AGENDA
ELKHART CITY PLAN COMMISSION
TUESDAY, JULY 5, 2022 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. 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 940 1479** 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 jennifer.drlich@coei.org prior to the meeting.

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF PROOFS OF PUBLICATION**

4. **NEW BUSINESS**

22-X-08 PETITIONER IS SPA INC
PROPERTY IS LOCATED AT 3404 TOLEDO RD
A Special Exception per Section 7.3, Special Exception Uses in the R-4, Multiple Family Dwelling District, to allow for a women's ministry home.

22-X-09 PETITIONER IS ELKHART COUNTY YOUTH FOR CHRIST INC
PROPERTY IS LOCATED AT 2721 PRAIRIE STREET
A Special Exception per Section 8.3, Special Exception Uses in the R-5, Urban Residential District, to allow for the expansion of a previously approved community center.

22-Z-09 PETITIONER IS CITY OF ELKHART INDIANA BENEFIT OF DEPARTMENT OF REDEVELOPMENT
PROPERTY IS LOCATED AT VACANT LOT S MAIN STREET
Per Section 29.11.B, Map Amendments, a request to rezone the property located at Vacant Lot, South Main Street from M-2, General Manufacturing District to R-4, Multiple Family Dwelling District.

5. **STAFF ITEMS**

22-SI-08 PETITIONER IS WE IMPACT PROPERTIES
PROPERTY IS LOCATED AT CR 6, ELKHART, IN – PARCEL 20-01-26-201-005.000-006
An appeal as per Section 26.4.2.B for a Development Plan, to vary from Section 24.9.B.1.a (iii,iv) which requires projections and recesses have a minimum depth of thirty-two (32) inches and a minimum width of forty-eight (48) inches, to allow for a building with no projections and recessions.

To also vary from Section 24.9.B.2(a-k), which requires on primary facades three (3) out of eleven (11) design treatments, to allow for three facades with one (1) design treatment, a variance of two (2) treatments per façade.

To also appeal to vary from Section 24.9.C.(1,2) which requires on primary facades at least one (1) vertical change of at least three (3) feet from the predominant roof design and two of a list of four design elements, to allow for a roof on two primary facades without such a vertical change and on three primary facades without the specified design elements.

To also appeal to vary from Section 24.9.D.2 which states that "all facades which face roadways… shall utilize corrugated metal for no more than twenty-five percent (25%) of the façade," when located in a Development District, to allow three facades in a Development District to utilize corrugated metal for up to 100% of three facades.

22-SI-09
Addressing

6. **ADJOURNMENT**

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

LEGAL NOTICE #22-SI-08

Hearing on proposed Staff Item **#22-SI-08**

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 **TUESDAY, JULY 5, 2022 at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on a Staff Item Petition **#22-SI-08.**

Petitioner: WEIMPACT PROPERTIES

Request: An appeal as per Section 26.4.2.B for a Development Plan, to vary from Section 24.9.B.1.a (iii,iv) which requires projections and recesses have a minimum depth of thirty-two (32) inches and a minimum width of forty-eight (48) inches, to allow for a building with no projections and recessions.

To also vary from Section 24.9.B.2(a-k), which requires on primary facades three (3) out of eleven (11) design treatments, to allow for three facades with one (1) design treatment, a variance of two (2) treatments per façade.

To also appeal to vary from Section 24.9.C.(1,2) which requires on primary facades at least one (1) vertical change of at least three (3) feet from the predominant roof design and two of a list of four design elements, to allow for a roof on two primary facades without such a vertical change and on three primary facades without the specified design elements.

To also appeal to vary from Section 24.9.D.2 which states that "all facades which face roadways… shall utilize corrugated metal for no more than twenty-five percent (25%) of the façade," when located in a Development District, to allow three facades in a Development District to utilize corrugated metal for up to 100% of three facades.

Location: VACANT LOT COUNTY ROAD 6, Parcel ID Numbers 20-01-26-201-005.000-006 and 20-01-26-201-007.000-006

Zoning: M-1, Limited Manufacturing District

This meeting can also be accessed via WebEx. To join, go to http://coei.webex.com, enter **2310 940 1479** 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 jennifer.drlich@coei.org prior to the meeting.

LEGAL DESCRIPTION:
DR 2018-17270
Part of the Northeast Quarter (NE 1/4) of Section 26, Township 38 North, Range 4 East, situate in Cleveland Township, Elkhart County, State of Indiana, surveyed by Christian F. Marbach, Registration Number 80880002, with Marbach, Brady & Weaver, Inc., as shown on Drawing Number A-41456, certified on August 17, 2018 and being more particularly described as follows:
Commencing at a Harrison Monument marking the Northwest corner of the Northeast Quarter (NE 1/4) of said Section 26; thence South 89 degrees 27' 49" East along the North line of the said Northeast Quarter (NE 1/4) and the centerline of County Road 6 a distance of 1163.75 feet to the point of beginning of this description; thence continuing South 89 degrees 27' 49" East along the North line of the said Northeast Quarter (NE 1/4) and the centerline of County Road 6 a distance of 300.00 feet; thence South 0 degrees 13' 08" East parallel with the West line of said Northeast Quarter (NE 1/4) a distance of 1000.00 feet; thence North 89 degrees 27' 49" West parallel with the North line of said Northeast Quarter (NE 1/4) a distance of 300.00 feet; thence North 0 degrees 13' 08" West parallel with the West line of said Northeast Quarter (NE 1/4) a distance of 1000.00 feet to the point of beginning, said in survey to contain 6.886 acres of land, more or less.

DR 2018-17989
Parcel I:
Part of the Northeast Quarter of Section 26, Township 38 North, Range 4 East, situate in Cleveland Township, Elkhart County, State of Indiana, surveyed by Christian F. Marbach. Registration Number 80880002, with Marbach, Brady & Weaver, Inc., as shown on Drawing Number A-41456, certified on August 17, 2018 and being more particularly described as follows:
Commencing at a Harrison Monument marking the northwest corner of the Northeast Quarter of said Section 26, thence South 89 degrees 27' 49" East along the north line of the said Northeast Quarter and the centerline of County Road 6 a distance of 1163.75 feet; thence continuing South 89 degrees 27' 49" East along the north line of the said Northeast Quarter and the centerline of County Road 6 a distance of 300.00 feet: thence South 00 degrees 13' 08" East parallel with the west line of said Northeast Quarter a distance of 1000.00 feet; thence North 89 degrees 27' 49" West parallel with the north line of said Northeast Quarter a distance of 300.00 feet to the Point of Beginning of this description; thence North 00 degrees 13' 08" West parallel with the west line of said Northeast Quarter a distance of 644.50 feet to the southeast corner of land conveyed to Ivan Michailovsky and Maria *Michailovsky in Document* 302, page 159 in the Office of the Recorder of Elkhart County; thence North 89 degrees 27' 49" West parallel with the north line of said Northeast Quarter and along the south line of said Michailovsky land a distance of 380.00 feet to the southwest corner of said Michailovsky land, said point also being on the east line of land conveyed to Kenneth D. Blazier and Teresa A. Blazier in Document 2013-05902 in the Office of the Recorder of Elkhart County; thence South 00 degrees 13' 08" East parallel with the west line of said Northeast Quarter a distance of 644.50 feet; thence South 89 degrees 27' 49" East parallel with the north line of said Northeast Quarter a distance of 380.00 feet to the point of beginning of this description; said in survey to contain 5.622 acres, more or less.

Parcel II:
Part of the Northeast Quarter of Section 26, Township 38 North, Range 4 East, situate in Cleveland Township, Elkhart County, State of Indiana, surveyed by Christian F. Marbach, Registration Number 80880002, with Marbach. Brady & Weaver, Inc., as shown on Drawing Number A-41456, certified on August 17, 2018 and being more particularly described as follows:
Commencing at a Harrison monument marking the northwest corner of the Northeast Quarter of said Section 26; thence South 89 degrees 27' 49" East along the north line of the said Northeast Quarter and the centerline of County Road 6 a distance of 1463.75 feet to the Point of Beginning of this description, said point being the northeast corner of land conveyed to Steven C. Vlaeminck and Linda K. Vlaeminck in Document 361, page 573 in the Office of the Recorder of Elkhart County; thence continuing South 89 degrees 27' 49" East along the north line of the said Northeast Quarter and the centerline of County Road 6 a distance of 563.06 feet (deed 563.03') to the northwest corner of Alpha-Air Industrial Park, PUD, recorded in Plat Book 15, page 60 in the Office of the Recorder of Elkhart County; thence South 00 degrees 13' 49" East along the west line of said Alpha-Air Industrial Park, PUD a distance of 989.82 feet (platted 990') to the southwest corner of said Alpha-Air Industrial Park, PUD; thence South 89 degrees 30' 01" West a distance of 563.21 feet to the southeast corner of said Vlaeminck land; thence North 00 degrees 13' 08" West along the east line of said Vlaeminck land and parallel with the west line of said Northeast Quarter a distance of 1000.00 feet to the point of beginning of this description; said in survey to contain 12.861 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 Board, 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.

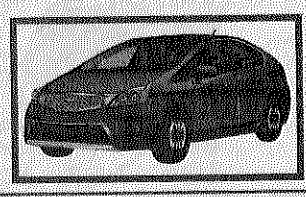
Dated at Elkhart, Indiana this 16th day of June, 2022, by the City of Elkhart, Board of Zoning Appeals.

The Elkhart Truth

CLASS

Classified Desk: 1-855-317-4292

Hours: Monday - Friday 9am-2pm EST



0100 ANNOUNCEMENTS

Become a Published Author. We want to Read Your Book! Dorrance Publishing-Trusted by Authors Since 1920. Book manuscript submissions currently being reviewed. Comprehensive Services: Consultation, Production, Promotion and Distribution. Call for Your Free Author's Guide 1-888-965-1444 or visit http://dorranceinfo.com/hoosier

DIRECTV for $79.99/mo for 12 months with CHOICE Package. Watch your favorite live sports, news & entertainment anywhere. First 3 months of HBO Max, Cinemax, Showtime, Starz and Epix included! Directv is #1 in Customer Satisfaction (JD Power & Assoc.) Some restrictions apply. Call 1-888-885-8931

DIRECTV Stream - Carries the Most Local MLB Games! CHOICE Package, $89.99/mo for 12 months. Stream on 20 devices in your home at once. HBO Max included for 3 mos (w/CHOICE Package or HIGHER) NO HIDDEN FEES! Some restrictions apply. Call IVS 1-844-412-9997

0100 ANNOUNCEMENTS

DIRECTV Stream - The Best of Live & On-Demand On All Your Favorite Screens. CHOICE Package, $84.99/mo for 12 months. Stream on 20 devices in your home at once. HBO Max included for 3 mos (w/CHOICE Package or higher.) No annual contract, no hidden fees! Some restrictions apply. Call IVS 1-844-412-9997

DOGS, PETS OR LIVESTOCK Use Happy Jack Kennel Dip as an area spray to control lyme disease, ticks, fleas, stable flies, & mosquitoes where they breed. At Tractor Supply (www.fleabeacon.com)

Guaranteed Life Insurance! (Ages 50 to 80). No medical exam. Affordable premiums never increase. Benefits never decrease. Policy will only be cancelled for non-payment. 833-535-1043

0100 ANNOUNCEMENTS

LIVE PAIN FREE with CBD products from AceWellness. We guarantee highest quality, most competitive pricing on CBD products. Softgels, Oils, Skincare, Vape & more. Coupon Code: PRINT20 Call Now 833-226-3105

Portable Oxygen Concentrator May be Covered by Medicare! Reclaim independence and mobility with the compact design and long-lasting battery of Inogen One. Free information kit! Call 877-930-3271

0150 GARAGE /ESTATE SALES

HUGE GARAGE SALE
RIVER WATCH ADDITION
802 SWAN ST, BRISTOL
June 24th & 25th
8:00 AM - 4:00 PM
Air Fryer, Pampered Chef, DVD Player, Flat Screen TV, Tools, and MUCH MORE

0150 GARAGE /ESTA SALES

GARAGE SALE
Cleaning out 2 homes! We h everything for your kitchen fr Microwave, pots & pans, cro pots, dishes, glasses, place m & napkins, & more. Sheets bedspreads, Men's Sport co size 42. Stamping up sets baskets, greeting cards & gar Silver plated tea set and trays cameras stroller, & snow blo **& So Much More!!**
1708 Grant St Elkhart Thur & Fri 6/24 8am-5pm & Sat 6 8am-11am

Garage Sale
June 23,24 & 25 8am-5pm 2 Spring Creek Trl Elkhart Elliptical ,Generator, Men Clothes, Toys, Everlast Sid

Inside Tag Sale
1101 W Mishawaka Rd, Elk
Thu, June 23rd, Fri, June 2 9:00 AM - 5:00 PM
Sat, June 25th 9:00 AM - 3:0 This House Is Full
Janet, Jamie & Missy
See Pictures:
www.estatesales.net

NOTICE OF PUBLIC MEETING TO CONSIDER GRANT OR SALE OF REAL PROPERTY UNDER I.C. 36-7-14-22.2

Notice is hereby given that the Redevelopment Commission of the City of Elkhart, Indiana will on the 12th day of July, 2022, at 4:00 p.m. (EST), at the Common Council Chambers in the Municipal Building, 229 South Second Street, Elkhart, Indiana, conduct a public meeting to consider granting or selling the following real estate located in the City and County of Elkhart, State of Indiana, to wit:

Parcel 1:

Lot Number Forty-six (46) as the said Lot is known and designated on the recorded ORIGINAL PLAT OF THE TOWN (now City) OF ELKHART; said Plat being recorded in Deed Record 1, page 34, in the Office of the Recorder of Elkhart County, Indiana.

Commonly known as 209 North Second Street, Elkhart, IN 46516.
Parcel number 20-06-05-328-013.000-012

Parcel 2:

A part of Lot Eleven (11) in Kimball & Chapman's Addition to the City of Elkhart, described as follows: BEGINNING on the North line of State Street at a point 16.5 feet Northeasterly from the Southwest corner of said Lot 11; thence Northwesterly parallel to the Western line of said Lot 11 to the North line thereof; thence Northeasterly with the North line of said Lot, 33 feet; thence Southeasterly parallel with the West line of said Lot, to the Southern line thereof; and the North line of State Street; thence Southwesterly 33 feet to the place of beginning, together with the balance of a cartway 9 feet in width taken from off the north end of the East 33 feet of said Lot 11.

Commonly know as 142 State Street, Elkhart, IN 46516.
Tax Parcel: 20-06-05-481-034.000-012

to a Community Development Corporation, under I.C. 36-7-14-22.2, for use and occupancy as residential property for low or moderate income families in accordance with the restrictions of the Neighborhood Stabilization Program for the remainder of the applicable affordability periods.

The public is invited to attend the meeting and anyone wishing to speak for or against such proposed transfer of real estate will be heard.

REDEVELOPMENT COMMISSION
CITY OF ELKHART, INDIANA

Sandra Schreiber
President
HSPAXLP

STATE OF INDIANA
COUNTY OF ELKHART
IN THE ELKHART CIRCUIT COURT
SS:
CAUSE NUMBER:
20C01-2205-JC-000029
IN THE MATTER OF:
JAMISYN ADDINGTON
DOB: 1/29/2022
(Minor child)
And
MATTISYN CAMPBELL, Mother
and JORDAN ADDINGTON, Father
(Parents)
SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF CHILD IN NEED OF SERVICES HEARING
TO: **Jordan Addington,**
NOTICE IS HEREBY GIVEN to the above noted parent whose whereabouts are unknown, that the Indiana Department of Child Services has filed its Verified Petition Alleging

LEGAL NOTICE #22-Z-09

Hearing on proposed Rezoning **#22-Z-09**

NOTICE is hereby given that the City of Elkhart Plan Commission meet in the Council Chambers on the second floor of the Municip Building, 229 South Second Street, Elkhart, Indiana on **TUESDA JULY 5, 2022 at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on a Rezoning Petition **#22-Z-**

Petitioner: City of Elkhart Indiana Benefit of Department of Redevelopment

Request: Per Section 29.11.B, Map Amendments, a request to rezone the property located at Vacant Lot, South Main Street fro 2, General Manufacturing District to R-4, Multiple Family Dwellin District.

Location: Vacant Lot South Main Street, 20-06-09-454-001.000-

Zoning: M-2, General Manufacturing District

This meeting can also be accessed via WebEx. To join, go to http://coei.webex.com, enter 2310 940 1479 as the meeting num and **"Plan"** as the password. Attendees may preregister or ente during the meeting. Comments and questions may be submitted the WebEx app during the meeting, or may be submitted to jennifer.drlich@coei.org prior to the meeting.

LEGAL DESCRIPTION:
The North 30 feet of Lot Numbered 45 as the said Lot is known a designated on Allendale Addition to the City of Elkhart; said Plat being recorded in Deed Record 98, page 226 in the Office of the Recorder of Elkhart County, Indiana.

Subject to all easements, restrictions and public rights of way of record.

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 for public examination prior to the hearing. Written objections to petition which are filed with the Secretary of the Commission, lo in the Planning Office, prior to the hearing will be considered. Th hearing may be continued from time to time as may be found ne sary.

Dated at Elkhart, Indiana this 16th day of June, 2020, by the Cit Elkhart, Plan Commission.

Publication Date: June 24, 2022
HSPAXLP

NOTICE OF FINAL PUBLIC HEARING FOR AN APPLICAT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUN

The City of Elkhart, Indiana will submit the 2022 Annual Action and make an application for Community Development Block Gr funds for the period of July 1, 2022 through June 30, 2023. The Community Development Block Grant program provides flexible federal funding to assist in the elimination or prevention of slum blight, address an emergency that threatens the public health a safety, or assist in projects that principally benefit low and mode income persons. In accordance with the regulations pertaining t 1 of the Housing and Community Development Act of 1974, the of Elkhart, Indiana will hold a public hearing to inform citizens o amount of funds available and the range of eligible activities un Community Development program, and to provide for citizen in and participation in the development of the application.

The final public hearing is scheduled for Tuesday, July 12, 202 4:00 pm in the Council Chambers (2nd floor) of the Minucipal Building, 229 South Second Street, Elkhart, Indiana. The Redevelopment Commission will vote on a resolution authorizi

City of Elkhart

Staff Report

Planning & Zoning

Petition: 22-X-08

Petition Type: Special Exception

Date: Plan Commission: July 5, Board of Zoning Appeals: July 14, 2022

Petitioner: SPA Inc

Site Location: 3404 Toledo Road

Request: A Special Exception per Section 7.3, Special Exception Uses in the R-4, Multiple Family Dwelling District, to allow for a women's ministry home.

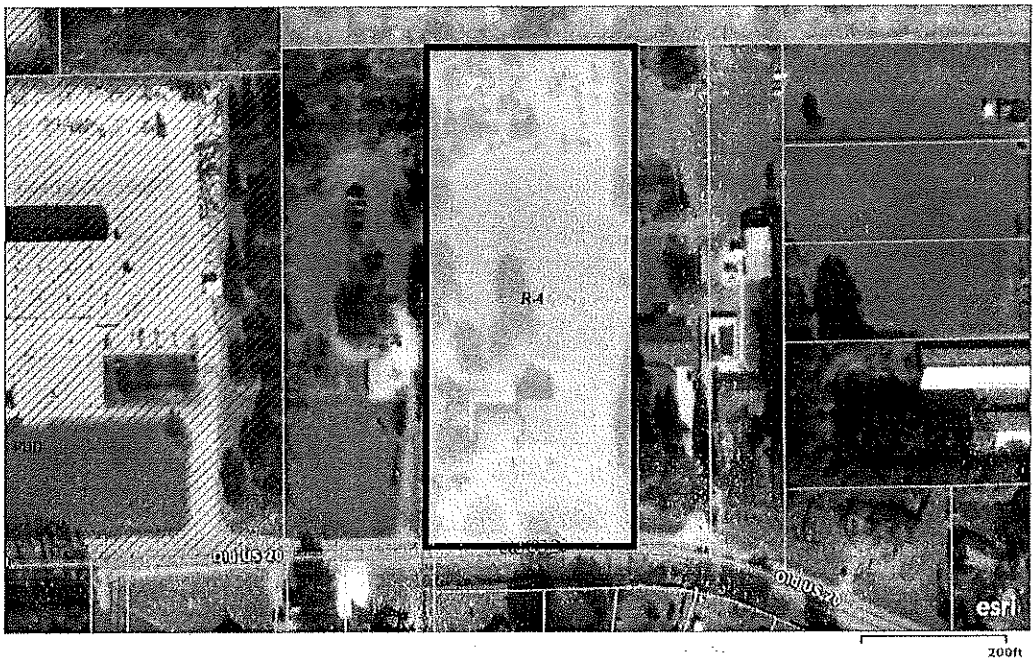
Existing Zoning: R-4, Multiple Family Dwelling District

Size: +/- 4.2 Acres

Thoroughfares: Toledo Road

School District: Concord Community Schools

Utilities: Available to site.



City of Elkhart | Maxar, Microsoft | Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Surrounding Land Use & Zoning:
Property to the north is a mobile home park zoned MHP. Property to the east and south is residential zoned Elkhart County Zoning; property to the west is commercial zoned Elkhart County Zoning.

Applicable Sections of the Zoning Ordinance:
Enumerated in request.

Comprehensive Plan:
The Comprehensive Plan does not yet take this area into account but is anticipated to call for residential uses.

Staff Analysis

The petitioner owns and operates a women's ministry home that has been operating since 1998. The organization offers shelter, case management, education, meals, and other types of support to women in need due to a variety of issues, including addictions, incarceration, and homelessness.

SPA, Inc. own two properties, one in the city and one in the county. The city property comprises approximately four acres, has 20 beds, and offers the first 4-6 months of a 1 year program., as well as housing the administrative offices of the organization. The property to the east, in the county, makes up 1.5 acres, has ten beds, and is intended for women who have completed the first phase of the program and are working.

The city property was annexed in 2018. At the time the organization was expanding their facilities, and decided to apply for annexation and connect to city utilities rather than keeping their well system. The property had a special use permit in the county which recently expired, necessitating its review by this Board.

The location is appropriate and the facilities adequate for the current operation. Staff has no objections to the organization continuing to operate in its capacity at this location, and it provides a much-needed service to the community. Should the program ever expand, it will necessitate additional review by the Board through the same process.

Recommendation

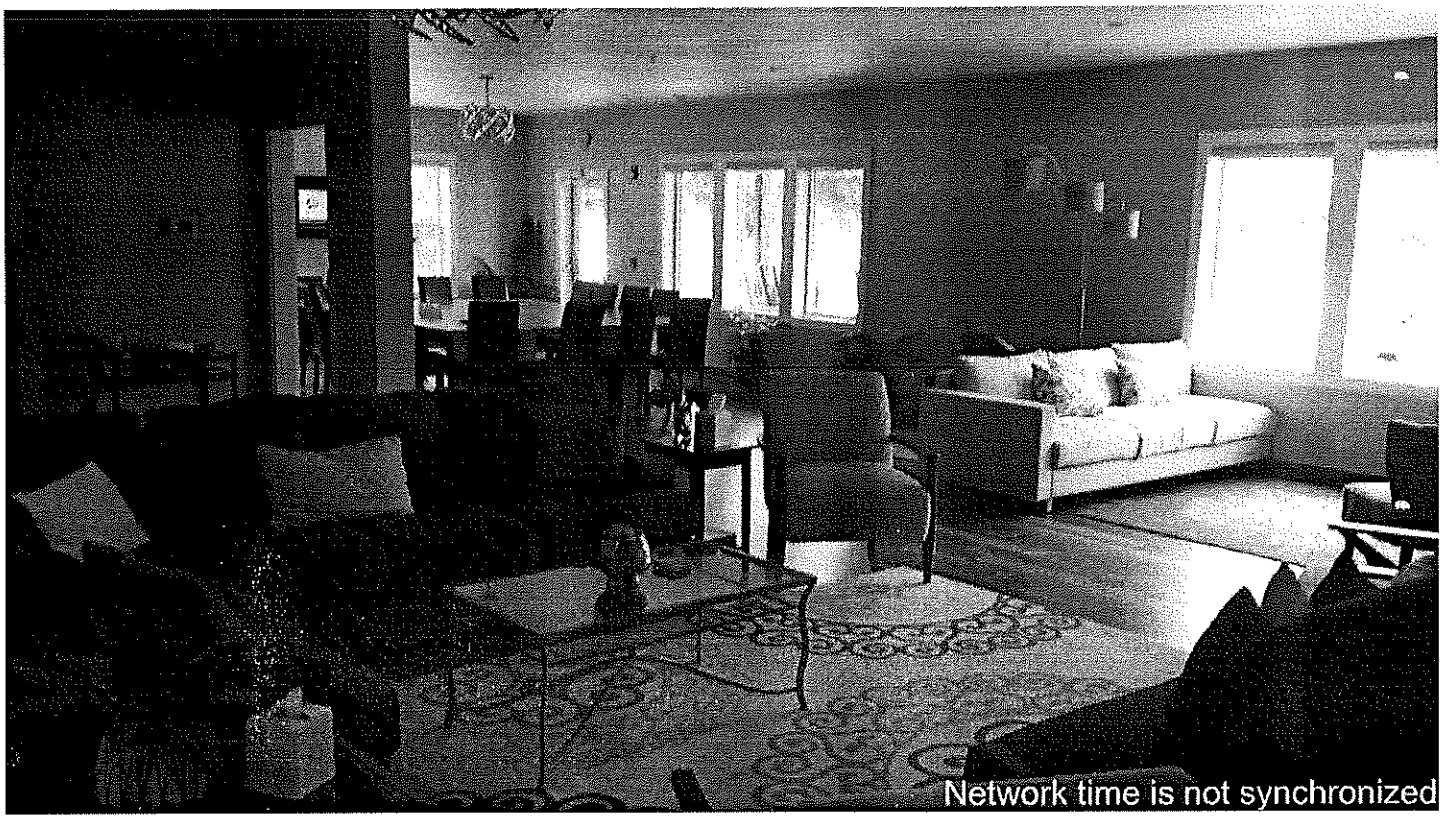
Staff recommends **approval** of the request based on the following findings of fact:

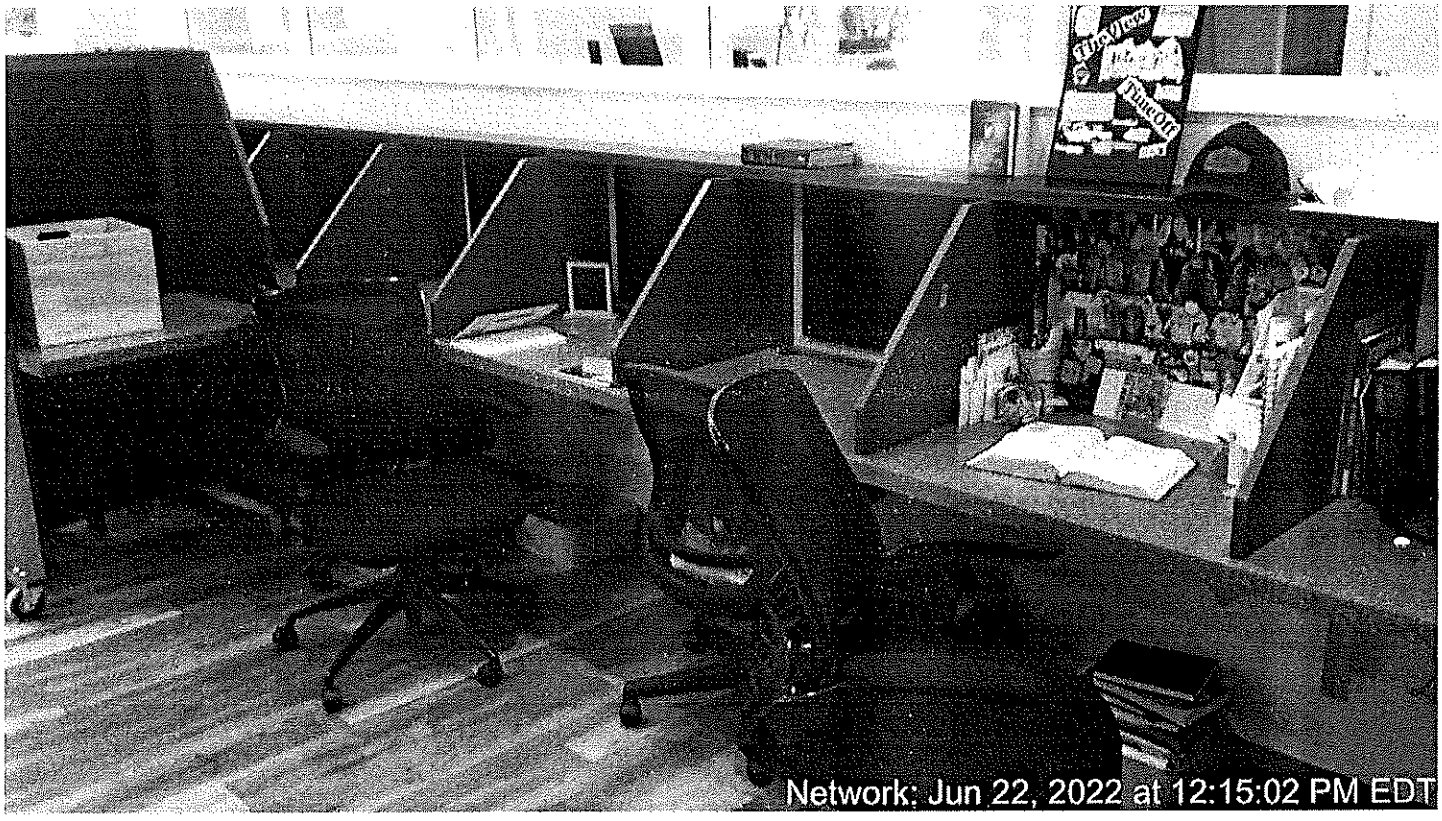
1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare **will be protected**;

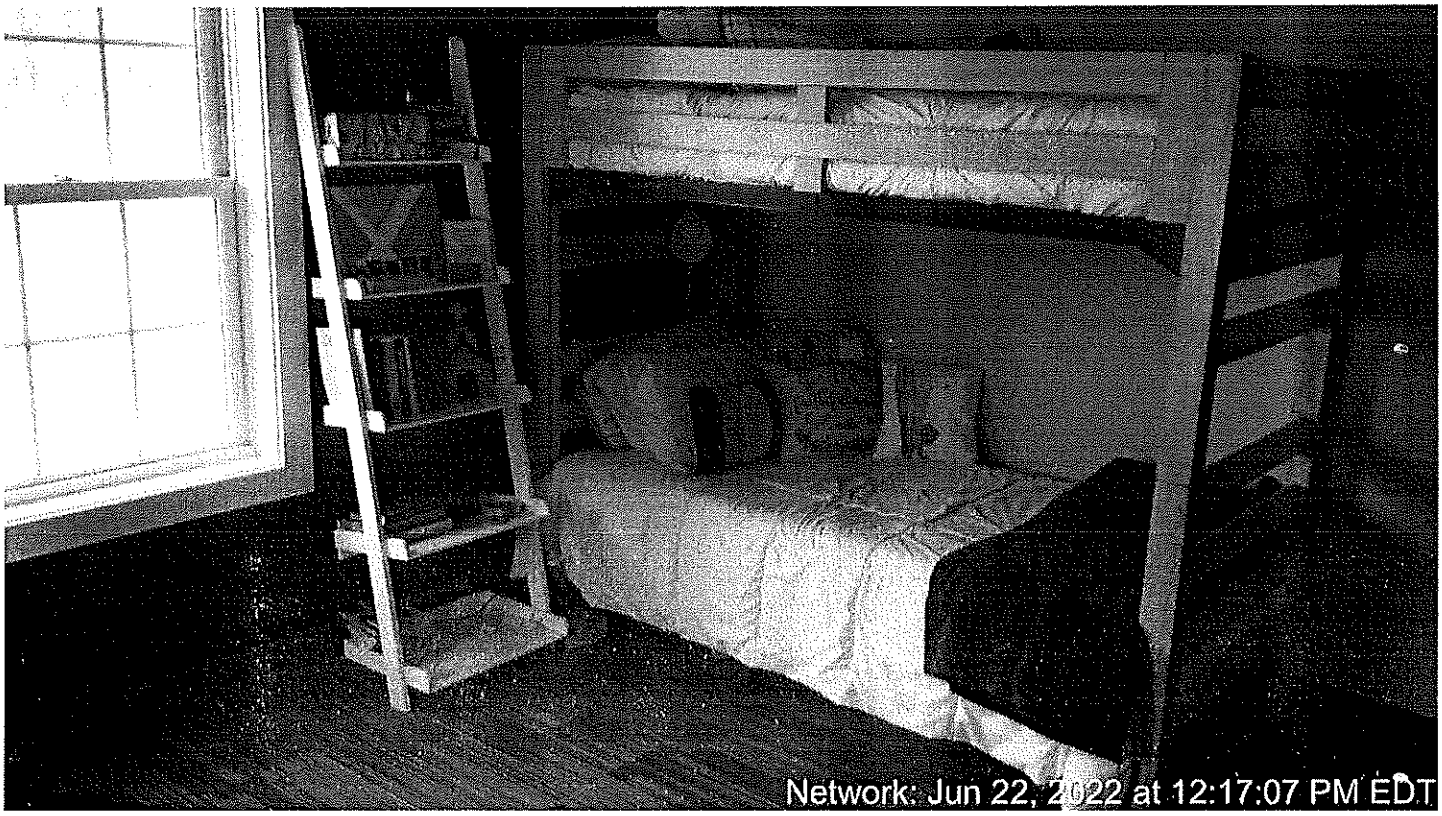
2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because it has been operating at this location for over two decades;

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.

Photos


Network time is not synchronized


Network: Jun 22, 2022 at 12:15:02 PM EDT


Network: Jun 22, 2022 at 12:17:07 PM EDT

SPA
Network: Jun 22, 2022 at 12:22:18 PM

Attachments

Petition, appeal letter, and site plan.

PETITION #: 22·X·08 **FILING FEE: $** 300

PETITION for APPEAL to the BOARD of ZONING APPEALS

PETITION TYPE:

_____ Developmental Variance _____ Appeal from Staff Decision

_____ Use Variance __X__ Special Exception _____ Conditional Use

Property Owner(s): SPA Inc

Mailing Address: 3404 Toledo Rd, ELKHART IN 46516

Phone #: [redacted] Email: info@spaministryhomes.org

Contact Person: SANDRA BONTRAGER

Mailing Address: same

Phone #: 574-215-0878 Email: SAME

Subject Property Address: SAME

Zoning: R-4 + R-1

Present Use: RESIDENTIAL HOME Proposed Use: MINISTRY HOME

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) (PRINT): SANDRA BONTRAGER - VICE PRESIDENT

SIGNATURE(S): Sandra G Bontrager DATE: 5·3·2022

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.
- ✓ A completed Petition form signed by the legal owner of record.
- ___ 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): RJSL

Map #: _____ Area: _____

RECEIVED BY: RJSL DATE: 6/10/22

SPA
SPIRITUAL & PERSONAL ADJUSTME
WOMEN'S MINISTRY HOMES

DATE: May 26,2022
TO: Plan Commission & Board of Zoning Appeals
City of Elkhart, Indiana

RE: Special Use Permit

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

1. I, Sandra Bontrager, am the founder and director of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, Indiana.

2. The attached property description for 3404 Toledo Road, Elkhart, IN has a zoning classification of R-4 under the Zoning Ordinance of the City of Elkhart.

3. This property is currently being used for two purposes:
   a. To house up to 20 ladies struggling with life controlling issues and addictions using a holistic approach to recovery for one year.
   b. To provide the administration offices and offices of our case manager and counselors.

4. We have no plans to change anything that we are presently doing. We plan to continue to offer the ladies in the program counseling, case management, recovery groups, self-help groups while giving them safe, drug free housing and a lot of support.

5. Section 7.3 states that we need a special use permit and Section 29.7 of the City of Elkhart Zoning Ordinance mandates that certain criteria is met for approval and SPA has met all of them.
   a. SPA has been operating on this property with a special use permit granted by Elkhart County since 2003. We have not and will not do anything to endanger the health, safety and welfare of the public.
   b. Our property and program has not nor will it reduce the value of the properties around us.
   The original section of our facility has been totally remodeled and the section the women are living in is brand new and has very nice curb appeal. There is no activity that goes on that would be a problem for the surrounding neighborhood.
   c. SPA property was annexed into the city limits in 2019 with the understanding that we are a women's ministry home.

SPA
SPIRITUAL & PERSONAL ADJUSTME
WOMEN'S MINISTRY HOMES

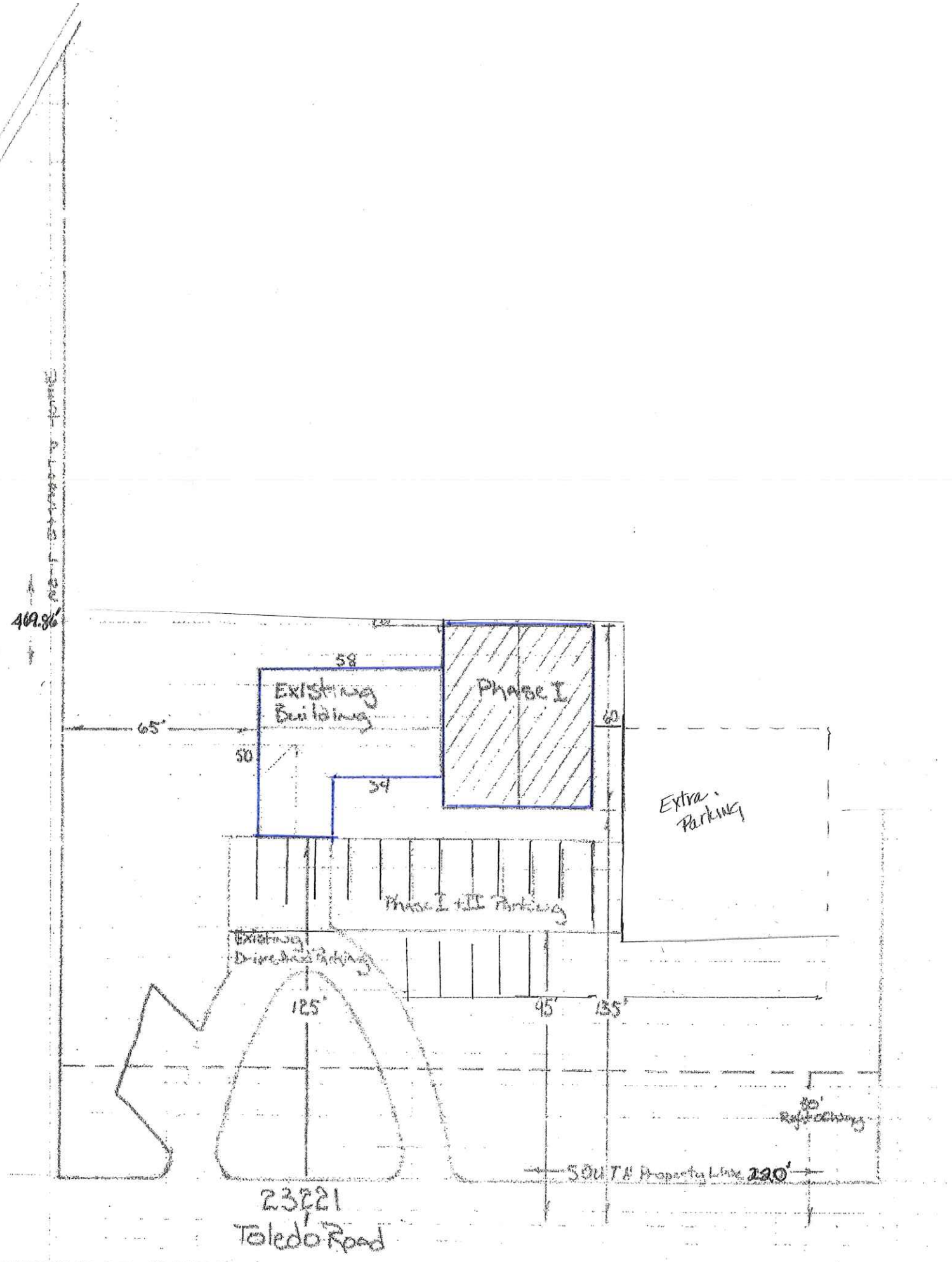
6. SPA had been operating on this property for the last 23 years. We have been able to help many ladies reunite with their families, recover from drug abuse and domestic violence and become vital members of our community. SPA's only request is to be able to continue doing what we have always done. The fact that we are "in the country" and away from many influences of city living gives the ladies the opportunity to focus on them and what they need.

Wherefore, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the board grant the requested special exception :

Contact Person : Carrie Zickefoose Phone: 574-522-8338 ext. 3
Email: carriez@spaministryhomes.org

Sandra Bontrager
Founder/Director/Vice-President

C. Zickefoose
Executive Director



469.86'
58
Existing Building
Phase I
65'
50
34
60
Extra Parking
Phase I + II Parking
Existing Drive And Parking
125'
95'
135'
80' Right of Way
SOUTH Property Line 220'
23221
Toledo Road

ABONMARCHE

Engineering • Architecture • Land Surveying

July 5, 2022

Mr. Doug Mulvaney, President
City of Elkhart Board of Zoning Appeals
229 South Second Street
Elkhart, Indiana 46516

Mr. Tory Irwin, President
City of Elkhart Plan Commission
229 South Second Street
Elkhart, Indiana 46516

Re: Petition for Amendment and Expansion of Special Exception
Elkhart County Youth for Christ, Inc. (Lifeline Ministries Community Center)

Dear Mr. Mulvaney and Mr. Irwin:

On behalf of Elkhart County Youth for Christ, Inc., we are requesting that this item be postponed to the September 8, 2022, meeting of the Board of Zoning Appeals and the September 6, 2022 meeting of the Plan Commission. Thank you in advance for your time and consideration in this matter.

Sincerely,

ABONMARCHE CONSULTANTS, INC.

Jeffrey D. Schaffer, PE
Project Manager

City of Elkhart

Staff Report

Planning & Zoning

Petition: 22-X-09

Petition Type: Special Exception

Date: Plan Commission: July 5, Board of Zoning Appeals: July 14, 2022

Petitioner: Elkhart County Youth for Christ Inc.

Site Location: 2721 Prairie Street

Request: A Special Exception per Section 8.3, Special Exception Uses in the R-5, Urban Residential District, to allow for the expansion of a previously approved community center

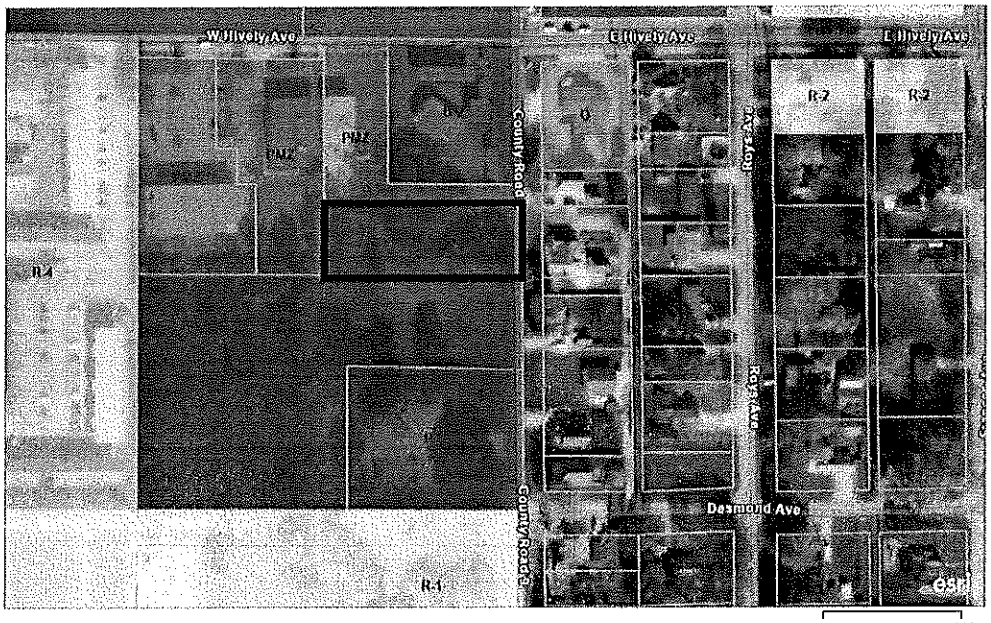
Existing Zoning: R-5, Urban Residential District

Size: +/- .62 Acres

Thoroughfares: Prairie Street

School District: Concord Community Schools

Utilities: Available to site.



City of Elkhart | Maxar, Microsoft | Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Surrounding Land Use & Zoning:
Property to the east is residential zoned Elkhart County Zoning. Property to the south is a public utility zoned R-1. Property to the west is multifamily residential zoned R-4. Property to the north is commercial zoned B-2.

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 uses.

Staff Analysis

The petitioner is a faith-based organization that has previously received approval for a community center at 2721 Prairie Street. This parcel is currently addressed to 2717 Prairie Street; if the special exception and parking lot are approved, the entire complex will retain the 2721 address.

They wish to add additional parking to the community center for the purpose of additional day to day use and the ability to host events. Staff does not object to the proposal in theory, however, the number of parking spaces is well in excess of what is allowed by ordinance.

The required parking as established when the main project went through Technical Review earlier this year was 78 spaces, when 100 were originally provided. The proposal at hand adds 55 more spaces to the project, for a total of 155 spaces. By code, the maximum number of spaces allowed is 130% of the required spaces, which in this case would equal 104 spaces, meaning the proposal makes it 51 spaces over the maximum.

Staff does not object to the use of the parcel for the community center in general or for parking specifically. However, some resolution needs to be made for the number of spaces before the project can move forward. Staff is willing to work with the petitioner to see if additional programming of the center warrants additional parking. Additioanally, any expanded parking needs to be approved through the Technical Review process.

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

If the Board chooses to approve the requested variance, staff recommends that the following condition be placed upon the approval:

1. The total number of parking spaces is contingent on staff approval prior to permitting.
2. The project must be reviewed and approved prior to permitting through the Technical Review process.

Photos

Attachments

Petition, appeal letter, and site plan.

PETITION #: 32-X-09 **FILING FEE: $** 300

PETITION for APPEAL to the BOARD of ZONING APPEALS

PETITION TYPE:

_____ Developmental Variance _____ Appeal from Staff Decision

_____ Use Variance X Special Exception _____ Conditional Use

Property Owner(s): Darrell Peterson, Executive Director, Elkhart County Youth for Christ, Inc.

Mailing Address: 173 State Street, Elkhart, Indiana 46516

Phone #: (574) 294-7404 Email: darrell@ elkhartlifeline.com

Contact Person: Jeffrey Schaffer, Abonmarche

Mailing Address: 315 West Jefferson Boulevard, South Bend, Indiana 46601

Phone #: (574) 232-8700 x 240 Email: jschaffer@ abonmarche.com

Subject Property Address: 2921 Prairie Street, Elkhart, Indiana

Zoning: R-5

Present Use: Vacant Single Family Residence Proposed Use: Community Center (Parking)

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) (PRINT): Darrell Peterson, Executive Director, Elkhart County Youth for Christ, Inc.

SIGNATURE(S): Darrell Peterson DATE: _____

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.

✓ A completed Petition form signed by the legal owner of record.

— 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: 6/8/12

AFFIDAVIT IN SUPPORT OF SPECIAL EXCEPTION PETITION

I, Darrell Peterson, 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 special exception 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 2921 Prairie Street Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the _____ day of _____, 20____.

Printed: Darrell Peterson, Executive Director Elkhart County Youth for Christ, Inc.

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.

Printed: Darrell Peterson, Executive Director Elkhart County Youth for Christ, Inc.

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

ABIGAIL ESTEP
Notary Public, State of Indiana
Elkhart County
Commission Number NP0713941
My Commission Expires
May 30, 2026

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Darrell Peterson and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 8th day of June, 2022.

Printed: Abigail Estep

My Commission Expires:
May 30, 2026

Notary Public in and for the State of Indiana
Resident of Elkhart County, Indiana

June 8, 20222

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

Re: Special Exception

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

1. I, Darrell Peterson, Executive Director for Elkhart County Youth for Christ, Inc., am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:

Previously Approved Special Exception

A part of the Southeast Quarter of Section 17, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, and described as follows:

Commencing at a point on the East line of the Southeast Quarter of Section 17, Township 37 North, Range 5 East, that is 330 feet South of the Northeast corner thereof; thence running West 536.25 feet; thence running South 330 feet; thence running East 536.25 feet; thence running North 330 feet to the place of beginning.

Excepting therefrom the following:

A part of the Southeast Quarter of Section 17, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Quarter Section, that said point being the intersection of the centerlines of Hively Avenue and Prairie Street; thence South along the East line of said Quarter Section and the centerline of said Prairie Street a distance of 460 feet for the beginning of this description; thence continuing South along the East line of said Quarter Section and the centerline of said Prairie Street a distance of 220 feet; thence North 88 degrees 31 minutes 22 seconds West a distance of 250 feet; thence North a distance of 220 feet; thence South 88 degrees 31 minutes 22 seconds East a distance of 250 feet to the place of beginning.

Proposed Amendment and Expansion

A part of the Southeast Quarter (SE-1/4) of Section Seventeen (17), Township Thirty-seven (37) North, Range Five (5) East, more particularly described as follows:

Commencing at the Northeast corner of said quarter (1/4) section; thence South along the East line of said quarter (1/4) section twenty (20) rods to the place of beginning of this description, said point being the Southeast corner

of land deeded to Merle Hartman (Deed Record 193 Page 613); thence West along said South line of Hartman's land Two Hundred Seventy-two and twenty-five hundredths (272.25) feet, more or less, to the Southeast corner of land deeded to William Gehman and Dora M. Gehman (Deed Record 199 Page 158); thence North along the Gehman's East line One Hundred (100) feet; thence East parallel with the South line of said Hartman's land to the East line of said quarter (1/4) section; thence South along the East line of said quarter (1/4) section, One Hundred (100) feet to the place of beginning.

2. The above-described real estate has a zoning classification of R-5 District under the zoning ordinance of the City of Elkhart.

3. The petitioner presently occupies the above-described real estate in the following manner:

   Vacant single-family residence.

4. The petitioner desires to occupy the real estate in the following manner:

   Expansion of a previously approved special exception for the creation of additional parking as part of the construction and operation of a community center.

5. The Zoning Ordinance of the City of Elkhart requires the following:

   Community centers are an allowed use in an R-5 District with a Special Exception.

6. The real estate is suited to this Special Exception based on the following:

   The real estate is located near several single-family residential and multi-family residential neighborhoods. It is also located near four elementary schools and one middle school. One of the community center's key programs will be outreach to school-aged children, particularly after school.

   The proposed expansion of the special exception will create additional parking. The additional parking will allow for other events and the community center with a decreased likelihood of traffic congestion in the area.

7. The proposed Special Exception meets the standards of the Board of Zoning Appeals as follows:

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

      The community center is near existing schools and residential neighborhoods. The real estate is large enough to accommodate the community center and needed parking, provided a safe distance between activities and traffic.

The proposed expansion of the special exception will create additional parking. The additional parking will allow for other events and the community center with a decreased likelihood of traffic congestion in the area.

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

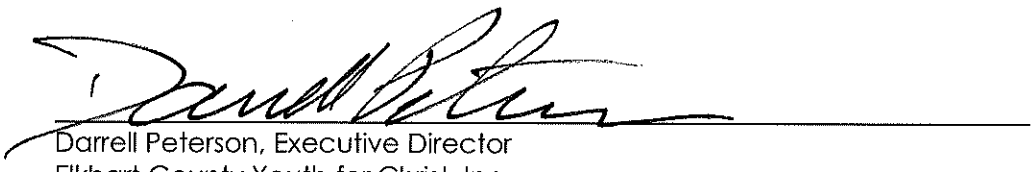
The real estate is in an area that is a transition between intense commercial uses and lower density residential uses. Like the adjacent dental office, a community center is an ideal transitional and compatible use within that type of area.

The proposed expansion of the special exception is located adjacent to existing commercial properties and away from any residential properties.

c. The Special Exception shall conform to the regulations of the zoning district:

The proposed development will meet the development requirements of the R-5 District for allowable uses.

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

Signed: 

Darrell Peterson, Executive Director
Elkhart County Youth for Christ, Inc.
173 State Street
Elkhart, Indiana 46516
(574) 294-7407
darrell@elkhartlifeline.com

Contact: Jeffrey Schaffer, Abonmarche
315 West Jefferson Boulevard
South Bend, Indiana 46601
(574) 232-8700 x 240
jschaffer@abonmarche.com

City of Elkhart

Staff Report

Planning & Zoning

Petition: 22-Z-09

Petition Type: Rezoning

Date: July 5, 2022

Petitioner: City of Elkhart Indiana Benefit of Department of Redevelopment

Site Location: Vacant Lot South Main Street, 20-06-09-454-001.000-012

Request: Per Section 29.11.B, Map Amendments, a request to rezone the property located at Vacant Lot, South Main Street from M-2, General Manufacturing District to R-4, Multiple Family Dwelling District.

Existing Zoning: M-2 – General Manufacturing District

Size: +/- .11 Acres

Thoroughfares: Main Street

School District: Elkhart Community Schools

Utilities: Available to site

Zoning parcels for viewing at neighborhood (large) scales. Published 6/30/2021

600

City of Elkhart | Maxar, Microsoft | Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Surrounding Land Use & Zoning:
Property to the north is vacant zoned R-4; properties to the east and south are industrial zoned M-2; properties to the west are mixed residential and commercial zoned B-3.

Applicable Sections of the Zoning Ordinance:
See enumerated in request.

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

Staff Analysis

The City of Elkhart Redevelopment Commission owns a .11-acre development site on the east side of South Main Street, between Indiana Avenue and Lusher Avenue. The city has recently rezoned the 3.4-acre site to the north to R-4 for the purpose of redeveloping it as a multifamily residential project A developer has submitted a proposal to develop the property as a multifamily development, with an anticipated 23 units and an associated building for management and community building. The city's and the developer's intention is to use this .11 acre site as part of that development. The site is located on a primary corridor within the city, and a railroad right-of-way borders its rear property line.

The M-2 zoning district is no longer the most appropriate for the site. Conversion to R-4, Multiple Family Dwelling District is appropriate because it will combine with the parcel to the north for a single development. The site plan submitted is illustrative and has not yet been submitted to the City's Technical Review process.

Recommendation

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

1) The proposed rezoning is compatible with the Future Land Use map, which calls for the area to be developed with residential uses;

2) Current conditions and the character of current structures and uses in each district will not be impacted because it will not have an impact on adjacent industrial and commercial uses;

3) The R-4 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 uses;

5) The rezoning of the property to R-4, Multiple Family Dwelling District is compatible with the surrounding properties and does reflect responsible growth and development.

Photos

Attachments

Petition, appeal letter, affidavit, and site plan.

PETITION #: 22-2-09 **FILING FEE: $** 200

PETITION to the PLAN COMMISSION

PETITION TYPE: REZONING

This action requires final approval from the Common Council

Property Owner(s): City of Elkhart Department of Redevelopment

Mailing Address: 229 S Second St. Elkhart, IN 46516

Phone #: 574-244-5471 Email:

Contact Person: Chaise Cope

Mailing Address: 229 S Second St. Elkhart, IN 46516

Phone #: 574-322-4861 Email: chaise.cope@coe.org

Subject Property Address: 20-06-09-454-001.000-012

Zoning: M-2 to R-4

Present Use: Vacant Lot Proposed Use: Multi-family

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) (PRINT): Sandra Schreiber

SIGNATURE(S): Sandra Schreiber DATE: 6-17-22

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 of the property.
- ✓ A completed Petition form signed by the legal owner of record.
- ____ 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: 6-17-22

June 8, 2022

TO: Honorable Members of the Plan Commission and City Council City of Elkhart, Indiana

RE: Rezoning

The undersigned petitioner respectfully shows the Plan Commission and Council:

1. I, Sandi Schreiber, President of Elkhart Redevelopment Commission, am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart, County, State of Indiana, to wit: **Parcel # 20-06-09-454-001.000-012 Elkhart, IN 46516, ALLENDALE EX 18FT S SIDE LOT 45 (TIF 136)** Legal Description attached as Exhibit A
2. The above-described real estate presently has a zoning classification of M-2 under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies the above-described property in the following manner: Vacant lot. Proposed use is to continue the proposed construction on 1710 S Main St onto this parcel.
4. Petitioner desires to obtain a rezoning for the construction of 25 lease purchase townhomes.
5. The proposed development and use of the subject property is consistent with the Updated Comprehensive Plan adopted by the City Council of The City of Elkhart on February 2, 2015. Specifically, the proposed development is compatible with the stated goals in "Future Land Use" map in section 4. The proposed project is medium density residential on an existing street. The existing surrounding land uses are commercial, light manufacturing, and low density residential. The conversion of industrial to residential is a stated goal.

   5.1 This proposal encourages the innovative use of currently underutilized land in the city. The land in question has been vacant for a period of time. The redevelopment of this parcel is an opportunity to do infill development in an existing neighborhood. The neighborhood consists of various uses including commercial and residential across the street from this project, industrial next door, and is adjacent to a city park.

   5.2 The location of this property in an existing neighborhood and close to a park constitutes a very efficient economic use of the land. The existing pedestrian infrastructure is in place to allow the future tenants of the property to safely access the products and services found in the immediate vicinity. Public facilities and services are already in place to support the development. Utilizing this property for medium density residential development is a desirable use of the land.

   5.3 The construction of attractive modern affordable housing will conserve property values throughout the district by introducing new construction to the neighborhood better suited to residential development than industrial.

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 Council, after hearing, pass on appropriate ordinance rezoning the above-described parcel of land located in the City of Elkhart.

Signature of Property Owner: Sandra Schreiber, President Elkhart City Redevelopment Commission

Printed Name: Sandra Schreiber

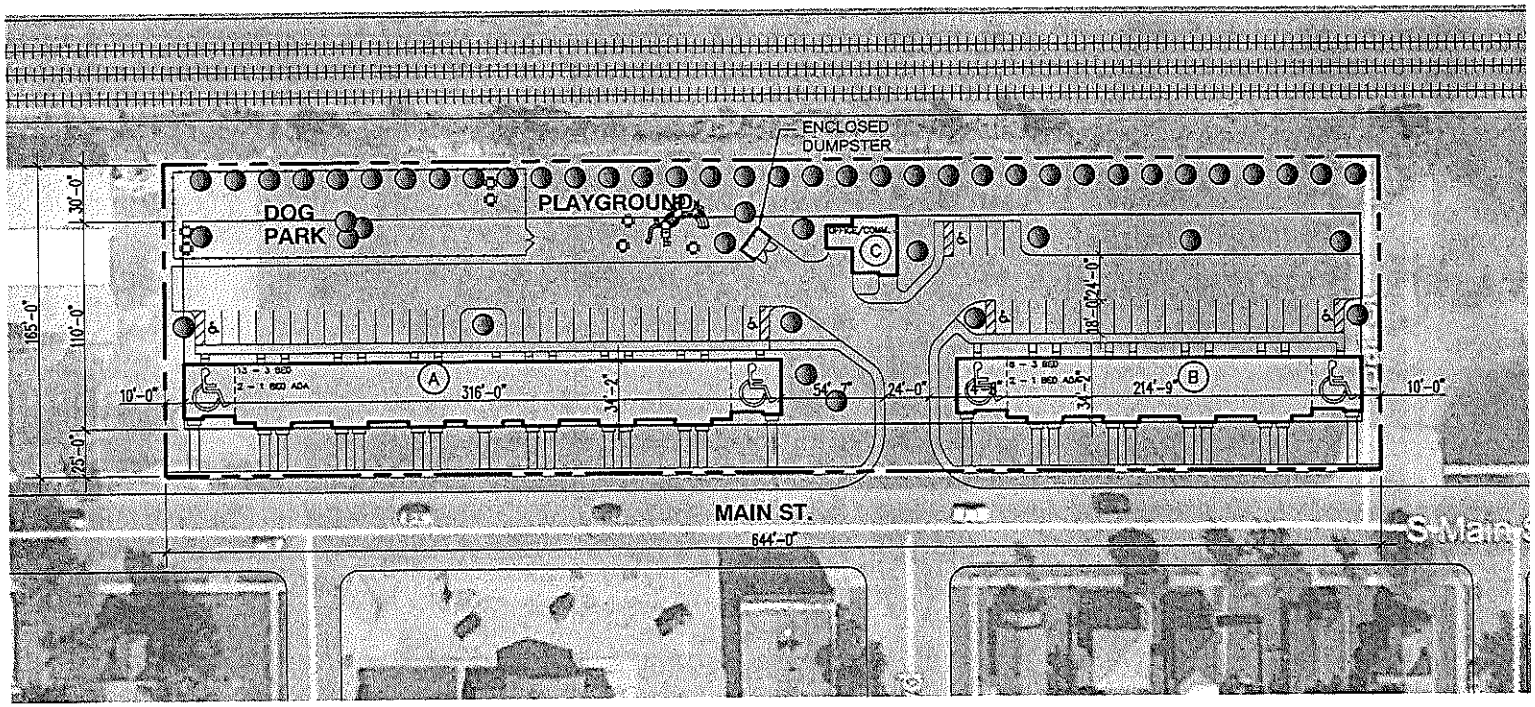
Contact Person: Chaise Cope

Name: Chaise Cope

Address: 229 S Second St. Elkhart, IN 46516

Phone Number: 574-322-4861

Email: Chaise.Cope@coei.org



ARCHITECTURAL SITE PLAN

SCALE: 1/64"=1'-0"

RE-ZONE AS R-4 MULTI FAMILY

UNIT COUNT:
21 - 3 BED
4 - 1 BED ADA

25 UNITS TOTAL

PARKING COUNT:
2 PARKING SPACES FOR EACH UNIT.

50 PARKING SPACES IN TOTAL FOR THE RESIDENTS AND 4 PARKING SPACES FOR THE COMMUNITY BUILDING

54 TOTAL PARKING SPACES

LEGEND
(A) = BUILDING "A" 13 – 3 BEDROOM UNITS & 2 – 1 BEDROOM ADA UNITS
(B) = BUILDING "B" 8 – 3 BEDROOM UNITS & 2 – 1 BEDROOM ADA UNITS
(C) = BUILDING "C" COMMUNITY BUILDING

NOTE:
ALL DIMENSIONS FOR THE SITE BOUNDARIES ARE PRELIMINARY AND HAVE NOT BEEN SURVEYED BY A PROFESSIONAL

myszak + partners
ARCHITECTURE • DESIGN • DEVELOPMENT

ADVANTIX

NEW HOUSING PROJECT FOR:
ELKHART HOUSING
ELKHART, INDIANA
PROJECT NO. 21_08

DATE: -/-/----
DRAWN: STAFF
CHECKED: APM
PROJECT ID: 21-08

A0.2
PRELIMINARY SITE PLAN

City of Elkhart

Staff Report

Planning & Zoning

Petition: 22-SI-08

Petition Type: Staff Item – Appeal

Date: July 5, 2022

Petitioner: WEIMPACT PROPERTIES

Site Location: Vacant Lot CR 6

Request: An appeal as per Section 24.12 for a Development Plan, to vary from Section 24.9.B.1.a (iii,iv) which requires projections and recesses have a minimum depth of thirty-two (32) inches and a minimum width of forty-eight (48) inches, to allow for a building with no projections and recessions.

To also vary from Section 24.9.B.2(a-k), which requires on primary facades three (3) out of eleven (11) design treatments, to allow for three facades with one (1) design treatment, a variance of two (2) treatments per façade.

To also appeal to vary from Section 24.9.C.(1,2) which requires on primary facades at least one (1) vertical change of at least three (3) feet from the predominant roof design and two of a list of four design elements, to allow for a roof on two primary facades without such a vertical change and on three primary facades without the specified design elements.

To also appeal to vary from Section 24.9.D.2 which states that "all facades which face roadways… shall utilize corrugated metal for no more than twenty-five percent (25%) of the façade," when located in a Development District, to allow three facades in a Development District to utilize corrugated metal for up to 100% of three facades.

Zoning: M-1, Limited Manufacturing District

Staff Analysis

The petitioner owns approximately 25 acres of undeveloped land on County Road 6 west of John Weaver Parkway. They intend to develop it initially with a 144,000 square foot building fronting on CR 6 and a potential future building to the south comprising an anticipated 194,400 square feet.

In regards to the appeal from architectural standards, staff met with the petitioners Wednesday June 29 to go over the aspects of the building design that did not meet current standards to see if there would be a way to bring the design closer to conformance. Subsequently, they submitted a revision to the front façade and renderings on Friday July 1.

Changes to the design of the building include adding a color change in metal under the windows, and a projected wrap, and additional landscaping in the form of foundation plantings. This staff report will address the revised plan:

Under 24.9.B.2 (a-k), at least three out of eleven possible design treatments. At the time of application, only color change was credited to the building. However, the additional landscaping, display windows, and canopies can be credited as well. Therefore, in staff's opinion, the building now meets this section of the ordinance, and it is no longer necessary to request a variance on this part of the ordinance.

Under 24.9.C.(1,2) roofs are required to have at least one (1) vertical change of at least three (3) feet from the predominant roof design and two of a list of four design elements. No changes have been made to the proposed façade. However, staff recognizes that the style of construction, a pre-engineered industrial building, presents a maintenance issue that would likely cause problems for the end-user of the building.

Under 24.9.B.1.a (iii,iv), which requires projections and recessions, the petitioners have made an attempt to meet the code with the two pilaster-like projecting elements flanking the main entrance. And under 24.9.D.2, the building is proposed to be predominantly corrugated metal.

Recommendation

Staff recommends to approve the appeal from Section 24.9.C(1, 2) and makes no recommendation on the appeal from Sections 24.9.B.1.a (iii,iv) and 24.9.D.2.

Attachments

Building elevations, renderings.

Photos

PETITION NUMBER: ~~22-BZA-15~~ 22-51-07 Date Filed: 5/6/2022

PETITION for APPEAL to the BOARD of ZONING APPEALS

PETITION TYPE:

X Developmental Variance	____ Special Exception	____ Appeal from
____ Use Variance	____ Conditional Use	Staff Decision

Property Owner(s): weIMPACT Properties - David Weaver
Mailing Address: 120 W Lexington Ave Elkhart, IN 46516
Phone: (574) 596-1075 email: dave@weimpactgroup.com

Contact Person: Patrick Gross - Manager of Project Development - DJ Construction
Adress: 3414 Elkhart Rd Goshen, IN 46526
Phone: [redacted] email: pat@djconstruction.com

Subject Property Address: CR 6, Elkhart, IN 46514 - Parcel 20-01-26-201-005.000-006
Zoning: M-1 Present Use: Ag
Proposed Use: M-1 - Warehouse / Light Manufacturing ~~#~~ - Spec Building

Checklist (√) for submittal of the Variance to the Board of Appeals docket: you must include:

- ✓ One copy of the Appeal Letter signed in ink by the owner of the property.
- ✓ A completed Petition form signed by the legal owner of record.
- ✓ If any other person other than the legal owner or the legal owner's attorney files the appeal, written authorization from the property owner must be supplied.
- ✓ A full and accurate legal description of the property.
- ✓ One to scale drawing of the property, smaller than 11" x 17". If larger than 11" x 17", 12 copies must be submitted.
- ✓ Cash or check made payable to the City of Elkhart. $300.00

Optional: any supplementary information you wish to include.

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.

Owner Representative
~~PROPERTY OWNER(S)~~ (PRINT) Patrick Gross DJ Construction Co., Inc.

SIGNATURES [signature]

RECEIVED BY: [signature] DATE: 5/6/22

Remit To:
CITY OF ELKHART –OFFICE OF PLANNING AND DEVELOPMENT - Planning Services Division
Municipal Building, 229 South Second Street, Elkhart, IN 46516

(staff to complete)

Ordinance Requirement: Section(s): _____
MAP #: _____ AREA: _____

DJ CONSTRUCTION
decidedly different

May 6, 2022

City of Elkhart, Indiana
Plan Commission

RE: CR 6 Spec Building – Roof Standards

The undersigned appellant respectfully shows the Plan Commission:

1. **I, Patrick Gross – Manager of Project Development at DJ Construction Co., Inc. am the owner's representative for welMPACT Properties whom is the owner of the following described real estate located within the City of Elkhart, Cleveland Township, Elkhart County, State of Indiana, to-wit:**

   Record Legal Description
   Legal Description as described on survey from December of 2021.

2. **The above described real estate presently has a zoning classification of M-1 District under the Zoning Ordinance of the City of Elkhart.**

3. **Appellant presently occupies (or proposes to occupy) the above described property in the following manner:**

   Development of a 144,000 square foot industrial use (warehouse or manufacturing) spec building, which is to be included with approximately 3,400 square feet of potential commercial office space, (12) docks, and the ability to divide the building into (2) tenants. The construction of the building is steel with a metal roof structure which will drain to the north and south sides of the building and into the newly developed retention areas to the east. The exterior elevations are intended to enhance the façade at the (2) building corners with windows, and center office area with canopy, window areas, and façade detailing in order to draw the focus to those locations.

4. **Appellant is asking for relief on the roof standards for this zoning district as noted below:**

   Section 24.9: Development Plan Design Standards – Type II, Section C – Roof Standards: Relief being asked as follows:

   For the industrial construction type of this structure, a pre-engineered metal building, we have designed a roof system that is consistent with the use of the building, while enhancing primary focal points of the façade at the street facing building elevation to draw the focus away from the roof edge. The roof edge is 29'-6" above grade.

   To be noted that we are:

   - *Will not have roof mounted mechanical equipment (ie: roof top units). The heating source for the main warehouse / plant is an interior unit.*

3414 ELKHART RD. | GOSHEN, IN 46526 | P: 574.533.1645
4798 CAMPUS DRIVE, SUITE 120 | KALAMAZOO, MI 49008 | P: 269.557.1645
info@djconstruction.com | www.djconstruction.com

DJ CONSTRUCTION
decidedly different

Revised July 2, 2022

City of Elkhart, Indiana
Plan Commission

RE: CR 6 Spec Building – Roof Standards, Façade Relief, and Design Features

The undersigned appellant respectfully shows the Plan Commission:

1. **I, Patrick Gross – Manager of Project Development at DJ Construction Co., Inc. am the owner's representative for welMPACT Properties whom is the owner of the following described real estate located within the City of Elkhart, Cleveland Township, Elkhart County, State of Indiana, to-wit:**

   Record Legal Description
   Legal Description as described on survey from December of 2021.

2. **The above described real estate presently has a zoning classification of M-1 District under the Zoning Ordinance of the City of Elkhart.**

3. **Appellant presently occupies (or proposes to occupy) the above described property in the following manner:**

   Development of a 144,000 square foot industrial use (warehouse or manufacturing) spec building, which is to be included with approximately 3,400 square feet of potential commercial office space, (12) docks, and the ability to divide the building into (2) tenants. The construction of the building is steel with a metal roof structure which will drain to the north and south sides of the building and into the newly developed retention areas to the east. The exterior elevations are intended to enhance the façade at the (2) building corners with windows, and center office area with canopy, window areas, and façade detailing in order to draw the focus to those locations.

4. **Appellant is asking for relief on the roof standards for this zoning district as noted below:**

   Section 24.9.C.(1,2): Development Plan Design Standards – Type II, Section C – Roof Standards: Relief being asked as follows:

   For the industrial construction type of this structure, a pre-engineered metal building, we have designed a roof system that is consistent with the use of the building, while enhancing primary focal points of the façade at the street facing building elevation to draw the focus away from the roof edge. The roof edge is 29'-6" above grade.

   To be noted that we are:

   - *Will not have roof mounted mechanical equipment (ie: roof top units). The heating source for the main warehouse / plant is an interior unit.*

3414 ELKHART RD. | GOSHEN, IN 46526 | P: 574.533.1645
4798 CAMPUS DRIVE, SUITE 120 | KALAMAZOO, MI 49008 | P: 269.557.1645
info@djconstruction.com | www.djconstruction.com

Section 24.9.D.2: Development Plan Design Standards – Corrugated Metal for greater than 25% on road facing facades:

For the industrial construction type of this structure, a pre-engineered metal building, we have designed a wall system consistent with the use of the building. We have provided intentional color, landscape, windows, and material variety interest to break up the proportion of the panel.

5. The Plan Commission, development standards from sections described above asks that the following are met for roof and wall (road facing) **standards, in bold text below each comment describes the unusual hardship that is presented by the standards in a building of this construction type and size and our primary reasons for asking for relief of this standard.**

a. Note 2: Each roof shall include at least two of the following design elements:

i. Overhangs of not less than two (2) feet beyond the supporting walls with a minimum fascia of 8" or,

1. In a pre-engineered building, roof overhangs are not an applicable detail – the fascia / gutter edges are 8" dimension.

ii. Multiple plane slopes for each primary façade

1. Multiple planes are not a typical detail in a pre-engineered industrial building – changes in plane slopes greatly affect the movement of large quantities of roof water and present a maintenance problem for our building owners in the future. The proposed high eave height, paired with a low sloped roof create a roof plan that is not a focal point from passing roads.

iii. Three-dimensional cornice treatment with at least 12" in height and at least (3) reliefs or,

1. Our primary focal points at the corners and center office facade is designed to have window canopies to provide visual dimensional relief on the tall walls at multiple locations.

iv. Vertical roof changes with a minimum change in elevation of two feet other than the vertical roof changes required above.

1. Vertical roof changes are not an easily applicable detail in a pre-engineered industrial building – while the element could be presented, the vertical elements above the eave lines present a maintenance issue that will trouble the end-user of the building in the future, and presents a disruption of significant water flow from the main roof.

v. Use of corrugated metal for greater than 25% of road facing facade.

1. The use of corrugated metal on a pre-engineered industrial building is the most commonly utilized panel – the current design utilizes the panel in multiple colors, and with interest in the design.

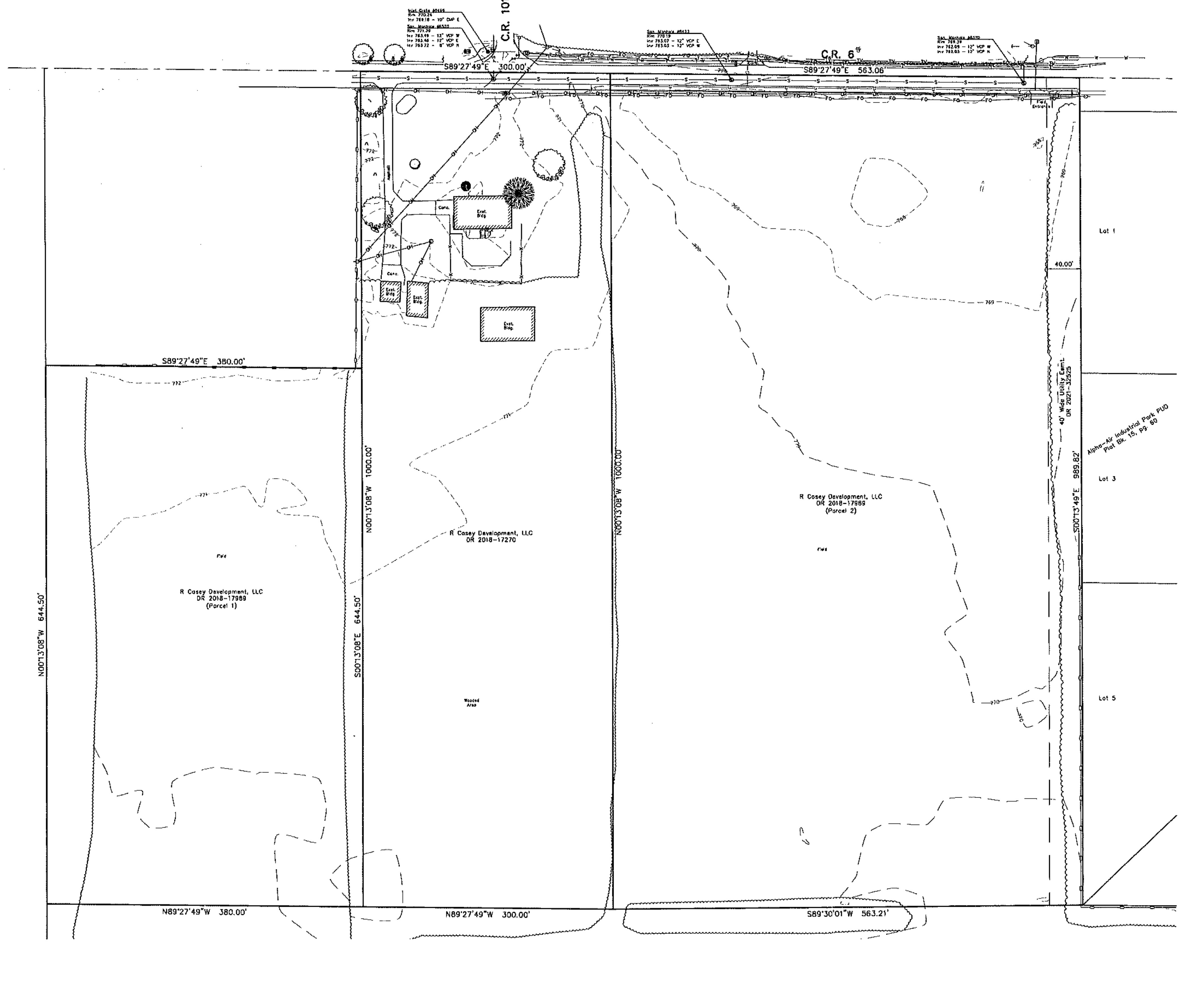
5. Additional Information:
    a. To address appeal to section 26.4.2.B regarding projections and recesses, the design / elevation of the building has been enhanced, on July 1, 2022, to include projections at the large window openings along the length of the building façade.
    b. To address appeal to section 24.9.B.2(a-k) regarding 3 our of 11 design treatments, the design have been enhanced, on July 1, 2022, to include additional treatments to meet or exceed the intent with the following treatments included with the design:
        i. Additional landscaping along length of building foundation
        ii. Large plant window
        iii. Window picture frame projections
        iv. Canopies at (12) window locations
        v. Multiple color changes

7. Summary: We feel that our development is consistent with other similar industrial building styles along main corridors in and around Elkhart. We ask for consideration on relief of the standards for this development.

WHEREFORE, Appellant respectfully requests a hearing on this appeal and that after such hearing, the Plan Commission request relief on the Development Roof Standard.

Signature of Owner Representative: _____

Printed Name & Title: Patrick J Gross – Manage of Project Development, DJ Construction Co., Inc.



Record Legal Descriptions

DR 2018-17270
Part of the Northeast Quarter (NE 1/4) of Section 26, Township 38 North, Range 4 East, situate in Cleveland Township, Elkhart County, State of Indiana, surveyed by Christian F. Marbach, Registration Number 80880002, with Marbach, Brady & Weaver, Inc., as shown on Drawing Number A-41456, certified on August 17, 2018 and being more particularly described as follows:

Commencing at a Harrison Monument marking the Northwest corner of the Northeast Quarter (NE 1/4) of said Section 26; thence South 89°27'49" East along the North line of the said Northeast Quarter (NE 1/4) and the centerline of County Road 6 a distance of 1163.75 feet to the point of beginning of this description; thence continuing South 89°27'49" East along the North line of the said Northeast Quarter (NE 1/4) and the centerline of County Road 6 a distance of 300.00 feet; thence South 0°13'08" East parallel with the West line of said Northeast Quarter (NE 1/4) a distance of 1000.00 feet; thence North 89°27'49" West parallel with the North line of said Northeast Quarter (NE 1/4) a distance of 300.00 feet; thence North 0°13'08" West parallel with the West line of said Northeast Quarter (NE 1/4) a distance of 1000.00 feet to the point of beginning, said in survey to contain 6.886 acres of land, more or less.

DR 2018-17989

Parcel I:

Part of the Northeast Quarter of Section 26, Township 38 North, Range 4 East, situate in Cleveland Township, Elkhart County, State of Indiana, surveyed by Christian F. Marbach, Registration Number 80880002, with Marbach, Brady & Weaver, Inc., as shown on Drawing Number A-41456, certified on August 17, 2018 and being more particularly described as follows:

Commencing at a Harrison Monument marking the northwest corner of the Northeast Quarter of said Section 26; thence South 89°27'49" East along the north line of the said Northeast Quarter and the centerline of County Road 6 a distance of 1163.75 feet; thence continuing South 89°27'49" East along the north line of the said Northeast Quarter and the centerline of County Road 6 a distance of 300.00 feet; thence South 00°13'08" East parallel with the west line of said Northeast Quarter a distance of 1000.00 feet; thence North 89°27'49" West parallel with the north line of said Northeast Quarter a distance of 300.00 feet to the Point of Beginning of this description; thence North 00°13'08"West parallel with the west line of said Northeast Quarter a distance of 644.50 feet to the southeast corner of land conveyed to Ivan Michailovsky and Maria Michailovsky in Document 302, page 159 in the Office of the Recorder of Elkhart County; thence North 89°27'49" West parallel with the north line of said Northeast Quarter and along the south line of said Michailovsky land a distance of 380.00 feet to the southwest corner of said Michailovsky land, said point also being on the east line of land conveyed to Kenneth D. Blazier and Teresa A. Blazier in Document 2013-05902 in the Office of the Recorder of Elkhart County; thence South 00°13'08" East parallel with the west line of said Northeast Quarter a distance of 644.50 feet; thence South 89°27'49" East parallel with the north line of said Northeast Quarter a distance of 380.00 feet to the point of beginning of this description; said in survey to contain 5.622 acres, more or less.

Parcel II:
Part of the Northeast Quarter of Section 26, Township 38 North, Range 4 East, situate in Cleveland Township, Elkhart County, State of Indiana, surveyed by Christian F. Marbach, Registration Number 80880002, with Marbach, Brady & Weaver, Inc., as shown on Drawing Number A-41456, certified on August 17, 2018 and being more particularly described as follows:

Commencing at a Harrison monument marking the northwest corner of the Northeast Quarter of said Section 26; thence South 89°27'49" East along the north line of the said Northeast Quarter and the centerline of County Road 6 a distance of 1463.75 feet to the Point of Beginning of this description, said point being the northeast corner of land conveyed to Steven C. Vlaeminck and Linda K. Vlaeminck in Document 361, page 573 in the Office of the Recorder of Elkhart County; thence continuing South 89°27'49" East along the north line of the said Northeast Quarter and the centerline of County Road 6 a distance of 563.06 feet (deed 563.03') to the northwest corner of Alpha-Air Industrial Park, PUD, recorded in Plat Book 15, page 60 in the Office of the Recorder of Elkhart County; thence South 00°13'49" East along the west line of said Alpha-Air Industrial Park, PUD a distance of 989.82 feet (platted 990') to the southwest corner of said Alpha-Air Industrial Park, PUD; thence South 89°30'01" West a distance of 563.21 feet to the southeast corner of said Vlaeminck land; thence North 00°13'08" West along the east line of said Vlaeminck land and parallel with the west line of said Northeast Quarter a distance of 1000.00 feet to the point of beginning of this description; said in survey to contain 12.861 acres, more or less.

Topographic Survey Notes

This topographic survey was performed in December, 2021.

This is not a boundary survey. Right-of-way lines and property lines are based on survey prepared by Christian F. Marbach, PS of Marbach, Brady and Weaver, dated August 13, 2018, job no. 0121-2018, drawing no. A-41456 and recorded in Instrument No. 2018-17205 in the Office of the Recorder of Elkhart County, Indiana.

Horizontal datum is based upon the Indiana State Plane Coordinate System, East Zone, GPS derived utilizing the INCORS Network.

Basis of Elevation is GPS derived utilizing the INCORS Network, NAVD88 datum.

Utility Notes

Locations of existing underground utilities shown on this drawing are based on evidence of above ground features, locations marked in the field by others or based on record information provided by the utility company. No excavation should occur without notification of appropriate agencies and utility companies.

Utility locates were requested on November 15, 2021 utilizing the "Call Before You Dig" 811, utility locating service. The following ticket number(s) were assigned for this project: 2111115652

LEGEND

SANITARY MANHOLE
IRON GRATE
GAS MARKER
GUY ANCHORS
RAILROAD TIE POST
POWER POLE
LIGHT POLE
TELEPHONE HANDHOLE
TELEPHONE PEDESTAL
FIBER OPTIC MARKER
FIRE HYDRANT
WATER VALVE
AIR CONDITIONER
MAILBOX
SATELLITE DISH
SIGN
STOP SIGN
SOIL BORING
STUMP
TREE (UP TO 6")
TREE (13"-24")
TREE (25"& UP)
PINE (UP TO 6")
PINE (25"& UP)
SANITARY LINE
GAS LINE
OVERHEAD LINE
BURIED FIBER OPTIC LINE
BURIED CABLE TV LINE
BURIED TELEPHONE LINE
FENCE
FARM FIELD TYPE FENCE
TREELINE
BRUSHLINE

N

GRAPHIC SCALE
0 30 60 120
(IN FEET)
1 INCH = 60 FT

REV.	DESCRIPTION	BY	DATE

The concepts, designs, plans, details and other information as shown on this document are the sole property of JPR and were created, developed, and presented for use on this specific project. None of the concepts, designs, plans, details or other information hereon shall be used or disseminated without the expressed written permission of JPR. © 2021 JPR • All Rights Reserved.

JONES PETRIE RAFINSKI
Elkhart, IN p: 574.293.7762
South Bend, IN p: 574.232.4388
Fort Wayne, IN p: 260.422.2522

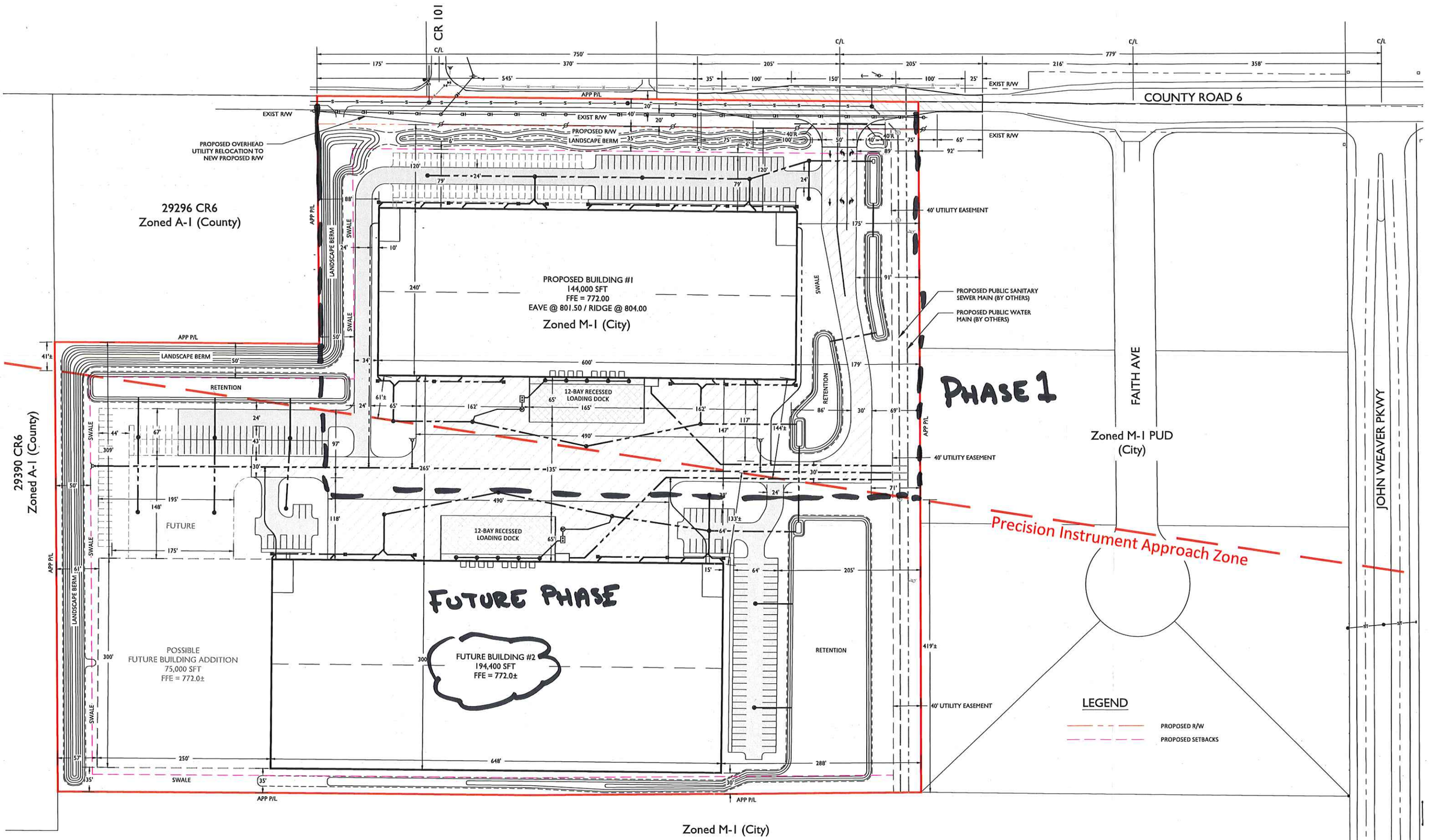
JEFFREY S. BARNES REGISTERED No. LS20200084 STATE OF INDIANA LAND SURVEYOR
01/26/2022

CR 6 SITE DEVELOPMENT
R CASEY DEVELOPMENT
29224 CR 6 ELKHART, IN 46514
TOPOGRAPHIC SURVEY

DESIGNED BY: M SCHUSTER
DRAWN BY: M SCHUSTER
DATE: DECEMBER 2021
JOB NUMBER: 2021-0465
SCALE: 1"=60'

C100

\2021 Projects\2021-0465\Eng\CR 6 Site Development\C100-SURVEY.DWG, 1/26/2022 12:47:59 PM



CONCEPTUAL LAYOUT

26 AC PARCEL - COUNTY ROAD 6, ELKHART

DJ CONSTRUCTION

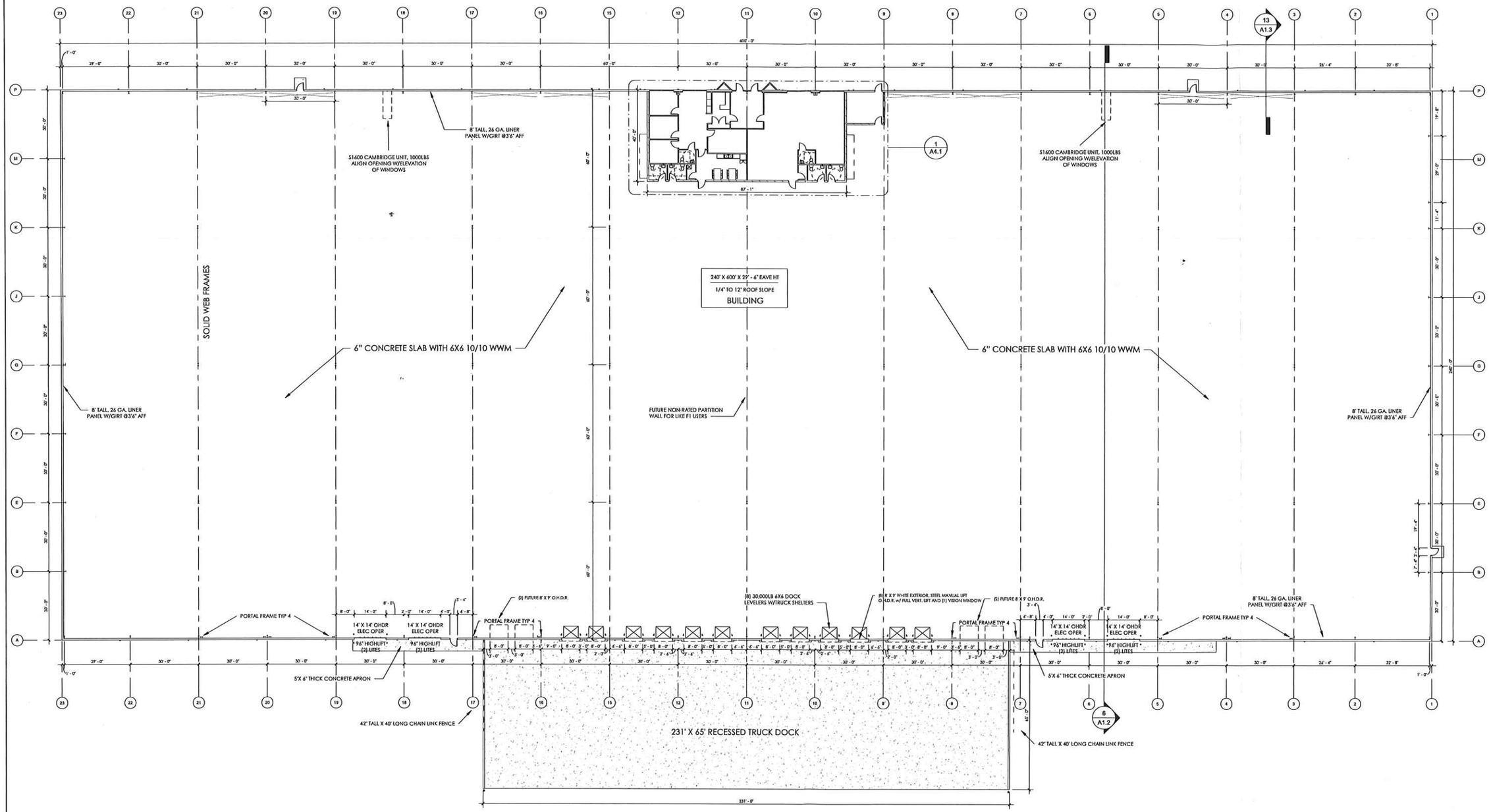
© 2021 JPR - All Rights Reserved

04/19/2022
E.B. HENION
EIT/PROJECT ENGINEER

JONES PETRIE RAFINSKI
Elkhart, IN p: 574.293.7762
South Bend, IN p: 574.232.4388
Fort Wayne, IN p: 260.422.2522

Feet 0 30 60

021 Projects\2021-0451\Eng\Prop\210451Prop.dwg, 4/19/2022 3:03:38 PM, DWG To PDF.pc3



DJ CONSTRUCTION
decidedly different
PHONE: (574) 533-1645
FAX: (574) 875-9594
199 E. Center Street, Suite A3
Warsaw, IN 46580
3414 Elkhart Rd.
Goshen, IN 46526

PRELIMINARY DRAWINGS

DATE:

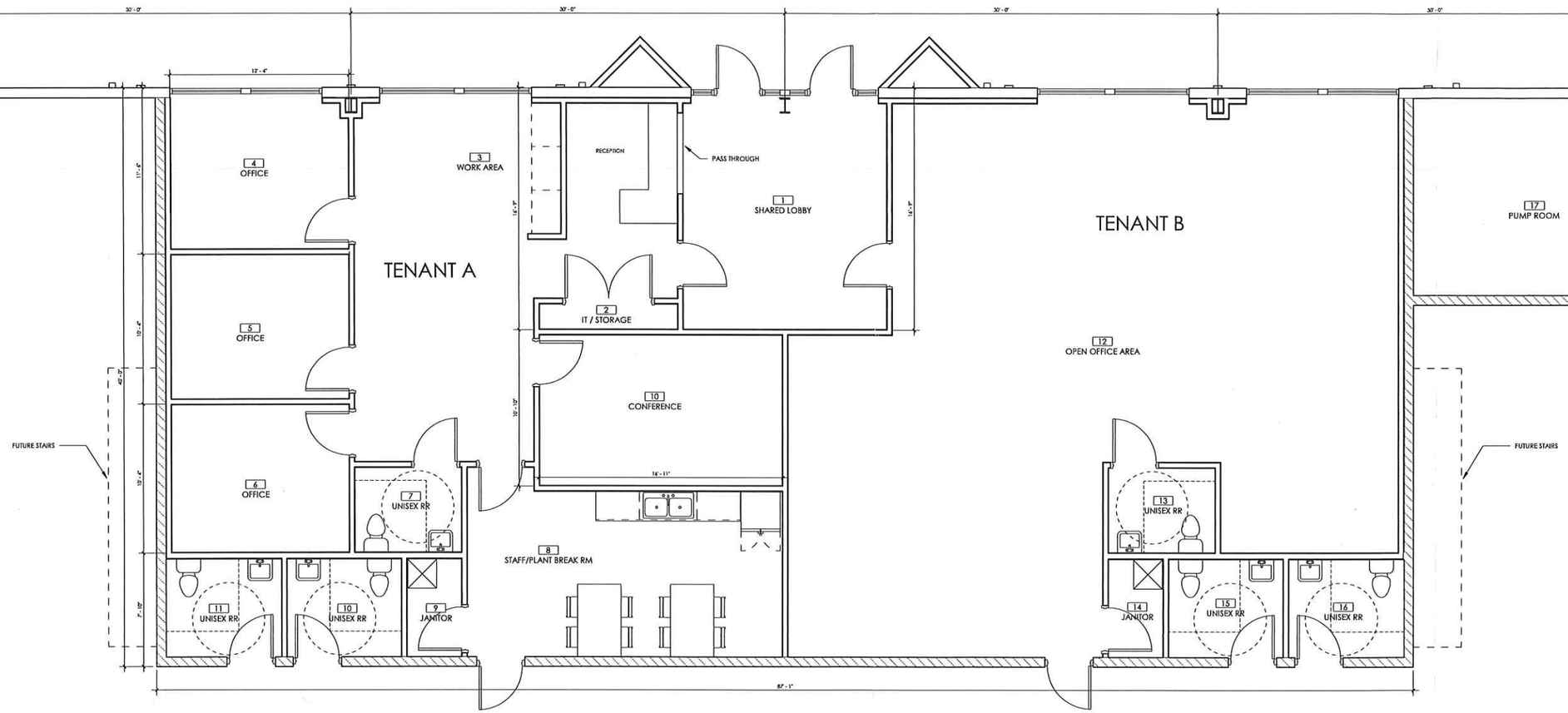
CR6 SPEC CONCEPTS
CR6 ELKHART, IN 46514

FIRST FLOOR PLAN

NO.	DESCRIPTION	DATE
1	AERO 2	03/15/22

SCALE: 1" = 20'-0"
JOB NUMBER: 21-0-126
DATE: 05/04/22
DRAWN BY: CAR
REVIEWED BY:

SHEET: A1.0



TOTAL OFFICE AREAS EQUAL ROUGHLY 3,480 SF

DJ CONSTRUCTION
decidedly different
3414 Elkhart Rd.
Goshen, IN 46526
199 E. Center Street, Suite A3
Warsaw, IN 46580
PHONE: (574) 533-1645
FAX: (574) 875-9594

PRELIMINARY DRAWINGS

DATE:

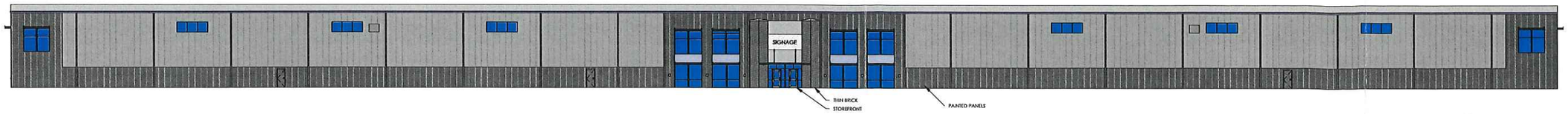
CR6 SPEC CONCEPTS
CR6 ELKHART, IN 46514

ENLARGED OFFICE PLANS

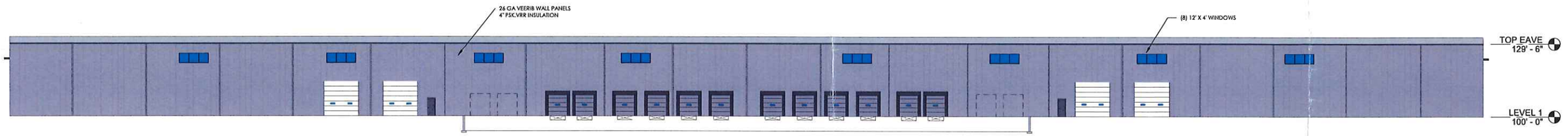
NO.	DESCRIPTION	DATE

SCALE: 1/4" = 1'-0"
JOB NUMBER: 21-0-126
DATE: 05/04/22
DRAWN BY: CAR
REVIEWED BY:

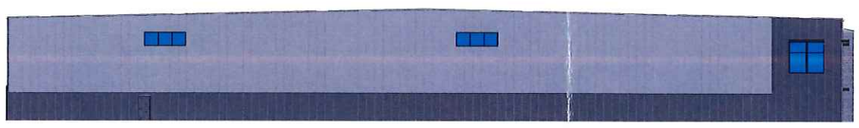
SHEET: A4.1



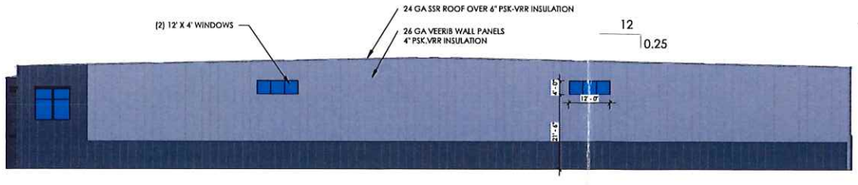
② NORTH (FRONT)
1" = 20'-0"



① SOUTH
1" = 20'-0"



③ EAST
1" = 20'-0"



④ WEST
1" = 20'-0"

DJ CONSTRUCTION
decidedly different
3414 Elkhart Rd.
Goshen, IN 46526
199 E. Center Street, Suite A3
Warsaw, IN 46580
PHONE: (574) 533-1645
FAX: (574) 875-9594

PRELIMINARY DRAWINGS

DATE:

AEROPLEX SPEC #2
CR6 ELKHART, IN 46514

ELEVATIONS

NO.	DESCRIPTION	DATE

SCALE: 1" = 20'-0"
JOB NUMBER: 21-0-126
DATE: 05/2/22
DRAWN BY: CAR
REVIEWED BY:

SHEET: A1.1

CR 6 SPEC

DJ CONSTRUCTION
decidedly different

RENDER MIGHT NOT REPRESENT FINAL DESIGN

CR 6 SPEC

DJ CONSTRUCTION
decidedly different

RENDER MIGHT NOT REPRESENT FINAL DESIGN

CR 6 SPEC

DJ CONSTRUCTION
decidedly different

RENDER MIGHT NOT REPRESENT FINAL DESIGN

CR 6 SPEC

DJ CONSTRUCTION
decidedly different

RENDER MIGHT NOT REPRESENT FINAL DESIGN

City of Elkhart

Staff Report

Planning & Zoning

Petition: 22-SI-09

Petition Type: Staff Item - Addressing

Date: July 5, 2022

Petitioner: City of Elkhart Planning & Zoning Department

Site Location: City of Elkhart

Request: Plan Commission approval of proposed address for the City of Elkhart.

Staff Analysis

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

Residential	
709 Fieldhouse Avenue	New Single Family Residential
152 State Street, Suites 1 and 2	Suite number revision
631 Markle Avenue	New Single Family Residential
Commercial	
650 Bullard Road	New Industrial Building
510 Benchmark Drive	New Industrial Building
3075 Belvedere Road	New RV Capground
1301 Sanford School Road East	New Address for Annexed Property
3075 County Road 6 West, Suites 100 & 101	New Industrial Multi-Tenant Building

Recommendation

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

Attachments

None