

originals

PLAN COMMISSION
-MINUTES-

Tuesday, September 7, 2021 - Commenced at 1:56 P.M. & adjourned at 2:40 P.M.
City Council Chambers – Municipal Building

Elkhart City Plan Commission was called to order by Tory Irwin at 1:56 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

MEMBERS ABSENT

Mike Sweet
Don Walter

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter- In person
Ryan Smith- In person
Nathan Hooley- Webex

LEGAL DEPARTMENT

Randy Arndt, Deputy City Attorney- Webex

TECHNOLOGY STAFF

Tony Elkins

RECORDING SECRETARY

Kayla Jewell

APPROVAL OF AGENDA

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

APPOINTMENT OF THE BZA

Trotter asks the Plan Commission who would be able to volunteer for the BZA meetings until a permanent position has been filled. Davis asks if the meeting is able to be moved to the middle of the day instead of the evenings. Trotter states based off the petitioner's schedules, it would be more difficult for them to take time off work during their day. Irwin states the Members will decide on a rotation to be able to get through the January meeting.

APPROVAL OF MINUTES

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

APPROVAL OF PROOFS OF PUBLICATION

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

OLD BUSINESS

None

NEW BUSINESS

#21-ANX-03 PETITIONER IS WEST 78 LLC C/O DALE L WEAVER

PROPERTY IS LOCATED AT 28227 COUNTY RD 26 (PARCELS 20-05-25-400-014.000-001 AND 20-05-25-400-013.000-001)

As prescribed by Section 29.11.B, a request to annex two (2) vacant parcels located at the southeast corner of State Road 19 and United States 20, land containing approximately seventy-five-and-one-half (75.5) acres.

To also rezone the seventy-five-and-one-half (75.5) acres of land contained within the petition from DPUD M-1 (West 78 Industrial Park DPUD, as approved by the Elkhart County Board of Commissioners) to M-1, Limited Manufacturing District. This rezoning request is a major amendment to remove the land from the PUDs to rezone the land to M-1, Limited Manufacturing District.

STAFF ANALYSIS

This staff report is being prepared for annexation 21-ANX-05 to annex land generally at the intersection of CR 26 and State Road 19, Elkhart, Indiana 46517, Baugo Township.

The land in the petition is an undeveloped area surrounded by generally agricultural and residential land uses, but with access to the major transportation corridors of State Road 19 and U.S. Highway 20. The land is intended to be developed with M-1 uses, with a particular emphasis on transportation and logistics to take advantage of its location along major roadways. Under its current jurisdiction in Elkhart County the property is zoned DPUD M-1; if annexed it would be rezoned to M-1, making it available for similar uses in the City as it was in the County.

City utilities are available to the site, although the water lines will not be adequate for fire suppression. The applicants are proposing the use of an open pond and fire pump to provide fire protection on a building-by-building basis. As of the writing of this report, full details are not available, but the city's engineering and fire departments have approved the plan in concept.

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 nontiguous annexations which qualify for specific criteria. The size of the area to be annexed is approximately 75.5 acres. Anticipated increase in costs to the city for provision of services is approximately \$1,100 per year, not accounting for inflation. The current state of the property makes it tax exempt due to its agricultural status; the fiscal plan does not take into account the tax value of additional industrial development.

STAFF RECOMMENDATION

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.

Smith states there were 32 letters mailed, 1 returned not in favor with no comments.

Irwin asks if there are questions from the Commission.

Irwin calls petitioner forward.

Crystal Welsh introduces herself (303 River Race Dr. Goshen) and states this annexation doesn't meet the contiguous requirements that would normally be seen in an annexation. Welsh states a few years ago the city got together with Abonmarche and discovered a portion of the Indiana code that allows for non-contiguous annexation which is the intention for this property. Welsh states once the that hurdle was overcome, the annexation was moved forward while working with the engineering, public utilities and planning department. Welsh then introduces the individuals, Shaffer, Tuesley, Weaver and Mick who are available for additional questions.

Irwin asks if there are questions for Welsh.

Billings asks Welsh if there is anyone currently lined up for the property.

Welsh states she believes there have been several requests (inaudible). Welsh states Bradley has said they've already been getting calls waiting to see what the results of the annexation are going to be and that it is an attractive property with its location, logistics and transportations.

Irwin states he has talked about the water supply issue to the site and a fire protection plan has been provided for the development by Abonmarche. Irwin states with the city not knowing who will occupy the site, the city will not be able to supply the site with a significant volume of water for a high volume user. Irwin suggests to take that into consideration as they are looking for a new owner.

Irwin asks if there are additional question for Welsh.

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

Osborne asks for Shaffer to discuss the water supply issue.

Jeff Shaffer introduces himself (303 River Race Dr. Goshen). He states, "I think the property is a little bit unique in the study that we did is on Lot 1 and part of the reason we did that on Lot 1 was Abonmarche had done a site plan for Lot 2 back in 2017 for a spec building there...Lot 1 is really divided from the rest of the property by a petroleum line, city's water main/sanitary sewer." Shaffer states if it is a surface pond, it would be most likely a single surface pond that would serve multiple buildings. He goes on to discuss the surface pond and its potential it has to provide proper necessities to the surrounding buildings.

Osborne asks if each new building would need to come back to Plan Commission to discuss this issue every time.

Shaffer states he believes no matter the end result, this process will be held to strict standards between public works and the fire department.

Irwin closes the public portion of the meeting.

Irwin calls for a motion.

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

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

**#21-FSP-08 PETITIONER IS SANDMAN REALTY, LLC
PROPERTY IS LOCATED AT 2604 GLENVIEW DRIVE**

As required by Section 20.7.B seeking approval for an Amendment to a Final Site Plan for a 5,025 square feet addition on land totaling 1.7 acres, more or less, located at 2604 Glenview Drive, Elkhart, IN.

STAFF ANALYSIS

The petitioner owns a 1.7 acre lot in the Glenview Industrial Park, which was initially developed as an M-1 PUD in Elkhart County's jurisdiction. It currently comprises of a 10,000 square foot building with both paved and unpaved parking lots and drives. They wish to build an additional 5,025 square feet of interior space onto the back of the existing building. Since the improvements are greater than 50% of the existing building, the property would be required to be developed to current code by paving the unpaved parking/driveways.

The proposed project has mostly passed the city's Technical Review; staff is anticipating revisions to the paving plan that would pass the project. The proposed lot configuration maintains the buffering along the eastern edge of the property that is required by the PUD ordinance.

STAFF RECOMMENDATION

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 industrial uses;
5. The proposed use should not be detrimental to the property values of adjacent properties.

CONDITIONS

1. The site will be brought up to current code by paving unpaved parking and drive areas to city standards.

Smith states there were 13 letters mailed, 1 returned not in favor with comments. Comments were: "Our reason for not approving, number one is increased traffic on our road. Number two, speed limits are not enforced on CR 6 or Edwardsburg Ave. Number three, increased traffic noise, especially in early morning hours. Number four, trash and debris from that business blow into our yard. Number five, trash thrown from employees and their cars. Number six, the city has not kept the roadside clean and clear of trash and the areas that were incorporated years ago. The reason for approving is number one, we desire everyone to be able to prosper, but not at the cost of detriment of their neighbors."

Smith states they have contacted this person and relayed this information to the necessary individuals.

Irwin asks if there are questions from the Commission.

Hearing none, Irwin calls petitioner forward.

Tom Sotebeer introduces himself and states he has discussed the trash matter with the neighbors and has come up with a solution to fix the future issue and additional concerns through Tech Review.

Irwin asks if there are questions for Sotebeer.

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 calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation with the listed condition; Second by Shoff. Motion carries.

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

#21-ANX-05 PETITIONER IS HUBBARD HILL ESTATES, INC.

PROPERTY IS LOCATED AT SOUTHWEST CORNER OF STATE ROAD 19 AND CHARLOTTE AVENUE, EAST OF COUNTY ROAD 24

As prescribed by Section 29.11.B, a request to annex two (2) vacant parcels located at the southwest corner of Charlotte Avenue and State Road 19, land containing approximately 4.4 acres.

To also rezone the 4.4 acres of land contained within the petition from A-1 and DPUD B-3 (Bravokilo DPUD, as approved by the Elkhart County Board of Commissioners) to R-1, Single Family Residential District. This rezoning request is a major amendment to remove the land from the PUDs to rezone the land to R-1, Single Family Residential District.

STAFF ANALYSIS

This staff report is being prepared for annexation 21-ANX-051 to annex land generally at the southwest corner of the intersection of Charlotte Avenue and State Road 19, Elkhart, Indiana 46517, Buago Township.

The land in the petition is immediately to the north of the existing Hubbard Hill Estates' senior living and rehabilitation facility. The petitioner intends to develop the property as an early learning center for preschool aged children that would be associated with

Hubbard Hill Estates. The facility is anticipated to open in fall of 2022. The need for the annexation arises from the need for the school to connect to city utilities.

The property is currently zoned in Elkhart County as DPUD B-3, Detailed Planned Unit Development to the B-3 standards, and A-1 Agricultural. Part of this request is to also rezone the property in the request to R-1, One Family Dwelling District. The current use is vacant. While the business is a non-profit, anticipated increases in costs associated with service provision by the city are anticipated to be minimal. The land on the east side of State Road 19 directly across from the proposed school is currently in the process of being annexed by the city.

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 4.424 acres. The territory to be annexed is approximately 25.56% contiguous to the current City limits, being contiguous on the 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 6 letters mailed, 0 returned.

Irwin asks if there are questions from the Commission.

Irwin asks if there are questions for Smith.

Hearing none, Irwin calls petitioner forward.

Welsh introduces herself and states she is representing Hubbard Hill. Welsh states the organization would be a non-for profit and also owned by a non-for profit and says childcare is a critical element for Elkhart's economy and community. Welsh goes on to explain the benefits of having a daycare center on a senior project. Welsh states there are additional people available for questions if needed.

Irwin asks if there are additional questions for Welsh.

Osborne asks if there will be multiple buildings or one large building and how it will work with the zoning requirements.

Welsh discusses how it will fit properly in the area its intended for.

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

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

Irwin states he believes this is a good project and will allow for continued growth of the city.

Irwin calls for a motion.

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

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

STAFF ITEMS

21-SI-08

Plan Commission approval of proposed address for the City of Elkhart

STAFF ANALYSIS

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

Residential

929 E Beardsley Ave Suite 101 & 201
156 State Street Apt. 100 & 200
160 State Street Apt. 100 & 200

Existing Multi-family Residence
New Duplex
New Duplex

Commercial

700 E Beardsley Ave Suites 101-106 & 201-211

Existing Commercial Building

STAFF RECOMMENDATION

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

Shoff makes motion to approve; Second by Davis. Motion carries.

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

21-SI-09

Endorsement of staff's decision to consider the installation of a rotational molding machine ancillary to the primary operation at the facility located at 1162 Fremont Court. The proposed use is by ordinance more intense than what is permitted in the base district.

STAFF ANALYSIS

Petitioner desires to install a rotational molding machine at the 1162 Fremont Court to allow them to produce on-site parts that are currently outsourced. The need arises because the vendors are back ordered and causing a delay in the supply chain. The equipment is more intense than what the base district allows however, considering the size of the building versus the size of the equipment proposed for the site – it is staff's opinion that the use does not rise to the level of a new use. It is 2% of the overall area of the building thus in staff's opinion – therefore an ancillary use of the building.

Staff is requesting the Plan Commission endorse the staff's opinion that the installation of the rotational molding machine is ancillary to the primary use and does not rise to the level of a Major Amendment to the existing Planned Unit Development.

Section 20.10.B – Major - Modifications to Approved Final Site Plans as a part of a Planned Unit Development list four (4) changes that constitute a major modification. Those four (4) changes are:

1. Change in the land area of the PUD;
2. Change in the density of use of the PUD;
3. Allow a use previously not permitted in the PUD; or

4. Constitute a change which, in the sole discretion of the Plan Commission, should be considered by the City Council as a new proposed development; shall be deemed a new application for the approval of a Planned Unit Development and shall follow the procedure previously set forth in this Section.

In looking at the standards above, the staff feels the intent of this language speaks to larger uses that would occupy land as a primary use. The request meets none of those thresholds and does not rise to the level of a new primary use, change the area of land or change the density of use.

Section 20.10.A – Minor – Modifications to Approved Final Site Plan as a part of a Planned Unit Development list two (2) changes that constitute a minor modification. Those two (2) changes are:

1. Modifications, such as minor relocation of a building, parking lot, or other site element, due to unforeseen site conditions, can be reviewed and approved by the Planning staff. An adverse decision by the Planning staff may be appealed to the Plan Commission as per 20.10.A.2 below.
2. All other modifications, except those deemed major as defined in 20.10.B below, shall be presented in writing to the Plan Commission. The Commission shall review and reject or approve the proposed changes without a public hearing.

The above standards relate to changes in site plans during the construction phase necessitating an amendment. Neither of which relate to the request today.

STAFF RECOMMENDATION

Staff requests the Plan Commission the support the idea the installation of the equipment does not rise to the level of a major change of the PUD and allow the project to move forward.

CONDITION

Should the Plan Commission choose to approve the above request, staff suggests they do so with one condition.

1. The machinery referenced in the above request be limited to the 2% of gross internal floor area. Any additions of machinery above 2% would necessitate another hearing and approval by the Plan Commission and may be considered a Major Amendment with appropriate conditions as required by the board.

Trotter states there is a letter from the property owner laying out the issues that he has and that Trotter welcomes any questions.

Osborne asks Trotter what building the machinery will be put in.

Trotter replies, 1162.

Irwin compliments the staff on their helpful insights and willingness to help.

Irwin asks if there are questions from the Commission.


Hearing none, Irwin calls for a motion.

Osborne makes motion to approve; Second by Thomas. Motion carries.

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

ADJOURNMENT

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


Tory Irwin, President


Dave Osborne, Vice-President