

originals

PLAN COMMISSION

-MINUTES-

**Monday, August 2, 2021 - Commenced at 1:45 P.M. & adjourned at 2:22 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- In person
Dave Osborne- In person
Brad Billings – In person
Ron Davis- In person
Tom Shoff- Webex
Johnny Thomas- In person
Don Walter- Webex

MEMBERS ABSENT

Mike Sweet
Mary Olson

REPRESENTING THE PLANNING DEPARTMENT

Ryan Smith, Planner- Webex
Nathan Hooley- Webex

LEGAL DEPARTMENT

N/A

TECHNOLOGY STAFF

David Hopkins

RECORDING SECRETARY

Kayla Jewell

APPROVAL OF AGENDA

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

APPROVAL OF AMENDED AGENDA

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

APPROVAL OF MINUTES

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

APPROVAL OF PROOFS OF PUBLICATION

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

APPOINTMENT OF THE BZA

Tabled until September 7, 2021 meeting
Motion to approve by Osborne; Second by Billings. Voice vote carries.

OLD BUSINESS

21-Z-04 tabled until October 8, 2021
Motion to approve by Davis; Second by Osborne. Voice vote carries.

NEW BUSINESS

**21-ANX-02 PETITIONER IS JIMTOWN CORNER LLC
PROPERTY IS LOCATED AT CR 24 AND SR 19**

As prescribed by Section 29.11.B, a request to annex five (5) vacant parcels located at the southeast corner of Nappanee Street and County Road 24, land containing approximately eleven (11) acres.

To also rezone the eleven (11) acres of land contained within the petition from DPUD (Southgate Hills II DPUD B-3 Phase 2 and the Overlook Apartments – DPUD, as approved by the Elkhart County Board of Commissioners) to B-2, Community Business District. This rezoning request is a major amendment to remove the land from the PUDs to rezone the land to B-2, Community Business District.

STAFF ANALYSIS

This staff report is being prepared for annexation 21-ANX-02 to annex land southeast of the intersection of County Road 24 and State Road 19, Elkhart, Indiana 46517, Concord Township.

The land in the petition is undeveloped and zoned commercially under two separate PUDs in Elkhart County’s jurisdiction, the South Gate Hills II and Overlook Apartments PUDs. The current petitioner is seeking annexation in order to develop the land as a Casey’s gas station and convenience store, with connection to city utilities. An application for annexation is required when unincorporated areas wish to connect to utilities.

As a single development comprised of five (5) parcels and governed by two separate PUD ordinances, the property will need to be consolidated and rezoned, with a maintenance agreement for the shared drive with the hotel to the east. The petitioner proposes a rezoning to a B-2 zoning district, which staff approves, allowing for moderate intensity commercial development. Any development would need to be approved through the City’s Technical Review process prior to permitting.

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 11 acres. The territory to be annexed is approximately 17.92% contiguous to the current City limits, being contiguous on its northern boundary. The contiguity requirement stated in the Indiana Code is 12.5%.

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 commercial.
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.

Smith states there were 9 letters mailed, 1 returned in favor with no comments.

Irwin calls petitioner forward.

Crystal Welsh introduces herself (1009 S Ninth St. Goshen) and states she is representing the petitioner along with Rob Sweet and John P. (Inaudible) Welsh states if this annexation were to go through, it will be marketed for sale and development as business options. She then says in a few months a second petition, which will be to get a 5-acre parcel, will be presented to go along with this annexation.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin opens for public comments in favor or opposition of the petition.

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

Irwin asks if there are questions from the Commission again.

Billings asks Welsh how many curb cuts will be off 19.

Rob Sweet introduces himself and states they are proposing one entrance on CR 19 and then a larger curb cut to the south on the interior access drive.

(Inaudible)

Irwin states he believes this is a great development as the 7-11 and gas station are across the street and it would be continuous to the city which there are utilities already there.

Irwin calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation to the Common Council; Second by Billings. Motion carries.

Irwin- Yes

Osborne- Yes

Billings- Yes

Davis- Yes

Shoff- Yes

Thomas- Yes

Walter- Yes

**21-SUB-07 PETITIONER IS 5400 BECK DRIVE- ELKHART LLC & 21066 PROTECTA DRIVE ELKHART LLC
PROPERTY IS LOCATED AT 5540 BECK DRIVE AND VACANT LOT, BECK DRIVE**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Beck Industrial Park Minor Subdivision No. 4', a two (2) lot subdivision; a part of the Northeast Quarter of Section 6, Township 37 North, Range 6 East, Jefferson Township, Elkhart County, Indiana. The purpose of the plat is to revise the drainage easements on both of said lots as well as to reconfigure the property line between said lots. This request represents approximately 14.49 acres.

STAFF ANALYSIS

The petitioners own two lots that comprise approximately 14.5 acres at the easterly end of Beck Dr. The owner of Lot 7A wishes to develop it with a 150,000 square foot building and associated parking. The purpose of the plat is to reconfigure the lot lines and modify the drainage on the two lots. The proposal would vacate a 75' detention and utility easement and a truck dock drainage easement, and create new truck dock drainage and drainage easements, and modify an existing drainage easement on Lot 7A. It would also establish a 15' storm drainage easement on 8A. The plat would also modify a portion of the shared lot line by moving part of it westward to accommodate a required parking setback on Lot 7A. The project has been reviewed and approved through Technical Review.

STAFF RECOMMENDATION

The Staff recommends **approval** of the two (2) lot subdivision, to be known as 'Beck Industrial Park Minor Subdivision No. 4', a two (2) lot subdivision; a part of the Northeast Quarter of Section 6, Township 37 North, Range 6 East, Jefferson Township, Elkhart County, Indiana, based on the following findings of fact:

1. The lot meets the minimum lot area requirements for the M-2, General Manufacturing District;
2. The proposed request results in the creation of two (2) lots as defined by the Zoning and Subdivision Ordinance. This request will also extinguish existing Drainage and Detention and Utility and Truck Dock Drainage easements and establish Drainage, Storm Drainage, and Truck Dock Drainage easements as depicted on the preliminary plat;
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.

Smith states there were 6 letters mailed, 0 returned.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Matt Schuster (300 Nibco Parkway Suite 250) introduces himself and states he is representing the petitioner. Schuster states there was a similar request on this project that was approved by the Plan Commission back in November 2018. Shortly after that, the plat was never recorded since the project had stopped. Schuster then says earlier this year lot 6 and 7 were created in order to make the "L" shaped lot. Schuster says they would be modifying lot 7 which would be then 7A and creating lot 8A. He states, "The difference between this would be jogging this slot line as Ryan described. So we can meet the parking setback for the proposed development. Then we would be seeking to vacate an existing truck dock drain that goes through for the buildings that develop on Beck Drive. They can tie their truck docks into the drain and then it has an outlet to Comstock ditch..." Schuster then goes onto explain his highlights on the map and discussing how it would provide a new easement along with the drainage easement and how it flows all together. He goes onto say the easements would allow for a new 150,000 sq. ft. building which includes the ponds and their storm pipes.

Osborne (inaudible) asks Schuster if the proposed lot will go across the drainage easement.

Schuster replies yes and goes onto explain the additional drainages.

Irwin asks if there are additional questions for Schuster.

Hearing none, Irwin opens for public comments in favor or opposition of the petition.

Irwin asks Schuster if this was approved earlier in the year and had expired.

Smith states it was a previous version that created a specific set of two lots, but this was not part of the previous vacation. The easements were not part of the original application. Smith then says he sent this to one of the engineering staff members, who did not have any issues with it.

Irwin asks if there are additional questions

Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Osborne makes motion to approve with the listed conditions; Second by Davis. Motion carries.

Irwin- Yes
Osborne- Yes
Billings- Yes
Davis- Yes
Shoff- Yes
Thomas- Yes
Walter- Yes

21-FSP-07 PETITIONER IS BARAK GROUP LLC

PROPERTY IS LOCATED AT VACANT LOT HAINES DRIVE, HAINE'S LEXINGTON LANDING LOT 2

As required by Section 20.7 B. seeking Final Site Plan approval for fourteen (14) single family attached dwellings, on land totaling 2.3 acres more or less, located on a vacant lot on Haines Drive, Lot 2 in Haine's Lexington Landing.

STAFF ANALYSIS

The petitioner owns a 2.3-acre lot and is in the process of developing it with fourteen (14) single-family attached residences. The project has been before the Plan Commission twice in recent months, first for a conceptual Planned Unit Development (PUD) and second for a subdivision that would create fourteen (14) parcels. The establishing ordinance for the second phase of the Villas at Lexington Landing PUD, Ordinance No. 5848, was approved by the City Council on June 7, 2021. On July 6, the Commission approved the subdivision request, which was also approved by the Plat Committee and, as of the writing of this report, is in the process of being recorded.

The final step in the approval of the development is Final Site Plan. The project has been reviewed and approved via the City's Technical Review process, with the exception of a drainage detail that can easily be modified. The proposal meets the requirements of the PUD district that was established for the development, and represents a final design that reflects the intent of the conceptual PUD.

STAFF 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 most of the City's Technical Review process;
4. The use conforms to the Comprehensive Plan which calls for low density residential uses;
5. The proposed use should not be detrimental to the property values of adjacent properties.

Smith states there were 20 letters mailed, 0 returned.

Irwin asks if there are questions from the Commission.

Billings asks Smith if this petitioner had spoken with the neighbors to get approval.

Smith replies yes.

Irwin calls petitioner forward.

Bob Heiden states he representing Barak Group. Heiden states they have spoken to the neighbors for their blessing and since then it has gone through the PUD and the plat has been recorded. The last item after the site plan is Tech Review (inaudible).

Irwin asks if there are additional questions for the petitioners and compliments the petitioner on doing a great job, specifically with the neighbors.

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

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

Irwin calls for a motion.

Billings makes motion to approve with conditions; Second by Shoff. Motion carries.

- Irwin- Yes
- Osborne- Yes
- Billings- Yes
- Davis- Yes
- Shoff- Yes
- Thomas- Yes
- Walter- Yes

STAFF ITEMS

21-SI-07

Addressing

STAFF ANALYSIS

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

Residential

329 S. 5th Street
1331 Concord Avenue
2402 Timberstone Dr. E
2410 Timberstone Dr. E

New Single Family Home
New Single Family Home
Change of Address
Change of Address

Commercial

2104 Aeroplex Drive
2500 Bypass Rd.

New Industrial Building
Existing Commercial Building

RECOMMENDATION

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

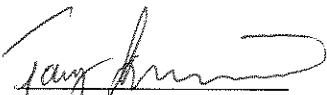
Irwin calls for a motion.


Shoff makes motion to approved; Second by Billings. Motion carries.

- Irwin- Yes
- Osborne- Yes
- Billings- Yes
- Davis- Yes
- Shoff- Yes
- Thomas- Yes
- Walter- Yes

ADJOURNMENT

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


Tory Irwin, President


Dave Osborne, Vice-President