

**AGENDA
ELKHART CITY PLAN COMMISSION
MONDAY, MARCH 4, 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 FEBRUARY 2024**
- 4. APPROVAL OF PROOFS OF PUBLICATION**

5. NEW BUSINESS

24-FSP-03 PETITIONER IS Elkhart General Hospital, Inc.
PROPERTY IS LOCATED AT 3301 County Road 6

Per Section 20.10.B seeking approval for an Amendment to a Final Site Plan for a new 2,670 square foot building addition at an existing medical facility at 3301 County Road 6 E.

24-PUD-01 PETITIONER IS 2 Cass Opportunity Fund LLC Patrick Matthews
PROPERTY IS LOCATED AT 2 Cassopolis St.

Per Section 20.4.B approval of a Conceptual Planned Unit Development (R-4, Multiple Family Dwelling District standards) for the purpose of developing an apartment complex development. The parcel number is 02-29-426-015 and is approximately 8.34 acres in area.

24-X-01 PETITIONER IS Francisco Sesmas and Maria Torres
PROPERTY IS LOCATED AT 2006 Benham Ave.

Per Section 5.3, Special Exception Uses in the R-2, One-Family Dwelling District, to allow for a Day Care Center.

24-X-02 PETITIONER IS Balwinder Singh
PROPERTY IS LOCATED AT 115 W. Hively

Per Section 12.3, Special Exception Uses in the B-2, Community Business District, to allow for a public school.

6. ADJOURNMENT

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

LEGAL NOTICE 24-PUD-01

Hearing on proposed PUD 24-PUD-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, March 4, 2024, at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on PUD 24-PUD-01.

Petitioner: 2 Cass Opportunity Fund LLC Patrick Matthews

Request: Per Section 20.4.B approval of a Conceptual Planned Unit Development (R-4, Multiple Family Dwelling District standards) for the purpose of developing an apartment complex development. The parcel number is 02-29-426-015 and is approximately 8.34 acres in area.

Location: 2 Cassopolis St, Elkhart, IN 46514 (currently vacant)

Zoning: PUD – Planned Unit Development

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 NUMBER TWO-B (2B) IN THE REPLAT OF LOT 2 AND A PORTION OF LOT 1, TUFF MINOR SUBDIVISION, AS PER PLAT THEREOF RECORDED OCTOBER 1, 2007 AS INSTRUMENT#2007-27348 IN PLAT BOOK 32 PAGE 14, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.
Parcel Number: 20-02-29-426-015.000-027
Commonly known as 2 Cassopolis Street, Elkhart, Indiana 46514

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 16th day of February 2024, by the City of Elkhart, Plan Commission.

Publication Date: 2/16/2024
hspaxlp

LEGAL NOTICE 24-FSP-03

Hearing on proposed Final Site Plan 24-FSP-03

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, MARCH 4, 2024 at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on Final Site Plan 24-FSP-03.

Petitioner: Elkhart General Hospital, Inc.

Request: As required by Section 20.10.B seeking approval for an Amendment to a Final Site Plan for a new 2,670 square foot building addition at an existing medical facility at 3301 County Road 6 E.

Location: 3301 County Road 6 E.

Zoning: PUD, Planned Unit Development

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 NUMBERED FOUR (4) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORD PLAT OF BANKS INDUSTRIAL PARK, PHASE II, A SUBDIVISION IN OSOLO TOWNSHIP; ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 25, PAGE 83 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA. CONTAINING 5.57 ACRES MORE OR LESS.

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 15th day of February 2024, by the City of Elkhart, Plan Commission.

Publication Date: 2/23/2024
hspaxlp

PLAN COMMISSION
-MINUTES-
Monday, February 5, 2024 - Commenced at 1:46 P.M. & adjourned at 2:15 P.M.
City Council Chambers – Municipal Building

Elkhart City Plan Commission was called to order by Tory Irwin at 1:46 P.M.

MEMBERS PRESENT

Dave Osborne
Aaron Mishler
Ron Davis
Dan Boecher
Christopher Baiker
Diane Lawson
Rochali Newbill
Tory Irwin

REPRESENTING THE PLANNING DEPARTMENT

Mike Huber, Director of Planning

LEGAL DEPARTMENT

Maggie Marnocha, Corporation Counsel

TECHNOLOGY STAFF

James Hines

RECORDING SECRETARY

Carla Lipsey

APPROVAL TO AMEND AGENDA

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

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

APPROVAL OF PROOFS OF PUBLICATION

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

OLD BUSINESS

None

ELECTION OF OFFICERS

Irwin announced that the first item on the agenda was the election of officers. The nominations for the year 2024 were to take place. Irwin then asked if there were any nominations for the position of President. Mishler nominates Tory Irwin for President with Osborne seconding the motion. Irwin then asked for nominations for the position of Vice President. Mishler nominates Dave Osborne for Vice President, with Mishler seconding the motion. Finally, Irwin asked if there were any nominations for the position of Secretary. Lawson nominates Aaron Mishler for Secretary with Osborne seconding the motion.

Mishler nominates Tory Irwin for President. Seconded by Osborne. Voice vote carries

Boecher- Yes
Lawson-Yes
Osborne- Yes
Davis- Yes
Baiker- Yes

Mishler Yes
Newbill-Yes
Irwin-Yes

Mishler nominates Dave Osborne for Vice President. Seconded by Davis; Motion carried by voice vote

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

Lawson nominates Aaron Mishler for Secretary. Seconded by Osborne. Motion carried by voice vote.

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

Irwin requested a motion to appoint a member from the Plan Commission to the Board of Zoning.

Irwin informs that the Board of Zoning Appeal meets on the second Thursday of each month at 6 PM to discuss zoning appeals and determine if they get approved.

Christopher Baiker was appointed to the Board of Zoning by Osborne. Davis seconded the motion, which was carried by voice vote.

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

NEW BUSINESS

24-Z-02 PETITIONER IS Daniel A. Burns

PROPERTY IS LOCATED AT Vacant Lot (formerly 3811 S. Main Street) S. Main Street; Parcel 20-06-23-353-001.000-011

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-1, Neighborhood Business District.

Huber has pointed out that the current zoning reflected on the map differs from the actual zoning, which was being reviewed by Eric Trotter. Trotter has suggested that there might be some discrepancies between the zoning on the map and his research. Therefore, we are recommending a change in the zoning. The proposed zoning is B1 Business District, which is more suited to the property's mixed-use quarter that is transitioning from residential to commercial uses.

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.

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 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-1 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-1, Neighborhood Business District, is compatible with the surrounding properties and does reflect responsible growth and development.

Huber states there were 15 letters mailed, 0 returned

Irwin asks if there are questions from the Commission.

Irwin calls the petitioner forward.

Debra Hughes [REDACTED] is speaking on behalf of Daniel Burns. The petitioner requests rezoning approval to expand their parking lot for clients. The proposal has already gone through Tech review and received approval.

Irwin asks if there are questions from the Commission.

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 forward 24-Z-02 to the Common Council with a Do-Pass Recommendation, Second by Davis.
Motion carries

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

NEW BUSINESS

24-MSUB-01 PETITIONER IS DVS, LLC

PROPERTY IS LOCATED AT 209 CR 17 and 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.

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.

STAFF 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.

Huber states there were 16 letters mailed, 0 returned

Irwin asks if there are questions from the Commission.

Irwin calls the petitioner forward.

Mike Curry [REDACTED] is speaking on behalf of the petitioner American Millworks. The petitioner requests approval to adjust the parcel line to establish easement access.

Irwin asks if there are questions from the Commission.

Irwin has asked the petitioner to take into consideration the utility work that the staff has noted. Part of this work would involve identifying the sources of water, electricity, sewer, gas, and internet, and ensuring that they are not crossing properties. In case they are, additional easements for access and use would be required.

Petitioner clarified that there were 2 minors and a third page containing a full topographical map of the utilities.

Irwin responded he did not receive them. Make sure to coordinate with Trotter to ensure all utilities are within easements.

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.

Davis makes a motion to approve 24-MSUB-01 with listed conditions, Second by Newbill. Motion carries

Davis- Yes

Baiker- Yes

Mishler- Yes

Lawson- Yes

Osborne- Yes

Newbill -Yes

Irwin- Yes

NEW BUSINESS

24-MSUB-04 PETITIONER IS Bhavesh Patel d.b.a Lakshmeevaan, LLC PROPERTY IS LOCATED AT 2701 W. Lexington Avenue

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.

Existing zoning is B-2, Community Business District the plan commission actions is Approval or disapproval with conditions; Final Plat submitted to Plat Committee for final approval, and 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.

STAFF 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.

Huber states there were 13 letters mailed, 0 returned

Irwin asks if there are questions from the Commission.

Irwin calls the petitioner forward.

Dale Kesler [REDACTED] is speaking on behalf of the petitioner. The petitioner is requesting approval to create two lots of records in order to adjust the parcel line and establish easement access for proposed Lot 2.

Irwin asks if there are questions from the Commission.

Mishler inquires about the proposed timeline and completion date of the project from Kesler.

Kesler replies the petitioner will proceed with the purchase and renovate the storage unit once approved.

Irwin states part of this work involves identifying sources of water, electricity, sewer, gas, and internet, and ensuring that they do not cross properties based on provided plans and easements.

Kesler confirms that utilities have been located both on the site and plan.

Irwin states that private properties will have dedicated easements in addition to the public easements for the storm sewer.

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-MSUB-04 with a Do-Pass Recommendation with listed conditions; Second by Osborne. Motion carries

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

ADJOURNMENT

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

Tory Irwin, President

Dave Osborne, Vice-President

DRAFT



Staff Report

Planning & Zoning

<u>Petition:</u>	24-FSP-03
<u>Petition Type:</u>	Final Site Plan
<u>Date:</u>	March 4, 2024
<u>Petitioner:</u>	Elkhart General Hospital, Inc.
<u>Site Location:</u>	3301 County Road 6 E.
<u>Request:</u>	As required by Section 20.10.B seeking approval for an Amendment to a Final Site Plan for a new 2,670 square foot building addition at an existing medical facility at 3301 County Road 6 E.
<u>Existing Zoning:</u>	PUD, Planned Unit Development
<u>Size:</u>	+/- 3.78 Acres
<u>Thoroughfares:</u>	County Road 6 E, Jeanwood Dr
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to site
<u>Plan Commission Action:</u>	Approval or disapproval.



Surrounding Land Use & Zoning:

The property is an industrial park surrounded by industrial properties zoned PUD.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

Calls for industrial uses.

Staff Analysis

The petitioner owns and operates a medical clinic at the southwest corner of Jeanwood Drive and County Road 6 E. in the Banks Industrial Park. The clinic is proposing to add additional exam rooms in a 2,670 square foot addition onto their approximately 21,774 square foot building.

The development proposes no new curb cuts on Jeanwood Drive or County Road 6. The project has passed technical review – it meets setbacks and lot coverage. No additional parking is required and therefore no new paving. There is an additional retention area proposed to accommodate for the new addition.

Recommendation

The Staff recommends approval of the final site plan based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
2. The proposed use is permitted by major amendment within the underlying zoning of the Planned Unit Development;
3. The project has passed the City's Technical Review Process;
4. The use do not conforms to the Comprehensive Plan which calls for industrial uses however, the use was approved by major amendment by this body and the Common Council;
5. The proposed use should not be detrimental to the property values of adjacent properties.

Photos



PETITION #: 24-FSP-03 FILING FEE: \$ 100.00

PETITION to the PLAN COMMISSION

PETITION TYPE: FINAL SITE PLAN

Property Owner(s): Elkhart General Hospital, Inc.

Mailing Address: PO Box 1329, Elkhart, IN 46515

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Mark Bralick

Mailing Address: PO Box 1329, Elkhart, IN 46515

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 3301 County Road 6, Elkhart, IN 46514

Zoning: [REDACTED]

Present Use: Medical Office Building Proposed Use: Medical Office Building

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): Mark Bralick

SIGNATURE(S): Mark Bralick

Digitally signed by Mark Bralick
DN: cn=US,
email=bralick@beaconhealthsystem.org,
o=Beacon Health System,
ou=Construction, cn=Mark Bralick
Reason: I am approving this document
Date: 2024.01.30 07:00:57-05'00'

DATE: 2/1/24

STAFF USE ONLY:

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

- ☒ 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", 12 copies must be submitted.
- ☐ 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): [REDACTED]

Map #: [REDACTED] Area: [REDACTED]

RECEIVED BY: [REDACTED] DATE: [REDACTED]

LEGAL DESCRIPTION:

LOT NUMBERED FOUR (4) AS THE SAID LOT IN KNOW AND DESIGNATED ON THE RECORDED PLAT OF BANKS INDUSTRIAL PARK, PHASE II, A SUBDIVISION IN OSOLO TOWNSHIP, SAID PLAT BEING RECORDED IN PLAT BOOK 25, PAGE 83 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.



Staff Report

Planning & Zoning

<u>Petition:</u>	24-PUD-01
<u>Petition Type:</u>	Conceptual Planned Unit Development R-4, Multiple Family Dwelling District standards
<u>Date:</u>	March 4, 2024
<u>Petitioner:</u>	2 Cass Opportunity Fund LLC Patrick Matthews
<u>Site Location:</u>	2 Cassopolis St, Elkhart, IN 46514 (currently vacant); 2100-2200 block Parcel 20-02-29-426-015.000-027
<u>Request:</u>	Per Section 20.4.B approval of a Conceptual Planned Unit Development (R-4, Multiple Family Dwelling District standards) for the purpose of developing an apartment complex development. The parcel number is 02-29-426-015 and is approximately 8.34 acres in area.
<u>Existing Zoning:</u>	PUD, Planned Unit Development
<u>Size:</u>	+/- 8.32 Acres
<u>Thoroughfares:</u>	Cassopolis Street
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to site.
<u>Plan Commission Action:</u>	Recommendation to Common Council.

Surrounding Land Use & Zoning:

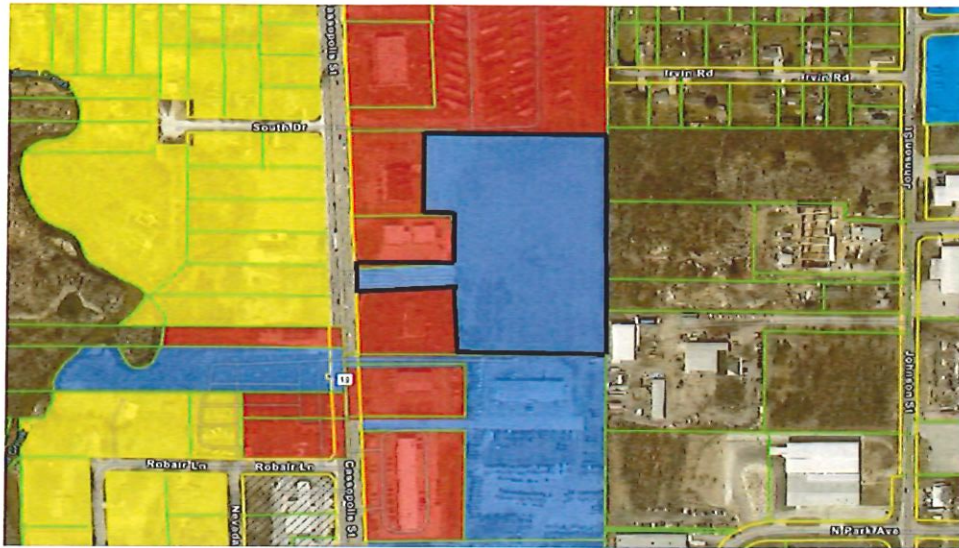
Properties to the north, west, and south are commercially zoned as B-3 and land to the east is in the County of Elkhart out of City limits.

Applicable Sections of the Zoning Ordinance:

See enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is proposing to develop a new apartment complex on land that is currently vacant in the 2100 block of Cassopolis Street. Amenities will include a club house, playground, a dog park and a pedestrian exercise path that will be built around the perimeter of the property. The development will also provide sidewalks that connect to the public sidewalks to Cassopolis Street. The area of the parcel in question is 8.34 acres. The site is accessed through a platted easement behind what is currently Communitywide Federal Credit Union and a small strip center with medical offices.

This proposal serves to meet the need of housing diversification by adding additional dwelling units in our community as highlighted in the Zimmerman Volk study. The developer is proposing 240 new units built over six buildings containing a mix of one, two and three bedroom units. Four of the six buildings are planned to have 36 units each with the remaining two buildings having each 48 units.

The petitioner is proposing a reduced number of on-site parking spaces at a rate of 1.5 spaces per dwelling unit versus the two spaces per dwelling unit, which is the current standard for parking. Staff agrees with the parking reduction as the 1.5/unit rate reflects current industry standard parking ratios. 360 parking spaces are being provided. Where 480 spaces would be required for a typical development, there are 360 spaces proposed for the project – a reduction of 25%. Staff supports this reduction - there isn't a need for the extra pavement when the site could be better programmed for natural areas and common space.

The proposed buildings are situated so that the parking is contained mostly in the center of the site with all but one building at the perimeter of the property. The setback exceptions are minor for a project of this scale. A reduction of the front yard setback by five feet to twenty feet where twenty five is required; a corner side reduction by ten feet to fifteen where twenty five is required; and a reduction of the rear yard setback by five feet to twenty five feet where thirty is required. The plan depicts the storm water collection areas at the western part of the property – currently with a drainage easement agreement for the southernmost retention pond.

The proposed Planned Unit Development (R-4) is conceptual, which means the submittal contains general information for the plan – property boundaries, existing site features, general street layout, proposed use, setback and preliminary on-site drainage. The project will need to be submitted for review and approval at the City’s Technical Review – this will also address any potential traffic concerns raised during that review. The Indiana Department of Transportation (INDOT) will also review as a part of the overall permitting process.

If this request is approved by the Common Council, a final site plan must be submitted to the Plan Commission for final approval at a public hearing.

Recommendation

The Staff recommends **approval** of the conceptual Planned Unit Development based on the following findings of fact:

- 1) The Comprehensive Plan calls for this area to be developed with mixed uses. The proposed use is compatible with commercially mixed uses.
- 2) The proposed use should not negatively impact surrounding properties. The proposed apartments should benefit the commercial businesses along Cassopolis Street.
- 3) The proposed use is compatible with other activity currently occurring in the general area – which is largely service commercial and service oriented.

Photos





Attachments

Petition, appeal letter, site plan.

PETITION #: 24-PUD-01

FILING FEE: \$ 400.00

B-3 and M-1 District

PETITION to the PLAN COMMISSION

PETITION TYPE:

☒ PUD ☐ Major PUD Amendment ☐ Minor PUD Amendment

All PUD & PUD Amendment petitions require final approval from the Common Council

Property Owner(s): 2 Cass Opportunity Fund LLC Patrick Matthews

Mailing Address: 1130 S Bend Ave Ste 350 South Bend, IN 46617

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Abonmarche Consultants, Crystal Welsh

Mailing Address: 303 River Race Drive, Goshen, IN 46526

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 2 Cassopolis St, Elkhart, IN 46514 20-02-29-426-015.000-027

Zoning: B-3 and M-1 District

Present Use: vacant land Proposed Use: new multi-family development

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): J. Patrick Matthews, Manager

SIGNATURE(S): J. Patrick Matthews, mgr DATE: 1/28/24

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: _____

February 2, 2024

Honorable Members of the City Council and Plan Commission
City of Elkhart
229 South Second Street
Elkhart, IN 46516

RE: Conceptual PUD petition for 2 Cassopolis St, Elkhart, In 46514
Parcel # 20-02-29-426-015.000-027

The undersigned petitioner respectfully shows the Council and Plan Commission:

1. 2 Cass Opportunity Fund LLC. is the owner of the following described real estate located within the City of Elkhart, Osolo Township, Elkhart County, State of Indiana.
SEE ATTACHED LEGAL DESCRIPTION
2. The above described real estate presently has a zoning classification of B-3 and M-1 Districts under the Zoning Ordinance of the City of Elkhart.
3. The proposed occupancy of the above-mentioned property is to develop a new multi-family apartment complex with approximately 240 units consisting of a mix of 1-, 2-, and 3-bedroom units.
4. Petitioner desires to rezone said real estate to a Conceptual PUD District for that purpose.
5. This petition meets the PUD standards as it:
 - I. Is consistent with the Comprehensive Plan. The City of Elkhart's future land use map indicates the area surrounding this property should be a variety of land use types including residential, commercial and mixed use. The use of this property for a higher density residential is consistent with that vision.
 - II. Encourages innovations in development and/or redevelopment by utilizing vacant land within the City in a heavily developed area with access to public utilities and replaces it with a new facility to meet documented demand for housing in our community. The development will allow for much needed housing units on the City's northside in a higher-density style while still providing for buffering, greenspace, a walking trail that connects the development to the sidewalk network and available commercial uses along Cassopolis Street.
 - III. Fosters the safe, efficient and economic use of the land, transportation, public facilities and services as it is utilizing vacant land in a heavily developed section of the City. The development of this site will take advantage of the existing infrastructure and services in the area.
 - IV. Facilitates the provision of adequate public services as it is a development of an underutilized site with access to the City of Elkhart public services. The trail around the property will connect to the existing sidewalk system promoting bike and pedestrian travel and connection to The Trolley route.

- V. Avoids the inappropriate development of lands and provides for adequate drainage and reduction of flood damage. The site is not located in a floodplain and will be designed to meet City standards for onsite stormwater management.
- VI. Encourages patterns of land use which decrease trip length of automobile travel and encourages trip consolidation. This site is conveniently located along Cassopolis Street. It is well situated near commercial uses making it convenient for residents to utilize existing services in the area. As Cassopolis Street is a major thoroughfare, employees and visitors will have easy access to the facility. The MACOG Interurban Blue Line runs along Cassopolis Street. In addition, improvements along Cassopolis Street make pedestrian travel much easier and safer. The new development will have an interior sidewalk and trail connection to the City's sidewalk network to improve and encourage pedestrian and bicycle travel. As the development is designed to be pedestrian and transit friendly, we are requesting a parking standard of 1.5 spaces per unit.
- VII. Minimize adverse environmental impacts of development. The development of the underutilized vacant land within the City limits and with access to public infrastructure will be much less impactful on the environment as the same development would be outside the City limits on a well and septic system. By utilizing the existing public infrastructure, this project can eliminate the potentially negative impacts to soil and water conditions in the community.
- VIII. Improves the design, quality and character of new development. The design team has created an aesthetically pleasing building and site plan to enhance the community while meeting the needs of the residents. This project will meet all local design requirements with the exception of:
 - a. a front-yard setback of 20 feet
 - b. a corner side-yard setback of 15 feet (south of proposed building #1)
 - c. a rear-yard setback of 25 feet
 - d. a parking standard of 1.5 spaces per unit
- IX. Foster a more rational pattern of relationships between residential, business, and industrial uses. The PUD will allow for higher intensity residential to be development in close proximity to local service and retail businesses along a major thoroughfare. This mix of residential and business used is a desirable mix of land uses and functionality for the City.
- X. Protects existing neighborhoods from harmful encroachment by intrusive or disruptive development. This project will allow for higher-density residential development near and commercial uses. This is consistent with the current mixed-use nature of the area.

Wherefore, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the Plan Commission make a do pass recommendation and the Elkhart Common Council, after hearing, pass on appropriate ordinance rezoning the above-described parcel of land located in the City of Elkhart.


Pat Matthews
2 Cass Opportunity Fund LLC

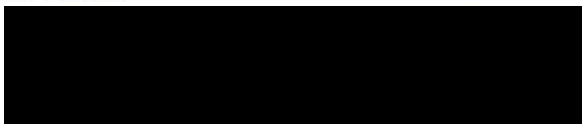
Contact Person: Abonmarche Consultants

Name: Crystal Welsh

Address:

Phone number:

Email:



**AFFIDAVIT IN SUPPORT OF PLANNED UNIT DEVELOPMENT (PUD) PETITION
OR PUD AMENDMENT PETITION**

J. Patrick Matthews

I, MANAGER 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 Planned Unit Development (PUD) petition or PUD Amendment 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 2 Cassopolis St Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 25 day of Jan, 2024.

J. Patrick Matthews

Printed: J. Patrick Matthews

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.

J. Patrick Matthews

Printed: J. Patrick Matthews

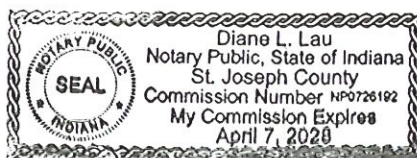
STATE OF INDIANA)

St. Joseph) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared J. Patrick Matthews and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 25 day of January, 2024.

My Commission Expires:

04/07/2028



Diane L. Lau

Printed: Diane L. Lau

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

STATE OF INDIANA)
) SS:
COUNTY OF St. Joseph)

Before me, a Notary Public in and for said County and State, personally appeared Edward Bessinger and Mary Bessinger, Members, Bess Development LLC, an Indiana limited liability company, who acknowledged the execution of the foregoing Special Warranty Deed for and on behalf of said Grantor.

WITNESS my hand and Notarial Seal this 27 day of July, 2023.



Shelby Mecklem
Notary Public

Shelby Mecklem
Printed Signature

My Commission Expires: 7/11/2030

My County of Residence: Elkhart

This instrument prepared by Scott J. Fandre, Esq., Krieg DeVault LLP, [REDACTED]
[REDACTED] on behalf of Title RSource Agency.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Scott J. Fandre

GRANTEES' ADDRESS IS AND
RETURN DEED AND SEND
TAX STATEMENTS TO:

2 Cass Opportunity Fund LLC
[REDACTED]

February 2, 2024

Mr. Eric Trotter, Assistant Director for Planning and Zoning
City of Elkhart Planning and Development
229 South Second Street
Elkhart, IN 46516

RE: Conceptual PUD Petition for 2 Cassopolis St, Elkhart, In 46514
Parcel # 20-02-29-426-015.000-027

To Whom It May Concern:

This letter is to verify that 2 Cass Opportunity Fund LLC. currently owns the above referenced parcel in Elkhart Indiana.

We authorize Abonmarche Consultants to prepare and submit the petition, provide representation at any hearings or meetings relating to this request, and any other matters relating to this project.

Thank you for your time and assistance with this matter.

Best Regards,


Pat Matthews
2 Cass Opportunity Fund LLC



Staff Report

Planning & Zoning

Petition: 24-X-01

Petition Type: Special Exception

Date: Plan Commission: March 4, 2024; Board of Zoning Appeals March 14, 2024:

Petitioner: Francisco Sesmas and Maria Torres

Site Location: 2006 Benham Avenue

Request: A Special Exception per Section 5.3, Special Exception Uses in the R-2, One-Family Dwelling District, to allow for a Day Care Center.

Existing Zoning: R-2 One Family Dwelling District

Size: +/- 0.16 Acres

Thoroughfares: Benham Ave

School District: Elkhart Community Schools

Utilities: Available to site.

Surrounding Land Use & Zoning:

The properties to the north, south, east, and west are all zoned R-2 One Family Dwelling District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for this area to be developed with low density residential.



Staff Analysis

The petitioners are submitting an application for a daycare at 2006 Benham Avenue this month. There are an existing five other daycares on the same block of Benham also owned and operated by the petitioners. They have been able to expand and fill their childcare openings in part because of the demonstrated need for daycare in Elkhart.

The house at 2006 Benham is 1032 square feet and built in 1950, according to Elkhart County Assessor records. The lot is .15 acres. At the writing of this report, staff had not yet visited the site. Information provided in the petition application, there will some demolition of interior walls and the back yard will be fenced.

They plan to apply for a Class II license with the state's Family and Social Services Administration (FSSA), which allows for up to 16 children. Pick up and drop off for the facility will be handled from the alley on the east of the building. There is ample parking in the rear for employees. Based on information provided in the petition, they plan on enrolling in the Child and Adult Care Food Program (CACFP) to provide healthy meals. They also become members of The National Association for Family Child Care (NAFCC).

In terms of space, the house is adequate. The state requires a minimum of 560 square feet for a Class II license.

Recommendation

Staff recommends approval of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare **will be** protected;
2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because there will be no exterior changes to the existing building;
3. The Special Exception **shall** conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

Conditions

If the Board chooses to approve the requested special exception, staff recommends that the following conditions be placed upon the approval:

1. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises.
5. A copy of the child care home license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
7. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
8. There shall be a maximum sixteen (16) children.
9. Pickup and dropoff shall be from the alley at the rear of the property.
10. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by March 14, 2026.

PETITION #: 24-X-01

FILING FEE: \$ 300

PETITION for APPEAL to the BOARD of ZONING APPEALS

PETITION TYPE:

☐ Developmental Variance ☐ Appeal from Staff Decision
☐ Use Variance ☒ Special Exception ☐ Conditional Use

Property Owner(s): Francisco Sesmas and Maria Torres

Mailing Address: 2018 Benham Ave. Elkhart, IN 46516

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Maria Torres

Mailing Address: 2018 Benham Ave.

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 2006 Benham Ave. Elkhart, IN 46516

Zoning: B-2

Present Use: Vacant house Proposed Use: Daycare

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): Francisco Sesmas / Maria Torres

SIGNATURE(S): Francisco Sesmas / Maria Torres DATE: 1/26/24

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Board of Appeals docket:

- ☐ One copy of the Appeal Letter signed in ink by the owner of the property (or representative).
- ☐ 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", 12 copies must be submitted.
- ☐ Optional: any supplementary information the applicant may wish to include.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

January 26, 2024

TO: Plan Commission & Board of Zoning Appeals
City of Elkhart, Indiana

RE: Special Exception Request

Francisco Sesmas and Maria Torres, are the owners of the following described real estate located within the City of Elkhart, on 2006 Benham Ave., Elkhart In 46516-3413.

LEGAL DESCRIPTION ATTACHED TO THIS LETTER

The above-described real estate presently has a zoning classification of R-2, District under the Zoning Ordinance of the City of Elkhart.

Petitioner presently occupies the above-described property in the following manner:

VACANT.

Petitioner desires: to provide daycare services on a daily basis from Monday to Friday from 05:00 a.m. to 04:00 p.m. We will work to achieve level 4 on Paths of Quality I. We will get a daycare license class II following all the standards, requirements, and procedures from Family Social Services Administration (FSSA) and Early Learning Indiana (ELI). We will be enrolled in the Child and Adult Care Food Program (CACFP) and provide healthy meals. We will become members of The National Association for Family Child Care (NAFCC).

Section 5.3 Special Exception used in the R-2 District. The Zoning Ordinance requires a Special Exception for a daycare home in the R-2 District.

This property is suited to the special exception use being requested because We have a parking space in the rear of the property on a non busy alley to have a safe pick up and drop off.

In addition to that, the location of this property is very convenient for the community in need of daycare services in this area.

1. The Special Exception is so defined, located, and proposed to be operated that the public health, safety, and welfare will be protected; **Yes** this daycare will provide healthy meals under the supervision and sponsorship of the Child and Adult Care Food Program. We will follow guidelines from the local Health Department and CDC. We will notify the Fire Department of the daycare and they will inspect alarms and extinguishers. The property is fenced in to provide a safe play area. Parking and drop-off will be in the back of the property in a non-busy alley. Staff will meet the requirements such as National Criminal History, drug test, CPR, TB test, Physical exam, child abuse, and neglect courses, and safe sleep practices.
2. The special exception will not reduce the values of other properties in its immediate vicinity; **NO**, this property is well maintained and will continue to be maintained and in very good shape with no changes to its residential appearance.
3. The special exception shall conform to the regulation of the zoning district in which it is to be located; **Yes**, the property will continue to have its original residential appearance.

WHEREFORE, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grants the requested variance.

Signature of Property Owner Francisco Sesmas

Printed Name: Francisco Sesmas

Second Property Owner Maria Torres

Printed Name: Maria Torres

Contact Person: [REDACTED] / Francisco Sesmas

Name: Francisco Sesmas

Address: 2018 Benham Ave.

Phone number where you can be reached: [REDACTED]

2023-02530

ELKHART COUNTY RECORDER
KAALA BAKER
FILED FOR RECORD ON
02/16/2023 10:12 AM
AS PRESENTED



QUIT-CLAIM DEED

The Grantor: Thomas W. Humes, II

whose address is: 2006 Benham Avenue, Elkhart, IN 46516,

conveys and quit-claims to: Francisco Sesmas

whose address is: 2018 Benham Avenue, Elkhart, IN 46516,

the following described premises situated in the County of Elkhart, State of Indiana:

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION EIGHT (8),
TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FIVE (5) EAST, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS FIFTY-THREE AND THIRTY-FOUR
HUNDREDTHS (53.34) FEET SOUTH OF THE SOUTHEAST CORNER OF
BENHAM AVENUE AND HUBBARD AVENUE IN THE CITY OF ELKHART,
INDIANA; THENCE EAST PARALLEL TO THE SOUTH LINE OF HUBBARD
AVENUE ONE HUNDRED TWENTY-SIX (126) FEET; THENCE SOUTH
PARALLEL TO THE EAST LINE OF BENHAM AVENUE FIFTY-THREE AND
THIRTY-THREE HUNDREDTHS (53.33) FEET; THENCE WEST PARALLEL TO
THE SOUTH LINE OF HUBBARD AVENUE ONE HUNDRED TWENTY-SIX (126)
FEET; THENCE NORTH ALONG THE EAST LINE OF BENHAM AVENUE FIFTY-
THREE AND THIRTY-THREE HUNDREDTHS (53.33) FEET TO THE PLACE OF
BEGINNING.

SUBJECT TO ALL ROADWAYS, EASEMENTS, RESTRICTIONS OF RECORD
AND TAXES.

Property Address: 2006 Benham Avenue, Elkhart, Indiana 46516.

Parcel No.: 20-06-08-478-002.000-012

DISCLOSURE FEE PAID

DULY ENTERED FOR TAXATION

SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

2-16-2023

Daniel A. Baker AUDITOR

000590

TRANSFER FEE 10

PARCEL NO. ✓

KEK
02/16/23

For the sum of One Dollar (\$1.00) and other good and valuable consideration.

Dated this 15 day of February, 2023.

Signed by Grantor:

Thomas W. Humes, II

Thomas W. Humes, II

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Thomas W. Humes, II and acknowledged the execution of the above and foregoing document as his own free act and deed.

WITNESS my hand and official seal this 15 day of February, 2023.

My Commission Expires:

February 7th, 2026

Jose Mauricio Chavez De la Torre
Printed: Jose Mauricio Chavez De la Torre
Notary Public
Residing in Elkhart County, Indiana

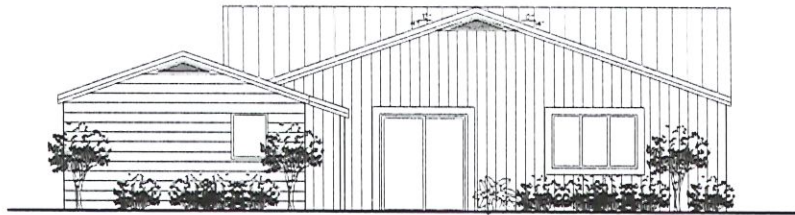
Grantee's Address and Tax Billing Address:

Francisco Sesmas
2018 Benham Avenue
Elkhart, IN 46516

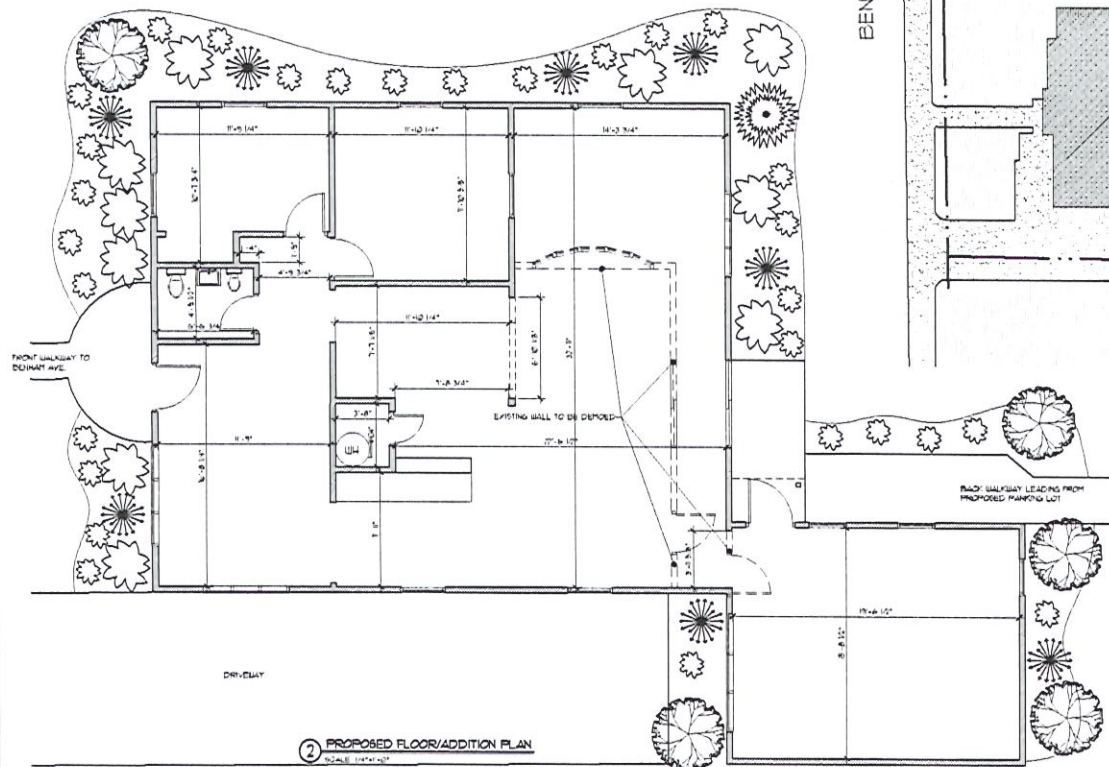
JOSE MAURICIO CHAVEZ DE LA TORRE
Notary Public - Seal
Elkhart County - State of Indiana
Commission Number 710244
My Commission Expires Feb 7, 2026

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. William G. Lavery

This instrument prepared by: William G. Lavery, LAVERY LAW, LLC, Attorney at Law, 600 South Main Street, Suite 200, Elkhart, Indiana 46516; [REDACTED]

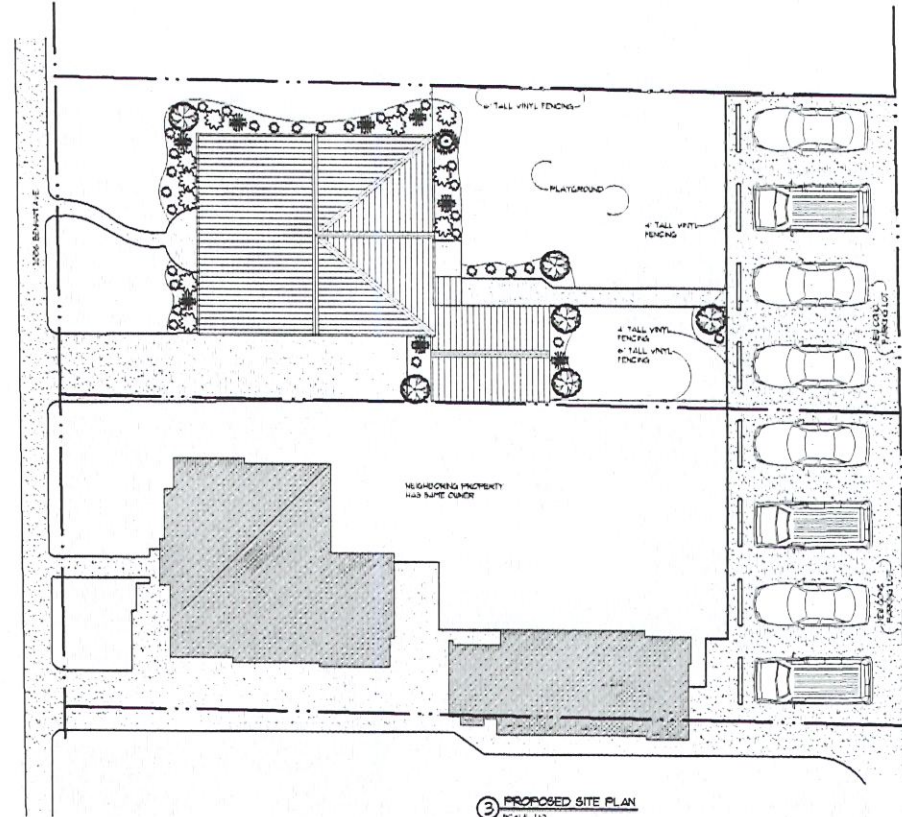


1 PROPOSED ELEVATION
SCALE 1/4" = 1'-0"



2 PROPOSED FLOOR/ADDITION PLAN
SCALE 1/4" = 1'-0"

BENHAM AVE.



3 PROPOSED SITE PLAN
SCALE 1/4" = 1'-0"

ARCHITECTURAL GROUP III

201 S. Higgins St. Elkhart, Indiana 46516-1953 • 574/237-1055

JOB TITLE

LA CASA DE LOS NIÑOS
EXPANSION PLAN
2006 BENHAM AVE.
ELKHART, IN

JOB NO.
23107

DATE
09/12/23

REVISIONS

SHEET NO.

A1.1

PROPOSED SITE PLAN,
& ELEVATIONS



Staff Report

Planning & Zoning

Petition: 24-X-02

Petition Type: Special Exception

Date: Plan Commission: March 4, 2024; Board of Zoning Appeals March 14, 2024:

Petitioner: Balwinder Singh

Site Location: 115 West Hively Avenue

Request: A Special Exception per Section 12.3, Special Exception Uses in the B-2, Community Business District, to allow for a public school.

Existing Zoning: B-2 Community Business District

Size: +/- 0.85 Acres

Thoroughfares: West Hively Ave

School District: Concord Community Schools

Utilities: Available to site.

Surrounding Land Use & Zoning:

The properties to the north of this site are B-2 Community Business District. The properties to the east are B-2 Community Business District and R-5 Urban Residential District, the properties to the west are R-4 Multiple Family Dwelling District, and the properties to the south are R-5 Urban Residential District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting a special exception to allow the former commercial retail space to be used for classrooms, music space and a dance studio. The property in question at 115 W. Hively Avenue is adjacent to the Premier Arts Academy at 2721 Prairie Street, which was approved for the use as a school in January 2023. Due to the growth at the school, there is a need to accommodate additional classroom space for 5th, 6th and 7th grades serving up to an additional 125 students.

Based on information provided in the petition submittal, in order to provide movement between the main campus and the building on Hively, a path will be constructed allowing students, with supervision, to move between the two buildings while keeping the existing fence.

The pick-up and drop off will remain at the main campus on Prairie Street. Only late arrivals will be permitted at the Hively Avenue facility. Additionally, the same safety measures will be installed at the Hively building as the main campus building – security cameras both inside and out, electronic monitors for door entry system, adult supervision of students moving between buildings and an active early warning system. For additional security, appliques will be applied to the windows to limit visibility into the classrooms.

With the growth of Premier Arts Academy, the proposed building on Hively is convenient and will allow for the growth at the school.

Recommendation

Staff recommends **approval** of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare **will be** protected;
2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because it is a minor expansion of an already approved use;
3. The Special Exception **shall** conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

Conditions

1. Plans for all modifications to the building at 115 W Hively Avenue be submitted for review and approval to the Building Department to ensure all necessary requirements are met for the safety of the occupants of the school.

Photos

PETITION #: 24-X-02

FILING FEE: \$ 300

PETITION for APPEAL to the BOARD of ZONING APPEALS

PETITION TYPE:

☐ Developmental Variance ☐ Appeal from Staff Decision
☐ Use Variance ☒ Special Exception ☐ Conditional Use

Property Owner(s): BALWINDER SINGH

Mailing Address: 535 EAGLE BROOK LN

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: KURT WEIMER

Mailing Address: 51870 WINDING WATERS LN., ELKHART, IN 46514

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 115 W. HIVELEY

Zoning: B-2

Present Use: VACANT Proposed Use: SCHOOL

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): KURT WEIMER

SIGNATURE(S): [Signature] DATE: 2-2-24

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Board of Appeals docket:

- ☒ One copy of the Appeal Letter signed in ink by the owner of the property (or representative).
- ☒ 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", 12 copies must be submitted.
- ☐ Optional: any supplementary information the applicant may wish to include.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: [Signature] DATE: 2/2/24

February 1, 2024

TO: Plan Commission & Board of Zoning Appeals

FR: Balwinder Singh, president of Nickibaba, LLC and owner of the property at 115 W Hively Ave,
and
Kurt Weimer, tenant representative and Director of Operations, Premier Arts Academy

RE: Special Exception Request

The undersigned petitioner respectfully shows the Plan Commission and Board of Zoning Appeals:

1. I, Balwinder Singh, president of Nickibaba, LLC, am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:

LOT NUMBERED 1 OF BLOCKBUSTER VIDEO SUBDIVISION AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT; SAID PLAT BEING RECORDED IN PLAT BOOK 30, PAGE 85 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

Parcel No.: 06-17-427-011-011

State ID: 20-06-17-427-011.000-011

Commonly known as 115 West Hively Boulevard, Elkhart, Indiana

2. The above described real estate presently has a zoning classification of B-2 District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner proposes to lease the building and property to Premier Arts, Inc. for the purposes of expanding the Premier Arts Academy (PAA) campus adjacent to the Lifeline Hub building at 2721 Prairie St.
4. Petitioner's tenant (PAA) desires to renovate the existing interior 6500 sq ft to accommodate 5 additional classrooms including 5th, 6th, and 7th grade STEM and humanities classrooms as well as a music room and dance studio. This will allow the public charter school to increase offerings to an additional 125 students.
5. The Zoning Ordinance of the City of Elkhart requires a Special Exception Use for "Public Schools, elementary and secondary" 12.3-A via 11.3-F
6. The south end of the Blockbuster property at 115 West Hively Avenue is located adjacent/contiguous to the north end of the current Lifeline/PAA property at 2721 Prairie St. The proximity allows the school/tenant to:
 - a. Be within radio communication range with the main building
 - b. Be within a reasonable emergency response range to the main building and staffing
 - c. Have a very short distance for students to move between buildings for lunch and specials classes that provides for less loss of instructional time as opposed to bussing to a further site
 - d. Connect existing internet, camera, and electronic entry monitoring with the main campus building which allows the existing infrastructure to serve both buildings simultaneously providing a cohesive safety and security process

- e. Utilize expanded parking adjacent to the north end of the main campus for cohesive and dropoff and pickup with ample capacity
- f. Not duplicate several physical services at a distant site such as
 - i. Food service kitchen and cafeteria
 - ii. Nurses station
 - iii. Record keeping
 - iv. Custodial storage
 - v. Central office space

7. Standards that must be considered for a Special Exception:

- a. The Special Exception is so defined, located and proposed to be operated that the public health, safety, and welfare will be protected.

The current school presence at the adjacent Lifeline facility at 2721 Prairie Street has proven to be a great fit for student families as well as being a positive local community presence. The intention of the school/tenant is to maintain the existing rear fence and create a passageway between buildings that also allows the ample north parking lot of the existing Lifeline/school property for car rider drop off and pickup of students beginning their day at the annex. This will limit automobile traffic to the storefront entrance off Hively to just late arrivals and early pickups.

To address the proximity of the liquor store, grocery store, and gas station to the proposed school annex, the school would point to an incident free school year thus far. The school has had nothing but positive interactions with our local neighborhood community. Further, the owner of the leased property for the school annex also owns and maintains the gas station and liquor store. School officials have been in regular communication with the property owner working through solutions as they complete the scope and definition of the project.

The school/tenant will be adding the same safety measures in place at the main campus building:

- i. Security cameras inside and outside*
- ii. Electronic monitored door entry system*
- iii. Adult supervision of student transfer between buildings*
- iv. Active Early Warning System*

In addition, the school/tenant will treat the windows with "false spandrel" appliques to restrict passers-by from viewing into the instructional space while still allowing natural lighting into the classrooms. The scope of the renovation will include all necessary requirements of E-occupancy scholastic use.

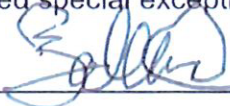
- b. The Special Exception will not reduce the values of other properties of other properties in its immediate vicinity.

The Blockbuster building and property has sat vacant for a number of years and the immediate area will benefit from visible use and occupancy. There will be some exterior improvements and eventually some branding/signage that will enhance the property profile along the 100 W. Hively block.

- c. The Special Exception shall conform to the regulations of the zoning district in which it is to be located.

The proposed occupancy and use as a school facility at 115 W. Hively Ave aligns with the City of Elkhart Zoning Ordinance 12.3-A via 11.3-F "Public schools, elementary and secondary" use.

WHEREFORE, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested special exception.

Signature of Property Owner:  _____

Printed Name: **Balwinder Singh, President of Nickibaba, LLC**

Signature of Second Property Owner: _____ N/A

Printed Name: _____ N/A

Signature of Contact Person: _____

Printed Name: **Kurt Weimer** _____

Address: 51870 Winding Waters Ln, Elkhart, IN 46514 _____

Phone number:  _____

Email:  _____

I, Balwinder Singh, 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:

- EXECUTED on the 2nd day of Feb, 2024.

Printed: Balwinder Singh
Asst Member of Nickibabq LLC

Printed: Balwinder Singh

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Balwinder Singh, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 2 day of Feb, 2024.



Printed: _____

6

City of Elkhart - Consent for Land Use Petitions

The undersigned, Balwinder Singh, as Authorized Member of Nickibaba, LLC, being the owner of the real property and improvements commonly known as 115 W. Hively Blvd, Elkhart, IN, hereby authorizes, consents to, and appoints Kurt Weimer of Premier Arts Academy to authorized representative with respect to the Special Exception Request being submitted in relation to the Property. This consent shall remain in effect until the land development petitions are resolved unless a written statement revoking this consent is received by you prior thereto.

PROPERTY OWNER:

Nickibaba, LLC

By: 

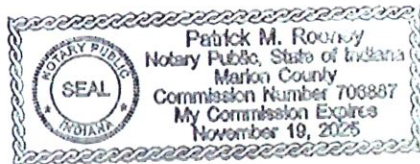
Balwinder Singh, Authorized Member
535 Eagle Brook Lane
Naperville, IL 60565



STATE OF IN,
COUNTY OF Marion SS:

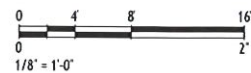
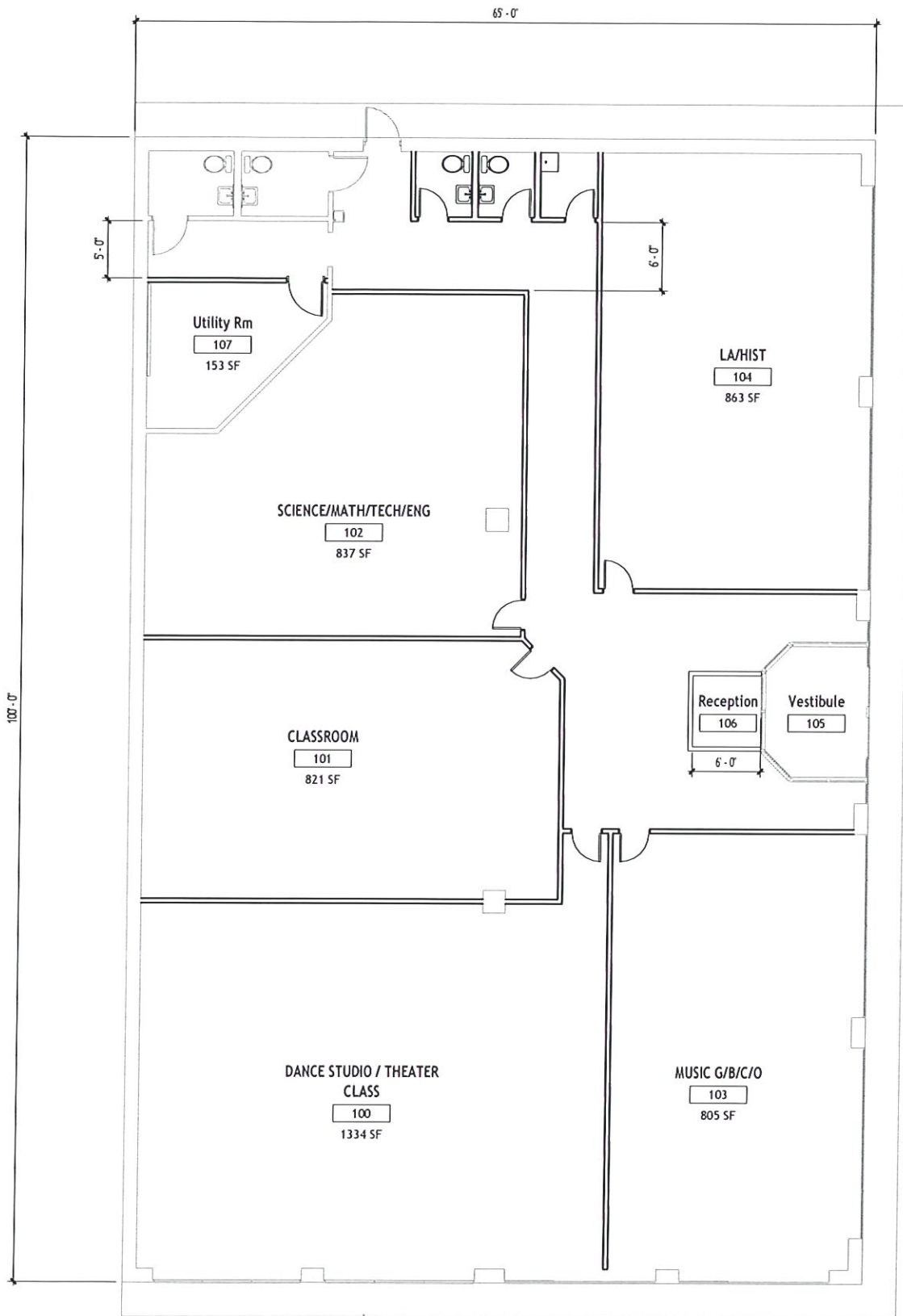
Before me, a Notary Public in and for said County and State, personally Balwinder Singh, who being first duly sworn by me upon his oath, acknowledged execution of the foregoing, stated that he is the Authorized Member of Nickibaba LLC, that he is duly authorized to execute the foregoing on its behalf, and who having been duly sworn stated that the representations therein are true.

WITNESS MY HAND and Notarial Seal this 2nd day of Feb, 2024.

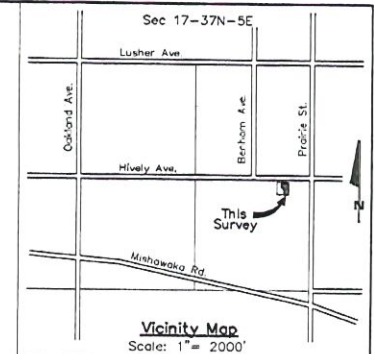
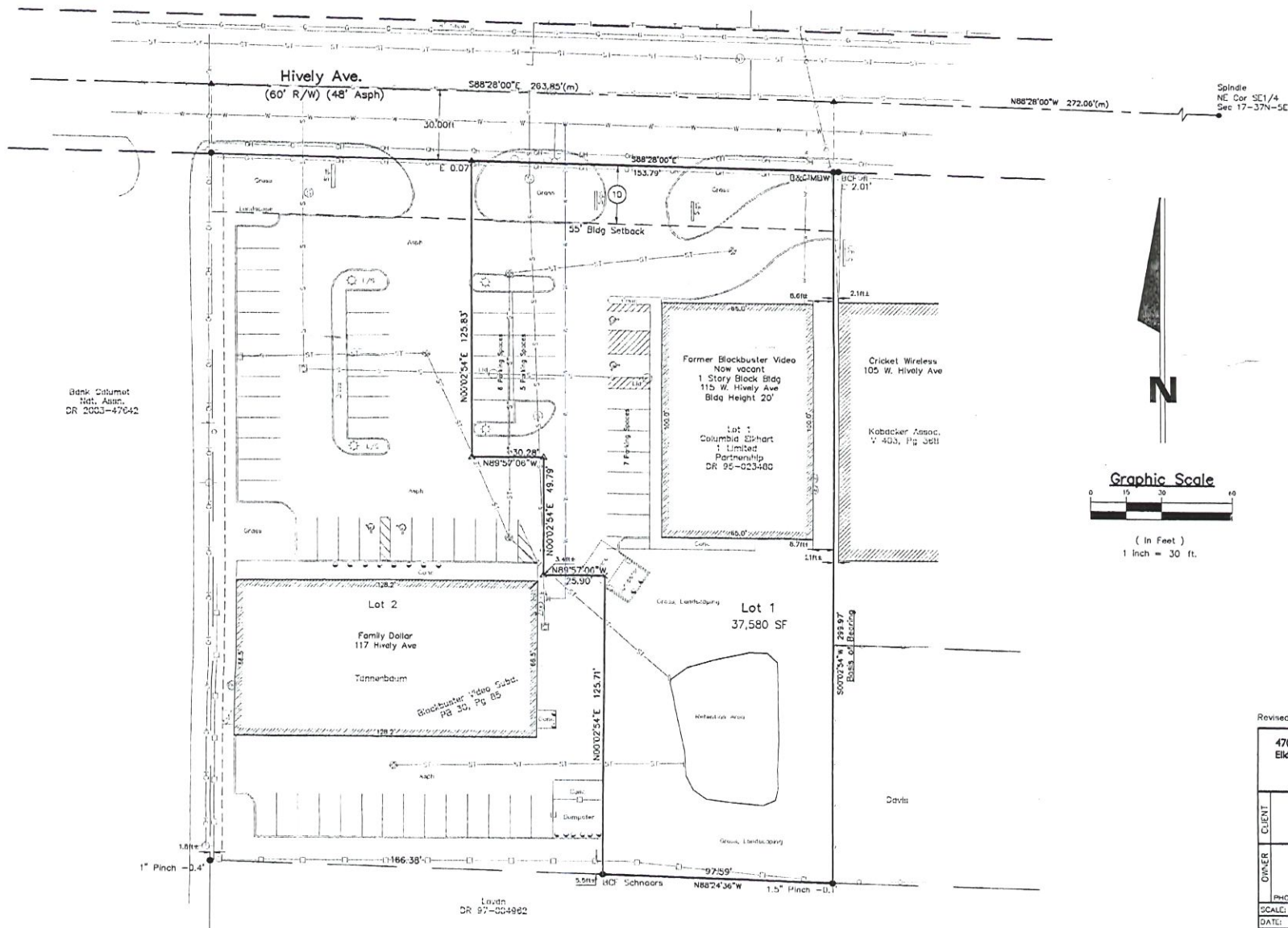



Notary Public

PROPOSED



A Part of the Southeast Quarter of Section 17
Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana



●	EXISTING MONUMENT
▲	REBAR AND CAP SET
▲	PK NAIL FOUND
▲	PK NAIL SET
x	'x' SCRIBED
(R)	RECORD
(M)	MEASURED
-0.1'	ELEV. OF MON. ABOVE GROUND (TYP.)
—	CLEAN OUT
⊗	SANITARY MANHOLE
⊗	CATCH BASIN
⊗	IRON CRATE
⊗	STORM MANHOLE
⊗	GAS METER
⊗	ELECTRIC BOX
⊗	ELECTRIC METER
⊗	GUY ANCHORS
⊗	LIGHT POLE
⊗	POWER POLE
⊗	FIRE HYDRANT
⊗	WATER METER
⊗	WATER VALVE
⊗	IRRIGATION CONTROL VALVE
⊗	POST
⊗	BOLLARD
⊗	SIGN
—S—S—	SANITARY LINE
—ST—	STORM LINE
—G—G—	GAS LINE
—OH—	OVERHEAD LINE
—T—T—	TELEPHONE LINE
—W—W—	WATER LINE
—□—□—	WOOD FENCE
—○—○—	CHAIN LINK TYPE FENCE

Revised 5/26/09. Edit addresses in title block. --phs

4703 Chester Drive
Elkhart, IN 46516

p: 574.293.7762
f: 574.294.3717

WIGHTMAN PETRIE
CONSULTING ENGINEERS & LAND SURVEYORS

CLIENT	InSite Real Estate Development, LLC 1400 16th Street, Suite 300 Oak Brook, Illinois 60523-8854
--------	--

OWNER	Columbia Elkhart 1 Limited Partnership 1400 16th Street, Suite 300 Oak Brook, Illinois 60523-8854
-------	---

PHONE: _____		REF. DOC. NO.: 95-023480	
SCALE: 1" = 30'	DRAWN BY: phs	SURVEYED: 5/22/09	

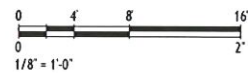
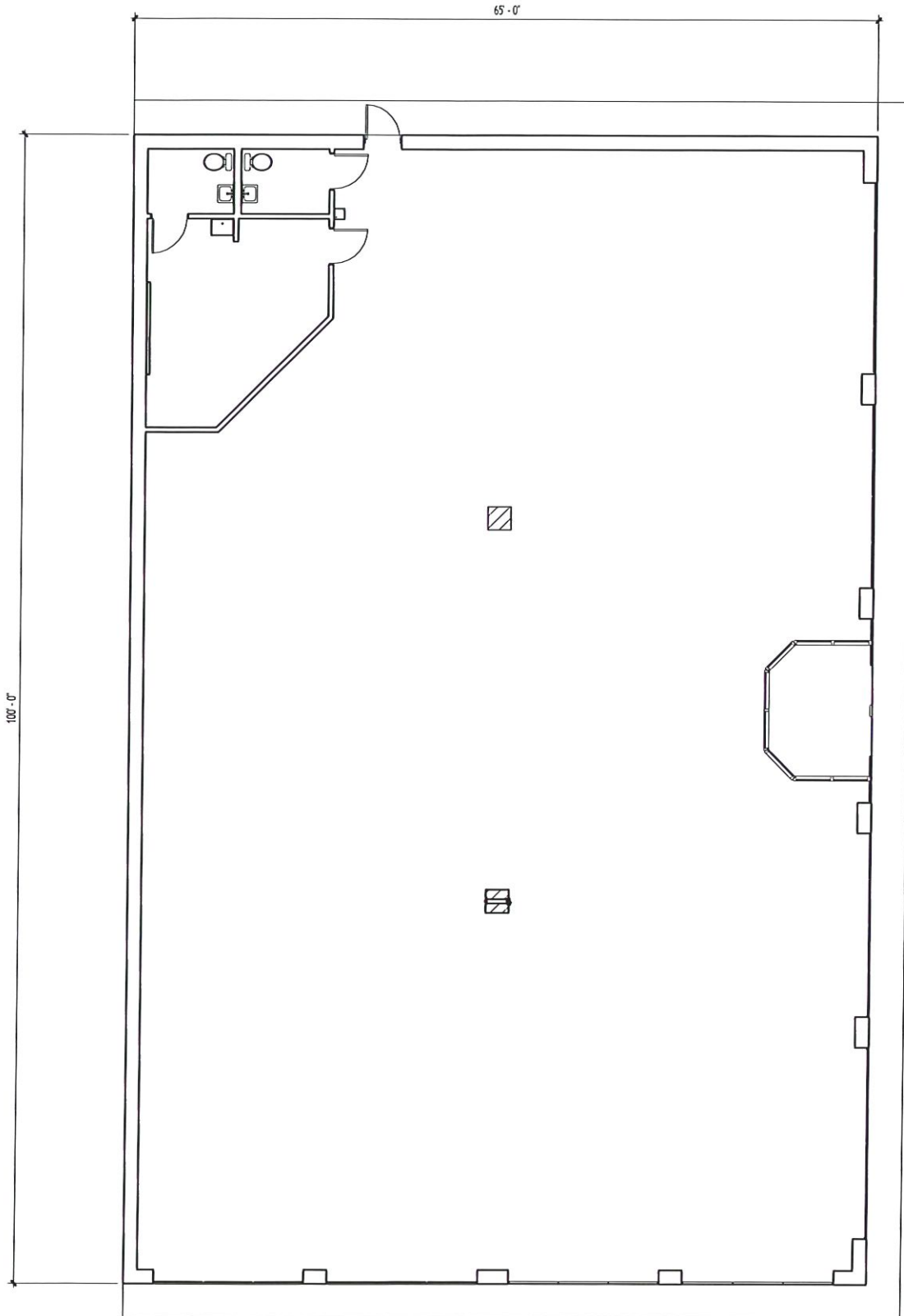
SCALE: 1" = 30'	DRAWN BY: pns	SURVEYED: 5/22/09
DATE: 5/22/09	CHECKED BY: PH 5/22/09	JOB NO. 2009-0061

PROJECT:	Lot 1 Blockbuster Video Subd.	C-1288-1
DESC:	ALTA/ACSM Land Title Survey	
LOC:	SE1/4 Sec 17-37N-5E, Concord Twp	

Sheet 1 of 2

C-1288-1

EXISTING



LEGAL DESCRIPTION:

LOT NUMBERED FOUR (4) AS THE SAID LOT IN KNOW AND DESIGNATED ON THE RECORDED PLAT OF BANKS INDUSTRIAL PARK, PHASE II, A SUBDIVISION IN OSOLO TOWNSHIP, SAID PLAT BEING RECORDED IN PLAT BOOK 25, PAGE 83 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

TABULATED SITE DATA:

1. SITE ACREAGE..... 5.57± ACRES
2. EXISTING/PROPOSED USE.....MEDICAL OFFICE
3. PROPOSED LAND COVERAGE:

	SQ. FT.	% OF SITE
A). EX. BUILDINGS.....	21,774	8.97
B). PROPOSED BUILDING.....	2,670	1.10
C). PAVEMENT.....	66,724	27.50
D). OPEN SPACE.....	146,381	60.32
E). PONDS.....	5,111	2.11
TOTAL.....	242,660	100.00
4. PARKING DATA:
 - A). TOTAL NUMBER OF VEHICULAR SPACES REQUIRED AT (1) SPACE/250 S.F. FOR 24,444 S.F. BUILDING.....(98) SPACES
 - B). TOTAL NUMBER OF PARKING SPACES PROVIDED.....(140) SPACES
 - C). SURPLUS PARKING SPACES.....(42) SPACES
5. ALL SURFACE DRAINAGE IS TO BE HANDLED BY ON-SITE DRAINAGE SYSTEM SIZED PER CITY OF ELKHART ENGINEERING STANDARDS.
6. THE PROPERTY IS TO BE SERVED BY PUBLIC WATER & SEWER SYSTEM.
7. LANDSCAPING TO CONFORM WITH CITY OF ELKHART ZONING ORDINANCE.
8. BUILDING HEIGHT IS (1-STORY).
9. NO ADDITIONAL LIGHTING WILL BE ADDED FROM THIS ADDITION
10. PARKING EXCEEDS CITY'S MAX 130%, THIS IS A PREEXISTING CONDITION AND THE DEVELOPMENT WILL BRING THIS PROPERTY CLOSER TO COMPLIANCE

KEY NOTES/LEGEND:

1. PROPOSED ASPHALT PAVEMENT SEE SHEET C5.0 FOR DETAIL.
2. PROPOSED HEAVY DUTY CONCRETE SEE SHEET C5.0 FOR HEAVY DUTY CONCRETE DETAIL.
3. PROPOSED DUMPSTER ENCLOSURE: SEE DETAIL ON ARCHITECTS SHEETS
4. PROPOSED CURB. SEE SHEET C5.0 FOR CURB DETAIL
5. PROPOSED CONCRETE SIDEWALK. SEE DETAIL ON SHEET C5.0

EXISTING LEGEND

△ SET P.K. NAIL	● FOUND IRON	SET FLUSH, 5/8" Ø
☆ FINE TREE	(M) MEASURED DISTANCE	Ø DIPPED REBAR
⊙ BUSH	(R) RECORD DISTANCE	W. REG. F-5044
⊙ TREE	⊙ GAS METER	W. REG. J22435
⊙ FOUNTAIN/POOL	⊙ END SECTION	⊙ WATER METER
⊙ BOLLARD/POLE	⊙ ELEC. VALVE	⊙ CABLE P.E.D.
⊙ LIGHT POLE	⊙ ELEC. TRANSFORMER	⊙ PHONE P.E.D.
⊙ UTILITY POLE	⊙ PHONE VALVE	⊙ ELEC. P.E.D.
⊙ DUTY AND/OR	⊙ SPOT ELEVATION	⊙ CIRC. WALL/CURB
⊙ SON	⊙ EX. ELEVATION	⊙ A/C UNIT
⊙ WELL	⊙ CHAIN LINK FENCE	
⊙ VALVE	⊙ WOOD FENCE	
⊙ FIRE HYDRANT	⊙ D-E	⊙ ELECTRIC
⊙ CURB INLET	⊙ V-E	⊙ ELECTRIC
⊙ DRYWELL	⊙ L-E	⊙ PHONE
⊙ SANITARY MANHOLE	⊙ CTV	⊙ CABLE TV
⊙ STORM MANHOLE	⊙ F-E	⊙ WATER
⊙ CLEAN-OUT	⊙ F-E	⊙ FIBER OPTIC
⊙ FIBER OPTIC MANHOLE	⊙ STORM LINE	⊙ SANITARY LINE

PROPOSED LEGEND

■ PROPOSED CATCH BASIN
■ PROPOSED CLEAN OUT
■ PROPOSED HYDRANT
☆ PROPOSED LIGHT
⊙ PROPOSED MANHOLE
⊙ PROPOSED VALVE
⊙ PROPOSED POLE
⊙ PROPOSED STRUCTURE
⊙ PROPOSED END SECTION
(100.00) PROPOSED ELEVATION
TW TOP OF WALK
TS BOTTOM OF CURB
TP TOP OF PAVEMENT
TC TOP OF CURB
BC BOTTOM OF CURB
W PROPOSED WATER
E PROPOSED ELECTRIC
G PROPOSED GAS LINE
T PROPOSED TELEPHONE
PROPOSED CONTOUR

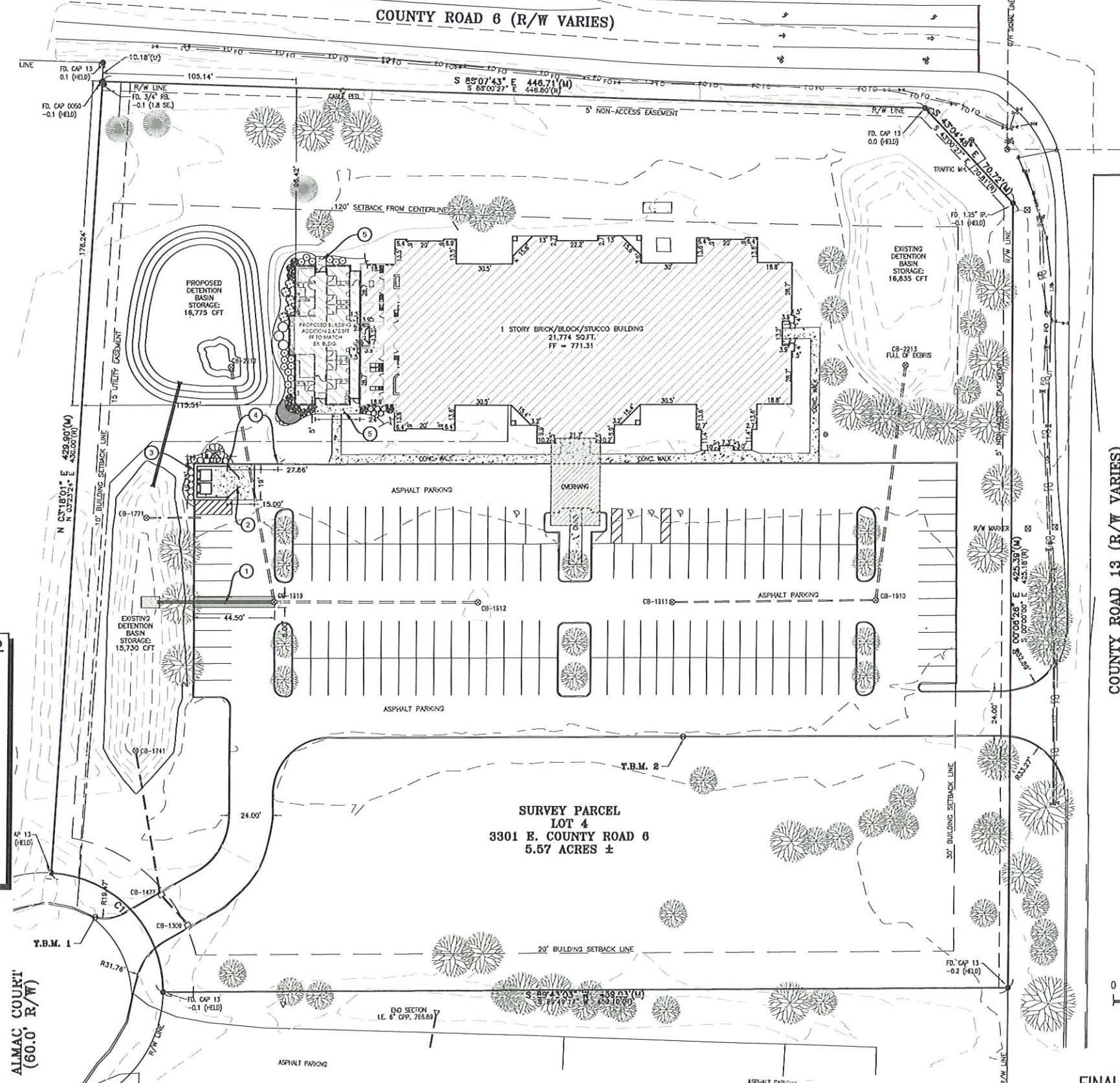
ALMAC COURT
(60.0' R/W)

FINAL SITE PLAN - BEACON MEDICAL BUILDING ADDITION

PART OF THE NORTH HALF OF SECTION 27, TOWNSHIP 37 NORTH, RANGE 5 EAST,
CITY OF ELKHART, OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA.



SITE LOCATION MAP



COUNTY ROAD 13 (R/W VARIES)

STRUCTURE CHART

CB-1741 RM ELEVATION = 764.03 IE. 12" C.P.P. S. 762.03	CB-1309 (FLOW LINE) RM ELEVATION = 767.65 IE. 10" C.P.P. NW. 764.75
CB-1771 (FULL OF DEBRIS) RM ELEVATION = 765.53 IE. 8" C.P.P. NE. 763.83	CB-1477 (FLOW LINE) RM ELEVATION = 767.58 IE. 12" C.P.P. N. 764.55
CB-1910 RM ELEVATION = 768.91 IE. 12" C.P.P. NE. 764.21	CB-1477 (FLOW LINE) RM ELEVATION = 767.58 IE. 10" C.P.P. SE. 764.55
CB-1911 RM ELEVATION = 768.90 IE. 8" C.P.P. E. 765.00	SAN-1169 RM ELEVATION = 770.31 IE. 6" P.V.C. N. 764.84
CB-1912 RM ELEVATION = 768.89 IE. 8" C.P.P. W. 764.59	SAN-1170 RM ELEVATION = 770.31 IE. 6" P.V.C. E. 763.81
CB-1919 RM ELEVATION = 769.01 IE. 12" C.P.P. NW. 764.51	SAN-1171 RM ELEVATION = 769.00 IE. 6" P.V.C. SW. 763.71
CB-2212 RM ELEVATION = 764.17 IE. 12" C.P.P. SE. 762.27	SAN-1172 RM ELEVATION = 769.00 IE. 6" P.V.C. NE. 763.50
CB-2213 RM ELEVATION = 764.49 N/A FULL OF DEBRIS	SAN-1552 RM ELEVATION = 770.78 IE. 8" P.V.C. E. 764.68
END SECTION-2214 IE. 12" C.P.P. E. 765.70	END SECTION-2215 IE. 12" C.P.P. NE. 765.00
	END SECTION-2216 IE. 12" C.P.P. SE. 764.00

0 30' 60' 90'
SCALE 1" = 30'

FINAL SITE PLAN

REVISIONS

DATE	DRAWN BY:	CHECKED BY:	DATE	BY
01/15/24	RWC	JTB		
SCALE		PROJ. MGR:		
1" = 30'		JTB		
FILE #				
230237				

OWNER:

ELKHART GENERAL HOSPITAL, INC.
PO BOX 1329
ELKHART, IN 46515
(574) 266-5342

SURVEYORS & ENGINEERS:

DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCIAL DRIVE
SOUTH BEND, IN 46628
(574) 234-4003
ATTN: JEFFREY BALLARD

Danch, Harner & Associates, Inc.
Professional Engineers
Landscaping Architects - Land Planners

DHA

SHEET

1 / 1

GENERAL SURVEY DISCLOSURE NOTES:

THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED FOR THE CLIENT ONLY. ANY REUSE WITHOUT WRITTEN VERIFICATION AND APPROVAL BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

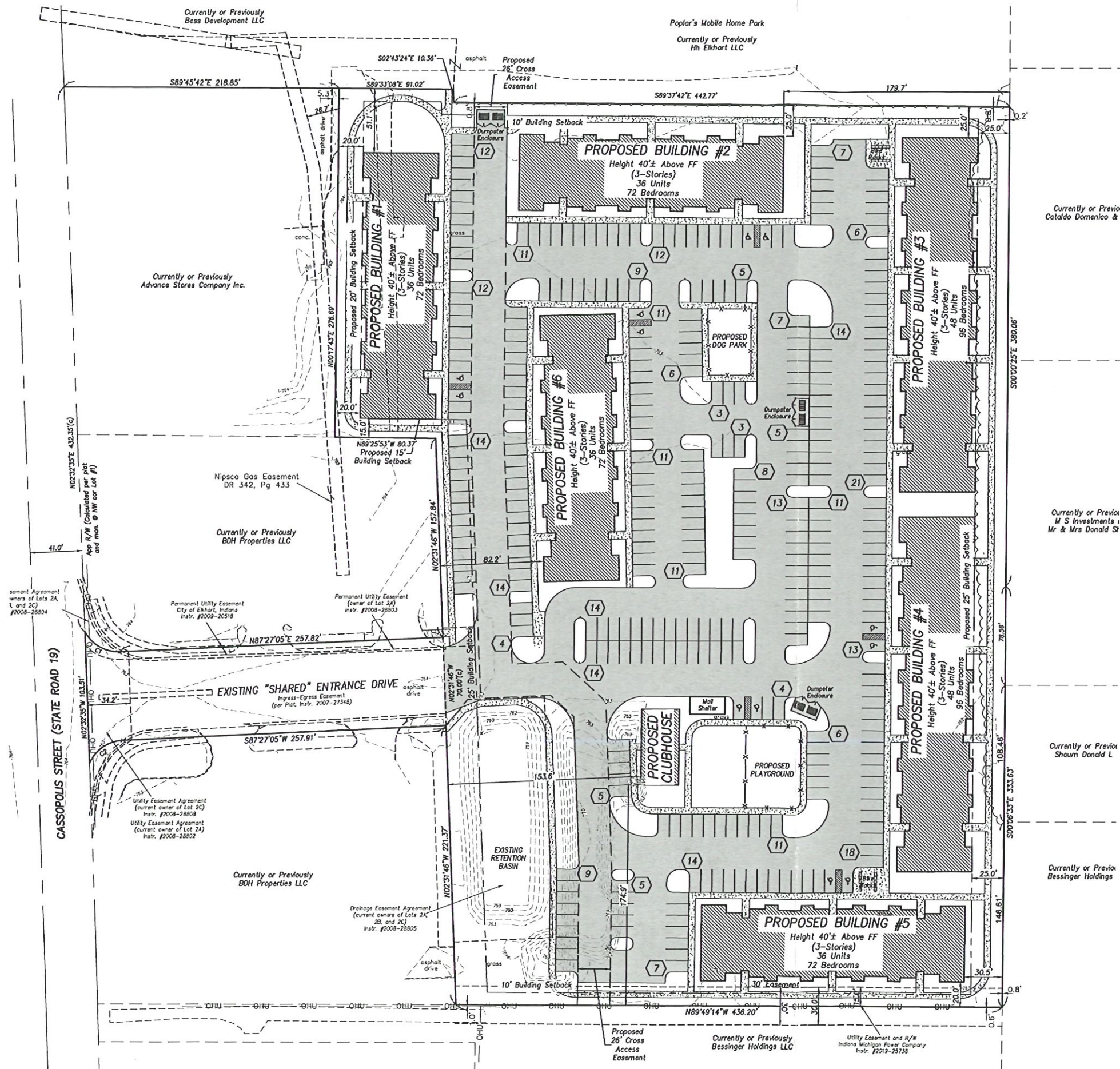
ANY UTILITY OR EASEMENT LOCATIONS, IF SHOWN, ARE APPROXIMATE. THE CLIENT MUST FIELD VERIFY UTILITY LOCATIONS WITH THE RESPECTIVE UTILITY COMPANY. THIS LAND SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE LOCATION OR SIZE OF EXISTING UTILITIES OR THE EXISTENCE OR NONEXISTENCE OF ADDITIONAL UNDERGROUND UTILITIES OR STRUCTURES.

NO APPROXIMATIONS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONITORING OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING, ZONING AND SUBDIVISION ORDINANCES.

UNLESS SPECIFICALLY SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO INDICATE THE PRESENCE OR ABSENCE OF WETLANDS AND HAZARDOUS OR ENVIRONMENTALLY INJURIOUS MATERIALS. THE SURVEYOR EXPRESSLY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR THE SAME.

ANY INFORMATION ON THIS DRAWING IS NOT INTENDED TO BE SUITABLE FOR REUSE BY ANY PERSON, FIRM OR CORPORATION OR ANY OTHERS ON EXTENSION OF THIS PROJECT OR FOR ANY USE OR ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION AND APPROVAL BY THE ENGINEER, ARCHITECT OR SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE ENGINEER, ARCHITECT OR SURVEYOR.

ALL UNDERGROUND UTILITIES MUST BE FIELD VERIFIED BY THE CONTRACTOR BEFORE ANY CONSTRUCTION MAY BEGIN.



GENERAL NOTES

1. Current Zoning = "B-3" and "M-1"
2. Proposed Zoning = "R-4" PUD
3. Proposed Use: Multifamily Residential
4. The proposed building shall be serviced by City of Elkhart municipal sanitary sewer and water main.
5. All setbacks noted as "Proposed" will require approved variances from the City of Elkhart. These include the reduced front yard setbacks noted at the northwest corner of the site and reduced rear yard setback along the east property line.
6. Site/Building drainage shall be managed onsite by existing retention basin and A new subsurface drainage system below the paved areas.
7. All drives and parking shall be paved and privately owned.
8. All landscaping, lighting, and signage shall be in accordance with the City of Elkhart Zoning Ordinance unless the proper variances have been obtained.

BUILDING USE DATA

Building #1 =	36 Units	72 Bedrooms
Building #2 =	36 Units	72 Bedrooms
Building #3 =	48 Units	96 Bedrooms
Building #4 =	48 Units	96 Bedrooms
Building #5 =	36 Units	72 Bedrooms
Building #6 =	36 Units	72 Bedrooms
Total =	240 Units	480 Bedrooms

TABULATED SITE DATA

Parcel Size = 8.34± Acres

Proposed Land Coverage	Area (Acres)	Percentage
Proposed Buildings	1.79±	22%
Proposed Hard Surface	3.81±	46%
Existing Hard Surface	0.43±	5%
Open Space / Landscaping	2.31±	27%
Total	8.34±	100%

PROPOSED PARKING CALCULATIONS

Parking Required: 1.5 Spaces per Unit
240 Units x 1.5 Spaces = 360 Spaces

Parking Provided: 360 Spaces (including 12 ADA Spaces)
Proposed Spaces are 9 ft. X 18 ft.

KEYNOTE LEGEND

- # Number of Parking Spaces
- ♿ ADA International Symbol of Accessibility



Portage
South Bend
Elkhart
Lafayette
Benton Harbor
St. Wayne
Coshaw, IN 46526
P 274.533.9913
F 274.533.9913
abonmarche.com

CASSOPOLIS STREET MULTIFAMILY DEVELOPMENT

2 CASSOPOLIS STREET, ELKHART IN 46516

CONCEPTUAL SITE PLAN

SHEET TITLE:

DRAWN BY:

DESIGNED BY:

PM REVIEW:

QA/QC REVIEW:

DATE:

02-02-2024

SIGNATURE:

DATE:

HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZE

SCALE:

HORZ: 1" = 40'

VERT:

ARCH JOB #

23-2059

SHEET NO.

C1.0