

AGENDA
ELKHART CITY PLAN COMMISSION
MONDAY, August 5, 2024 AT 1:45 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

THIS MEETING WILL BE HELD ELECTRONICALLY VIA WEBEX.

This meeting can also be accessed via WebEx. To join, go to <https://signin.webex.com/join>, enter **2303 059 2686** as the meeting number, and "**PLAN2024**" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to Carla.Lipsey@coei.org prior to the meeting.

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF PROOFS OF PUBLICATION**
4. **APPROVAL OF MINUTES- May, June, July 2024**

5. **NEW BUSINESS**

24-SUB-01 PETITIONER IS Habitat for Humanity of Elkhart County

PROPERTY IS LOCATED AT 3115 Homer

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Homer Avenue Subdivision,' a ten (10)-lot subdivision; a part of the Southeast Quarter of Section 16, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana

24-X-05 PETITIONER IS Elkhart Community School

PROPERTY IS LOCATED AT 2608 California Road

Per Section 4.3, a Special Exception to allow an addition to Elkhart High School. The use is proposed to be a Health and Wellness Center.

24-X-06 PETITIONER IS Republic Services (Browning Ferris Industries)

PROPERTY IS LOCATED AT 3300 Charlotte Ave

Section 18.3, Special Exception Uses in the M-1, Limited Manufacturing District, a special exception to allow for the replacement of a 10,000 gallon diesel fuel storage tank.

Staff Items

24-SI-04- Addressing

Approval of proposed addresses for the City of Elkhart.

24-SI-05-Bent Oak Golf LLC

Approval to Amend 24-PUDA-06

6. **ADJOURNMENT**

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

PLAN COMMISSION

-MINUTES-

**Monday, May 6, 2024 - Commenced at 1:45 P.M. & adjourned at 2:25 P.M.
City Council Chambers – Municipal Building**

Elkhart City Plan Commission was called to order by Tory Irwin at 1:45 P.M.

MEMBERS PRESENT

Tory Irwin
Dan Boecher
Diana Lawson
Christopher Baiker
Aaron Mishler
Rochali Newbill

MEMBERS ABSENT

Ron Davis
Dave Osborne

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director of Planning
Mike Huber, Director of Planning

LEGAL DEPARTMENT

Maggie Marnocha, Corporation Counsel

RECORDING SECRETARY

Carla Lipsey

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion to table approval of April Minutes by Mishler; Second by Lawson. Voice vote carries.

APPROVAL OF PUBLICATION

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

OLD BUSINESS

None

NEW BUSINESS

24-Z-03 PETITIONER IS Hengs Industries (USA) LLC (pending transfer to SBS Holdings LLC)

PROPERTY IS LOCATED AT (a portion of the property located at) 3500 Lexington Park Drive

Per Section 29.11.B, Map Amendments, a request to rezone part of 3500 Lexington Park Drive (05-02-252-016) - specifically 1.16 acres east of Osborn-Manning Ditch) from M-1, Limited Manufacturing District to B-1, Neighborhood Business District.

STAFF ANALYSIS

The petitioner has negotiated the sale of approximately 1.16 acres of vacant land to the adjacent property owner SBS Holdings – east of the Osborn-Manning Ditch. SBS Holdings would like to expand their business and are currently landlocked and do not have the space to expand without acquiring more property.

The 1.16 acres of land referenced in this petition is separated by the Osborn-Manning Ditch from the parent section of property. The current owner would have difficulty utilizing the land as a part of their business operation without either crossing the ditch – which would require a great deal of construction for a bridge plus permitting from the Elkhart County Drainage Board because the regulating of the ditch is a county function. Or use public right of way which is a safety hazard and is not desirable. Due to these facts – the petitioner has negotiated a sale to the adjacent property owner to allow SBS Holdings the ability to expand.

Staff is in support of the rezoning and looks forward to a favorable recommendation from the Plan Commission to the Common Council.

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 industrial uses. However, these long-standing commercial uses blend well and compliment the adjacent industrial 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.

Trotter states there were 20 letters mailed, 0 returned.

Irwin asks if there are questions from the Commission.

Irwin calls the petitioner forward.

Kenneth Jones Jr from JPR [REDACTED] is representing Hengs Industries (USA) LLC and speaking on behalf of the petitioner. The petitioner is seeking a rezone part of 3500 Lexington Park Drive from M-1, Limited Manufacturing District to B-1, Neighborhood Business District and would like to expand their business and currently do not have the space to expand without acquiring more properties.

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 approve 24-Z-03 with a Do-Pass Recommendation to Common Council; Second by Boecher. Motion carries

Mishler-Yes
Baiker-Yes
Boecher-Yes

Newbill-Yes
Lawson-Yes
Irwin-Yes

NEW BUSINESS

24-PUDA-01 PETITIONER IS SK Weaver Holdings, LLC

PROPERTY IS LOCATED AT 2701 Cassopolis Street

Per Section 20.10.B.2, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Cassopolis Park Planned Unit Development (PUD), Ordinances PC87-41, approved by the Board of County Commissioners for Elkhart County, to establish an outlot for the construction of a restaurant on proposed Lot 2 (.82 acres) within the PUD. The remainder of the land will be a part of proposed Lot 1.

STAFF ANALYSIS

The petitioner is requesting a major amendment to the Cassopolis Park Planned Unit Development, Ordinance PC87-41, in order to establish an out lot to build a new fast casual restaurant. The PUD section of the zoning ordinance requires this action due to the increase in density.

The petitioner purchased the former AMC Theater site for the purpose of redevelopment. The approximate eight (8) acre parcel is within a planned unit development (PUD) established in Elkhart County prior to the land being annexed to the City of Elkhart; known as the Cassopolis Park PUD. The Cassopolis Park PUD ordinance provided very few development standards and only minimal guidance related to the overall development character or vision. The uses permitted were specific to the B-3, Service Business District uses. The only eventual building constructed on the property was the theater.

The purpose of the major amendment is to establish an additional lot for the development of a new restaurant at the northwest corner of the Cassopolis and Emerson intersection. The restaurant use is permitted within the PUD. Staff is supportive of the request and is excited to see the additional investment in the Cassopolis Street corridor.

The redevelopment of the former theater site will be a phased process – likely two or three steps. The first step is this action - to allow the immediate out lot approval to move forward while refining and drafting the new PUD – steps two and potentially three. Due to the timing of the project, staff is working with the petitioner to develop a new set of standards, with a new vision for the approximately eight (8) acre development. Both the petitioner and staff agree the end goal is a quality development that compliments the vision for the corridor and at the same time provides a predictable development environment that supports and attracts similar commercial users in the future.

STAFF RECOMMENDATION

The Staff recommends **approval** of the major amendment to the 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 the mix of commercial uses along this portion of the Cassopolis Street corridor.
- 2) The proposed out lot should not impact the future development within the PUD. The proposed use should not negatively impact surrounding properties.
- 3) The increase in density will not adversely impact the ability to redevelop the land within the area of the Planned Unit Development as the proposed access to the site and out lot will be incorporated into a new development plan.

Trotter states there were 16 letters mailed, 0 returned.

Irwin asks if there are questions from the Commission.

Mishler inquired, Since Cassopolis Street is a state road, has there been collaboration with the state DOT regarding the necessary curb cuts.

Trotter responded that they are going to use the local street off of Emerson. At the moment, they are working with the Department of Transportation (DOT) to address the curb cut at the theater site and the others in the corridor. They will also work with adjacent property owners and the petitioner to develop new PUD language to deal with access to the site.

Mishler states, Thank you. That was a question that I had directly right off Cassopolis Street with additional traffic. Can you tell us what this restaurant will be.

Trotter responded, I cannot recall the name of the restaurant right now. Give me a moment, and I will get back to you. It's Freddy's.

Mishler responds: Thank you.

Irwin asked, Is the entire 8-acre former AMC site being turned into an outlet.

Trotter responds yes.

Mishler previously mentioned concerns about flooding in the AMC site parking lot. Will this require additional infrastructure and investment from the city.

Trotter replied that this will be sent to the tech review, and the building will be raised. As well as most of the parking lot.

Lawson asked if landscaping will be a part of this space.

Trotter replied, Landscaping, signage, any additional sign standards, and access.

Irwin states that this is just the first step and it will eventually return to the plan commission.

Irwin calls the petitioner forward.

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.

Boecher makes a motion to approve 24-PUDA-01 with a Do-Pass Recommendation to Common Council; Second by Mishler. Motion carries

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

24-ANX-01 PETITIONER IS Almac, Inc.
PROPERTY IS LOCATED AT Elkhart East Area D and F

As prescribed by Section 29.11.B, a request to annex land south of CR 6 and both east and west of County Road 17, including both developed and undeveloped land within Elkhart East Areas D & F, land containing approximately 198 acres.

Mike Huber wants to request the Plan Commission to consider amending the removal of rezoning, as we are not anticipating any rezoning at this time..

STAFF ANALYSIS

This staff report is being prepared for annexation 24-ANX-01 to annex land generally at the intersection of CR 17 and CR 6, Elkhart, Indiana 46514, Osolo and Washington Townships.

The 33 parcels included in the petition west of County Road 17 and South of County Road 6 represent the nearly fully build out portion of Elkhart East Area D. The remaining parcels represent undeveloped land on the east side of County Road 17 both north and south of County Road 6 in Elkhart East Areas D & F. The intent for these would be for the zoning to be maintained as a PUD that would include similar uses as those provided in the Elkhart County E-3 Zoning District.

The current petitioner is seeking annexation to follow through with the original intentions of the agreements that allowed for the extension of the municipal sewer and water utilities to support the development, in addition to supporting the development the remaining undeveloped land contained within Areas D & F.

The property is currently zoned in Elkhart County as DPUD, Detailed Planned Unit Development. This annexation is advantageous to the City as it will allow the City to benefit from the development that resulted from the extension of the municipal utilities to support the growth and development of this key gateway interchange into the City of Elkhart.

The annexation request is voluntary. The property meets the contiguity requirement in order to file a petition to seek annexation. The size of the area to be annexed is approximately 195 acres. The territory to be annexed is more than the 12.5% contiguous to the current City limits as required in Indiana Code. As identified in the Fiscal Plan prepared by Baker Tilly, the annexation will result in an additional estimated \$21,000-23,000 annually in additional non-capital costs associated with Street and Police related services over the initial 4 years of the annexation. However, starting in the second year after the annexation the City will receive annual net revenues between an estimated \$572,000-623,000.

STAFF RECOMMENDATION

Staff recommends approval of the annexation as described in the Legal Description contained in the Petition based on the fact that it meets all applicable requirements of IC 36-4-3, and on the following findings of fact:

1. The area to be annexed meets all applicable requirements of IC 36-4-3;
2. The Comprehensive Plan map has not been approved for this area; it is anticipated that the revised map will designate its future land use as a mix of commercial, office and industrial uses to match the character of the existing development patterns.
3. The current conditions and the character of current structures and future structures is consistent and the City will be enhanced by the annexation;
4. The annexation is in accordance with the most desirable use;
5. The annexation will conserve property values throughout the jurisdiction.
6. The annexation represents responsible growth and development of the City of Elkhart.

Huber states, I would like to note that the fiscal analysis, which was based on the net revenue from the existing developed land, only takes into account the potential of the remaining undeveloped acre. The projected revenue from the

undeveloped land could bring in an additional \$400,000 to \$450,000 annually to the city, on top of the net revenue of \$500,000 to \$600,000 that we are already projected to receive.

Irwin asks if there are questions from the Commission.

Mishler asked, Should we make a motion to strike any references to rezoning in this request, or is it just a typo that is on the memo front right here.

Huber states that we want to clarify that there is no rezoning.

Irwin responds that there is no need to take action to amend because the commission did not officially vote on any action.

Irwin asks if there are questions from the Commission.

Irwin calls the petitioner forward.

Mr. Leatherman from [REDACTED] is representing Almac, Inc and speaking on behalf of the petitioner. The petitioner is seeking annexation to follow through with the original intentions of the agreements that allowed for the extension of the municipal sewer and water utilities to support the development, in addition to supporting the development the remaining undeveloped land contained within Areas D & F.

Irwin asks if there are questions from the Commission.

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

Don Paulsen of [REDACTED] is opposing the petition. I have observed the development over the past five years and have noticed an increase in traffic and truck noise. There is undeveloped property to the west and south of my property that also needs to be considered.

Irwin requests to meet with the county official regarding the proposed Annexation, noting that it does not extend to County Road 4.

Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Mishler makes a motion to approve 24-ANX-01 with a Do-Pass Recommendation to Common Council; Second by Lawson. Motion carries

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

Huber states that Mr. Paulsen's comments pertain to this annexation, rather than the previous one. This annexation starts at County Road 4. As noted in Mr. Jones' presentation, this second annexation request is a non-continuity annexation request. Our goal is to move from continuity to non-continuity.

24-ANX-02 PETITIONER IS Almac, Inc.
PROPERTY IS LOCATED AT Elkhart East Area A

As prescribed by Section 29.11.B, a request to annex five (5) vacant parcels located at the northwest corner of County Road 17 and County Road 4, land containing approximately one hundred fourteen (114) acres.

STAFF ANALYSIS

This staff report is being prepared for annexation 24-ANX-02 to annex land generally at the intersection of CR 4 and County Road 17, Elkhart, Indiana 46514, Osolo Township.

The land in the petition is an undeveloped area surrounded by generally agricultural, industrial, institutional and residential land uses, but with access to the major transportation corridors of County Road 17 and I-80/90 via the Indiana Toll Road Exit 96. The land is intended to be developed with M-2 uses, with a particular emphasis on transportation and logistics to take advantage of its location along major roadways and proximity to the recently constructed Amazon regional distribution facility. Under its current jurisdiction in Elkhart County the property is zoned M-2.

City utilities are available to the site, and the annexation is a requirement of the City of Elkhart to permit the further construction of additional infrastructure within the site to provide connection for future development sites. The applicants are responsible for costs of future utility construction within the site.

The annexation request is voluntary. The property meets the requirement in order to file a petition to seek annexation under IC 36-4-3-4(B), which allows for non-contiguous annexations which qualify for specific criteria. The size of the area to be annexed is approximately 114 acres. Anticipated increase in costs to the city for provision of services is approximately \$4,000 per year, not accounting for inflation. The property in its undeveloped state is anticipated to generate approximately \$300 per year annually starting year 2; the fiscal plan does not take into account the tax value of additional industrial development. The annexation is being requested to allow for the extension of municipal utilities that will support new development and generating positive net tax revenues.

STAFF RECOMMENDATION

Staff recommends approval of the annexation as described in the Legal Description contained in the Petition based on the fact that it meets all applicable requirements of IC 36-4-3, and on the following findings of fact:

1. The area to be annexed meets all applicable requirements of IC 36-4-3-4(b);
2. The Comprehensive Plan map has not been approved for this area; it is anticipated that the revised map will designate its future land use as industrial.
3. The current conditions and the character of current structures under construction and future structures is consistent and the City will be enhanced by the annexation;
4. The annexation is in accordance with the most desirable use;
5. The annexation will conserve property values throughout the jurisdiction; and
6. The annexation represents responsible growth and development of the City of Elkhart.

Irwin asks if there are questions from the Commission.

Inaudible

Huber responded by saying that the annexation plan you have is not the updated version. The cost annexation plan was not included when the packets were sent out.

Mishler states that with the previous legislation, we had the annexation city plan.

Huber responded that we have a revised version after the previous one was sent out. The updated version was sent out at the start of the meeting.

Mishler asks if the revised version of the annexation plan could have been sent out via email, so we would have had more time to review it.

Huber responded, That will happen in the future.

Irwin calls the petitioner forward.

Mr. Leatherman from [REDACTED] is representing Almac, Inc and speaking on behalf of the petitioner. The petitioner is seeking annexation the land in the petition is an undeveloped area surrounded by generally agricultural, industrial, institutional and residential land uses, but with access to the major transportation corridors of County Road 17 and I-80/90 via the Indiana Toll Road Exit 96. The land is intended to be developed with M-2 uses, with a particular emphasis on transportation and logistics to take advantage of its location along major roadways and proximity to the recently constructed Amazon regional distribution facility. Under its current jurisdiction in Elkhart County the property is zoned M-2.

Irwin asks if there are questions from the Commission.

Irwin asked if there have been any discussions or contacts with the residents along CR 4 or with the county regarding acquiring the residential properties.

Jones mentioned that there has been some communication with the county regarding the right-of-way acquisition along CR 4. I'm not certain if Mr. Paulsen's property was involved in that. The county collaborated with the developer to carry out the acquisition. I'm not sure about the specifics of the discussion.

Irwin explains that the city staff can collaborate with the county in the future because they will be affected by a significant change.

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

Irwin closes the public portion of the meeting

Irwin calls for a motion.

Mishler makes a motion to approve 24-ANX-02 with a Do-Pass Recommendation to Common Council; Second by Newbill. Motion carries

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

ADJOURNMENT

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

Tory Irwin, President

Dave Osborne, Vice-President

DRAFT

PLAN COMMISSION
-MINUTES-
Monday, June 3, 2024 - Commenced at 1:49 P.M. & adjourned at 2:25 P.M.
City Council Chambers – Municipal Building

Elkhart City Plan Commission was called to order by Tory Irwin at 1:49 P.M.

MEMBERS PRESENT

Tory Irwin
Dave Osborne
Ron Davis
Diana Lawson
Christopher Baiker
Aaron Mishler
Rochali Newbill

MEMBERS ABSENT

Dan Boecher

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director of Planning
Jason Ughetti, Planning

LEGAL DEPARTMENT

Maggie Marnocha, Corporation Counsel

RECORDING SECRETARY

Carla Lipsey

APPROVAL TO AMEND AGENDA

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

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

APPROVAL OF PUBLICATION

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

OLD BUSINESS

None

NEW BUSINESS

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

As prescribed by Section 29.11.B, a request to annex parts of four (4) vacant parcels located at east end of Vernon Avenue and land fronting Greenleaf Boulevard (3300 bl.), land containing approximately 2.64 acres

STAFF ANALYSIS

This staff report is being prepared for annexation 24-ANX-03 to annex approximately 2.64 acres of land in Osolo Township at the end of Vernon Avenue and vacant land adjacent on the north of Greenleaf Boulevard.

The land is currently zoned R-1, One Family Dwelling District and will remain the R-1 zoning after the annexation. The petitioner is proposing to construct seven (7) single family dwellings – six (6) homes in a newly built cul de sac at the end of Vernon Avenue. The seventh home will be accessed from Greenleaf.

This request will continue to add dwelling units which helps to reduce the housing deficit addressed and highlighted in the Zimmerman Volk study. The value of the proposed homes is conservatively valued at \$250,000 each, which is taken from the current assessed values in the adjacent neighborhood. It is anticipated, once construction begins, the values of the homes will be higher based on current market pricing.

Currently there is water and sewer available to the site which would be extended at the expense of the petitioner. The petitioner will also pay for the extension of Vernon Avenue as a part of this development project.

The annexation request is voluntary. The property meets the contiguity requirement in order to file a petition to seek annexation. The territory to be annexed is 33.82% contiguous to the current city limit, which more than the 12.5% contiguous to the current City limits as required in Indiana Code.

As identified in the Fiscal Plan prepared by Baker Tilly, the annexation will result in no capital costs for the City. The planned expenses will be minimal for street maintenance and trash and recycling services.

STAFF RECOMMENDATION

Staff recommends **approval** of the annexation as described in the Legal Description contained in the Petition based on the fact that it meets all applicable requirements of IC 36-4-3, and on the following findings of fact:

1. The area to be annexed meets all applicable requirements of IC 36-4-3;
2. The Comprehensive Plan map has not been approved for this area; it is anticipated that the revised map will designate its future land use as residential.
3. The current conditions and the character of future structures is consistent and the City will be enhanced by the annexation;
4. The annexation is in accordance with the most desirable use;
5. The annexation will conserve property values throughout the jurisdiction; and
6. The annexation represents responsible growth and development of the City of Elkhart.

Trotter states, Enclosed in your packets is the annexation fiscal plan from Baker Tilly. Essentially, they are covering all their capital expenditures, and the city will incur no cost.

Please state your name for the record, Irwin asks Trotter.

Irwin asks if there are questions from the Commission.

Mishler inquired whether the undeveloped wooded area contains any wetland area and if it is protected in any way.

Trotter indicates that there is just undeveloped land.

Mishler asked if any letters had been mailed out.

Trotter mentioned that if we had modified the zoning, for voluntary annexation we do not notice.

Irwin calls the petitioner forward.

Crystal Welsh from Abonmarche Consultants [REDACTED] is representing Jenway Majestic, LLC and Wrangler Real Estate, Inc. and speaking on behalf of the petitioner. The petitioner is seeking the land which is currently zoned R-1, One Family Dwelling District and will remain the R-1 zoning after the annexation. The petitioner is proposing to construct seven (7) single family dwellings – six (6) homes in a newly built cul de sac at the end of Vernon Avenue. The seventh home will be accessed from Greenleaf. The value of the proposed homes is conservatively valued at \$250,000 each, which is taken from the current assessed values in the adjacent neighborhood. It is anticipated, once construction begins, the values of the homes will be higher based on current market pricing.

Irwin asks if there are questions from the Commission.

Mishler is asking if there is any consideration given to having smaller lots with more units there.

Welsh replied that they wanted to remain in the R-1 district, which limits the size. The lot size and layout will be determined by the subdivision.

Mishler suggests that while a 2-3 stall garage is a good size for just a garage, if it were halved in size, it could potentially fit an additional housing unit. However, Mishler acknowledges the wants of the developer and the needs of the market.

Osborne asked if any of these lots will be part of the property fronts of Greenleaf.

Welsh states there will be 1 lot 7 of the subdivision that is proposed to have access on Greenleaf. There will also be a utility easement connecting from the subdivision through lot 7.

Mishler stated that this will include sidewalks for the cul-de-sac.

Trotter confirms the answer as yes.

Welsh states that we will have to work through that with a tech review.

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-ANX-03 with a Do-Pass Recommendation to Common Council; Second by Davis Motion carries

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

NEW BUSINESS

24-PUDA-02 PETITIONER IS Ridgewood Elkhart, LLC

PROPERTY IS LOCATED AT 2700 Ridgewood Dr

Per Section 20.10.B.2, a major amendment to the approved site plan that permitted a total of 169 units where one (1) unit is reserved for management for a total of 168 dwelling units for lease, to allow for the conversion of two (2) apartments to office space. Bringing the total number of units for lease to 166 units for lease.

STAFF ANALYSIS

The petitioner owns approximately 9.87 acres of the current Planned Unit Development known as Ridgewood Apartments. This PUD was constructed in two (2) phases. The property is subject to three ordinances: #3632, #3650, and #3721. Ordinance 3632 permitted Phase I of the residential development with a maximum of 71 rentable units. It was amended by ordinance 3650 to permit the maximum rentable units to 69. Ordinance 3721 permitted Phase II of the residential development with a maximum of 99 rentable units. Phase I and Phase II are located on two distinct plots of land adjacent to each other therefore the entire development is currently permitted to have a total of 168 rentable units and one unit as a professional office with a total of 169 units within the entire development.

The petitioner is requesting a major amendment to the PUD to allow the conversion of two (2) apartment units to allow the use of two (2) professional offices. Once the conversions are complete it will leave a total of 166 rentable units therefore creating a change in density of use of the PUD. Per Section 20.10.B.2 board action is required when a proposed change to an approved PUD final site plan will change the density of use of the PUD.

STAFF RECOMMENDATION

The Staff recommends **approval** of the major amendment to the Planned Unit Development, per Section 20.10.B.2, a major amendment to the approved site plan that permitted a total of 169 units where one (1) unit is reserved for management for a total of 168 dwelling units for lease, to allow for the conversion of two (2) apartments to office space. Bringing the total number of units for lease to 166 units for lease, based on the following findings of fact:

- 1) The Comprehensive Plan calls for this area to be developed with high density residential use. The proposed use is compatible with high density residential uses.
- 2) The proposed uses should not impact the other permitted uses approved for this PUD. The proposed use should not negatively impact surrounding properties.
- 3) The change in density will not adversely impact the land within the area of the Planned Unit Development as the proposed use is compatible with other activity already permitted by right within the Planned Unit Developments existing uses.

Ughetti states there were 14 letters mailed, 0 returned.

Irwin asks if there are questions from the Commission.

Mishler states, I know in the past when the city has had partnerships with developers with apartments with exchange of TIF funds and set a certain AML is that involved here.

Trotter asserts that this is a rather outdated PUD.

Irwin calls the petitioner forward.

David Gilman, [REDACTED] is representing Ridgewood LLC and speaking on behalf of the petitioner. The petitioner is requesting a major amendment to the PUD to allow the conversion of two (2) apartment units to allow the use of two (2) professional offices. Once the conversions are complete it will leave a total of 166 rentable units therefore creating a change in density of use of the PUD.

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 **approve** 24-PUDA-02 with a Do-Pass Recommendation to Common Council; Second by Davis. Motion carries

Davis-Yes

Lawson-Yes

Baiker-Yes

Mishler-Yes

Newbill-Yes

Osborne-Yes

Irwin-Yes

24-MSUB-09 PETITIONER IS HTIW Properties, LLC

PROPERTY IS LOCATED AT 1931 W. Mishawaka Road

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat to be known as 'HTIW 1931 Subdivision.' This request represents +/-17.26 acres and will total two (2) lots with an ingress/egress easement on Lot 1 for the benefit of Lot 2 and a proposed drainage easement on Lot 2 for the benefit of Lot 1.

STAFF ANALYSIS

The petitioners is requesting approval of a two (2) -lot minor subdivision of land that is a portion of the East Half of Section 18, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana. The proposed subdivision would establish two lots from the existing five (5) parcels, and create an ingress-egress easement on Lot 1 benefiting Lot 2. A drainage easement is proposed on Lot 2 for the benefit of Lot 1 that connects to an existing retention basin.

The zoning for this property is M-1; the layout of the subdivision meets the requirements of the subdivision ordinance.

STAFF RECOMMENDATION

The Staff recommends **approval** of the subdivision, to be known as 'HTIW 1931 Subdivision,' a two (2)-lot minor subdivision; a part of the East Half of Section 18, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, based on the following findings of fact:

- 1) The lots meet the minimum lot area requirements for the M-1, Limited Manufacturing District;
- 2) The proposed request results in the creation 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.

Trotter states there were 7 letters mailed, 0 returned.

Irwin asks if there are questions from the Commission.

Irwin calls the petitioner forward.

Debra Hughes from Surveying and Mapping [REDACTED] is representing HTIW Properties, LLC and speaking on behalf of the petitioner. The petitioner is requesting approval of a two (2) -lot minor subdivision of land that is a portion of the East Half of Section 18, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana. The proposed subdivision would establish two lots from the existing five (5) parcels, and create an ingress-egress easement on Lot 1 benefiting Lot 2. A drainage easement is proposed on Lot 2 for the benefit of Lot 1 that connects to an existing retention basin.

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.

Osborne makes a motion to **approve** 24-MSUB-09 with a Do-Pass Recommendation to Common Council; Second by Mishler. Motion carries

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

24-X-04 PETITIONER IS Malik Enterprise, LLC

PROPERTY IS LOCATED AT 1710 Leer Drive

A Special Exception per Section 13.3, Special Exception Uses in the B-3, Service Business District, to allow for a Trade School.

STAFF ANALYSIS

The petitioners are submitting an application to establish a trade school at 1710 Leer Drive in the Park Six Industrial Park. Trade schools are a special exception use.

The building was most recently used as a home medical equipment facility. The request as a trade school works well for the area along County Road 6, in an area largely populated with industrial users that would benefit from skilled workers completing the program. Based on information provided with the petition, the school is affiliated with Vincennes University and is accredited by NCCER, the National Center for Construction Education and Research.

STAFF RECOMMENDATION

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

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected;
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. Any/all necessary permits be obtained from the Building Department for interior renovations prior to occupancy.

Trotter indicated that no letters were sent out because this is a special exception case. The public hearing will be held at the Board of Zoning Appeals.

Irwin asks if there are questions from the Commission.

Mishler asks Trotter if he knows what kind of school.

Trotter's response seems to indicate that it is a technical trade school..

Mishler asks if there were any issues with parking or traffic.

Trotter replied, There is adequate parking at the back of the building.

Irwin calls the petitioner forward.

Crystal Welsh from Abonmarche Consultants at [REDACTED] is representing Malik Enterprises, LLC and speaking on behalf of the petitioner. The petitioner is requesting approval to establish a trade school at 1710 Leer Drive in the Park Six Industrial Park. Trade schools are a special exception use. This trade school focuses on preparing individuals for careers in the construction industry. The existing medical facility will remain, continuing to use the front parking lot while the rest of the building will be remodeled. Classes are scheduled after regular business hours and the school will have technical employees and office administration.

Petitioner Breann Fisman with ABC of Indiana Kentucky.

Mishler asked the petitioner, Roughly how many students you are anticipating.

The petitioner states that we have approximately 160 students attending one night a week, with about 40 students per night from Monday to Thursday.

Mishler asked if they are associated with the building trades or labor unions.

Petitioner clarifies that they are not associated with the unions. Instead, they are merit-based builders or contractors who will provide training to the employees sent over by the unions.

Mishler inquired about the timeline.

Petitioner responded that it is a four-year program and that they are registered apprenticeship with the Department of Labor.

Irwin states, This is great! I hope your trainees stay local; the city has a lot of work for them to do.

Irwin asks if there are questions from the Commission.

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

Irwin closes the public portion of the meeting

Irwin calls for a motion.

Lawson makes a motion to **approve** 24-X-04 with a Do-Pass Recommendation to BZA with listed conditions; Second by Mishler. Motion carries

Davis-Yes
Baiker-Yes
Newbill-Yes
Mishler-Yes
Lawson-Yes

Osborne-Yes

Irwin-Yes

24-FSP-04 PETITIONER IS EW Marine, Inc.

PROPERTY IS LOCATED AT Lot 15 of Parkway at 17

As required by Section 20.7.B seeking approval for a Final Site Plan for a new 306 space parking lot on Lot 15 of the Parkway at 17 development. This lot is to serve the buildings at 1101 and 1115 Parkway Avenue.

Staff Analysis

The petitioner owns a 2.52 acre lot (Lot 15) in the Parkway at 17 development off County Road 17. The final site plan requested is a parking lot to serve the commercial buildings on the west side of Parkway Avenue. The plan calls for 173 spaces. These spaces are in addition to the 135 spaces that currently serve 1101 and 1115 Parkway Avenue.

The petitioner has indicated during Technical Review, they have not been able to secure tenants for 1101 and 1115 Parkway because of the lack of adequate parking. The potential users have been mainly corporate and medical.

Because the lot is across Parkway Avenue and not located at an intersection, additional safety mechanisms are proposed to be installed at the petitioner's expense. Additional signage and signals will be installed to alert autos of the potential for pedestrians entering the right of way. There will also be two painted cross walks that connect to sidewalks to move pedestrians from one side of the street to the other.

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 within the underlying zoning of the Planned Unit Development;
3. The project has passed the City's Technical Review process;
4. The use conforms to the Comprehensive Plan which calls for commercial uses;
5. The proposed use should not be detrimental to the property values of adjacent properties

Irwin asks if there are questions from the Commission.

Mishler asked if there are any concerns about stormwater retention or drainage.

Trotter responds that there is additional excess capacity for stormwater due to its location in the County, which was addressed and meet requirements in the Tech Review.

Mishler asked, Is it common to request a larger lot to attract companies for the parking lot.

Trotter replied that the petitioner is in the audience, stating that while it is not typical for us to do this, it is not unheard of.

Irwin calls the petitioner forward.

Matt Schuster from JPR. is representing EW Marine, Inc and speaking on behalf of the petitioner. The petitioner owns a 2.52 acre lot (Lot 15) in the Parkway at 17 development off County Road 17. The petitioner is requesting a parking lot to

serve the commercial buildings on the west side of Parkway Avenue. The plan calls for 173 spaces. These spaces are in addition to the 135 spaces that currently serve 1101 and 1115 Parkway Avenue.

Baiker asked petitioner if he knows the speed limit posted on the street between the two lots

Baiker asked the petitioner if he knew the speed limit posted on the street between the two lot

Schuster states 25-30 mph.

Irwin replied that the ordinance states the minimum speed is 30 mph unless otherwise posted.

Osborne asked if the parking lot will have lighting.

Schuster replied yes.

Mishler asked if this will include landscaping and trees.

Schuster replied yes.

Irwin asks if there are questions from the Commission.

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

Irwin closes the public portion of the meeting

Irwin calls for a motion.

Mishler makes a motion to **approve** 24-FSP-04 with a Do-Pass Recommendation; Second by Lawson. Motion carries

Lawson-Yes

Mishler-Yes

Newbill-Yes

Davis-Yes

Baiker-Yes

Osborne-Yes

Irwin-Yes

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

PROPERTY IS LOCATED AT 2412 Benham Avenue- Readdress for Goodwill at Woodland Crossing Mall

The Planning and Zoning Department is requesting approval for the readdress of 2412 Benham Avenue to the Goodwill Store at Woodland Crossing, which is located within the City of Elkhart.

Osborne makes a motion to **approve** 24-SI-01 with a Do-Pass Recommendation; Second by Newbill. Motion carries

Mishler-Yes

Baiker-Yes

Newbill-Yes

Lawson-Yes

Davis-Yes

Osborne-Yes
Irwin-Yes

24-TXT-01 PETITIONER IS City of Elkhart, Indiana

PROPERTY IS LOCATED AT All properties located with the Special Flood Hazard Area (SFHA)

As required by Section 20.7.B seeking approval for a Final Site Plan for a new 306 space parking lot on Lot 15 of the Parkway at 17 development. This lot is to serve the buildings at 1101 and 1115 Parkway Avenue.

STAFF ANALYSIS

In 2011, the City of Elkhart adopted new Flood Insurance Rate Maps (FIRM) and new language for Section 21, Flood Hazard Areas for Elkhart, Indiana, in order to bring the city's local ordinance into compliance with both the State and Federal minimum standards for flood hazard protection for the City. The City is now being asked to update the language adopted in 2011 to comply with updated minimum standards as prescribed by Federal Emergency Management Agency (FEMA) in order for the City to participate in the NFIP (National Flood Insurance Program).

By keeping our local ordinance compliant with the minimum standards established by FEMA, it allows the city to continue to participate in the National Flood Insurance Program (NFIP) which provides communities, like Elkhart, flood insurance, floodplain management and flood hazard mapping. Communities across the United States and its territories participate in the NFIP by adopting and enforcing floodplain management ordinances to reduce future flood damage. In exchange, the NFIP makes federally backed flood insurance available to homeowners, renters, and business owners in these communities. Community participation in the NFIP is voluntary.

The City of Elkhart currently has 67 total flood policies, 54 of which are in A Zones, written within the City limits. The dollar amount of annual premiums paid is \$64,024 for a total coverage dollar amount of \$14,010,000.

All of the jurisdictions in Elkhart County that participate in the NFIP are in the process of updating their respective ordinance language. Elkhart County, Nappanee, Middlebury, Bristol, Goshen and Elkhart all participate in the National Flood Insurance Program and are taking similar measures to adopt the updated ordinance language.

This updated model ordinance provides additional clarity on the requirements for application and finished construction for development in the Special Flood Hazard Area, duties of the local floodplain administrator, as well as variance procedures and requirements. Many new definitions were added and a number of current definitions were updated for clarity – this should help to guide both the lay person and the professionals on having a common understanding of the regulation.

Article 5, Section A, (1) (d) was added to comply with the minimum requirements of the NFIP (National Flood Insurance Program). It requires in floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting the technical requirements for submittal. Conditional Letters of Map Revision cannot be issued for development that will cause an increase in flood levels affecting structures and should not be permitted.

Manufactured home development standards were updated to meet state requirements, specifically around the enclosed area below the structure.

For clarification, the updated model ordinance requires base flood elevation data for all development which is greater than the lessor of fifty (50) lots or five (5) acres. The base flood elevation requirement was added to the general requirements and is not just for subdivisions and mobile home parks it applies to all developments.

The following is a summary of a number of new and updated requirements not currently found in the existing ordinance. They are listed below:

Article 1 - Statutory Authorization, Findings of Fact, Statement of Purpose, and Objectives

- Statutory Authorization – Power granted by the state to local governments to control land use;
- Findings of Fact – The findings of a body on issues of fact; can be used in formulating a decision or judgment;
- Statement of Purpose – The promotion of public health, safety and general welfare and to minimize losses due to flood conditions (expanded to twelve (12) from six (6) combined with the objectives for the enforcement of the ordinance from the prior ordinance language);
- Methods of Reducing Flood Loss – List of five (5) methods for accomplishing the purpose of the ordinance;

Article 2 - Definitions

- Definitions – The updated ordinance has expanded the total number of terms defined from previous version as well as updating several definitions for additional clarity;

Article 3 – General Provisions

- Addresses, in part, the land to which this ordinance applies, the Basis for Establishing Regulatory Flood Data, Establishment of Floodplain Development Permit, Compliance, Abrogation and Greater Restrictions, how to address the Discrepancy between Mapped Floodplain and Actual Ground Elevations, Interpretation and application of ordinance, Warning and Disclaimer of Liability and Penalties for Violation. The items contain some new language that provides greater detail than the current ordinance.

Article 4 - Administration

- Designation of Administrator, Floodplain Development Permit and Certification Requirements, Duties of the Floodplain Administrator – This section has been expanded to greatly explain what is required in order to apply for a development permit. This section clarifies and itemizes with detail the duties and expectations of the floodplain administrator, expanding on the current duties found in the ordinance for inspection and verification of information provided. New elements to this section are Administrative Procedures that outline inspection criteria, stop work orders and revocation processes and mandatory record maintenance procedures. Finally, Map Maintenance Activities that proscribes the procedure for submitting technical data for development that impacts floodway delineations and Variance procedures that expands the standards that must be met in order to grant a variance.

Article 5 – Provisions for Flood Hazard Reduction

- This section has been reorganized to emphasize the rigorous regulation within areas designated as floodways within the SFHA. This section covers necessary steps for DNR review that must be met by the applicant prior to any development occurring, including the new requirement of no rise in elevation affecting a structure. There are also greater detail of the areas labeled on the FIRM maps as Fringe and SFHAs without established Base Flood Elevations. It also outlines for the floodplain administrator the process for areas near waterways with no SFHA identified on the map. This section also outlines in great detail the requirements for development in flood hazard areas with individual regulations for residential, non-residential, manufactured home and recreational vehicle and accessory structures.

Article 6 – Legal Status Provisions

- This section describes the validity of remaining ordinance language in the event any portion of the ordinance is found to be invalid and the last is the effective date of the ordinance.

Recommendation

Staff recommends that the Plan Commission approve the proposed text amendment approving Section 21 as described above and send to the Common Council with a “Do Pass” recommendation.

Irwin asks if there are questions from the Commission.

Baiker asked if the proposed language was offered by the federal government.

Trotter states that it comes from the federal and state government. It was modified and filtered down to meet our requirements in northern Indiana..

Osborne mentioned that several years ago, we had some issues regarding the inclusion and exclusion of certain areas on the map.

Trotter replied that the maps were likely adopted between 2008 and 2010, and then officially adopted in 2011. After the new maps were adopted in 2011, there were probably 1 or 2 areas that had to be re-evaluated by the administration and subsequently removed after review by the engineering staff at the state level. The final approval had to be obtained from the federal level.

Osborne states, Similar issues have been rectified.

Trotter replies, The Saint Joseph River basin flood maps are currently under review. Probably by 2026 or 2027, we would be asked to adopt new flood maps.

Osborne says it could be greater or lesser.

Trotter replies yes

Irwin states that it's important to highlight everything about the maps. He emphasizes that the maps are as accurate as the elevation information from the engineers and surveyors. The maps protect people's property that is inside the shaded areas, which are most likely to flood. It's not about wanting you to have flood insurance, but it's a protection allocated to you by these maps. In the event that you don't have insurance and a flood happens, it's a regrettable situation where you will lose everything. It's not a matter of the engineer, the city, or the government forcing people to buy insurance. Nature will determine if you are in a flood plain.

Osborne states that historical issues play a significant role.

Irwin mentioned that these events are rare, occurring on a scale of 100-500 years. It's difficult to witness these flood events, but they are becoming more important due to climate change and the intensification of rain. It's understandable not wanting to be in the shaded areas.

Trotter stated that we work very hard to comply with the minimum standards, and the homeowners who are fortunate enough to build on the river must meet our standards. None of the homes that were permitted properly experienced any water issues.

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

Irwin closes the public portion of the meeting

Irwin calls for a motion.

Davis makes a motion to **approve** 24-TXT-01 with a Do-Pass Recommendation to Common Council; Second by Osborne. Motion carries

Mishler-Yes

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

ADJOURNMENT

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

Tory Irwin, President

Dave Osborne, Vice-President

CONFIDENTIAL

PLAN COMMISSION

-MINUTES-

Monday, July 1, 2024 - Commenced at 1:45 P.M. & adjourned at 2:00 P.M.
City Council Chambers – Municipal Building

Elkhart City Plan Commission was called to order by Tory Irwin at 1:45 P.M.

MEMBERS PRESENT

Tory Irwin
Dave Osborne
Dan Boecher
Diana Lawson
Rochali Newbill

MEMBERS ABSENT

Ron Davis
Christopher Baiker
Aaron Mishler

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director of Planning

LEGAL DEPARTMENT

Maggie Marnocha, Corporation Counsel

RECORDING SECRETARY

Carla Lipsey

APPROVAL OF AGENDA

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

APPROVAL OF PROOF OF PUBLICATION

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

OLD BUSINESS

None

NEW BUSINESS

**24-PUDA-03 PETITIONER IS GKC Indiana Theatres Inc. AMC Theatres (American Multi-Cinema, Inc
PROPERTY IS LOCATED AT Vacant land- Mishawaka Road (C R 20), Parcel 06-22-451-003.000-011; 1.56 –acre
parcel**

To add 1.56 acres of land to the amended Concord Mall PUD (23-PUDA-04) to have the same development standards as the 2023 case; which read Per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Concord Mall Planned Unit Development District, Ordinance 5029, approved by the Common Council of the City of Elkhart. The proposed amendment would remove the B-4, Regional Business District from the list of permitted uses, and add R-4, Multi-Family Residential District, B-2, Community Business

District, and M-1, Limited Manufacturing District to the list of permitted uses, with some M-1 uses omitted (complete list available in the Planning and Zoning Office). To also allow for limited, screened outside storage.

STAFF ANALYSIS

The petitioner, GKC Indiana Theatres, Inc., has entered into an agreement to sell a 1.56 acre parcel to the company that is redeveloping the former Concord Mall. ICP (d.b.a. Elkhart Concord, LLC.) has started the redevelopment of the 60 + acre former retail mall site to a mixed use facility with light industrial, commercial and multi-family residential uses, now renamed Concord Business Park. Currently, the facility has been gutted and exterior work to the façade and grounds are now underway. The retail (ABC Warehouse and Hobby Lobby) and dental office (Pippen Dental) will remain in their current locations.

The parcel, located at the intersection of Concord Mall Drive and Mishawaka Road, will add 1.56 acres to the amended Planned Unit Development approved last year - Ordinance 5949. Based on the master development plan for the Concord Business Park, the 1.56 acre parcel will be developed, along with adjacent land, for multi-family residential along the Mishawaka Road frontage.

The acquisition of this 1.56 acres was intended to be included in the 2023 petition, however the negotiations for the site took longer than anticipated. Staff supports the request and feels that it makes sense to include this land into the amended Planned Unit Development to ensure harmonious development along Mishawaka Road. The development conditions for this request will be the same as the conditions approved in 2023

STAFF RECOMMENDATION

The Staff recommends approval of the major amendment to the Planned Unit Development, to add 1.56 acres of land to the amended Concord Mall PUD (23-PUDA-04) to have the same development standards as the 2023 case; which read per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Concord Mall Planned Unit Development District, Ordinance 5029, approved by the Common Council of the City of Elkhart. The proposed amendment would remove the B-4, Regional Business District from the list of permitted uses, and add R-4, Multi-Family Residential District, B-2, Community Business District, and M-1, Limited Manufacturing District to the list of permitted uses, with some M-1 uses omitted (complete list available in the Planning and Zoning Office). To also allow for limited, screened outside storage, based on the following findings of fact:

- 1) The Comprehensive Plan calls for this area to be developed with commercial uses. The proposed use is compatible with commercial uses.
- 2) The proposed uses should not impact the other permitted uses approved for this PUD. The proposed use should not negatively impact surrounding properties.
- 3) The proposed use is compatible with other activity already permitted by the planned unit development – the B-4 District would no longer be valid, but the B-2 District will allow existing retail and medical uses to continue by right.

CONDITIONS

If the Council chooses to approve the PUD Amendment, staff recommends that the following conditions be placed upon the approval:

1. Uses for the following Zoning Districts shall be permitted with exceptions as noted:
 - o The R-4, Multiple Family Dwelling District

- The B-2, Community Business District
 - The M-1, Limited Manufacturing District, with the following modifications:
 - Uses that shall be explicitly prohibited:
 - Recycling centers, excluding chemical processing and tire recycling
 - Kennels and animal hospital
 - Archery/rifle range, when located entirely within a building
 - Crematoriums
 - Uses that shall be allowed by Special Exception as per Section 29.7 of the Zoning Ordinance and subject to approval by the Board of Zoning Appeals:
 - Mobile home and manufactured housing manufacturing
 - Uses that shall not be permitted as primary uses but shall be allowed as accessory to other permitted uses:
 - Motor freight terminal, excluding hazardous waste
 - Truck, tractor, trailer or bus storage, parking lot or yard, or garage
2. Outside storage shall only be permitted as per the areas outlined in Figure 1. Outside storage will not be permitted in front of an active retail or office use.
3. Outside storage shall be screened and buffered as outlined below. Outside storage, screening, and buffering shall not block emergency access as determined by the City of Elkhart Fire Department.
- Screening shall be architecturally compatible with the façade materials found on the primary structure.
 - Fence height must fully screen material stored outside and be a maximum of twelve (12) feet. Fence material shall be opaque. Opaque fence to provide a unified exterior appearance to the South Main Street corridor and the residential structures to the south adjacent to Mishawaka Road.
 - For the South Main Street frontage, additional landscape bed adjacent to fence a minimum of five (5) feet for plantings to soften and buffer fence. This will allow for understory plantings to vary in height and add greenspace to the campus. This may not be necessary if the overall landscape plan incorporates additional plant material.
 - Buffer requirements adjacent to the residential uses are a minimum width of thirty (30) feet and meet the minimum landscape strip requirements found in Section 26.7 in order to establish a visual, physical and audible barrier from the outside storage use.

Ughetti states there were 13 letters mailed, 1 returned not in favor with comments:

My name is Marth Schoff. [REDACTED] in Green Valley subdivision across from the former Concord Mall Property. I am NOT in favor of adding the GKC Theater property to the same Concord Mall Planned Unit Development Standards. I have major concerns about how this will affect my property value.

Irwin asks if there are questions from the Commission.

Irwin asks do you have to include an appeal of ordinance 5029 as part of what goes to the council.

Trotter states that if it were redundant, it would have already been repealed when it went through the first time. We wanted to mirror the exact conditions as the first, and it would have already been revoked from the previous approval.

Irwin calls the petitioner forward.

Jeff Martin from ICP Dr. is representing GKC Indiana Theaters and is speaking on behalf of the petitioner. The petitioner is seeking to add 1.56 acres of land to the amended Concord Mall PUD (23-PUDA-04) to adhere to the same development standards as the 2023 case.

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.

Osborne makes a motion to approve 24-PUDA-03 with a Do-Pass Recommendation to Common Council with listed conditions; Second by Lawson. Motion carries

Boecher-Yes

Lawson-Yes

Newbill-Yes

Osborne-Yes

Irwin-Yes

NEW BUSINESS

STAFF ITEMS

24-SI-02

Addressing

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

Residential

Morton Ave. Parcel 06-16-277-010-012 will be assigned 2642.

Residential Subdivision

Osolo Ridge Subdivision

Lot 1 - 1610 Osolo Road - 02-34-101-252

Lot 2 - 1623 Osolo Road - 02-34-101-253

Lot 3 - 1625 Autumn Ridge Court - 02-34-101-054

Lot 4 - 1619 Autumn Ridge Court - 02-34-101-055

Lot 5 - 1613 Autumn Ridge Court - 02-34-101-056

Lot 6 - 1607 Autumn Ridge Court - 02-34-101-057

Lot 7 - 1601 Autumn Ridge Court - 02-34-101-058

Lot 8 - 1604 Autumn Ridge Court - 02-34-101-059

Lot 9 - 1610 Autumn Ridge Court - 02-34-101-060

Lot 10 - 1616 Autumn Ridge Court - 02-34-101-061

Lot 11 - 1624 Autumn Ridge Court - 02-34-101-062
Lot 12 - 1632 Autumn Ridge Court - 02-34-101-019

Irwin calls for a motion.

Osborne makes a motion to approve 24-SI-02 with a Do-Pass Recommendation Second by Newbill. Motion carries

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

ADJOURNMENT

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

Tory Irwin, President

Dave Osborne, Vice-President

LEGAL NOTICE #24-SUB-01

Hearing on proposed Major Subdivision #24-SUB-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, August 5, 2024, at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on Major Subdivision #24-SUB-01.

Petitioner: Habitat for Humanity of Elkhart County

Request: Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Homer Avenue Subdivision,' a ten (10)-lot subdivision; a part of the Southeast Quarter of Section 16, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana.

Location: 3115 Homer Avenue

Zoning: R-2, One Family Dwelling District

This meeting can also be accessed via WebEx. Virtual attendance is strongly encouraged but not mandatory; however, City Hall is open for in-person participation. To join, go to <https://signin.webex.com/join>, enter 2303 059 2686 as the meeting number and "PLAN2024" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to Carla.Lipsey@coei.org prior to the meeting.

LEGAL DESCRIPTION:

Assuming the east line of the west one-half (1/2) of the east one-half (1/2) of the southeast quarter (1/4) of section sixteen (16), township thirty-seven (37) north, range five (5) east to be due north and south; commencing at an iron stake on the east line of the west one-half (1/2) of the east one-half (1/2) of the southeast quarter (1/4) of said section sixteen (16) which is thirty (30) feet west and one thousand nine hundred sixty-one and forty-one hundredths (1961.41) feet south of the northeast corner of lot number twenty (20) in City Gardens as the same is platted and recorded, for the beginning point of this description; thence north two hundred twenty-two (222) feet to an iron stake; thence north eighty-eight (88) degrees fifty-six (56) minutes west approximately six hundred forty-five (645) feet to the center of the County Ditch; thence southwestwardly along the center of said ditch to a point which is north eighty-nine (89) degrees forty-four (44) minutes west of the point of beginning; thence south eighty-nine (89) degrees forty-four (44) minutes east approximately six hundred seventy-five (675) feet to the place of beginning, being part of the southeast quarter of said section sixteen (16), township thirty-seven (37) north, range five (5) east in Elkhart County, Indiana.

Parcel No: 20-06-16-476-013.000-012

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 18th day of July 2024, by the City of Elkhart, Plan Commission.

Publication Date: 7/26/2024

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Staff Report

Planning & Zoning

<u>Petition:</u>	24-SUB-01
<u>Petition Type:</u>	Subdivision
<u>Date:</u>	August 5, 2024
<u>Petitioner:</u>	Habitat for Humanity of Elkhart County
<u>Site Location:</u>	3115 Homer Avenue
<u>Request:</u>	Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Homer Avenue Subdivision,' a ten (10)-lot subdivision; a part of the Southeast Quarter of Section 16, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana.
<u>Existing Zoning:</u>	R-2, One-Family Dwelling District
<u>Size:</u>	+/- 3.45 Acres
<u>Thoroughfares:</u>	Homer Avenue
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to site.
<u>Plan Commission Action:</u>	Approval or disapproval with conditions; Final Plat submitted to Plat Committee for final approval.

Surrounding Land Use & Zoning:

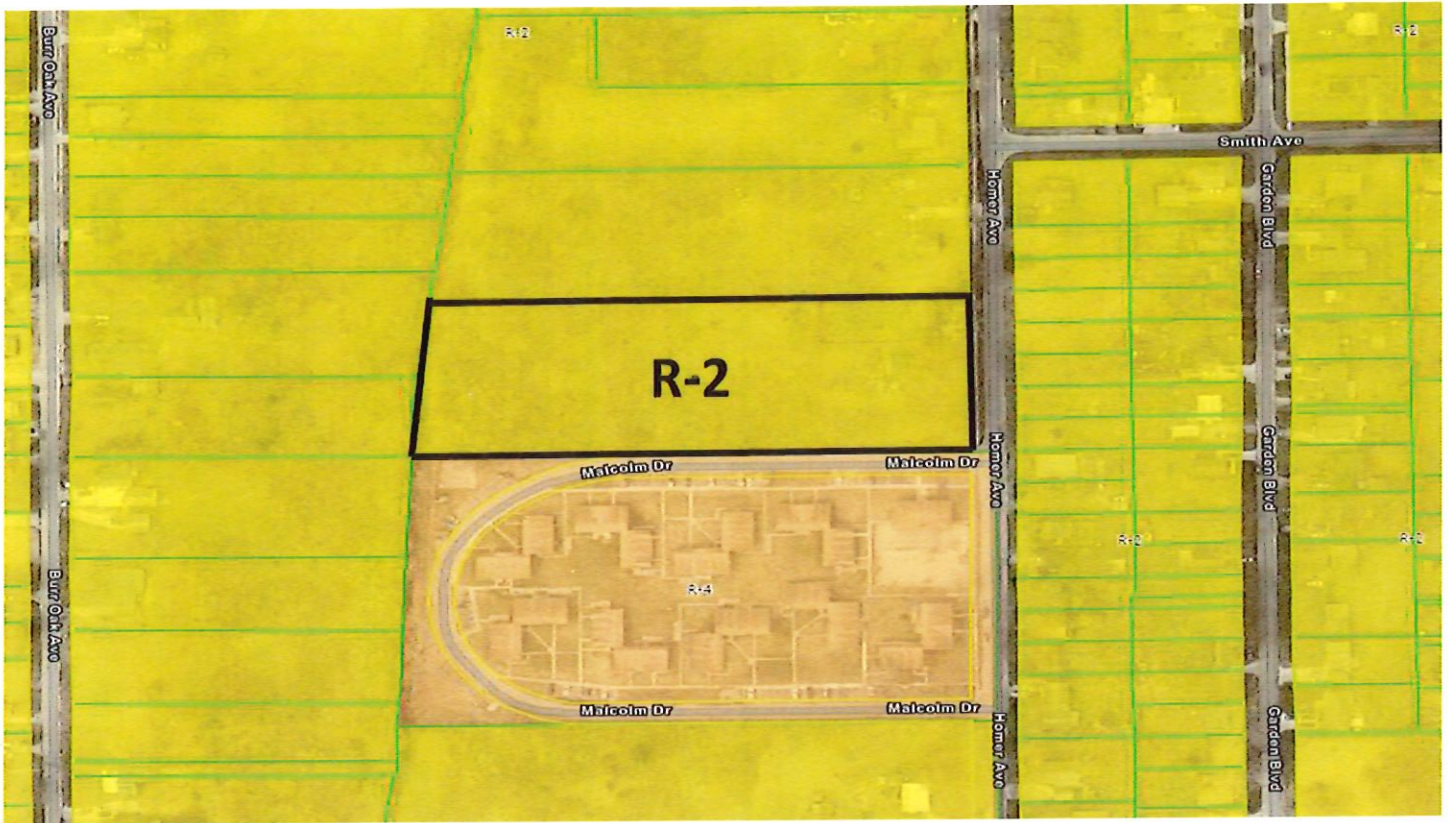
The subject property is surrounded by residential uses. Land to the north, east and west are residential zoned R-2 and land to the south is zoned R-4.

Applicable Sections of the Zoning Ordinance:

Article 4 of the Subdivision Ordinance

Comprehensive Plan:

The Comprehensive Plan calls for the land to be developed with residential uses.



Staff Analysis

The petitioner owns a parcel comprising approximately 3.45 acres (including right-of-way) that they wish to develop as a 10-lot subdivision for single-family residences. The property is zoned R-2; single family residences are a permitted use in the R-2 District and have a minimum house size of 950 square feet; in the case of two-story houses the first floor must contain 600 square feet.

The 3.45 acre parcel has an existing single family dwelling. It is currently being rehabilitated for a new client family. The proposed subdivision will incorporate the home as the proposed Lot 6.

The planned layout is to have the road built west from Homer and provide a stub to connect for future development to the north. The retention will be to the west where the street would turn north. The layout will include five-foot sidewalks to facilitate pedestrian use. The plat includes required setbacks that demonstrate that each lot is buildable.

The west boundary of this subdivision is Manning Ditch, which is a county regulated drain. All construction will be outside the required 75' setback. The petitioner is seeking permission to overflow into the ditch for storm water. At the time of the writing of this report – the approval from the Elkhart County Drainage Board was not finalized.

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

Staff Recommendation

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

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

The City of Elkhart Planning Staff has reviewed the subject petition and recommends **approval** a Preliminary Plat for a subdivision to be known as ‘Homer Avenue Subdivision,’ a ten (10)-lot subdivision; a part of the Southeast Quarter of Section 16, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana.

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

- 1) All 10 proposed single-family lots meet all of the bulk standards of the R-2 Zoning District, One-Family Dwelling District, specifically, minimum lot size, lot frontage, and property development setbacks;
- 2) In review of the proposed preliminary plat for a new major subdivision, Staff finds the petitioner has demonstrated compliance with all the enacted regulations of both the City of Elkhart Zoning and Subdivision Control Ordinance.

Conditions:

- 1) The approval is preliminary only. The applicant must submit the required application materials for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.
- 2) Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.
- 3) Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.
- 4) The project must be reviewed and approved through the City’s Technical Review process prior to the submission of the final plat to the Plat Committee.

Photos



Attachments

Petition and primary plat.

PETITION #: 24-SUB-01

FILING FEE: \$ 500.00

PETITION to the PLAN COMMISSION

PETITION TYPE: MAJOR SUBDIVISION

Property Owner(s): Habitat for Humanity of Elkhart County

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Crystal M. Welsh, Abonmarche Consultants, inc.

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 3115 Homer, Elkhart, In 46517

Zoning: R-2

Present Use: vacant home and land Proposed Use: new 10 lot residential subdivision

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): Greg Conrad

SIGNATURE(S): [Signature] DATE: 6/25/2024

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).
- A completed Application for Approval of a New Subdivision.
- If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property. 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): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

City of Elkhart

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

Date: June 24, 2024

City of Elkhart Plan Commission
Municipal Building
229 S. Second Street
Elkhart, Indiana 46516

Dear Plan Commission:

Preliminary approval is hereby requested for a subdivision to be known as:
Homer Avenue Subdivision

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

LEGAL DESCRIPTION

Assuming the east line of the west one-half (1/2) of the east one-half (1/2) of the southeast quarter (1/4) of section sixteen (16), township thirty-seven (37) north, range five (5) east to be due north and south; commencing at an iron stake on the east line of the west one-half (1/2) of the east one-half (1/2) of the southeast quarter (1/4) of said section sixteen (16) which is thirty (30) feet west and one thousand nine hundred sixty-one and forty-one hundredths (1961.41) feet south of the northeast corner of lot number twenty (20) in City Gardens as the same is platted and recorded, for the beginning point of this description; thence north two hundred twenty-two (222) feet to an iron stake; thence, north eighty-eight (88) degrees fifty-six (56) minutes west approximately six hundred forty-five (645) feet to the center of the County Ditch; thence southwestwardly along the center of said ditch to a point which is north eighty-nine (89) degrees forty-four (44) minutes west of the point of beginning; thence south eighty-nine (89) degrees forty-four (44) minutes east approximately six hundred seventy-five (675) feet to the place of beginning, being part of the southeast quarter of said section sixteen (16), township thirty-seven (37) north, range five (5) east in Elkhart County, Indiana.

Parcel No.:20-06-16-476-013.000-012

PRELIMINARY PLAT

HOMER AVENUE SUBDIVISION

A PART OF THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 37 NORTH, RANGE 5 EAST,
CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA.
OWNER: HABITAT FOR HUMANITY OF ELKHART COUNTY INC.
TAX ID#: 20-06-16-476-013.000-012

ABONMARCHÉ
Professional Engineer
200 River Ridge Drive, Unit 206
Elkhart, Indiana 46516
Phone: 765.233.9335
Fax: 765.233.9311
abonmarche.com
Engineering - Architecture - Land Surveying

HOMER AVENUE SUBDIVISION

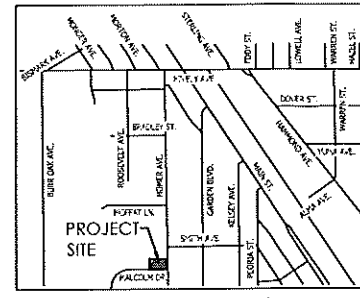
PRELIMINARY PLAT

DRAWN BY: TRM
DESIGNED BY: TRM/RDM
FM REVIEW: CAWE
QA/QC REVIEW: CSB
DATE: 06/28/24
SCALE:

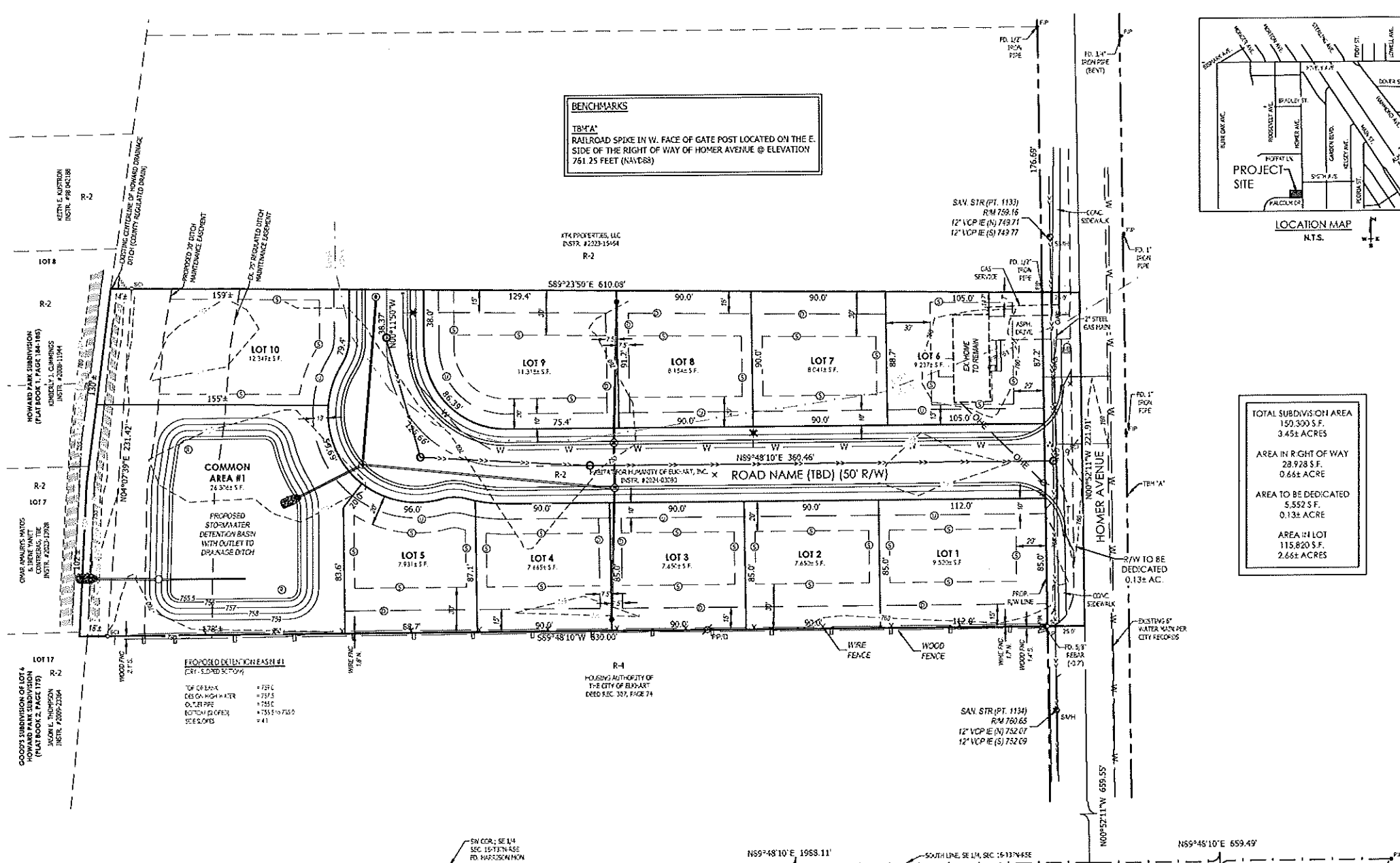


SIGNATURE: *Craig S. Batey*
DATE: 06/28/2024

HARD COPY IS INTENDED TO BE 24" x 36" WHEN PLOTTED
SCALES INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZES
SCALE:
HORIZ: 1"=40'
VERT: #
ACI JOB #: 24-0526
SHEET NO: 1 of 1



TOTAL SUBDIVISION AREA
150,300 S.F.
3.45± ACRES
AREA IN RIGHT OF WAY
28,928 S.F.
0.66± ACRE
AREA TO BE DEDICATED
5,552 S.F.
0.13± ACRES
AREA IN LOT
115,820 S.F.
2.66± ACRES



BENCHMARKS
TBM 'A'
RAILROAD SPIKE IN W. FACE OF GATE POST LOCATED ON THE E. SIDE OF THE RIGHT OF WAY OF HOMER AVENUE @ ELEVATION 761.25 FEET (NAVD83)

STORMWATER DETENTION CALCULATIONS

STORMWATER RUNOFF FROM THE PROJECT SITE SHALL BE MANAGED BY AN ON-SITE DRY BOTTOM DETENTION BASIN WITH A POSITIVE RELEASE INTO THE ADJACENT HOWARD DRAINAGE DITCH, A COUNTY REGULATED DRAIN. THE PROPOSED DETENTION BASIN SHALL PROVIDE STORM WATER STORAGE FOR THE PEAK 100 YEAR STORM EVENT WITH A CONTROLLED RELEASE AT THE 10-YEAR ALLOWABLE PRE-DEVELOPED RUNOFF RATE. THE FOLLOWING DETENTION CALCULATIONS ARE BASED ON THE PUBLISHED STORM INTENSITIES CONTAINED IN THE CURRENT ELKHART COUNTY "GUIDELINES AND STANDARDS FOR DESIGN AND PUBLIC IMPROVEMENT, STREET STANDARDS" AND THE COUNTY'S SPREADSHEET USING THE RATIONAL METHOD.

ESTIMATED DRAINAGE AREA = 3.3± ACRES

ESTIMATED COVERAGE

DEVELOPED LOTS (1,900 SFT X 10 LOTS) (C=0.90) = 0.44± ACRES
PROPOSED ROADWAY (C=0.90) = 0.81± ACRES
EXISTING ROADWAY (C=0.90) = 0.06± ACRES
DETENTION BASIN (C=1.00) = 0.28± ACRES
LAINS / OPEN AREA (C=0.30) = 1.93± ACRES
TOTAL = 3.3± ACRES

WOODED RUNOFF COEFFICIENT CALCULATIONS

$$C = (0.44 \times 0.61 + 0.06 \times 0.90) + (0.28 \times 1.00) + (1.93 \times 0.30) = 0.56$$

3.3± ACRES

RELEASE RATE CALCULATIONS (BASED ON THE 10-YEAR PRE-DEVELOPED CONDITION)

ESTIMATED TIME OF CONCENTRATION = 30 MIN

ALLOWABLE RELEASE RATE = $Q = CA = 0.2 \times 264 \text{ M}^3/\text{HR} \times 3.3 \pm \text{ACRES} = 1.7 \text{ CFS}$

12" RELEASE PIPE SHALL BE USED WITH A 6" PERFORATED PIPE BEHIND IN PEA STONE ALONG THE BOTTOM WITH A RISER PIPE TO CONTROL THE RELEASE RATE AS REQUIRED BY THE COUNTY DRAINAGE BOARD, THE DETAILED DESIGN TO BE INCLUDED IN THE CONSTRUCTION PLANS

DETECTION STORAGE VOLUME CALCULATIONS

PROPOSED DETENTION BASIN #1

STORM DURATION (hours)	100 YEAR INTENSITY (in/hr)	INFLOW RATE (cfs)	RELEASE RATE (cfs)	STORAGE RATE (cfs)	REQUIRED STORAGE (cft)
0.25	6.47	11.96	1.70	10.26	2528
0.50	3.95	7.32	1.70	5.62	10197
0.75	2.71	5.01	1.70	3.31	9026
1	1.93	3.65	1.70	1.95	2111
2	1.35	2.65	1.70	1.15	854
3	1.14	2.11	1.70	0.41	249
4	0.97	1.70	1.70	0.00	2
5	0.77	1.42	1.70		
6	0.67	1.24	1.70		
7	0.59	1.09	1.70		
8	0.53	0.98	1.70		
9	0.48	0.89	1.70		
10	0.44	0.81	1.70		
15	0.37	0.69	1.70		
20	0.25	0.45	1.70		
24	0.22	0.41	1.70		

NOTE: Storm Intensities are determined from Elkhart County Street Standards

STORAGE REQUIRED: 10,197 cft
612 cft (6% retention factor)
0.25 Acre-Ft

STORAGE PROVIDED: 0.50 Acre-Ft
ADDITIONAL FEEDBACK STORAGE AVAILABLE: 0.19 Acre-Ft 92%

STORMWATER DETENTION CALCULATIONS

STORMWATER RUNOFF FROM THE PROJECT SITE SHALL BE MANAGED BY AN ON-SITE DRY BOTTOM DETENTION BASIN WITH A POSITIVE RELEASE INTO THE ADJACENT HOWARD DRAINAGE DITCH, A COUNTY REGULATED DRAIN. THE PROPOSED DETENTION BASIN SHALL PROVIDE STORM WATER STORAGE FOR THE PEAK 100 YEAR STORM EVENT WITH A CONTROLLED RELEASE AT THE 10-YEAR ALLOWABLE PRE-DEVELOPED RUNOFF RATE. THE FOLLOWING DETENTION CALCULATIONS ARE BASED ON THE PUBLISHED STORM INTENSITIES CONTAINED IN THE CURRENT ELKHART COUNTY "GUIDELINES AND STANDARDS FOR DESIGN AND PUBLIC IMPROVEMENT, STREET STANDARDS" AND THE COUNTY'S SPREADSHEET USING THE RATIONAL METHOD.

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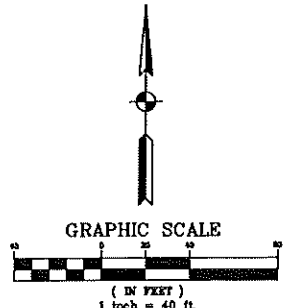
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24-SUB-01

NOTE
A DEVELOPMENTAL VARIANCE IS REQUIRED FOR AN EXISTING HOME ON PROPOSED LOT 6 FOR A CORNER LOT SETBACK REDUCTION.

LEGEND

- SC1 = SET 5/8" REBAR MARKED ASBONMARCHÉ FIRM (CS)
- FP = FOUND IRON PIPE
- FR = FOUND REBAR
- TSM 'A' = BENCHMARK LOCATION
- SMH = SANITARY MANHOLE
- SWH = CURBSTEP
- PP = POWER POLE
- U = 12" UTILITY EASEMENT
- D = DRAINAGE EASEMENT AT ESTIMATE INDICATED
- XXX--- = CONTOURS
- B = MAILBOX
- = STON
- R-2 = ZONING
- = SOIL DISCONTINUITY
- OHU = OVERHEAD POWER LINE
- W--- = WATER LINE
- GAS--- = GAS LINE
- W--- = WOOD FENCE
- X = WIRE FENCE





Staff Report

Planning & Zoning

Petition: 24-X-05

Petition Type: Special Exception

Date: Plan Commission: August 5, 2024, Board of Zoning Appeals: August 8, 2024

Petitioner: Elkhart Community Schools

Site Location: 2608 California Road

Request: Per Section 4.3, a Special Exception to allow an addition to Elkhart High School. The proposed use is a Health and Wellness Center.

Existing Zoning: R-1, One-Family Dwelling District

Size: +/- 1.73 Acres of a 32.66 Acre Site

Thoroughfares: California Road

School District: Elkhart Community Schools

Utilities: Available and provided to site.

Surrounding Land Use & Zoning:

Properties to the north, south, and west are residential uses both in the City of Elkhart and Elkhart County. Industrial uses border the site to the east.

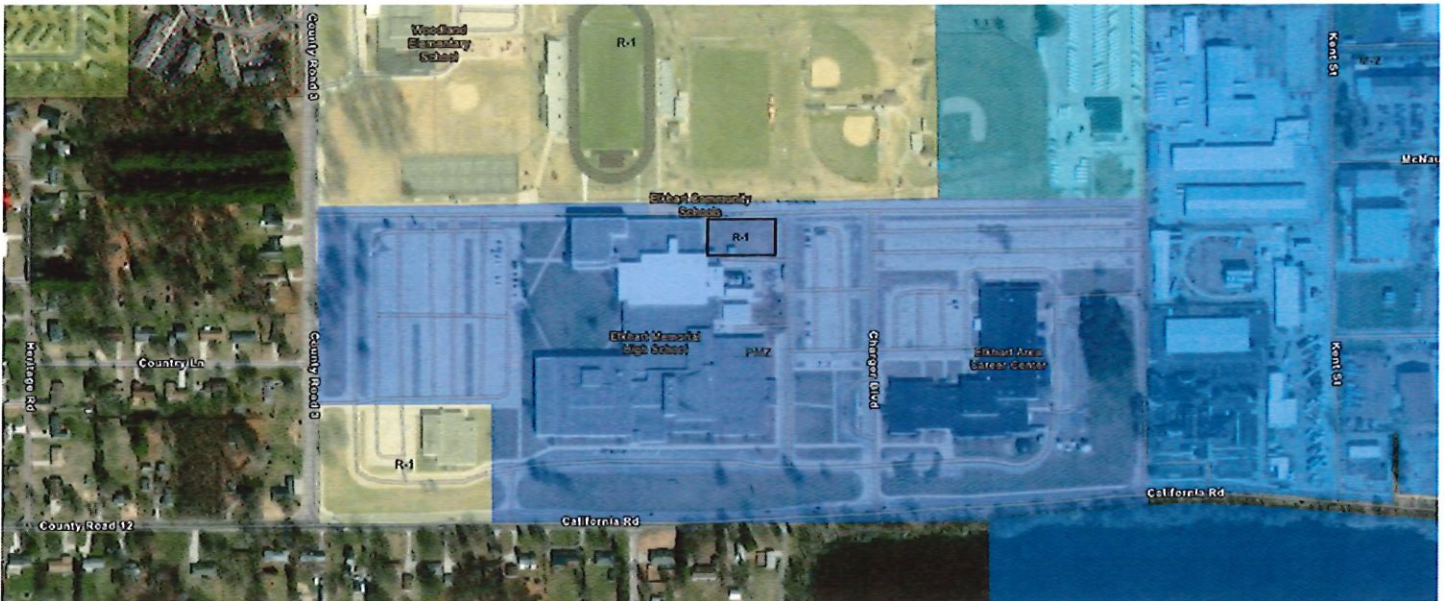
Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Plan Commission Action: Recommendation to Board of Zoning Appeals.

Comprehensive Plan:

The Comprehensive Plan identifies this site for public land uses.



Staff Analysis

The petitioner is requesting a special exception use for an addition to the existing Elkhart High School for a new health and wellness center. Since the consolidation of the school districts within the City of Elkhart, the school has emphasized a focus of bettering the quality of life for its students. The proposed health and wellness center will provide students with new opportunities for fitness and recreation.

Section 4.3(L) of the Elkhart Zoning ordinance requires a special exception use for high schools and is the reason for this request. The health and wellness center will be located on the northeast corner of the existing school, utilizing 1.73 acres of the existing 32.66 acre site. Given this is an addition to the existing facility and located far from the surrounding residential uses, the value and use of surrounding properties will not be affected by this addition.

Staff recommends approval of this special exception.

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 as this use provides an essential community service;
2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because it is a minor change to 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.

Photos



PETITION #: 24-X-05

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): Elkhart Community Schools

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Tony Gianesi

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: [REDACTED]

Zoning: R-1

Present Use: _____ Proposed Use: Health and Wellness Center

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): Tony Gianesi

SIGNATURE(S):  DATE: 06-21-2024

STAFF USE ONLY:

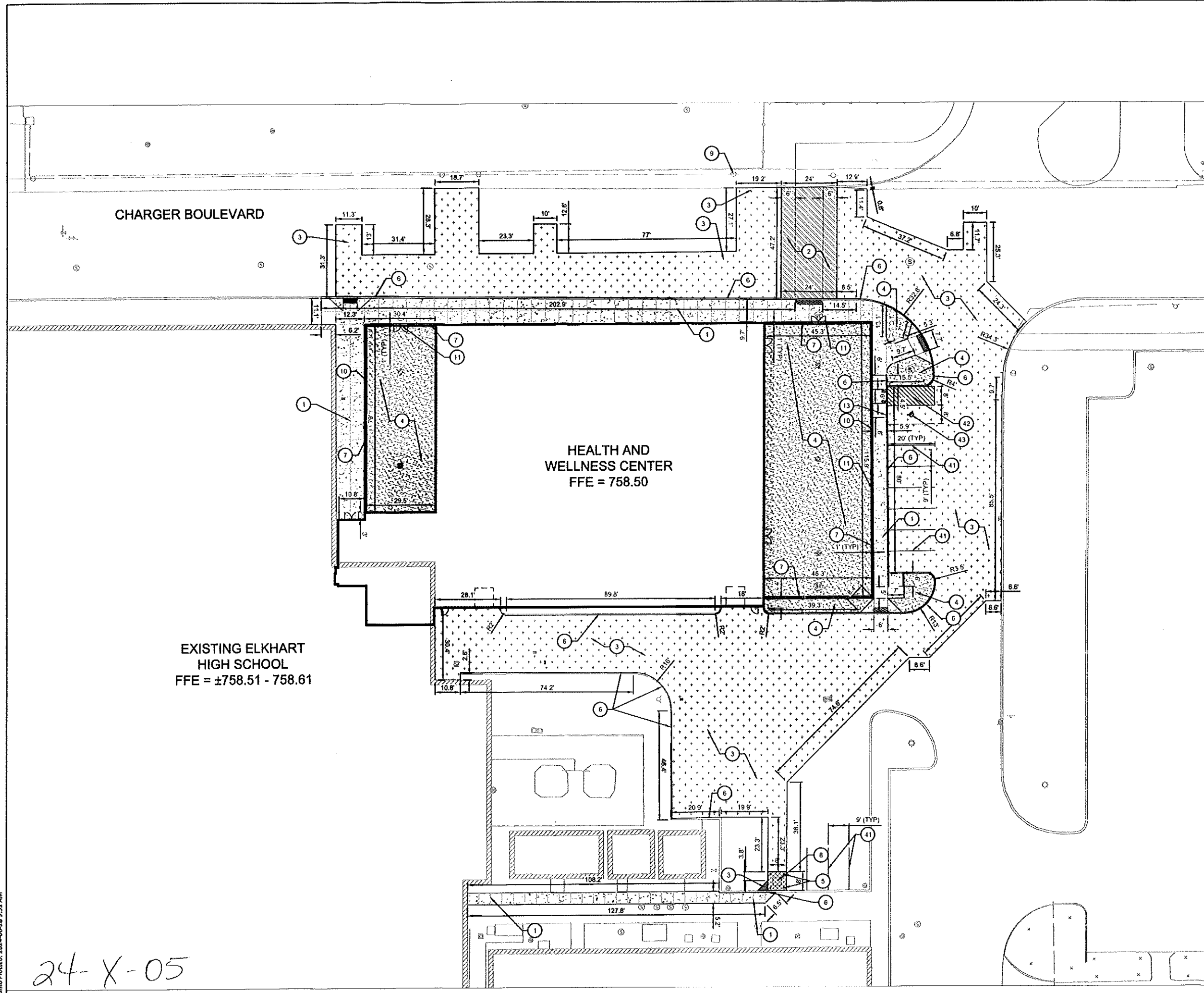
Staff Checklist for the applicant's submittal of a complete Petition to the Board of Appeals docket:

- 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: _____



TABULATED SITE DATA

1. ACREAGE OF SITE (75,525 SF) 1.73 AC
2. PROPOSED LAND USE:
A. EDUCATION (WELLNESS CENTER)
3. PARKING RATIO REQUIRED BY ORDINANCE:
COLLEGE, UNIVERSITY, BUSINESS, TRADE, OR COMMERCIAL; AND HIGH SCHOOL
A. 10 SPACES PER CLASSROOM
B. 4 CLASSROOMS
a. CLASSROOM
b. STRENGTH TRAINING ROOM
c. CARDIO TRAINING ROOM
d. TURF ACTIVITIES ROOM
E. NUMBER OF SPACES REQUIRED - 40 SPACES
MEDICAL OFFICE BUILDING
A. 1 SPACE PER 250 SQUARE FEET
B. 3,047 GROSS FLOOR AREA
C. NUMBER OF SPACES REQUIRED - 13 SPACES
EXISTING SCHOOL BUILDING
A. 10 SPACES PER CLASSROOM
B. NUMBER OF CLASSROOMS IN HIGH SCHOOL - 88 CLASSROOMS
C. NUMBER OF SPACES REQUIRED - 860 SPACES
EXISTING WEST PARKING LOT SPACES - 720 SPACES
EXISTING SOUTH PARKING LOT - 148 SPACES
EXISTING EAST STREET PARKING - 27 SPACES
NUMBER OF SPACES PROVIDED FOR WELLNESS CENTER ADDITION - 13 SPACES
NUMBER OF A.D.A. SPACES PROVIDED - 1 SPACE
NUMBER OF ADDITIONAL SPACES REQUIRED BY ORDINANCE - 4 SPACES

4. PROPOSED LAND COVERAGE:	SQUARE FOOTAGE	% OF SITE
A. BUILDING(S)	18,943	25.08%
B. PARKING AND DRIVES	45,425	60.15%
C. OPEN SPACE	11,157	14.77%
TOTAL	75,525	100.00%

5. SURFACE RUN-OFF AND DRAINAGE TO BE COLLECTED ON-SITE AND DISCHARGED THROUGH STORM SEWER CONNECTED TO THE SCHOOL'S EXISTING SYSTEM WITH AN EVENTUAL RELEASE AT THE NORTHWEST CORNER OF THE PROPERTY TO THE ELKHART RIVER
6. PROPOSED BUILDING WILL BE 1 STORY.
7. PROPOSED BUILDING WILL BE CONNECTED TO THE CITY OF ELKHART WATER SYSTEM & SANITARY SEWER.
8. PARKING SPACES ARE TO MEET THE CITY OF ELKHART STANDARDS AT 9' WIDE AND 18' DEPTH.
9. PROPOSED ACCESS DRIVES WILL UTILIZE THE EXISTING PARKING LOT.

DETAILS LEGEND:

	1 CONCRETE PAVEMENT, STANDARD 4" THICK, CONTROL JOINTS 10' O.C., MAXIMUM AND EXPANSION JOINTS 60' O.C., MAXIMUM.	DETAIL 1 / SD101
	2 RAISED CONCRETE WALK TO MATCH EXISTING AGGREGATE THICKNESSES AND CONTROL/EXPANSION JOINT SPACING	DETAIL 11 / SD101
	3 HMA STANDARD PAVEMENT, FULL DEPTH 2" HMA SURFACE TYPE B, OVER 5" HMA BASE TYPE B, OVER 6" SUBBASE NO.63 COMPACTED AGG.	DETAIL 5 / SD101
	4 TURF SEEDING	
	5 PIPE BOLLARD	DETAIL X / SD102
	6 STANDARD CONCRETE CURB	DETAIL 4 / SD101
	7 CONCRETE BAND	DETAIL X / SD101
	8 AEP TRANSFORMER AND PAD	DETAIL X / SD101
	9 UTILITY POLE TO BE SET BY AEP	
	10 FENCE	DETAIL 1 / SD102
	11 DOUBLE GATE	DETAIL 2 / SD102
	12 CURB RAMP	DETAIL X / SD102
	13 ADA PARKING SIGN	DETAIL X / SD102

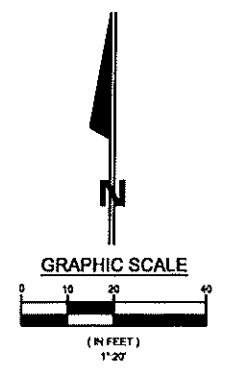
PAVEMENT MARKINGS LEGEND:

- (1) LINE, EPOXY, SOLID, WHITE, 4 IN.
- (2) TRANSVERSE MARKING, EPOXY, BLUE, ADA CROSSHATCH LINE, 4 IN.
- (3) PAVEMENT MESSAGE MARKING, EPOXY, HANDICAP SYMBOL, BLUE

EXISTING ELKHART HIGH SCHOOL
FFE = ±758.51 - 758.61

HEALTH AND WELLNESS CENTER
FFE = 758.50

24-X-05



REV	DESCRIPTION	BY	DATE

**JONES
PETRIE
RAFINSKI**
Fort Wayne, IN
South Bend, IN
P: 260.422.2522
P: 574.232.4386

PRELIMINARY FOR REVIEW ONLY

ELKHART AREA CAREER CENTER HEALTH AND WELLNESS CENTER
ELKHART COMMUNITY SCHOOLS
2424 CALIFORNIA ROAD
ELKHART, IN
SITE DIMENSIONAL PLAN

DESIGNED BY: BS	REVIEWED BY: AC/CE
DRAWN BY: JTB	REVIEWED BY: AC/CE
DATE: 6/28/2024	
JOB NUMBER: 2023-0311	
HORIZ. SCALE: 1" = 20'	
VERTICAL SCALE: ---	
C201	



Staff Report

Planning & Zoning

Petition: 24-X-06

Petition Type: Special Exception

Date: August 8, 2024

Petitioner: Republic Services (Browning Ferris Industries)

Site Location: 3300 Charlotte Avenue

Request: Per Section 18.3, Special Exception Uses in the M-1, Limited Manufacturing District, a special exception to allow for the replacement of a 10,000 gallon diesel fuel storage tank.

Existing Zoning: M-1, Limited Manufacturing District

Size: +/- 4.25 Acres

Thoroughfares: Charlotte Avenue

School District: Baugo Community Schools

Utilities: Available and provided to site.

Surrounding Land Use & Zoning:

Properties to the north, south, and west are industrial uses in M-1 Limited Manufacturing District and M-2 General Manufacturing District. Properties to the east are residential, zoned R-2 Two-Family Residential in Elkhart County.

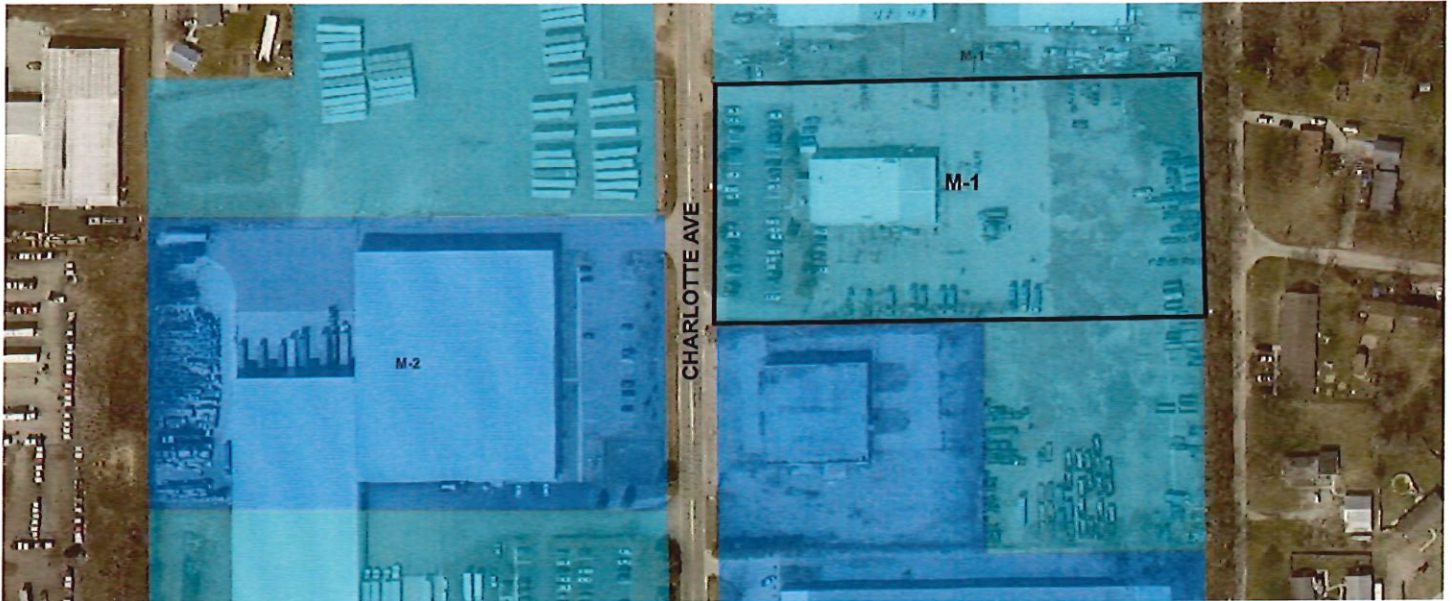
Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Plan Commission Action: Recommendation to Board of Zoning Appeals.

Comprehensive Plan:

The Comprehensive Plan does not include this area in the future land use map, but is predicted to be industrial land use.



Staff Analysis

The petitioner operates as a waste removal services provider throughout the City of Elkhart and occupies the subject parcel. Petitioner desires to replace the existing vertical 10,000 gallon above-ground diesel fuel storage tank that was previously approved by Elkhart County before the parcel was annexed into the City. The existing storage tank is approaching its life expectancy and should be replaced. Petitioner intends to replace the existing storage tank with a horizontal, double wall UL142 10,000 gallon above-ground fuel storage tank. The parcel is currently buffered from residential uses to the east (rear of the parcel) by deciduous trees and shrubs.

Permitted uses in the M-1 Limited Manufacturing District include “outside storage of liquids or gases in one or more tanks, where total volume of the tank(s) does not exceed 2000 gallons.” (See Section 18.2.II) Strict adherence to zoning ordinance Section 18.2 would reduce the existing fuel capacity of 10,000 gallons to 2,000 gallons, which would greatly hinder the ability of the service provider to continue its current level of service in the City of Elkhart.

Staff recommends approval of this special exception.

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 change to 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.

Photos



PETITION #: 24-X-06

FILING FEE: \$ 300

PETITION for APPEAL to the BOARD of ZONING APPEALS

PETITION TYPE: SPECIAL EXCEPTION

Property Owner(s): REPUBLIC SERVICES (BROWNING FERRIS INDUSTRIES -DFI)

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: MIKE BRONSTETTER (AGENT)

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 3300 CHARLOTTE AVE

Zoning: INDUSTRIAL WAREHOUSE M-1, LIMITED MFG DISTRICT

Present Use: WASTE REMOVAL Proposed Use: WASTE REMOVAL

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): MIKE BRONSTETTER (AGENT)

SIGNATURE(S): [Signature] DATE: 6-7-24

STAFF USE ONLY:

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

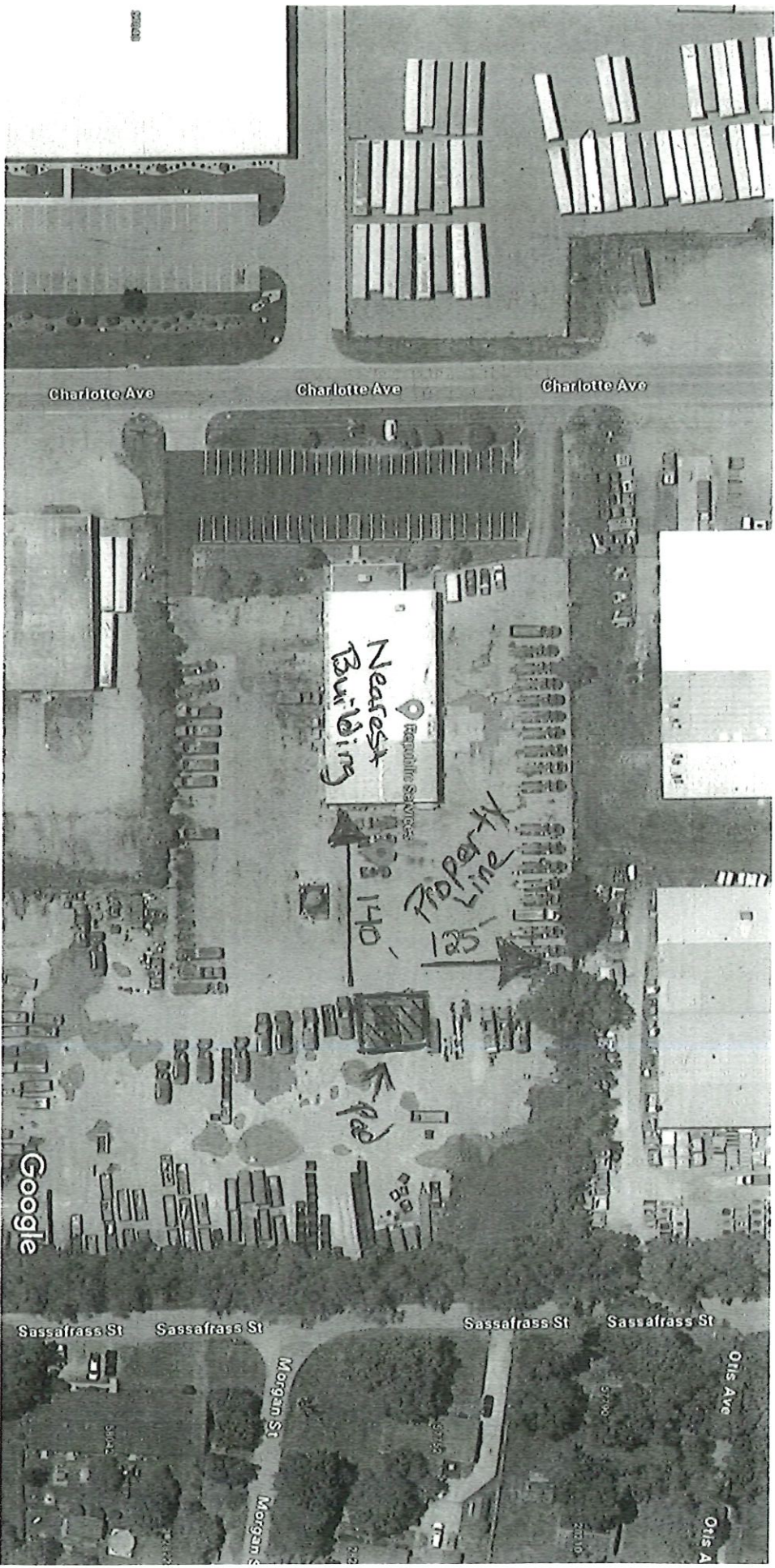
- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization 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", 12 copies must be submitted.
- Optional: any supplementary information the applicant may wish to include.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

Google Maps 3300 Charlotte Ave



* E-Shop location TBD

20'-100' From Dispense(s).



STANWADE
METAL PRODUCTS INC

FLAMESHIELD

Tested to NFPA 30A Fire-Resistant Tank Requirements **FM-3**

STANWADE METAL PRODUCTS, INC.

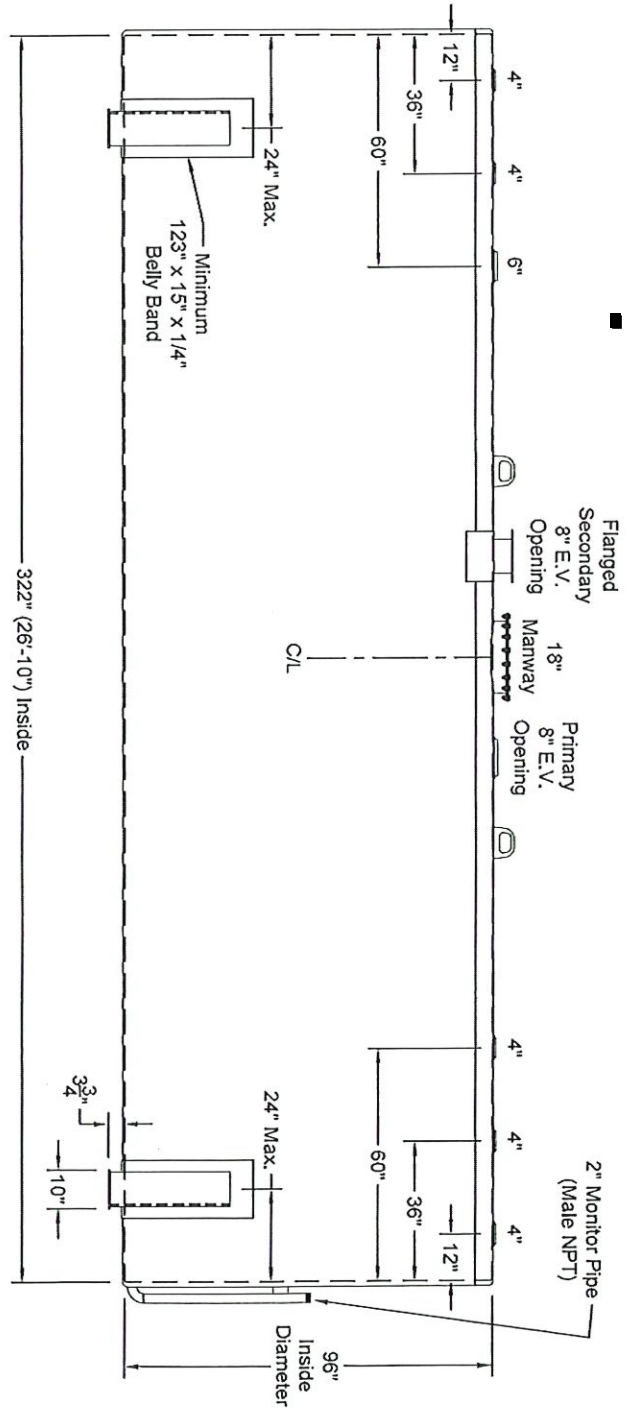
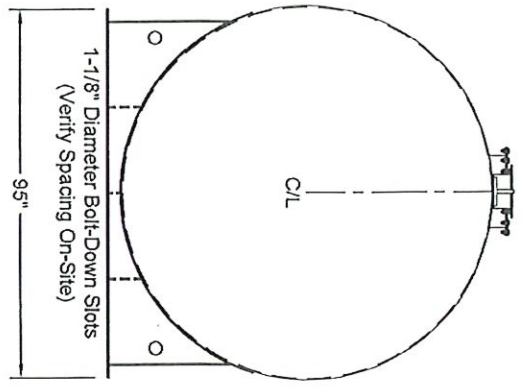
6868 State Route 305, P.O. Box 10
Hartford, Ohio 44424
Phone: 800-826-5243 Fax: 1-330-772-3307
www.tankstore.com

Notes:

1. Dimensions Shown Are Interior Clearances.
2. All Openings Are Female Threaded Unless Noted Otherwise.
3. Tank Is Intended For Stationary Use Only.
4. Tank Must Be Open Atmospheric Vented.

Changes to This Quote
Drawing May Affect Pricing

Capacity:	10,000 Gallons	Primary Heads:	1/4"	Paint Ext.:	White Urethane
Design:	Double Wall Aboveground	Primary Shell:	1/4"	Paint Int.:	N/A
Code:	UL 142, Flameshield	Secondary Heads:	1/4"	Weight:	13,980 Lbs.
Test Pres.:	5 P.S.I.	Secondary Shell:	10 Ga.		



Customer: K & W Equipment Co LLC

Drawing Date: 4-29-2024

Drawing #: KWE001.4-29-24.1

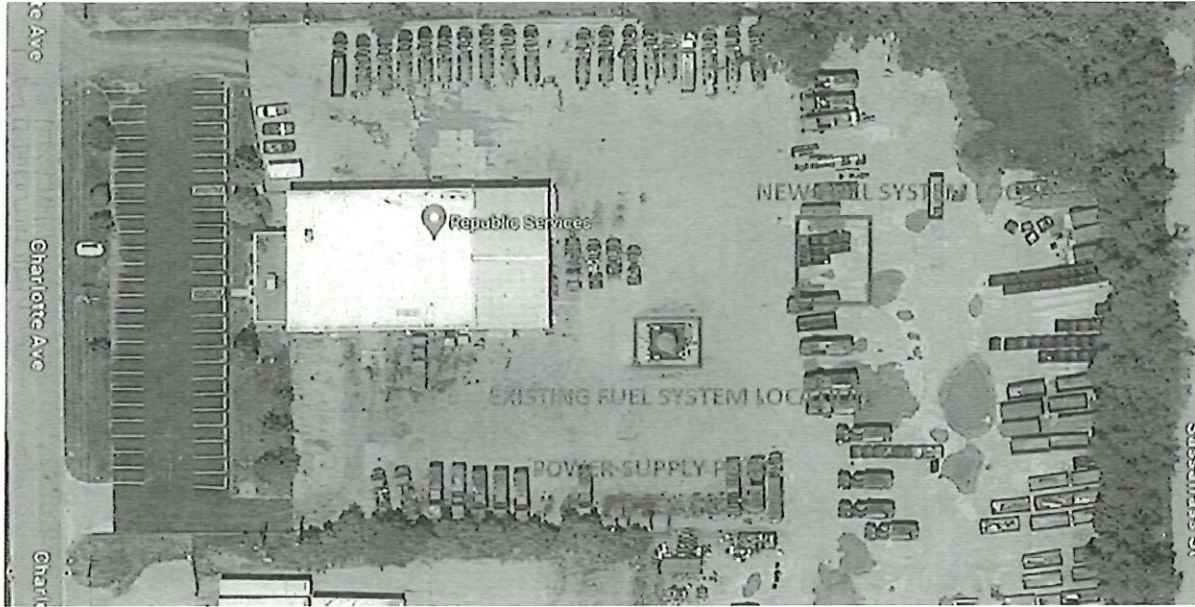
Quote #: 00439417

Quoted Lead Times Begin Upon Receipt of Signed Approved Drawing, Which Must be Returned Before Production Can Begin.

Drawing Approved By:



ILLUSTRATION 1



Rod Roberson
Mayor



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

Certificate of House Number

Issued in accordance with the City of Elkhart, Indiana, Ordinance No. 455.

Owner of Record:	City of Elkhart – Public Works and Utilities	
House No:	1200	
Street:	S. Nappanee Street	
Lot Number:	300-332 & 379-408	
Addition:	Chesqua Heights	
Side of Street:	East	
Plan Commission Date:	August 5, 2024	
Parcel ID#:	06-07-104-001, 002, 003, 012	
Notes:	East side of WWTP	
Signature:	Tory Irwin/ENT	7/15/2024

Rod Roberson
Mayor



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

Certificate of House Number

Issued in accordance with the City of Elkhart, Indiana, Ordinance No. 455.

Owner of Record:	Roger and Kelly Ellsworth	
House No:	406	
Street:	River Pointe Drive	
Lot Number:	LOT 27	
Addition:	Haines Lexington Landing	
Side of Street:	West	
Plan Commission Date:	August 5, 2024	
Parcel ID#:	20-05-12-201-017	
Notes:		
Signature:	Tory Irwin/ENT	07/15/24



Staff Report

Planning & Zoning

<u>Petition:</u>	24-SI-05
<u>Petition Type:</u>	Staff Item – Minor amendment
<u>Date:</u>	August 5, 2024
<u>Petitioner:</u>	Bent Oak Golf, LLC
<u>Site Location:</u>	Bent Oak Trail Lot 171 A
<u>Plan Commission Action:</u>	Approval or denial of requested modification to 23-PUDA-06.

Staff Analysis

The petitioner is seeking to amend the approval of the major amendment to the Bent Oak PUD to add two (2) additional lots to the subdivision 23-PUDA-06. The desire is to move the proposed lot, at the intersection of Bent Oak Trail and St. Andrews Place, +/- 32 feet to the south to avoid the drain pipe altogether. The petitioner and engineering staff have had numerous interactions and have agreed to modify the plan and move the proposed away from the pipe altogether.

Recommendation

Staff recommends that the Plan Commission approve the minor amendment to the Bent Oak PUD 23-PUDA-06 to allow the lot, 171A, be moved +/- 32 feet to avoid the drain pipe at the intersection of Bent Oak Trail and St Andrews Place based on the following findings of fact:

1. The modification to move the proposed lot will not change the land area of the PUD;
2. The modification to move the lot will not change the density of the PUD;
3. The modification to move the lot will not allow a use not previously permitted in the PUD.