approval** a Preliminary Plat for a Minor subdivision to be known as 'Patel Minor Subdivision,' a two (2)-lot minor subdivision with an access easement on Lot 1 benefiting Lot 2; a part of the Southwest Quarter of Section 1, Township 37 North, Range 4 East, Cleveland Township, Elkhart County, Indiana, based on the following findings of fact:

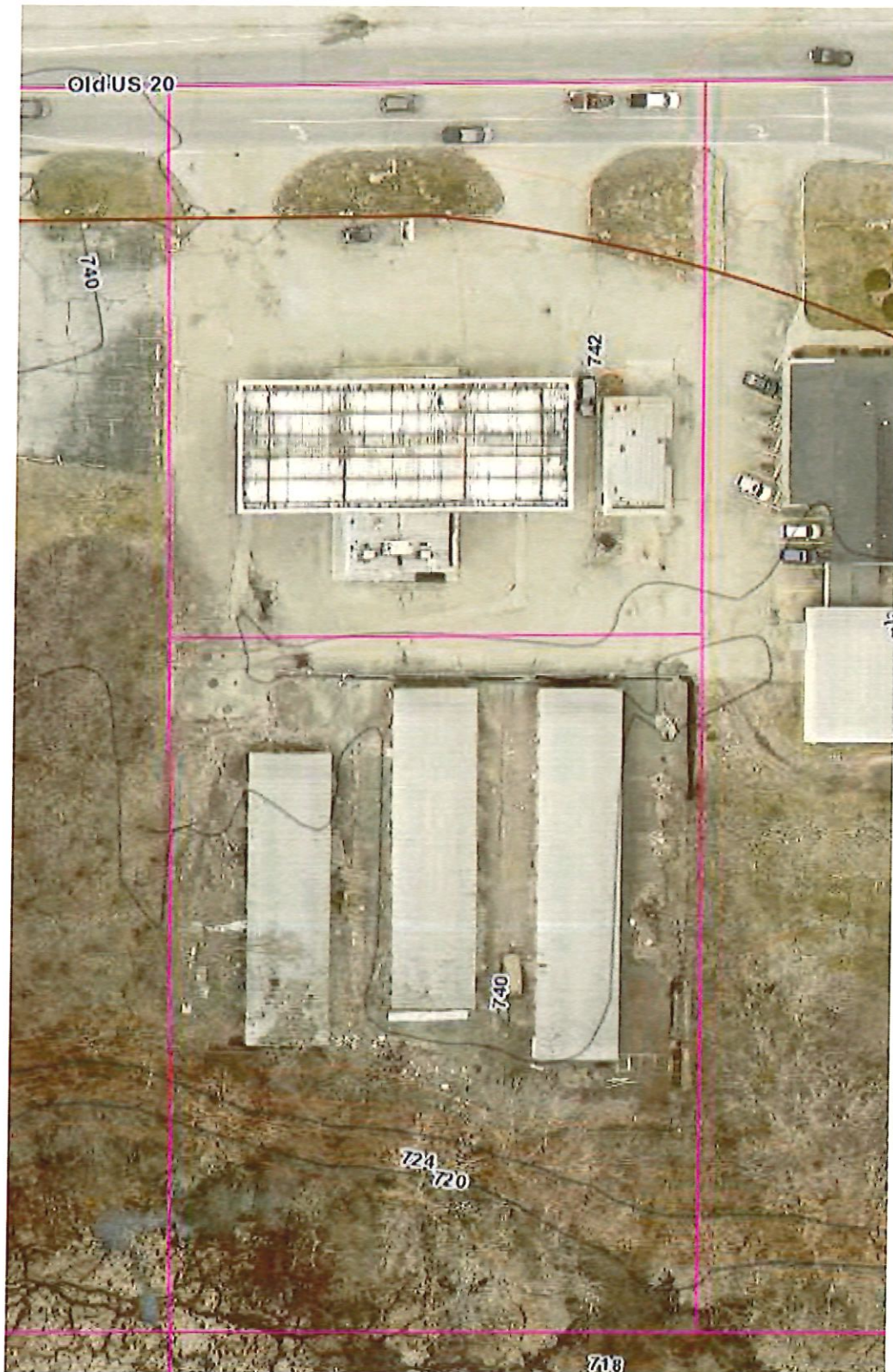
- 1) The lots meet the minimum lot area requirements for the B-2, Community Business District;
- 2) The proposed request results in the creation of two (2) lots as defined by the Zoning and Subdivision Ordinance and a twenty (20) foot access easement on the west and south side of Lot 1 benefiting Lot 2;
- 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.

Photos





LEGAL NOTICE #24-MSUB-04

Hearing on proposed Minor Subdivision #24-MSUB-04

NOTICE is hereby given that the City of Elkhart Plan Commission will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **MONDAY, FEBRUARY 5, 2024 at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on Minor Subdivision #24-MSUB-04

Petitioner: Bhavesh Patel

Request: Per Section 5 of the City of Elkhart Subdivision Ordinance, primary approval of a two (2) lot subdivision replat and also establish an access easement as a part of this approval. The access easement is required as the proposed Lot 2 will have no street frontage. The parcels were established in Elkhart County prior to the current subdivision ordinance.

Location: 2701 W. Lexington Ave.

Zoning: B-2, Community Business District

This meeting can also be accessed via WebEx. Virtual attendance is strongly encouraged but not mandatory; however, City Hall is open for in-person participation. To join, go to <http://coei.webex.com>, enter **2310 506 8344** as the meeting number and **"PLAN"** 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.

LEGAL DESCRIPTION:

PART OF THE EAST HALF, OF THE SOUTHWEST QUARTER, IN SECTION 1, TOWNSHIP 37 NORTH, RANGE 4 EAST, CLEVELAND TOWNSHIP, CITY OF ELKHART, INDIANA.

A PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 4 EAST, SITUATED IN CLEVELAND TOWNSHIP, ELKHART COUNTY, STATE OF INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS,

COMMENCING AT A POINT WHERE THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1 IS INTERSECTED BY THE CENTERLINE OF WEST LEXINGTON AVENUE (U.S. HIGHWAY 20); THENCE NORTH 62 DEGREES 17 MINUTES WEST ALONG THE CENTERLINE OF SAID WEST LEXINGTON AVENUE, A DISTANCE OF 117.52 FEET; THENCE NORTH 82 DEGREES 9 MINUTES WEST, 90.13 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION, THENCE CONTINUING NORTH 82 DEGREES 9 MINUTES WEST, A DISTANCE OF 201.9 FEET TO AN IRON STAKE; THENCE SOUTH 00 DEGREES 00 MINUTES WEST, PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 457 FEET MORE OR LESS TO THE NORTH LINE OF LAND DESCRIBED IN A DEED TO NORTHIND REALTY, INC. (DEED RECORD 180, PAGE 353); THENCE NORTHEASTWARDLY ALONG THE NORTH LINE OF SAID NORTHIND REALTY, INC. LAND, A DISTANCE OF 201 FEET MORE OR LESS TO A POINT THAT IS DUE SOUTH OF THE PLACE OF BEGINNING; THENCE NORTH 00 DEGREES 00 MINUTES EAST, A DISTANCE OF 420 FEET MORE OR LESS TO THE PLACE OF BEGINNING OF THIS DESCRIPTION.

EXCEPTING A 12-FOOT RIGHT OF WAY OFF THE WEST SIDE FOR A ROADWAY.

ALL THE MORE PARTICULARLY DESCRIBED AS (DOC#90-007473);

THAT PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 4 EAST, CLEVELAND TOWNSHIP, ELKHART COUNTY, INDIANA, WHICH IS DESCRIBED AS: FROM A POINT WHERE THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION IS INTERSECTED BY THE CENTERLINE WEST LEXINGTON AVE. (US #20) MEASURE N.

62°13'03" W. (N. 62°17' W. RECORD) ALONG THE CENTERLINE SAID WEST LEXINGTON AVE., 117.52 FEET; AND N. 82°05'03" W., 90.13 FEET TO THE POINT OF BEGINNING; THENCE S. 00°01'44" W., 412.33 FEET (SOUTH 420 FEET RECORD); THENCE S. 86°39'44" W., 200.34 FEET; THENCE N. 00°01'44" E., 427.92 FEET (NORTH 457 FEET RECORD); THENCE N. 89°34'11" E., 163.12 FEET (S. 8209' E., 201.9 FEET RECORD); THENCE

S. 82°05'03" E., 37.23 FEET TO THE POINT OF BEGINNING. CONTAINING 1.94 ACRES.

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Commission, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 19th day of January, 2024, by the City of Elkhart, Plan Commission.

Publication Date: 1/26/2024

NOTE NOT FOR PUBLICATION . . . The City of Elkhart Planning Department, Municipal Building, 229 South Second Street, Elkhart, IN 46516 . . . should be billed for the cost of this publication. Please send proof of publication to this address. Thank you.

PETITION #: 24.msub.04

FILING FEE: \$ 100

PETITION to the PLAT COMMITTEE

PETITION TYPE: MINOR SUBDIVISION

Property Owner(s): Bhavesh Patel

Mailing Address: 2701 W. Lexington Ave., Elkhart, IN 46514

Phone #: _____ Email: _____

Contact Person: Dale Kesler

Mailing Address: _____

Phone #: _____ Email: _____

Subject Property Address: 2701 W. Lexington Ave., Elkhart, IN 46514

Zoning: B-2 Community Business District

Present Use: Gas Station / Storage Units Proposed Use: same

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Dale L. Kesler

SIGNATURE(S): Dale L. Kesler DATE: 11/14/23

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Plat Committee:

- _____ A completed Petition form signed by the legal owner of record (or approved representative).
- _____ A completed Application for Approval of a New Subdivision.
- _____ If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- _____ A full and accurate legal description of the property.
- _____ Two bonds and two mylars of the proposed plat drawing signed by the legal owner of record.
- _____ One copy of the Appeal Letter signed in ink by the owner (or representative) of the property. (Optional)
- _____ Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: [Signature] DATE: 12/28/23

City of Elkhart

Application for Approval of a New Subdivision in the City of Elkhart

Date: 12/28/23

City of Elkhart Plat Committee
Municipal Building
229 S. Second Street
Elkhart, Indiana 46516

Dear Plat Committee:

Preliminary approval is hereby requested for a subdivision to be known as

Patel Minor Subdivision

Said Subdivision is legally described as follows: (attach legal description).

see attached site Plan