

# AGENDA

## ELKHART COUNTY PLAN COMMISSION

June 13, 2024

9:30A.M.

ADMINISTRATION BUILDING  
MEETING ROOMS 104, 106, & 108  
117 N. 2<sup>nd</sup> STREET, GOSHEN, INDIANA

Call to Order

Roll Call

Approval of the minutes of the last regular meeting of the Elkhart County Plan Commission held on the 9<sup>th</sup> day of May 2024.

Acceptance of the Elkhart County Zoning Ordinance, Elkhart County Development Ordinance, and Staff Report materials as evidence for today's hearings.

### REZONINGS

9:30 A.M.

(Snyder)

- A. Petitioner: C. W. Peterson III (page 7)  
Petition: for a zone map change from R-1/B-2 to R-1.  
Location: south side of Oak Dr., 250 ft. east of Ash Rd., common address of 30958 Oak Dr. in Cleveland Township. (RZ-0294-2024)
- B. Petitioner: Custom Art Gallery, LLC (page 8)  
Petition: for a zone map change from B-3 to B-2.  
Location: northeast side of US 33, 990 ft. south of Concord Mall Dr./Sunnyside Ave., common address of 23957 US 33 in Concord Township. (RZ-0306-2024)
- C. Petitioner: JMS Property Management, LLC (page 9)  
Petition: for a zone map change from B-3, PUD B-3, R-1 to B-3.  
Location: south side of Toledo Rd. 1,035 ft. east of Goshen Ave (CR 16), common address of 1675 Toledo Rd. in Concord Township. (RZ-0310-2024)
- D. Petitioner: Able Medical, LLC (Buyer) (page 10)  
Beacon Medical Group Inc. (Seller)  
Petition: for a zone map change from R-1/R-2 to B-2.  
Location: west side of Elkhart St. (CR 3) 625 ft. north of CR 40, common address of 207 North Elkhart St. in Olive Township. (RZ-0315-2024)

### DETAILED PLANNED UNIT DEVELOPMENT AMENDMENT

- E. Petitioner: Charles R. Roeder & Kristin M. Roeder, Husband & Wife (page 11)  
represented by Martin Brothers Contracting

Petition: for an amendment to an existing DPUD R-1 known as **ABEL ESTATES DPUD** to allow for an additional building.  
Location: north end of Abel Dr., 1,000 ft. north of east Waterford St., west of SR 19, common address of 200 Abel Dr. in Olive Township. (DPUD-0301-2024)

**DETAILED PLANNED UNIT DEVELOPMENTS**

F. Petitioner: Gary L. Roberts & Frances M. Roberts, Husband & Wife (page 12)  
represented by Surveying and Mapping LLC  
Petition: for a zone map change from A-1 to DPUD B-3 & DPUD A-1 and for primary approval of a 2-lot minor subdivision to be known as **ROBERTS DPUD**.  
Location: southeast corner of CR 10 & CR 6, common address of 29829 CR 10 in Cleveland Township. (DPUD-0293-2024)

**PUBLIC MEETING ITEMS** (time of review at the discretion of the Plan Commission)

**STAFF/BOARD ITEMS** (time of review at the discretion of the Plan Commission)

- Board of County Commissioners Approvals Following Plan Commission Recommendations.

**ADJOURNMENT**

The Elkhart County Plan Committee is meeting on Thursday June 13, 2024, at **9:30 am** in Rooms 104, 106 & 108 of the Administration Building, Goshen, Indiana. Pursuant to advice of the Indiana Public Access Counselor, general public comment will not be permitted at this public meeting on non-public hearing matters. To the extent you wish to make comment remotely during any public hearings scheduled during this public meeting, please call (574) 971-4678 to learn how to remotely submit your public comment for the public hearing. The public is encouraged to attend the meeting remotely by going to [www.elkhartcountyplanninganddevelopment.com](http://www.elkhartcountyplanninganddevelopment.com) at **9:30 am** on June 13, 2024. If you have further questions regarding how to remotely attend the public meeting please call (574) 971-4678.

**PLAN MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 9TH DAY OF MAY 2024 AT 9:30 A.M. IN THE**  
**MEETING ROOM OF THE ADMINISTRATION BUILDING**  
**117 N. 2<sup>ND</sup> ST., GOSHEN, INDIANA**

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Vice Chairman, Roger Miller. The following staff members were present: Mae Kratzer, Plan Director; Jason Auvil, Planning Manager; Danny Dean, Planner; Adam Coleson, Planner; and James W. Kolbus, Attorney for the Board.

**Roll Call.**

**Present:** Phil Barker, Steve Edwards, Steve Warner, Crystal Van Pelt, Roger Miller, Brian Dickerson, Brad Rogers.

**Absent:** Lori Snyder, Steven Clark,

2. A motion was made and seconded (*Edwards/Warner*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 11th day of April 2024, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Edwards/Dickerson*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. The motion was carried with a unanimous vote.

4. The application for a zone map change from R-2 & B-2 to DPUD B-2 and for primary approval of a 1-lot minor subdivision to be known as EAST WARREN STREET DEVELOPMENT DPUD, for First State Bank of Middlebury represented by Abonmarche Consultants, on property located on the east side of North State St., 170 ft. north of East Warrant St., in Middlebury Township, zoned R-2, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0204-2024*.

Crystal Welsh, Abonmarche Consultants, 303 River Race Dr., Goshen, was present representing the petitioner. She stated she believes this is a great use for an existing vacant property. She explained that it is a local business that would like to continue to invest in the Town of Middlebury. She went on to say they have had conversations with town leadership and the representative from the bank is present.

Matt Shoup, 53434 CR 35, Middlebury, was present in a remonstrance to this request. He stated he owns property north of the bank. He continued saying that he does not have any problems with the bank going into this location. His major concern is with the stormwater proposal. He mentioned according to the proposal, there will be a retention pond with dry wells. He also indicated that property 16 has a one-hundred-year-old home that will have dry wells close to the basement. He explained that the water table was already eight to ten feet, and once dry wells were added, the water would run straight north of the river. He suggested that a simple solution would be to use the

stormwater system, and there would be no need for a retention pond.

Pam Keiser, 53934 CR 37, Middlebury, read a letter from Stephanie Kauffman, resident of Middlebury, the letter was not submitted to staff, that stated concerns regarding extra parking for customers and special events. Mrs. Kauffman also questioned if the parking lot along Grant St. could be used for extra parking as there is a barn there that may allow indoor parking for buggies. She stated she has been told that this has not been a thought for this area. She asked how this new development would affect traffic. She went on to question how the congestion would affect the downtown area and the surrounding homes. She also asked if the building will only be used by the bank as a single business or would it be allowed to be used for other businesses or apartments. She further asked how would that effect the traffic and surrounding residences.

Mrs. Keiser stated on Mrs. Kauffman's behalf that she has read the comprehensive plan and the vibrant community information, they don't like parking lots. She went on to state she was concerned about that personally. She mentioned her redevelopment concerns that there is an agenda of not allowing our communities to grow organically, by forcing plans to happen that are not good for the communities.

David Wiegner, 108 State St., Middlebury, was present for this petition. He explained he likes the idea of Middlebury growing. He stated Middlebury is a nice town to live in and watch prosper. He mentioned his concern in regards to what type of lighting will be placed on the property. He stated traffic increase is a concern for the area. He mentioned the playground and the library close by, and there are a lot of children in the area. He went on to state his concerns in regard to the property value of his home. He explained the zoning change will result in a 35 % decrease in the residential area. He expressed his appreciation for Joe Kathy, President of First State Bank. He stated Mr. Kathy did come and talk with him about the future project with attentiveness to the local residents.

Crystal Welsh came back on and stated the stormwater management plan does require a retention area. She stated this process will go through the Town of Middlebury. She explained the lighting will not impact local property owners. Mrs. Welsh stated there is a local property owner who can address any lighting issues. Mr. Miller asked if the bank would take care of the lighting issues. Mrs. Welsh stated that was correct, and there will also be buffering to ensure they are good neighbors. Mr. Dickerson stated there were some issues or concerns regarding new parking versus existing parking. He mentioned they would be going from 0.02 acres to 0.45 acres of hard surface. He stated it would be reasonable to assume that parking lots will increase. Mrs. Welsh stated it will be a private parking lot; there is no intention of putting up gates or barriers. She went on to say the bank will need the parking lot for customer parking during business hours. She mentioned she can not commit to after-hour usage.

Matt Shoup came back on and asked for clarification in regards to the stormwater. He explained that Mrs. Welsh stated that the stormwater would be infiltrated to the storm drains. He pointed out that the plan states it will be connected to dry wells and perforated pipes surrounding stone bedding from infiltration into the subsoils. Mr. Shoup asked which plan was correct. Mrs. Welsh stated the Town of Middlebury's stormwater management will take care of this process. Mr. Shoup noted that the plans do not match Mrs. Welsh's statement about the stormwater.

A motion was made and seconded (*Rogers/Warner*) that the public hearing be closed, and the

motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Steve Warner, **Seconded by** Brian Dickerson that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from R-2 B-2 to DPUD & B-2 and for primary approval of a 1-lot minor subdivision to be known as EAST WARREN STREET DEVELOPMENT DPUD be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Phil Barker, Steve Edwards, Steve Warner, Crystal VanPelt, Roger Miller, Brian Dickerson, Brad Rogers.

5. The application for a zone map change from DPUD E-3 to DPUD M-2 formerly known as ELKHART EAST AREA B PHASE 3 LOT 13 A to be known as ELKHART EAST AREA B-LOT 13A DPUD, for Shah Land Development, LLC represented by Jones Petrie Rafinski, on property located on the northeast corner of Innovation Dr. & CR 15, common address of 22447 Innovation Dr. in Osolo Township, zoned DPUD E-3, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0205-2024*.

Edgar Morano, JPR, 325 S. Lafayette Blvd., South Bend, was present representing the petitioner. He stated that the purpose of this DPUD is to rezone from DPUD E-3 to DPUD M-2. He described they have a 220,000 sq. ft. spec building with no tenants at this time. He stated they want to place the building on this property with offices, retention ponds, parking, landscaping and lighting that will match the surrounding buildings and properties. Brad Rogers stated he is familiar with the area and other M-2 zonings in it. He mentioned the previous experiences he has had in other areas of the county. He stated there was a company in Bristol that was rezoned to heavy manufacturing and now there are vibration issues. He expressed his uncertainty about the rezoning in case a company comes in and does anything it wants within the M-2 zoning criteria. Mr. Morano stated that their hope is to find a responsible party moving forward. He mentioned they also have had dealings with the company in Bristol. He went on to state the new clients will be restricted by the use and can't have any processed waste exit the facility. He went on to say the manufacturing would probably be light. Mr. Rogers stated there were just concerns with past M-2 rezonings and it can not be controlled for the local residents. Mr. Morano stated there is landscape buffering, required and the residences will be to the west, as of the property. He explained there will be little activity on the property to the west most manufacturing will be to the south of the building. Mr. Rogers stated that buffers do not stop vibrations throughout the neighborhood. Mr. Morano stated that would have to be addressed with the tenants. Mr. Rogers asked staff how this could be resolved. He stated he appreciated the spec buildings going up, but there are concerns about what future tenants may do to cause problems in the neighborhood. Mae Kratzer, Plan Director, explained there is a good solution when working with a DPUD to limit certain uses. She went on to say this board could make a recommendation to the Commissioners through the DPUD that approval be limited to light manufacturing, M-1, no vibration,

no smoke, no odor, or no outdoor storage. Mr. Dickerson asked if the industrial park had restrictions in place. Mrs. Kratzer stated there are additional standards in place that are mostly related to signage, construction materials, and the look of the buildings. Mr. Dickerson asked if there was anything limiting outside storage. Mrs. Kratzer stated there is nothing concerning exterior storage. Mr. Rogers stated he appreciated the comments. Mrs. Kratzer stated that a DPUD will remain with the land even when the property changes ownership. Mr. Dickerson asked if there was any impact on the development from M-1 to M-2. Mrs. Kratzer mentioned the biggest difference in terms of use would be what has been previously mentioned and no salvage yard would be allowed. She went on to state the uses are very similar, the impact on the neighboring properties. Mr. Dickerson asked if the board could ask the developer if M-2 was needed for this property. Jim Kolbus, County Attorney mentioned there have been previous petitions that have gone through the M-2 uses where they restricted those found objectionable as a part of the DPUD. Mr. Rogers stated with the new technology it would be great to have something like this in the county. Mrs. Kratzer stated there are two options possible today. She stated the petitioner can go through the M-2 uses and M-1 uses and restrict and undesirable uses. Mr. Kolbus stated the Commissioners final say.

Jim Skillen, Portfolio Director for Shah Land Development LLC, 53149 Discovery Dr. Elkhart, was present to inform the board about what could happen on the property. He mentioned that an M-2 zone is necessary for an unlimited distribution center. He stated the area in Elkhart East is zoned as a highly regulated park with many restrictive covenants, mostly for appearance, but it does allow manufacturing. He explained that the goal for this location is to facilitate distribution facilities, and they need to meet the city's requirements. He mentioned that the city requires a main structure for monitoring sewage waste produced by a manufacturer, with no drains in the floor. Any waste produced would need approval from the city. He pointed out that industrial and residential areas are often adjacent to each other in the county. He informed the board that the industrial park has been in the area for over 25 years. Mr. Rogers expressed reservations due to a previous experience in Bristol. Mr. Skillen mentioned that the situation with Velmont is an isolated issue. Mr. Miller was open to suggestions and adding conditions to the DPUD.

There were no remonstrators present.

A motion was made and seconded (*Edwards/Dickerson*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Brian Dickerson, **Seconded by** Steve Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from DPUD E-3 to DPUD M-2 formerly known as ELKHART EAST AREA B PHASE 3 LOT 13 A to be known as ELKHART EAST AREA B-LOT 13A DPUD be approved with the following condition imposed:

1. The petitioner must provide a list of allowed uses to the County Commissioners for review & approval.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Phil Barker, Steve Edwards, Steve Warner, Crystal VanPelt, Roger Miller, Brian Dickerson, Brad Rogers.

**\*\*It should be noted Mr. Dickerson recused himself and stepped down\*\***

6. The application for a zone map change from M-1 to DPUD M-1 and for primary approval of a 1-lot minor subdivision to be known as CROSS TRAILERS DPUD M-1, for Hitch Holdings Indiana LLC represented by Surveying and Mapping, LLC, on property located on the south side of CR 4, 1,550 ft. east of CR 39, common address of 11732 CR 4 in York Township, zoned M-1, was presented at this time.

Adam Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0211-2024*.

Mr. Miller asked if the subject property has ever been used for manufacturing. Mr. Coleson stated it is zoned M-1, and it has been used for warehousing. Mr. Rogers stated a year ago this property was rezoned to take the word "cargo" out. He also asked if this was the same property that had a stormwater issue. Mr. Coleson stated that was correct. Mr. Rogers stated the Board is disregarding all the previous approvals as how the petitioner wants to construct a building. Mr. Coleson stated that is what they are requesting.

Ben Stanley, Surveying and Mapping, 28810 Dexter Dr., Elkhart, was present representing the petitioner. He explained that the site was purchased last year by Hitch Holdings for the purpose of constructing a new building. He mentioned the site is conveniently located with access to SR 13 and the Indiana Toll Road. He stated the previous owner of the site had it rezoned, and the trees have been cleared. He stated the site was used for an RV parking facility with 5-acres of existing wetland along the west side of the property. He went on to say the DPUD will limit the use to a cargo trailer manufacturing use. He stated the facility will consist of an approximately 106,000 sq.ft. industrial building along with paved drives, gravel storage areas, and retention basins. He added they will also maintain the existing wetlands. He went on to state that the surrounding properties are not effected by sounds or lights from the facilities. He continued to explain there will be two access drives to CR 4, one will be primarily for automobile traffic and the other for shipping traffic. He explained the stormwater on site will sheet drain into catch basins, and then be stored in 3 retention basins on site. Ms. Van Pelt asked about the wetlands that were discovered. Mr. Stanley indicated on the plat where it is located.

There were no remonstrators present.

A motion was made and seconded (*Rogers/Edwards*) that the public hearing be closed, and the motion was carried with a unanimous vote.

Mr. Miller asked Mr. Barker if this site has enough drainage. Mr. Barker explained it depends on how they handle it. He stated it looks like most of the run-off will go into the wetland area. Mr. Stanley stated the retention calculations are provided in the report; the intent is to collect the run-off water into the retention basins on the north side of the property along the road. He stated there is another proposed retention basin south of the wetland with no outlet into the wetland. Mr. Warner mentioned when looking at the arial vs drawing the plan, it looks like the wetland is significantly reshaped. Mr. Stanely stated there is history to this wetland, the previous owner did some reshaping of the wetland. He went on to say the one shown today is the historical boundary prior to that

reshaping according to Army Corps of Engineers' rule. Mr. Miller asked if the construction company is planning on talking to the neighboring properties. Mr. Stanley stated the construction company contacted him yesterday and a list had been given to them of the local property owners.

Lynn Kauffman, Ancon Construction, 19548 Gentle Stream Circle, Goshen was present. He stated in regards to the question about public information, Ancon will be hosting a meeting for the residents around the facility at the Middlebury Public Library in two weeks. He went on to say an information flyer would be sent out to the residence. Mr. Rogers asked if residents were notified about this meeting. Staff stated yes they were.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Brad Rogers, **Seconded by** Steve Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from M-1 to DPUD M-1 and for primary approval of a 1-lot minor subdivision to be known as CROSS TRAILERS DPUD M-1 be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Phil Barker, Steve Edwards, Steve Warner, Crystal VanPelt, Roger Miller, Brad Rogers.

#### ***7. Board of County Commissioners Approvals Following Plan Commission Recommendations***

Jason Auvil reported that on April 9, 2024 the Town Council of Wakarusa meeting approved a rezoning.

8. Mae Kratzer reported there are staff changes. She stated that this would be Adam Coleson's last meeting and would be moving to Montana. She also mentioned that the Elkhart County Development Ordinance will be going into effect June 1, 2024. Mr. Warner asked about the solar farm project. Mrs. Kratzer stated that Jen Toby, Emergency Management Director, has been working closely with the fire departments across the county to ensure that the emergency plan meets with in community needs. She indicated this is the final step. Mr. Warner stated that it doesn't appear to be happening until late fall.

9. Steve Warner presented to Mae and the Planning Staff a gift card to show the Plan Commission's appreciation on a job well done with the new ordinance.

A motion was made and seconded (*Rogers/Edwards*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:22 a.m.



Respectfully submitted,

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Amber Weiss, Recording Secretary

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Roger Miller, Vice Chairman

# Plan Commission Staff Report

Prepared by the Department of Planning and Development

**Hearing Date:** June 13, 2024

**Transaction Number:** RZ-0294-2024.

**Parcel Number(s):** 20-05-03-153-004.000-005, 20-05-03-153-005.000-005.

**Existing Zoning:** B-2, R-1.

**Petition:** for a zone map change from R-1/B-2 to R-1.

**Petitioner:** C. W. Peterson III.

**Location:** south side of Oak Dr., 250 ft. east of Ash Rd., in Cleveland Township.

**Adjacent Zoning and Land Uses:** The following table shows the zoning and current land use for the subject property and adjacent sites.

	Zoning	Current Land Use
<b>Subject Property</b>	R-1/B-3	Residential
<b>North</b>	R-1	Residential
<b>South</b>	B-3	Commercial
<b>East</b>	R-1/B-3	Residential/Commercial
<b>West</b>	St Joseph County	Commercial

**Site Description:** The property is made up of 2 lots totaling .7 acres of the Liberty Park subdivision. There is an existing residence and accessory structure, and the petitioner is proposing a new accessory structure.

**History and General Notes:**

- **June 19, 2024** – The hearing officer will hear a petition to allow for more accessory structure square footage than allowed by right.

**Zoning District Purpose Statement:** The purpose of the R-1, Single-Family Residential, zoning district is to accommodate single-family detached dwellings and other compatible and supporting uses on medium sized lots within a subdivision. The district should be applied within a municipality, generally in close proximity to a municipality or adjacent to another residential zoning district or use.

**Staff Analysis:** The purpose of this rezoning petition is to remove the B-3 zoning that crosses through these 2 residential parcels and make them wholly zoned R-1.

# *Plan Commission Staff Report (Continued)*

*Hearing Date:* June 13, 2024

The staff, after reviewing this petition, recommends **APPROVAL** of this rezoning for the following reasons:

1. The requested Zoning Map Amendment complies with the Comprehensive Plan. The comprehensive plan calls for the protection of residential land from conflicting land uses.
2. The request is in character with current conditions, structures, and uses on the subject property and in its surroundings. The property is in a residential neighborhood, and this petition matches the zoning with the land use.
3. The most desirable use of the subject property is residential or compatible uses.
4. The request conserves property values. This petition cleans up mixed zoning on multiple lots.
5. The proposed rezoning promotes responsible growth and development. The proposed zone matches the use of the property and the neighborhood.

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Rezoning - Rezoning

RZ-0294-2024

Date: 05/03/2024 Meeting Date: June 13, 2024  
Plan Commission Hearing (Rezoning) Transaction #: RZ-0294-2024

Description: for a zone map change from R-1/B-2 to R-1

Contacts: <u>Applicant</u>	<u>Land Owner</u>
C. W. Peterson Iii	C. W. Peterson Iii
30958 Oak Dr.	30958 Oak Dr.
Osceola, IN 46561	Osceola, IN 46561

Site Address: 30958 Oak Drive OSCEOLA, IN 46561	Parcel Number: 20-05-03-153-004.000-005 20-05-03-153-005.000-005
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Township: Cleveland  
Location: SOUTH SIDE OF OAK DR., 250 FT. EAST OF ASH RD.

Subdivision: LIBERTY PARK	Lot # 32
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Lot Area: 0.47 Frontage: 99.99 Depth: 205.69

Zoning: B-2, R-1	NPO List:
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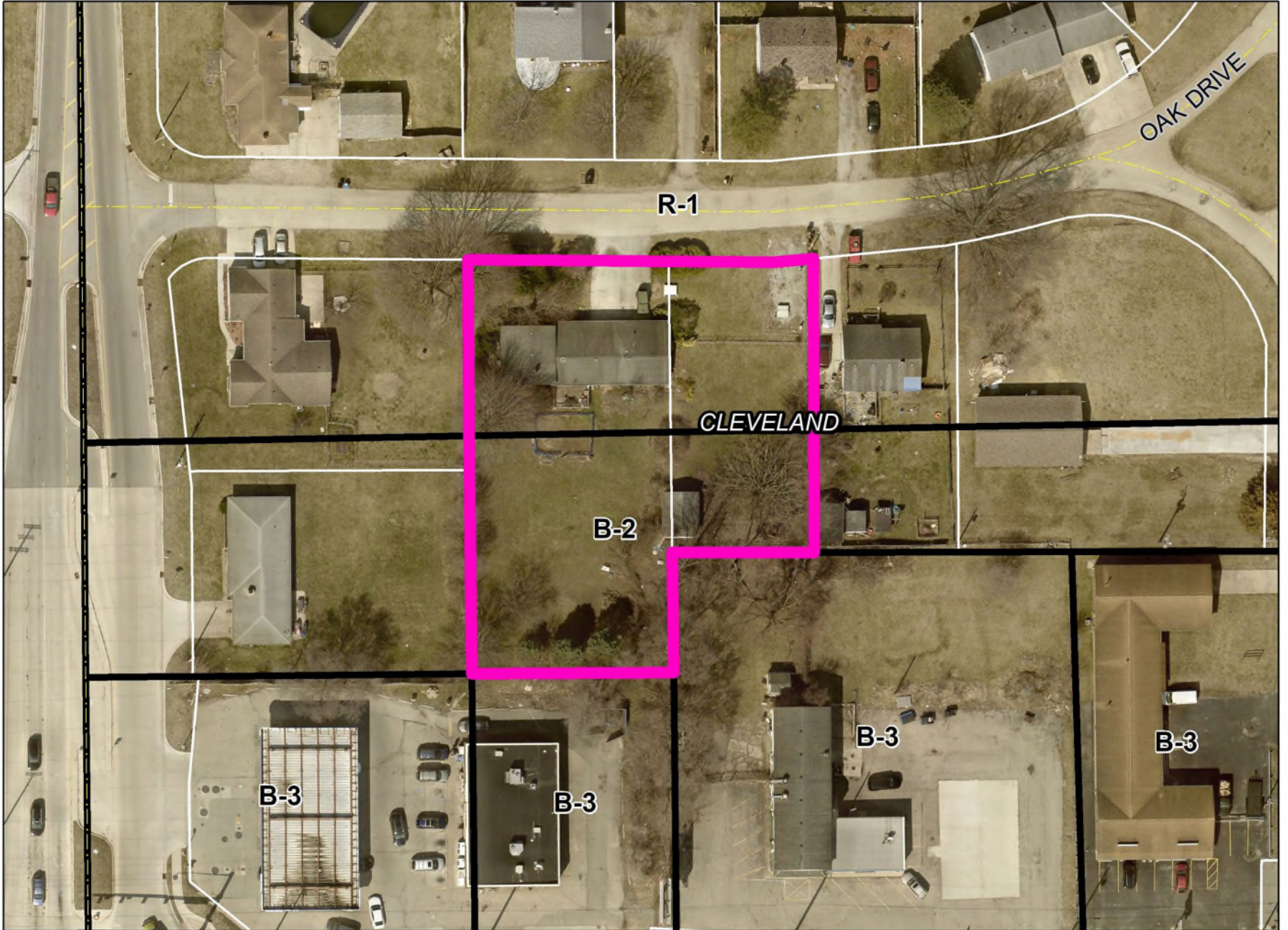
Present Use of Property: RESIDENTIAL

Legal Description:

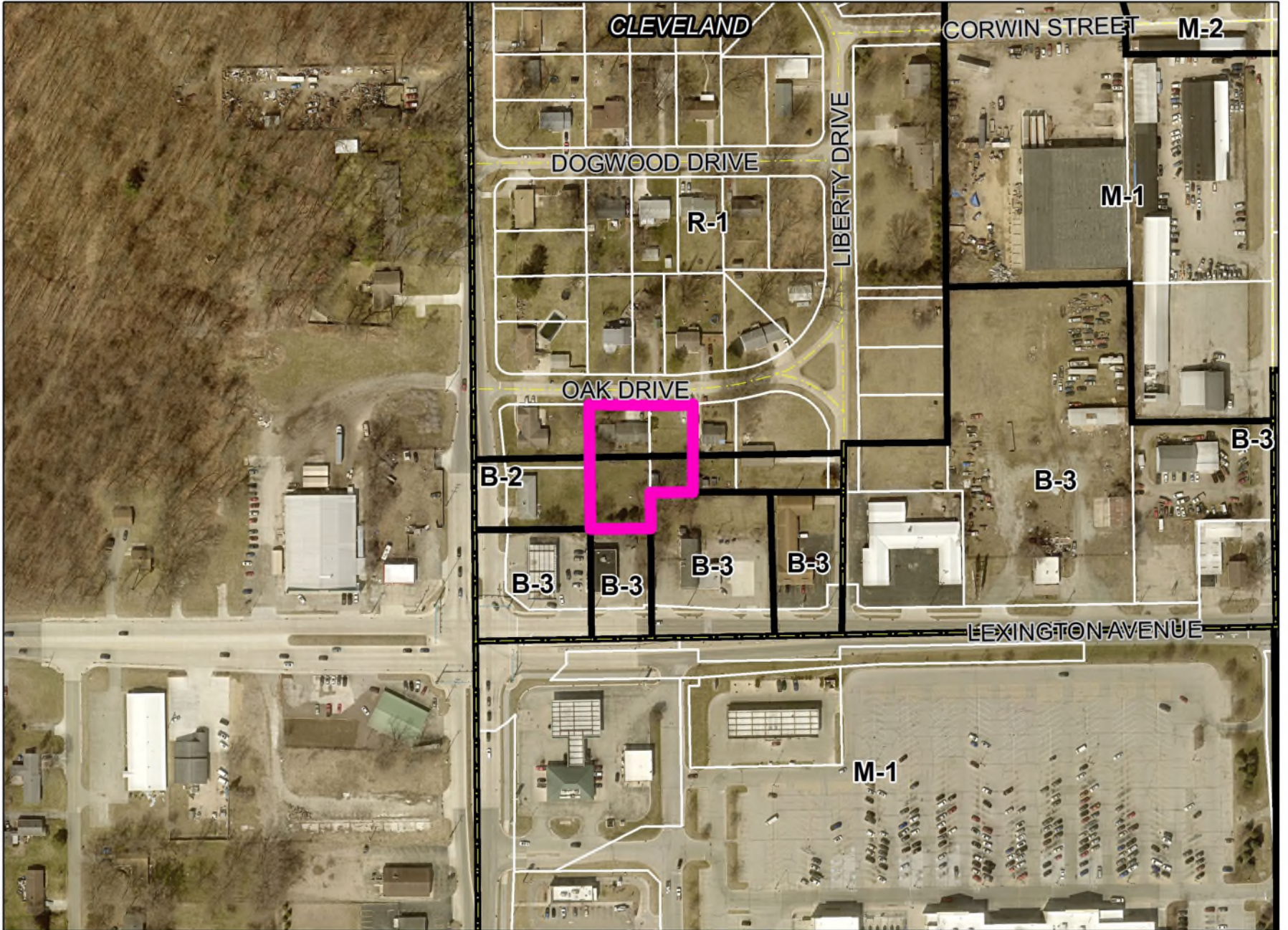
Comments: NO CHARGE ON REZONING PER MAE KRATZER AND JASON AUVIL-5/3/2024

Applicant Signature:

Department Signature:



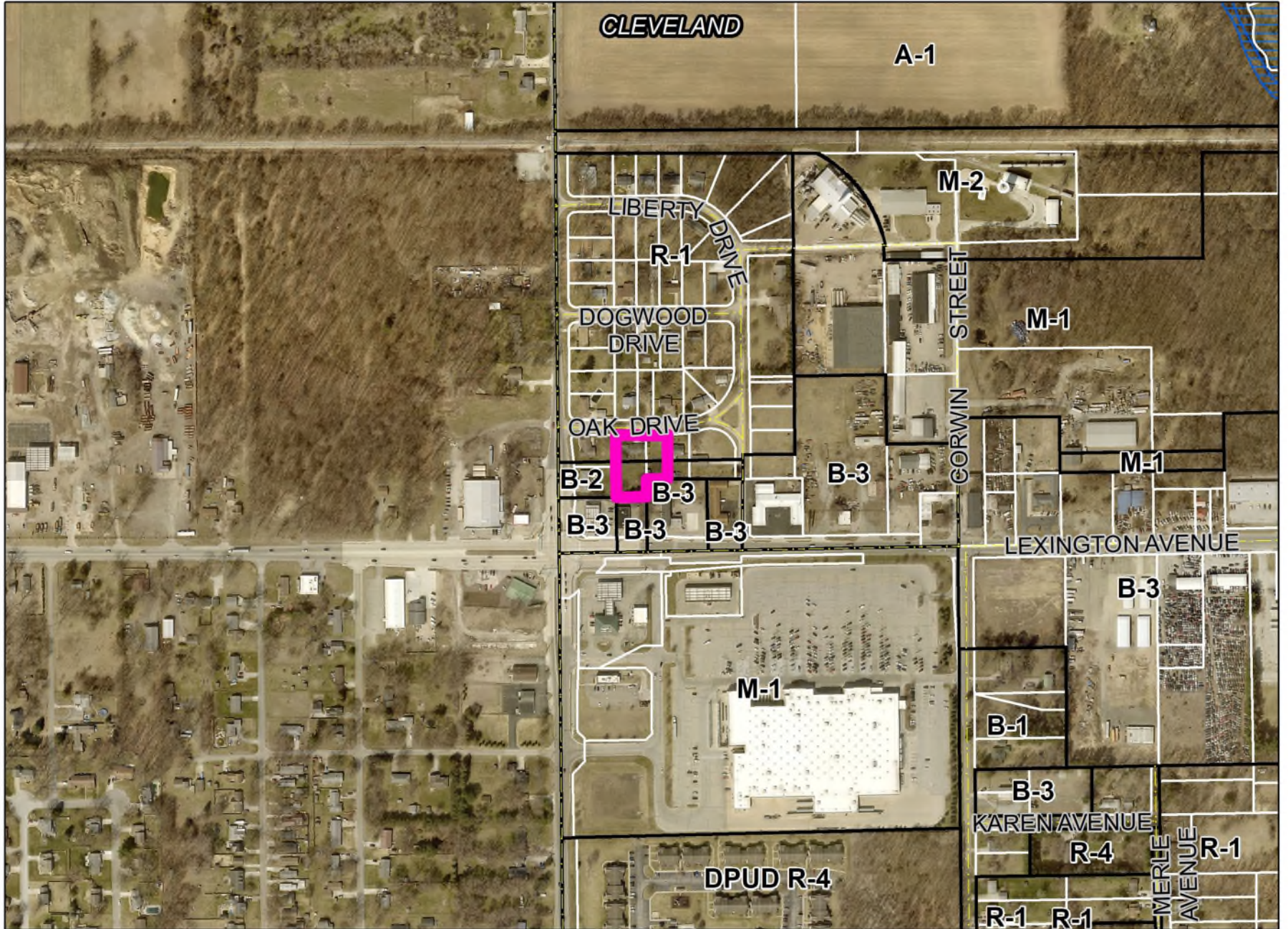
RZ-0294-2024



2021 Aerials

1 inch = 200 feet









# Plan Commission Staff Report

Prepared by the Department of Planning and Development

**Hearing Date:** June 13, 2024

**Transaction Number:** RZ-0306-2024.

**Parcel Number(s):** 20-06-23-352-018.000-009.

**Existing Zoning:** B-3.

**Petition:** for a zone map change from B-3 to B-2.

**Petitioner:** Custom Art Gallery, LLC.

**Location:** northeast side of US 33, 990 ft. south of Concord Mall Dr./Sunnyside Ave., in Concord Township.

**Adjacent Zoning and Land Uses:** The following table shows the zoning and current land use for the subject property and adjacent sites.

	Zoning	Current Land Use
<b>Subject Property</b>	B-3	Residential
<b>North</b>	R-4/B-1	Railroad/Residential
<b>South</b>	City of Elkhart	Commercial/Residential
<b>East</b>	R-4/A-1	Railroad/Residential
<b>West</b>	City of Elkhart	Commercial

**Site Description:** This is a .5 acre parcel with a residence and accessory structure. It is in a mixed-use area next to the city of Elkhart.

## **History and General Notes:**

- **January 14, 2014** –The subject property was rezoned from R-4 to B-3.

**Zoning District Purpose Statement:** The purpose of the B-2, General Business, zoning district is to accommodate a variety of medium intensity retail, commercial, service, dining and entertainment uses. The uses should be expected to take place in stand-alone buildings or in strip centers. The zoning district may serve as a transitional district between less intense commercial uses and limited manufacturing uses.

**Staff Analysis:** The purpose of this rezoning petition is to allow for a mixed use residence and art gallery.

# ***Plan Commission Staff Report (Continued)***

*Hearing Date:* June 13, 2024

The staff, after reviewing this petition, recommends **APPROVAL** of this rezoning for the following reasons:

1. The requested Zoning Map Amendment complies with the Comprehensive Plan. The plan calls for commercial development to develop near municipal limits along transportation corridors.
2. The request is in character with current conditions, structures, and uses on the subject property and in its surroundings. The property is in a mixed use area containing both commercial and residential properties.
3. The most desirable use of the subject property is residential or commercial.
4. The request conserves property values. The proposed zone more closely matches the intensity of the uses on the property.
5. The proposed rezoning promotes responsible growth and development. The B-2 zone limits the intensity of the uses for the surrounding residential properties.

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Rezoning - Rezoning

RZ-0306-2024

Date: 05/06/2024

Meeting Date:

June 13, 2024

Plan Commission Hearing (Rezoning)

Transaction #:

RZ-0306-2024

Description: for a zone map change from B-3 to B-2

Contacts: Applicant

Custom Art Gallery Llc

23957 Us 33

Elkhart, IN 46517

Land Owner

Custom Art Gallery Llc

23957 Us 33

Elkhart, IN 46517

Site Address: 23957 Us Highway 33  
ELKHART, IN 46517

Parcel Number:

20-06-23-352-018.000-009

Township: Concord

Location: NORTHEAST SIDE OF US HWY 33, 990 FT. SOUTH OF CONCORD MALL DR/SUNNYSIDE AVE

Subdivision:

Lot #

Lot Area: 0.52 Frontage: 120.00

Depth: 222.74

Zoning: B-3

NPO List:

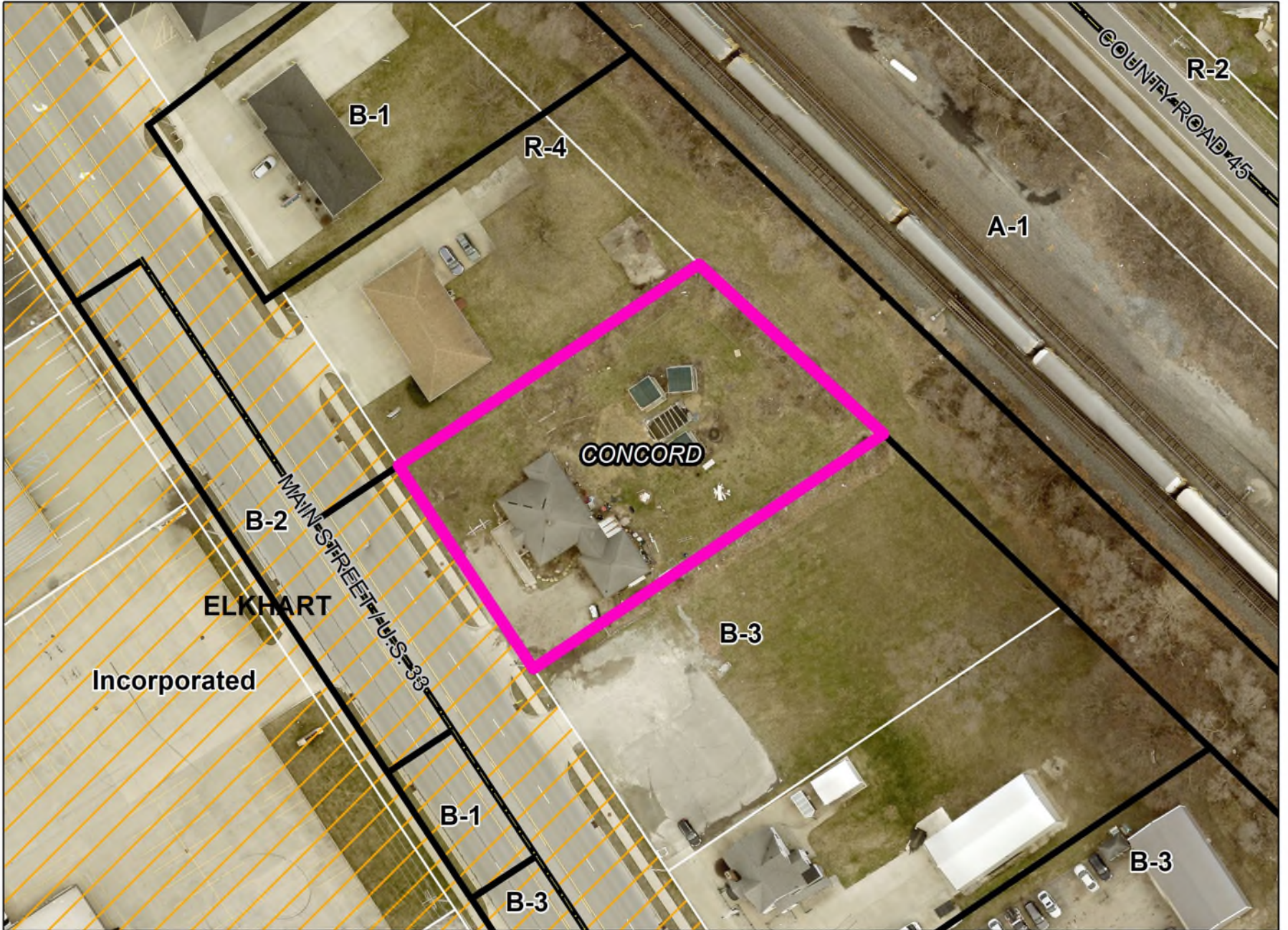
Present Use of Property: COMMERCIAL

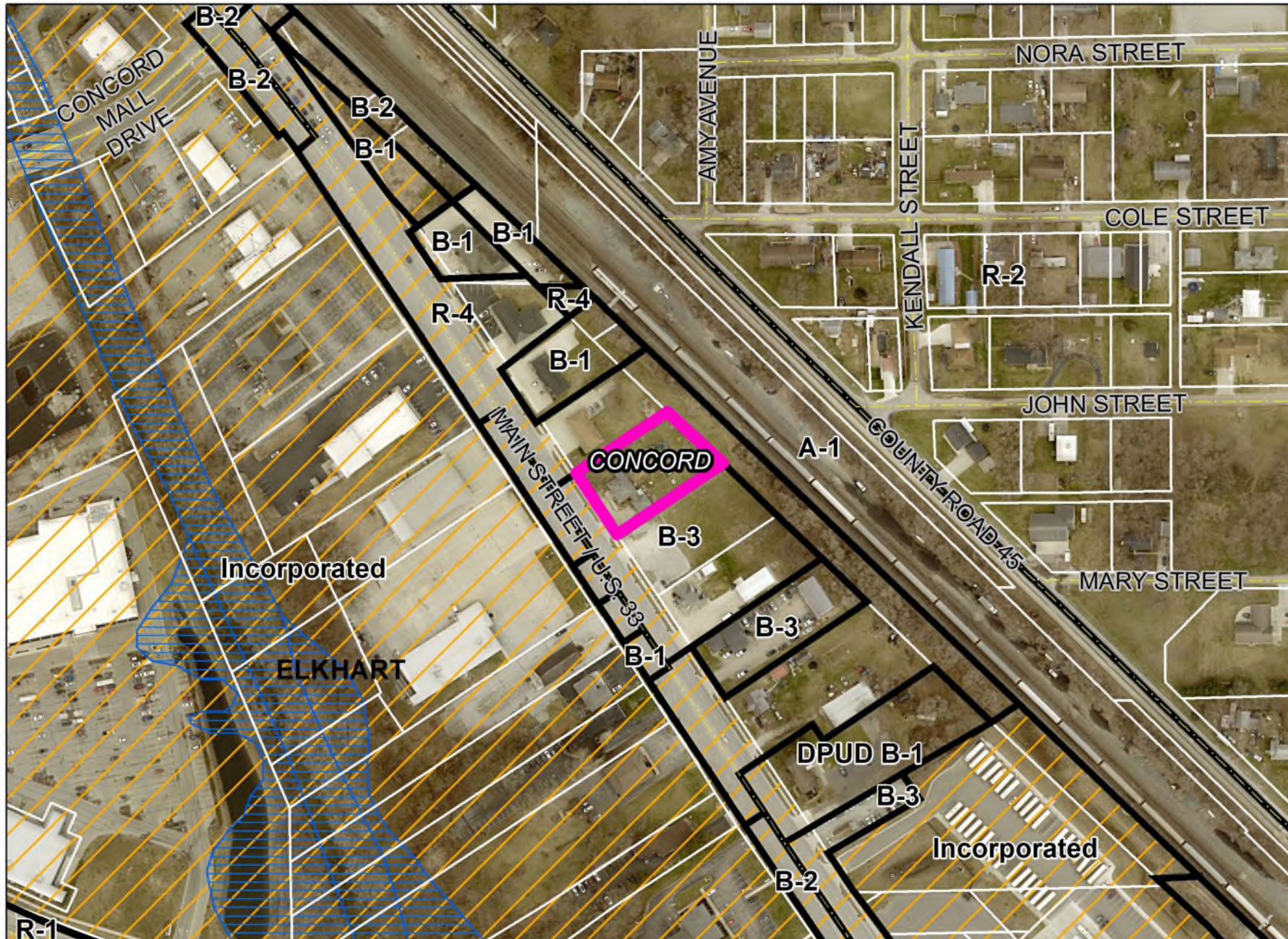
Legal Description:

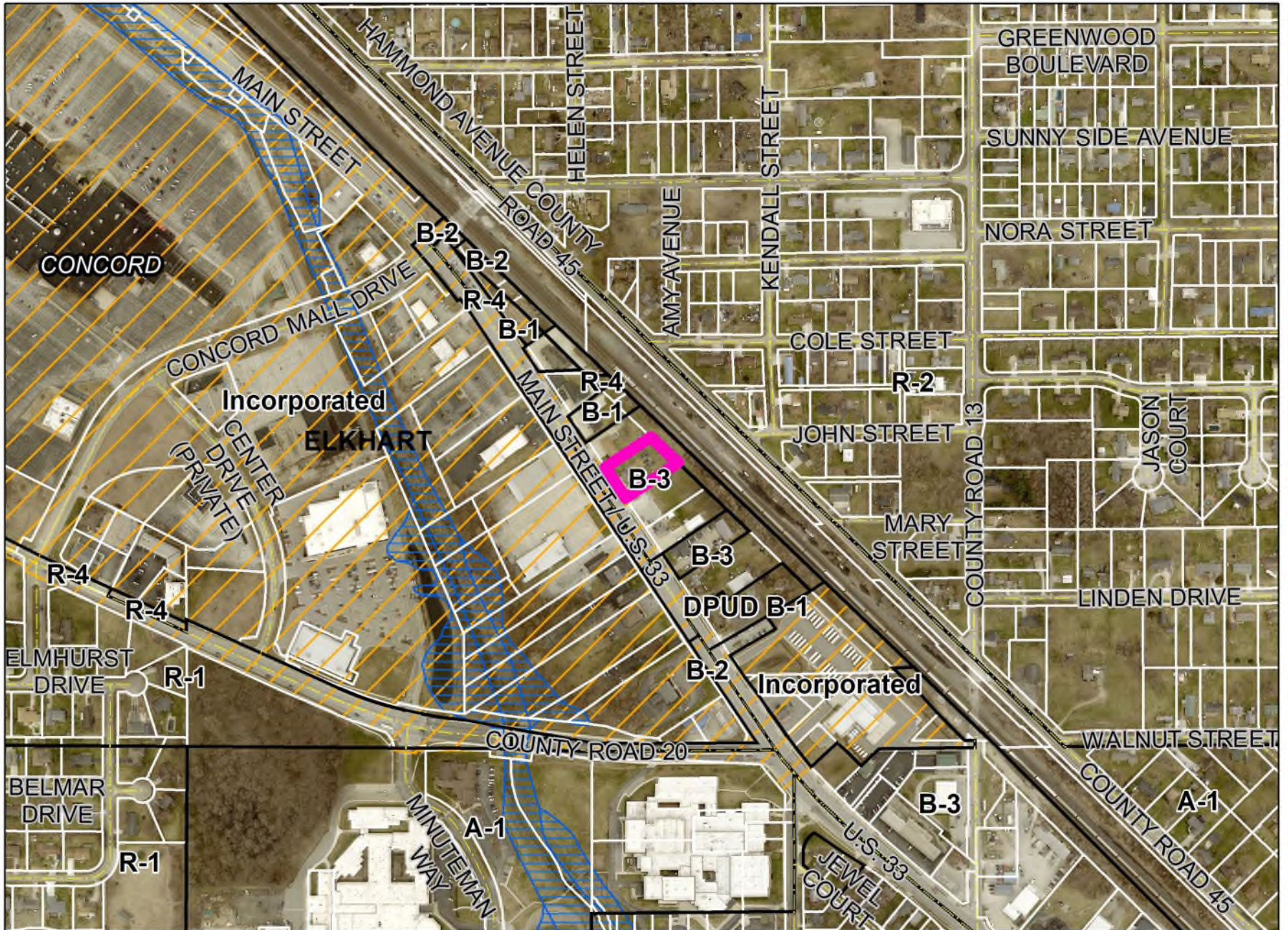
Comments: PER JASON, DEVELOPMENTAL VARIANCE NOT NEEDED SINCE NOT ADDING ON TO EXISTING BUILDING - KB  
5/6/2024

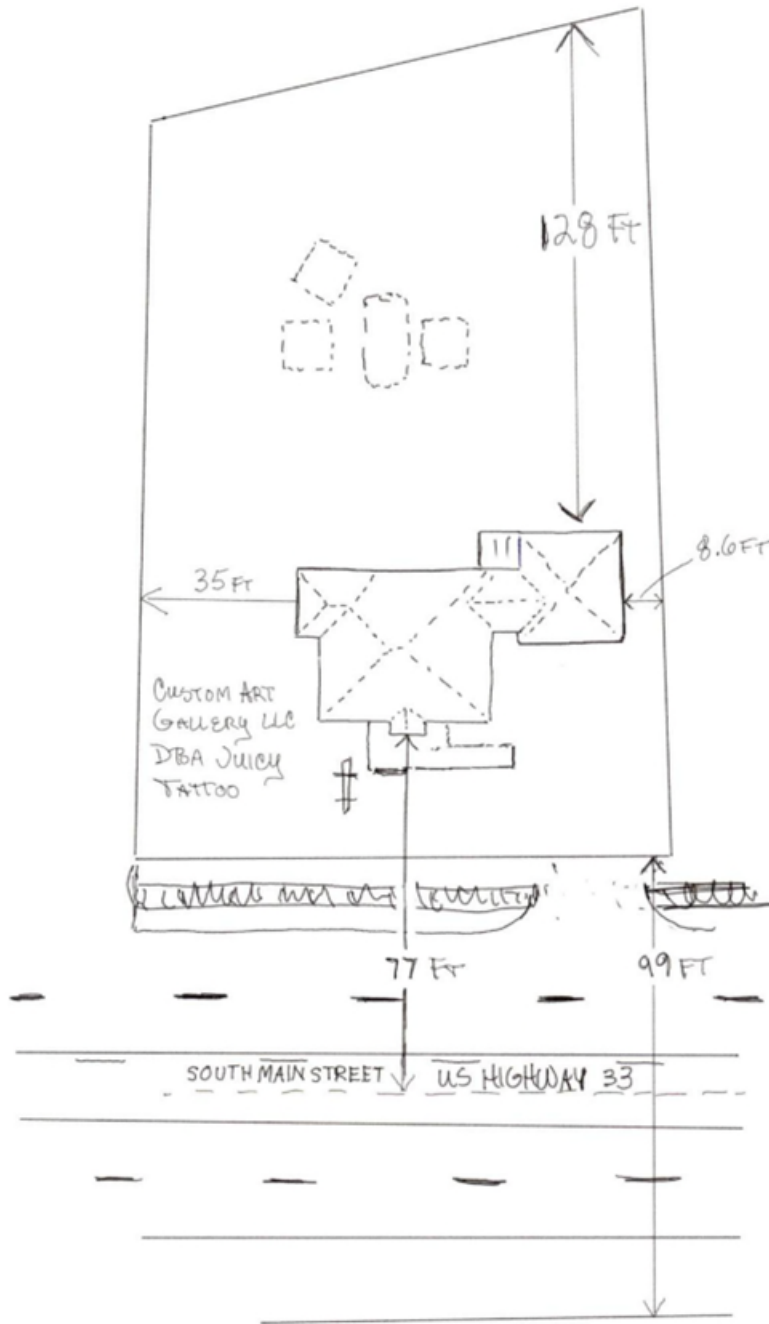
Applicant Signature:

Department Signature:









128 Ft

35 Ft

8.6 Ft

CUSTOM ART  
GALLERY LLC  
DBA JUICY  
TATTOO

77 Ft

99 Ft

SOUTH MAIN STREET

US HIGHWAY 33

# Plan Commission Staff Report

Prepared by the Department of Planning and Development

**Hearing Date:** June 13, 2024

**Transaction Number:** RZ-0310-2024.

**Parcel Number(s):** 20-06-10-176-010.000-009.

**Existing Zoning:** B-3, PUD B-3, R-1.

**Petition:** For a zone map change from B-3, PUD B-3, and R-1 to B-3.

**Petitioner:** JMS Property Management, LLC.

**Location:** South side of Toledo Rd., 1,035 ft. east of Goshen Ave. (CR 16), in Concord Township.

**Adjacent Zoning and Land Uses:** The following table shows the zoning and current land use for the subject property and adjacent sites.

	Zoning	Current Land Use
<b>Subject Property</b>	B-3, PUD B-3, R-1	Office and storage for a mowing and landscaping business
<b>North</b>	B-3 and City of Elkhart	Car sales lot, restaurants, residences
<b>South</b>	R-1	Residential
<b>East</b>	B-3	Flea market, car sales lot, residences
<b>West</b>	PUD B-3	Fabrication business, self-storage, restaurant,

**Site Description:** The subject property is a single 2.3-acre parcel in a Toledo Rd. corridor originally designated for heavy business uses. The west side of the site is gravel parking area, and the east side contains 2 buildings used for the petitioner's landscaping business.

**History and General Notes:**

- **October 30, 1959** – The original B-3 corridor along Toledo Rd. was established, with R-1 adjacent to the south.
- **January 3, 1989** – The BCC approved a rezoning from B-3 and R-1 to PUD B-3 for the west side of the property, which was under separate ownership at the time. The only purpose of the PUD was to add storage of landscaping materials and landscaping company vehicles to the permitted uses and avoid the requested M-1.

**Zoning District Purpose Statement:** The purpose of the B-3, Heavy Business, zoning district is to accommodate higher impact community and regional developments. The district also accommodates uses related to vehicular travel, interstate commerce, heavy equipment, trucking and outdoor storage. The zoning district is appropriately applied adjacent to interstates and major state or county highways.

**Staff Analysis:** The purpose of this rezoning petition is to simplify the property's zoning designation and allow storage of semi trucks, trailers, and RVs.



# *Plan Commission Staff Report (Continued)*

*Hearing Date:* June 13, 2024

The staff, after reviewing this petition, recommends **APPROVAL** of this rezoning for the following reasons:

1. The requested Zoning Map Amendment complies with the Comprehensive Plan. The plan states that the county will manage growth through orderly development focused in and near cities and towns, minimizing conflicts between uses, and that redevelopment and reuse of commercial and industrial sites should be encouraged. The petition meets these criteria.
2. The request is in character with current conditions, structures, and uses on the subject property and in its surroundings. The subject site has had approval for materials and vehicle storage since 1989 and is surrounded on 3 sides by existing commercial uses.
3. The most desirable use of the subject property is commercial.
4. The request conserves property values by allowing the continued use of an existing commercial parking site and keeping that use away from more sensitive neighborhoods.
5. The proposed rezoning promotes responsible growth and development. An existing commercial corridor originally zoned B-3 is the highest-priority location for a heavy business use.

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Rezoning - Rezoning

RZ-0310-2024

Date: 05/06/2024 Meeting Date: June 13, 2024  
Plan Commission Hearing (Rezoning) Transaction #: RZ-0310-2024

Description: for a zone map change from B-3/PUD B-3/R-1 to B-3

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Jms Property Management, Llc	Jms Property Management, Llc
57575 Rivercrest Dr	57575 Rivercrest Dr
Elkhart, IN 46516	Elkhart, IN 46516

Site Address: 1675 Toledo Road ELKHART, IN 46516	Parcel Number: 20-06-10-176-010.000-009
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Township: Concord  
Location: SOUTH SIDE OF TOLEDO RD, 1,035 FT. EAST OF GOSHEN AVE (CR 16)

Subdivision:	Lot #
--------------	-------

Lot Area: 2.31	Frontage: 294.00	Depth: 270.00
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Zoning: B-3, PUD, R-1	NPO List:
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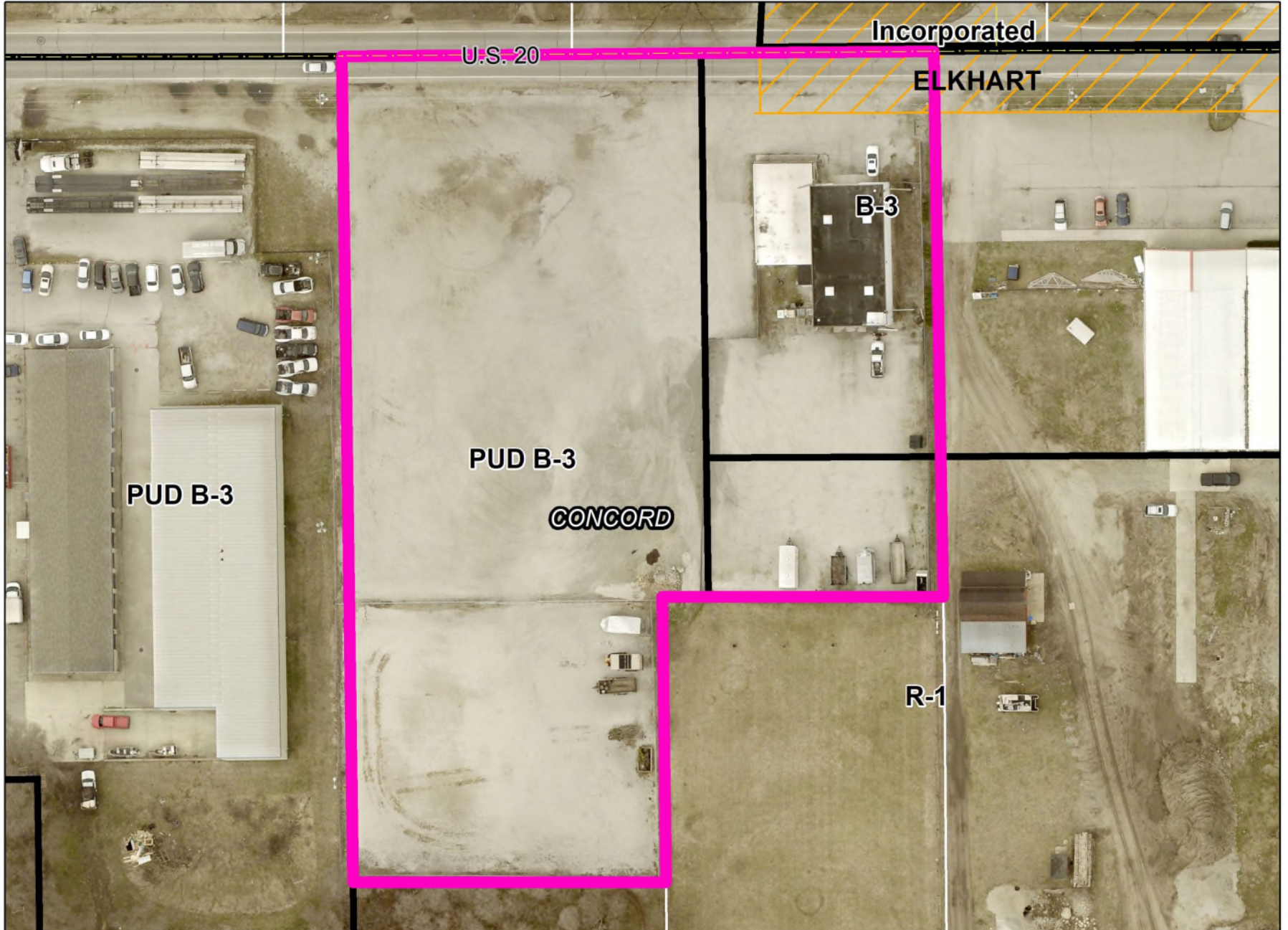
Present Use of Property: COMMERCIAL

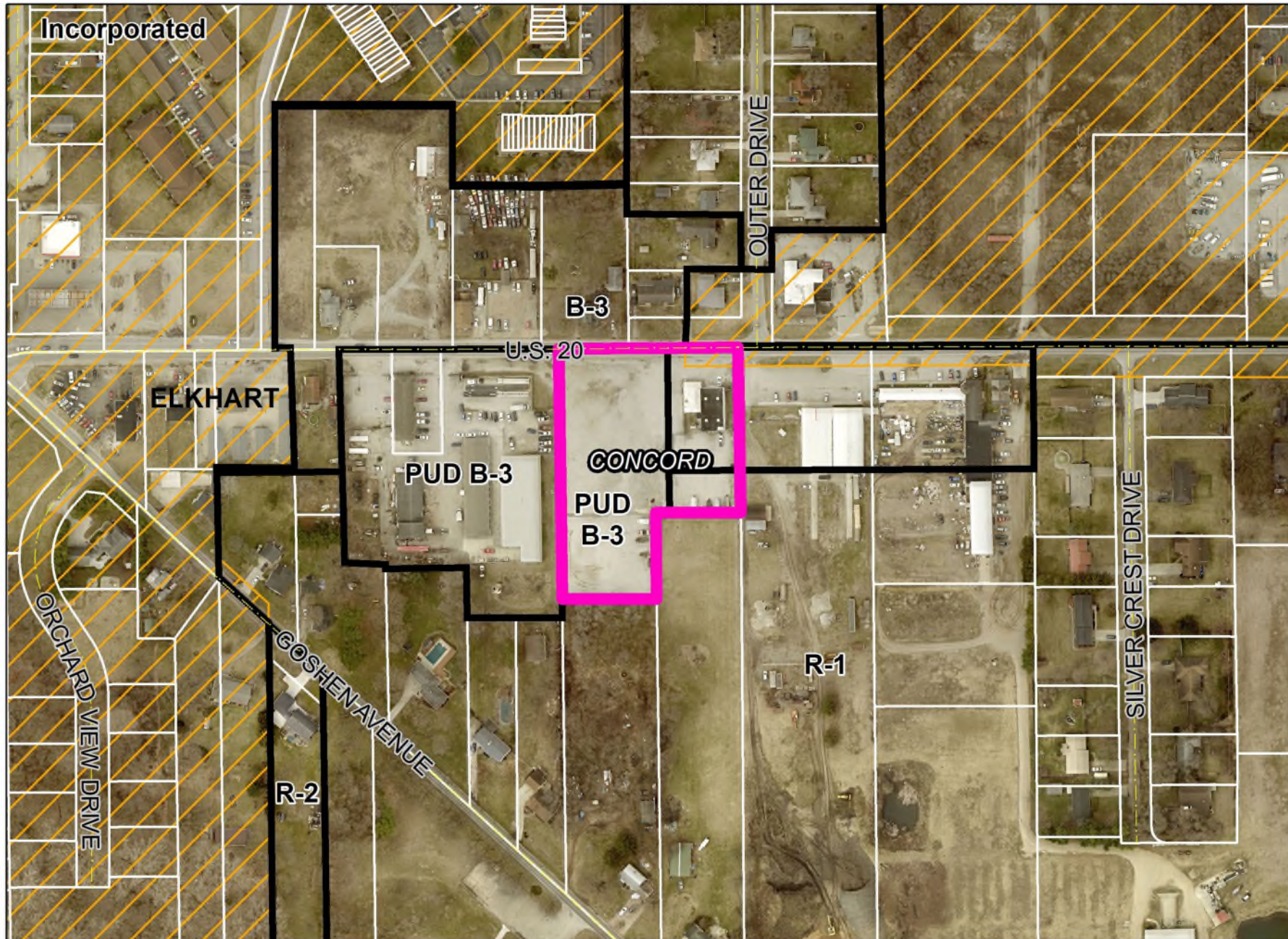
Legal Description:

Comments:

Applicant Signature:

Department Signature:







# CERTIFICATE OF SURVEY

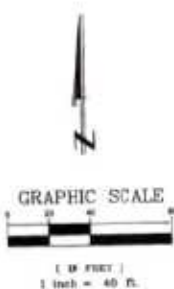
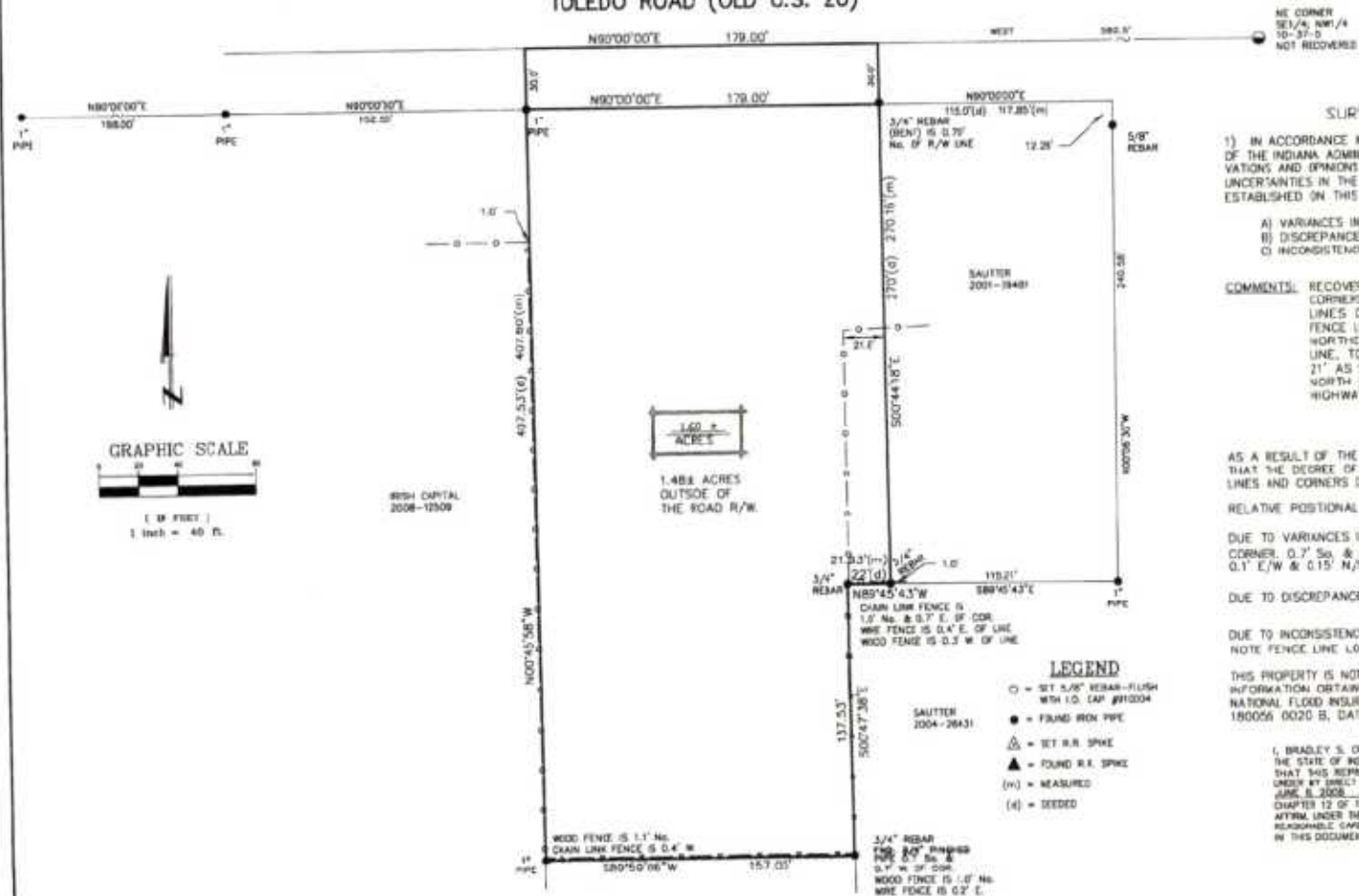
A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER  
SECTION 10, TOWNSHIP 37 NORTH, RANGE 5 EAST  
CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA  
OWNER: WAYNE E. & CAROL A. KLINK  
DEED RECORD: 87-23082

81003694  
20130529  
20 FEB 12 P 15

## LEGAL DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 5 EAST, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 592.5 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 10; THENCE WESTWARDLY, ALONG THE NORTH LINE OF SAID QUARTER OF SAID QUARTER SECTION, A DISTANCE OF 179.00 FEET; THENCE SOUTHWARDLY, PARALLEL WITH THE EAST LINE OF SAID QUARTER OF SAID QUARTER SECTION, A DISTANCE OF 407.53 FEET TO AN IRON STAKE; THENCE EASTWARDLY, PARALLEL WITH THE NORTH LINE OF SAID QUARTER OF SAID QUARTER SECTION, A DISTANCE OF 157.00 FEET TO AN IRON STAKE; THENCE NORTHWARDLY, PARALLEL WITH THE EAST LINE OF SAID QUARTER OF SAID QUARTER SECTION, A DISTANCE OF 137.53 FEET TO AN IRON STAKE; THENCE EASTWARDLY, PARALLEL WITH THE NORTH LINE OF SAID QUARTER OF SAID QUARTER SECTION, A DISTANCE OF 22.00 FEET TO AN IRON STAKE; THENCE NORTHWARDLY, PARALLEL WITH THE EAST LINE OF SAID QUARTER OF SAID QUARTER SECTION, A DISTANCE OF 270.00 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION, CONTAINING 1.00 ACRES, MORE OR LESS, EXCEPTING THAT PART USED AS A PUBLIC RIGHT OF WAY.

## TOLEDO ROAD (OLD U.S. 20)



IRISH CAPITAL  
2008-12509

1.48± ACRES  
OUTSIDE OF  
THE ROAD R/W.

SAUTTER  
2001-18481

SAUTTER  
2004-26431

CHAIN LINK FENCE IS  
1.0' No. & 0.7' E. OF COR.  
WIRE FENCE IS 0.4' E. OF LINE  
WOOD FENCE IS 0.3' W. OF LINE

WOOD FENCE IS 1.1' No.  
CHAIN LINK FENCE IS 0.4' W  
WOOD FENCE IS 1.0' No.  
WIRE FENCE IS 0.2' E.

- ### LEGEND
- = SET 5/8" VERMIL PLUSH WITH I.O. CAP #112004
  - = FOUND IRON PIPE
  - ▲ = SET R.R. SPIKE
  - ▲ = FOUND R.R. SPIKE
  - (M) = MEASURED
  - (d) = DEEDED

## SURVEYOR'S REPORT

1) IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12 OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND ERRORS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS A RESULT OF:

- A) VARIANCES IN THE REFERENCE MONUMENTS;
- B) DISCREPANCIES IN RECORD DESCRIPTIONS AND PLATS;
- C) INCONSISTENCIES IN LINES OF OCCUPATION.

COMMENTS: RECOVERED EXISTING MONUMENTATION AT ALL CORNERS. FENCE LINES FOLLOW THE PROPERTY LINES ON THE SOUTH & WEST SIDES. THE FENCE LINE ON THE EAST SIDE WAS PROJECTED NORTHERLY, PAST THE JOG ON THE SOUTH LINE, TO ENCRoACH UPON THE PROPERTY BY 21' AS SHOWN ON THE DRAWING HEREIN. THE NORTH 30' WAS EJECTED ON THE DEED FOR HIGHWAY PURPOSES.

AS A RESULT OF THE ABOVE OBSERVATIONS, IT IS MY OPINION THAT THE DEGREE OF UNCERTAINTY IN THE LOCATIONS OF THE LINES AND CORNERS ON THIS SURVEY ARE AS FOLLOWS:

RELATIVE POSITIONAL ACCURACY: 0.07' PLUS 50 ppm (URBAN)

DUE TO VARIANCES IN MONUMENTATION: NOTE IRONS AT SE CORNER, 0.7' So. & 0.7' WEST OF CORNER, 0.1' E/W & 0.15' N/S AT ALL CORNERS.

DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: NONE.

DUE TO INCONSISTENCIES IN THE LINES OF OCCUPATION: PLEASE NOTE FENCE LINE LOCATIONS ON DRAWING.

THIS PROPERTY IS NOT LOCATED WITHIN THE FLOODPLAIN AS PER INFORMATION OBTAINED FROM FLOOD INSURANCE RATE MAP, NATIONAL FLOOD INSURANCE PROGRAM, COMMUNITY PANEL NUMBER 180056 0020 B, DATED JUNE 5, 1985.

I, BRADLEY S. DRYMER, A REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA, LICENSE #92004, DO HEREBY CERTIFY THAT THIS REPRESENTS A SURVEY PREPARED BY ME OR UNDER MY DIRECT SUPERVISION. THIS SURVEY WAS COMPLETED ON JUNE 8, 2008. IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12 OF THE INDIANA ADMINISTRATIVE CODE, I FURTHER AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO PREVENT 2-AND SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

*Bradley S. Drymer*

Progressive Engineering Inc.  
18640 State Road 15  
Goshen, IN 46528  
Phone: (813) 533-2037  
Fax: (813) 533-9778

www.pe-inc.com

FM STONE COMMERCIAL  
BOUNDARY SURVEY  
SE 1/4, NW 1/4 10-37-5

DATE: 8/10/2008  
TIME: 1:40  
JOB: 08-422  
BY: C-060192

# Plan Commission Staff Report

Prepared by the Department of Planning and Development

**Hearing Date:** June 13, 2024

**Transaction Number:** RZ-0315-2024.

**Parcel Number(s):** 20-09-26-481-010.000-025, 20-09-26-481-011.000-025, 20-09-26-481-017.000-025, 20-09-26-481-025.000-025.

**Existing Zoning:** R-1 & R-2.

**Petition:** For a zone map change from R-1/R-2 to B-2.

**Petitioner:** Able Medical, LLC (Buyer), & Beacon Medical Group Inc. (Seller).

**Location:** West side of Elkhart St. (CR 3), 625 ft. north of CR 40, in Olive Township.

**Adjacent Zoning and Land Uses:** The following table shows the zoning and current land use for the subject property and adjacent sites.

	Zoning	Current Land Use
<b>Subject Property</b>	R-1 & R-2	Medical clinic
<b>North</b>	R-2	Middle school
<b>South</b>	R-1	Residences
<b>East</b>	R-1	Residences
<b>West</b>	R-1	Residences

**Site Description:** The property is 0.77 acres situated north of the town center between residences and a school. It contains a single medical clinic building built in 1957, as well as parking and access to N. Elkhart St.

**History and General Notes:**

- **March 18, 1993** – The BZA approved a Special Use for an existing medical clinic to allow a front waiting area addition and a 6 ft. front yard variance for the addition.

**Zoning District Purpose Statements:** The purpose of the B-2, General Business, zoning district is to accommodate a variety of medium intensity retail, commercial, service, dining and entertainment uses. The uses should be expected to take place in stand-alone buildings or in strip centers. The zoning district may serve as a transitional district between less intense commercial uses and limited manufacturing uses. The purpose of the B-1, Neighborhood Business, zoning district is to accommodate low intensity commercial uses that are compatible with residential development and serve the shopping and service needs of such residential areas. The zoning district may serve as a transitional district between residences and more intense commercial uses. The scale of uses is restricted to limit adverse impacts on nearby residential areas.

# ***Plan Commission Staff Report (Continued)***

*Hearing Date:* June 13, 2024

*Staff Analysis:* The purpose of this rezoning petition is to allow continued use of the building as a medical clinic by right without a Special Use.

The staff, after reviewing this petition, recommends **APPROVAL** of a rezoning to B-1, instead of the requested B-2, for the following reasons:

1. The requested Zoning Map Amendment complies with the Comprehensive Plan. The plan states that the county will manage growth through orderly development focused in and near cities and that reuse of commercial sites should be encouraged. The request allows the same use to continue on town utilities and avoids converting an undeveloped site.
2. The request is in character with current conditions, structures, and uses on the subject property and in its surroundings. Based on the intended use, there will be little to no change to the character or appearance of the property, building, or neighborhood after this rezoning.
3. The most desirable use of the subject property is residential or any neighborhood business use that meets town resident needs.
4. The request conserves property values. The request avoids upzoning and development of undeveloped sites in less dense residential areas without utilities.
5. The proposed rezoning promotes responsible growth and development. A neighborhood or general business zone for this site matches the organically mixed character of this area of Wakarusa.

*Staff Analysis Continued:* Staff recommends approval of B-1, instead of the requested B-2.



# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Rezoning - Rezoning

RZ-0315-2024

Date: 05/06/2024 Meeting Date: June 13, 2024  
Plan Commission Hearing (Rezoning) Transaction #: RZ-0315-2024

Description: for a zone map change from R-1/R-2 to B-2

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Able Medical, Llc (Buyer)	Beacon Medical Group Inc
55945 Wynnewood Dr	(Seller)
Osceola, IN 46561	615 N Michigan St.
	South Bend, IN 46601

Site Address: 207 North Elkhart Street WAKARUSA, IN 46573	Parcel Number: 20-09-26-481-010.000-025 20-09-26-481-011.000-025 20-09-26-481-017.000-025 20-09-26-481-025.000-025
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Township: Olive  
Location: WEST SIDE OF ELKHART ST. (CR 3); 625 FT. NORTH OF CR 40

Subdivision: HOLDERMANS Lot # 2, 3 & 4

Lot Area: 0.72 Frontage: 174.00 Depth: 165.00

Zoning: R-1 NPO List:

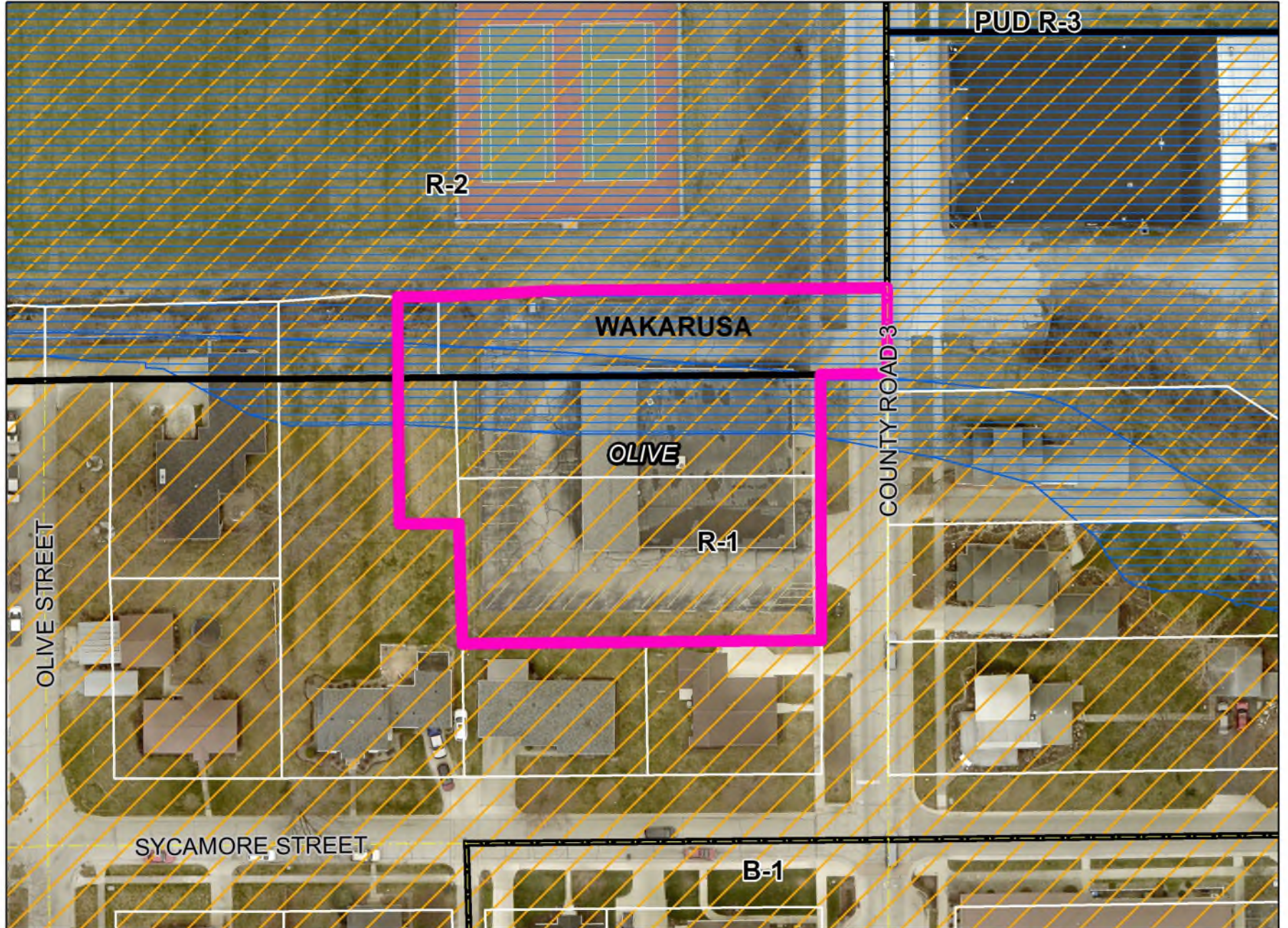
Present Use of Property: CLINIC

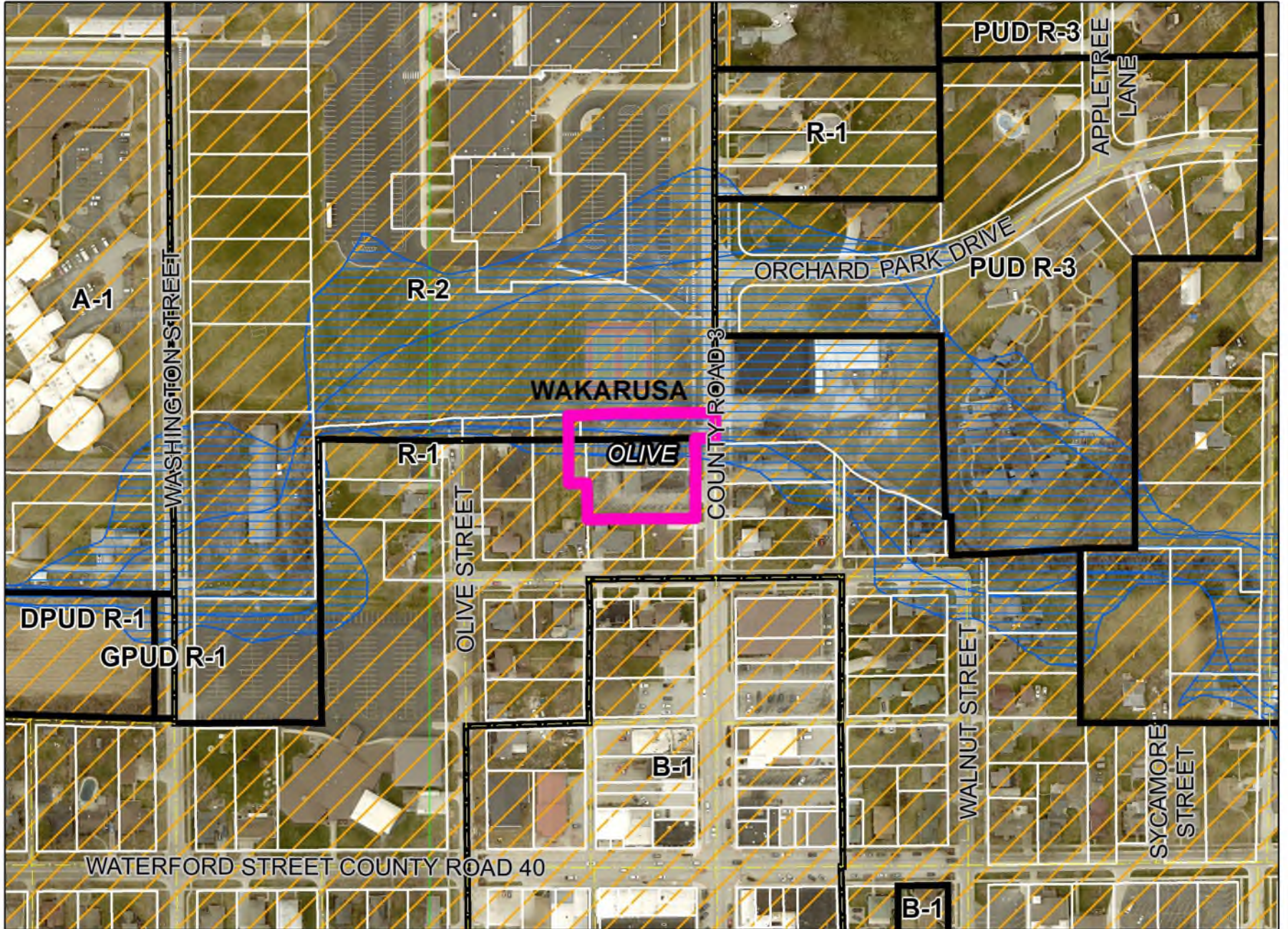
Legal Description:

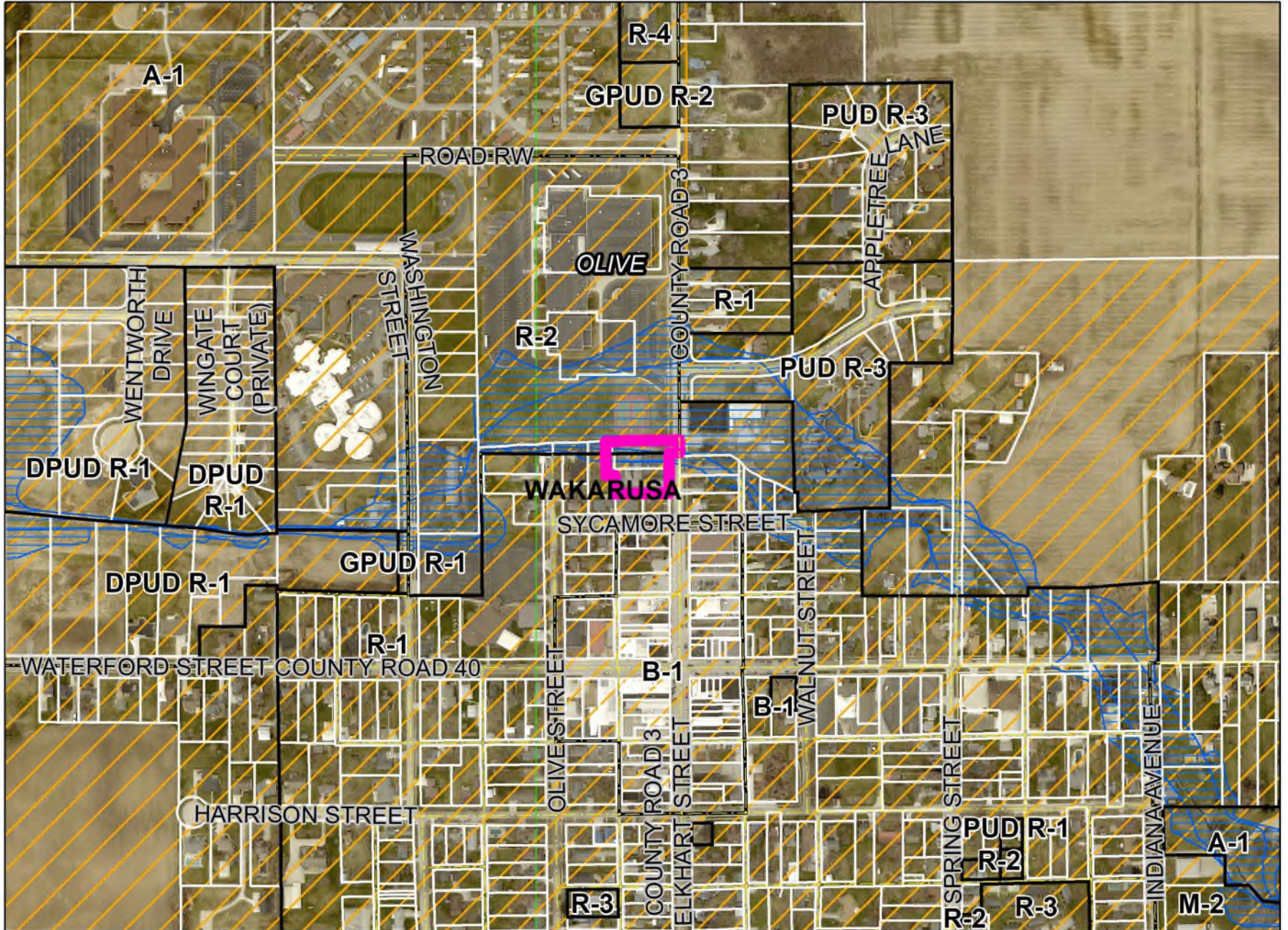
Comments: 2 OPEN PERMITS NEED TO HAVE STRUCTURAL FINALS (BC-2078-2019, ROOF) AND BC-2420-2018 (INTERIOR REMODEL OF CLINIC)

Applicant Signature:

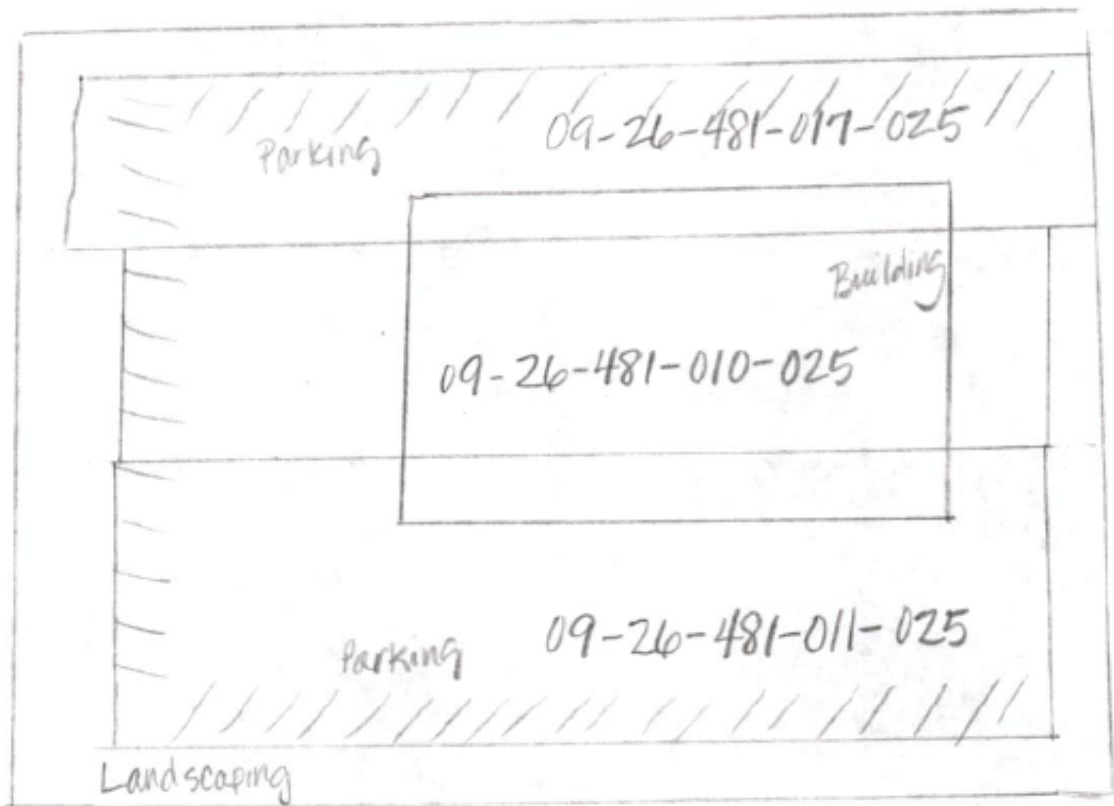
Department Signature:







207. N. Elkhart Rd  
Wakarusa IN



# Plan Commission Staff Report

Prepared by the Department of Planning and Development

**Hearing Date:** June 13, 2024

**Transaction Number:** DPUD-0301-2024.

**Parcel Number(s):** 20-09-25-401-003.000-025.

**Existing Zoning:** DPUD R-1.

**Petition:** for an amendment to an existing DPUD R-1 known as ABEL ESTATES DPUD to allow for an additional building .

**Petitioner:** Charles R. Roeder & Kristin M. Roeder, Husband & Wife, represented by Martin Brothers Contracting.

**Location:** north end of Abel Dr., 1,000 ft. north of east Waterford St., west of SR 19, in Olive Township.

## ADJACENT ZONING AND LAND USES:

The following table shows the zoning and current land use for the subject property and adjacent sites.

	Zoning	Current Land Use
<b>Subject Property</b>	DPUD R-1	Residential
<b>North</b>	DPUD R-1	Residential
<b>South</b>	A-1	Residential
<b>East</b>	A-1	Commercial (non-conforming)
<b>West</b>	DPUD R-1	Residential

**SITE DESCRIPTION:** The subject property consists of one 3.504-acre lot (Lot 2 of Abel Estates DPUD). It is rectangular in shape with a 3,589 sq. ft single family residence.

## HISTORY

- **March 4, 2008** – Town Council of Wakarusa approved a rezoning from A-1 to DPUD R-1 (WK 2008-07)
- **March 4, 2008** – Town Council of Wakarusa approved an amendment to Abel Estates DPUD (WK 2008-07a)

**ZONING DISTRICT PURPOSE STATEMENTS:** The purpose of the DPUD, Detailed Planned Unit Development, Overlay zoning district is to allow an applicant the benefit of flexibility in development in exchange for increased public or private amenities that go beyond the requirements of the Zoning Ordinance. The purpose of the R-1, Single-Family Residential, zoning district is to accommodate single-family detached dwellings and other compatible and supporting uses on medium sized lots within a subdivision.

# *Plan Commission Staff Report (Continued)*

*Hearing Date:* June 13, 2024

**STAFF ANALYSIS:** The purpose of this amendment is to allow for construction of a 9,106 sq. ft. accessory structure for recreation.

The staff, after reviewing this petition with the assistance of the Elkhart County Tech Committee, recommends approval of this DPUD amendment as the development meets all pertinent standards.

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Detailed PUD Amendment - Rezoning, Plat & Site Plan

DPUD-0301-2024

Date: 05/06/2024

Meeting Date:

June 13, 2024  
Plan Commission Hearing (PUD)

Transaction #: DPUD-0301-2024

Description: for an Amendment to an existing DPUD (R-1) known as ABEL ESTATES DPUD to allow for an additional building

Contacts: Applicant

Martin Brothers Contracting  
26262 County Road 40  
Goshen, IN 46526

Land Owner

Charles D. Roder & Kristen M.  
Roder, Husband And Wife  
200 Abel Dr.  
Wakarusa, IN 46573

Site Address: 200 Abel Drive  
WAKARUSA, IN 46573

Parcel Number: 20-09-25-401-003.000-025

Township: Olive

Location: NORTH END OF ABEL DR, 1,000 FT. NORTH OF SR 19

Subdivision:

Lot #

Lot Area: 29.15 Frontage: 66.00 Depth: 1,970.00

Zoning: DPUD, R-1

NPO List: 05/29/2024

Present Use of Property: RESIDENTIAL

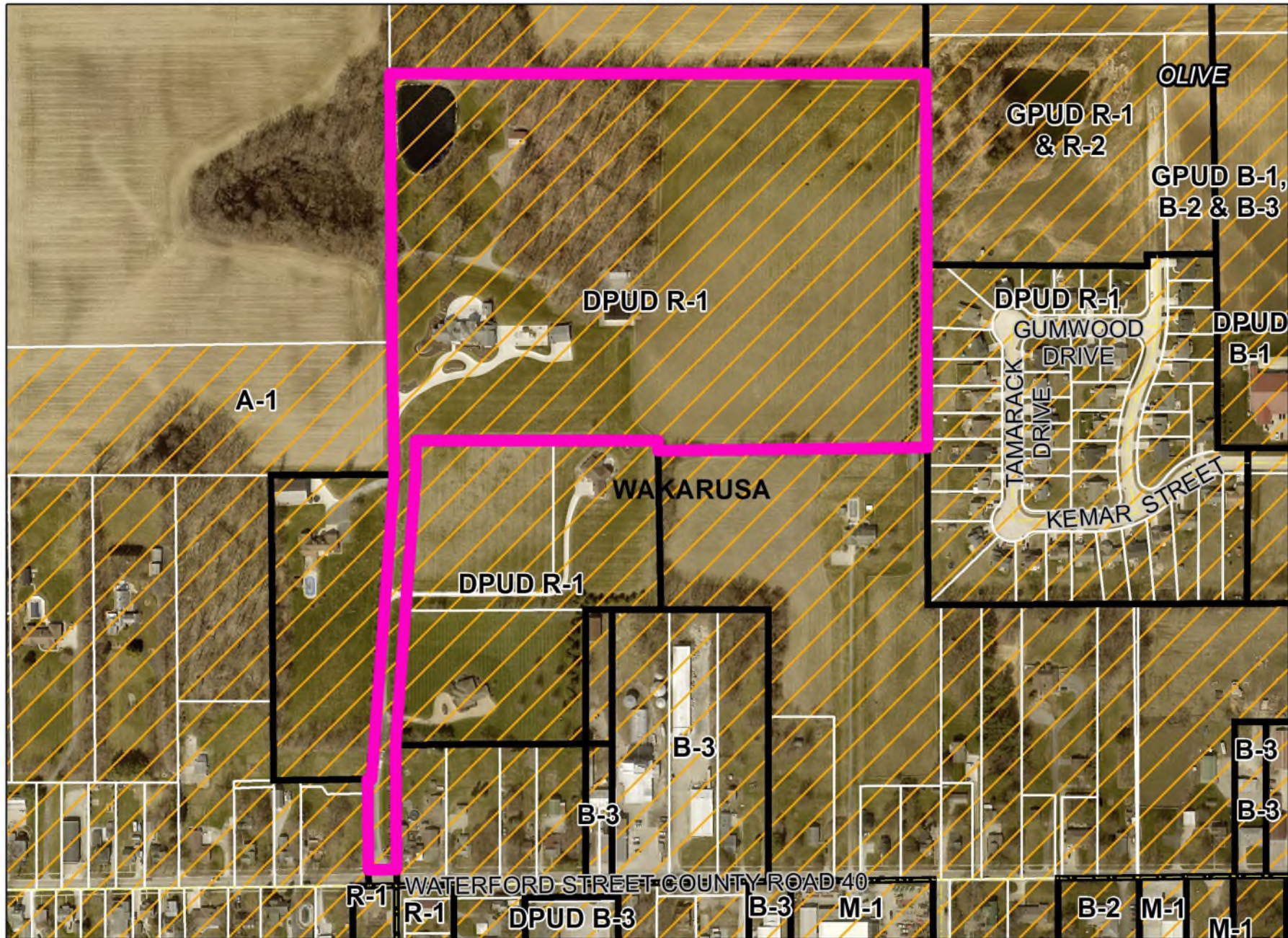
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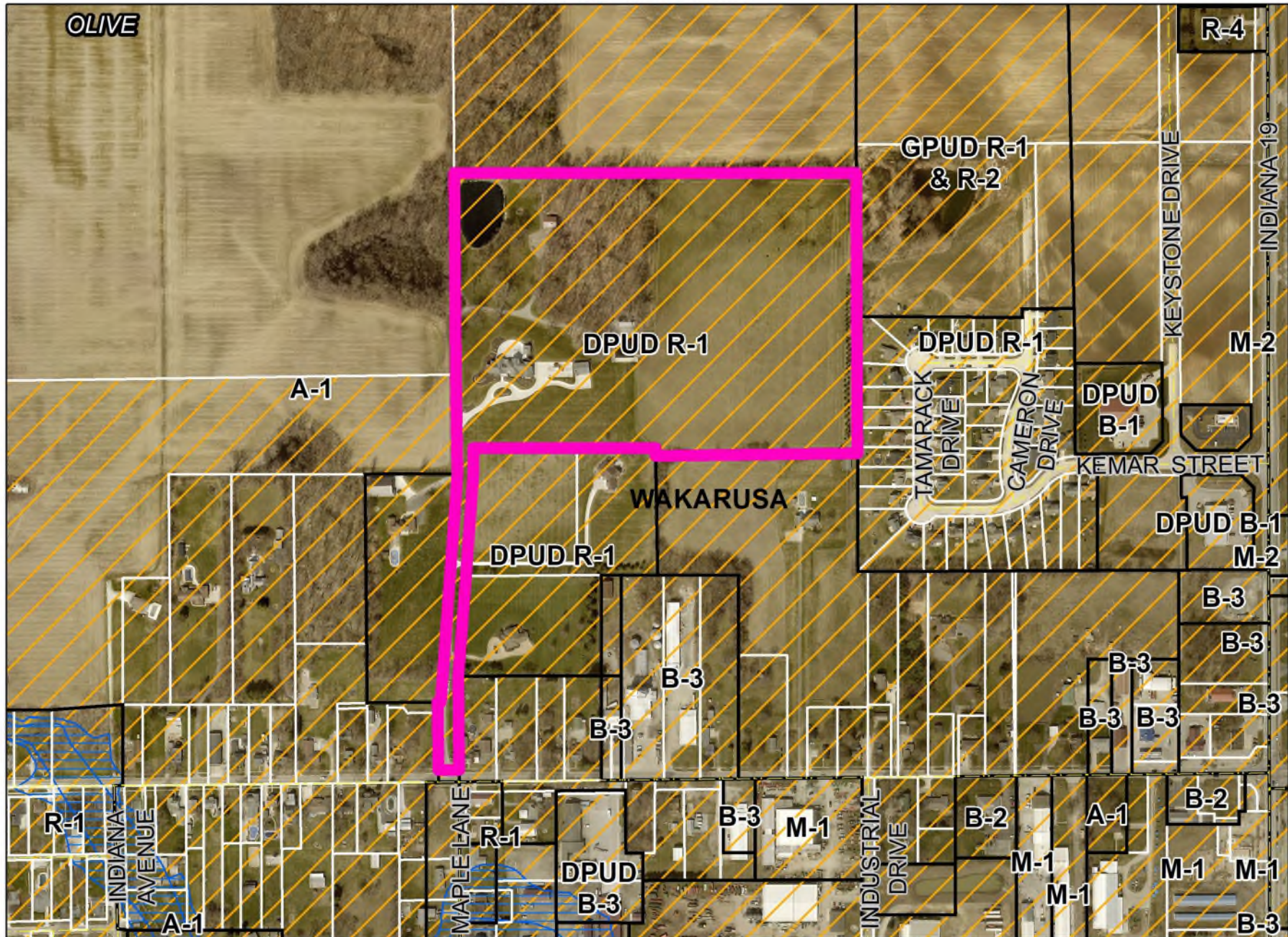
Comments: BUILDER ALLOWED TO PULL PERMIT (BR-727-2024) FOR ADDITIONAL ACCESSORY BUILDING PRIOR TO APPLYING FOR DPUD AMENDMENT.  
PREVIOUS DPUD AMENDMENT #DPUD-0175-2018 APPROVED 5/10/2018

Applicant Signature:

Department Signature:







OLIVE

GPUD R-1  
& R-2

DPUD R-1

DPUD R-1

DPUD  
B-1

A-1

WAKARUSA

DPUD R-1

DPUD B-1  
M-2

B-3

B-3

B-3

B-3

B-3

B-3

B-3

R-1

INDIANA AVENUE

A-1

MAPLE LANE

R-1

DPUD  
B-3

B-3

M-1

INDUSTRIAL DRIVE

B-2

M-1

M-1

A-1

B-2

M-1

M-1

B-3

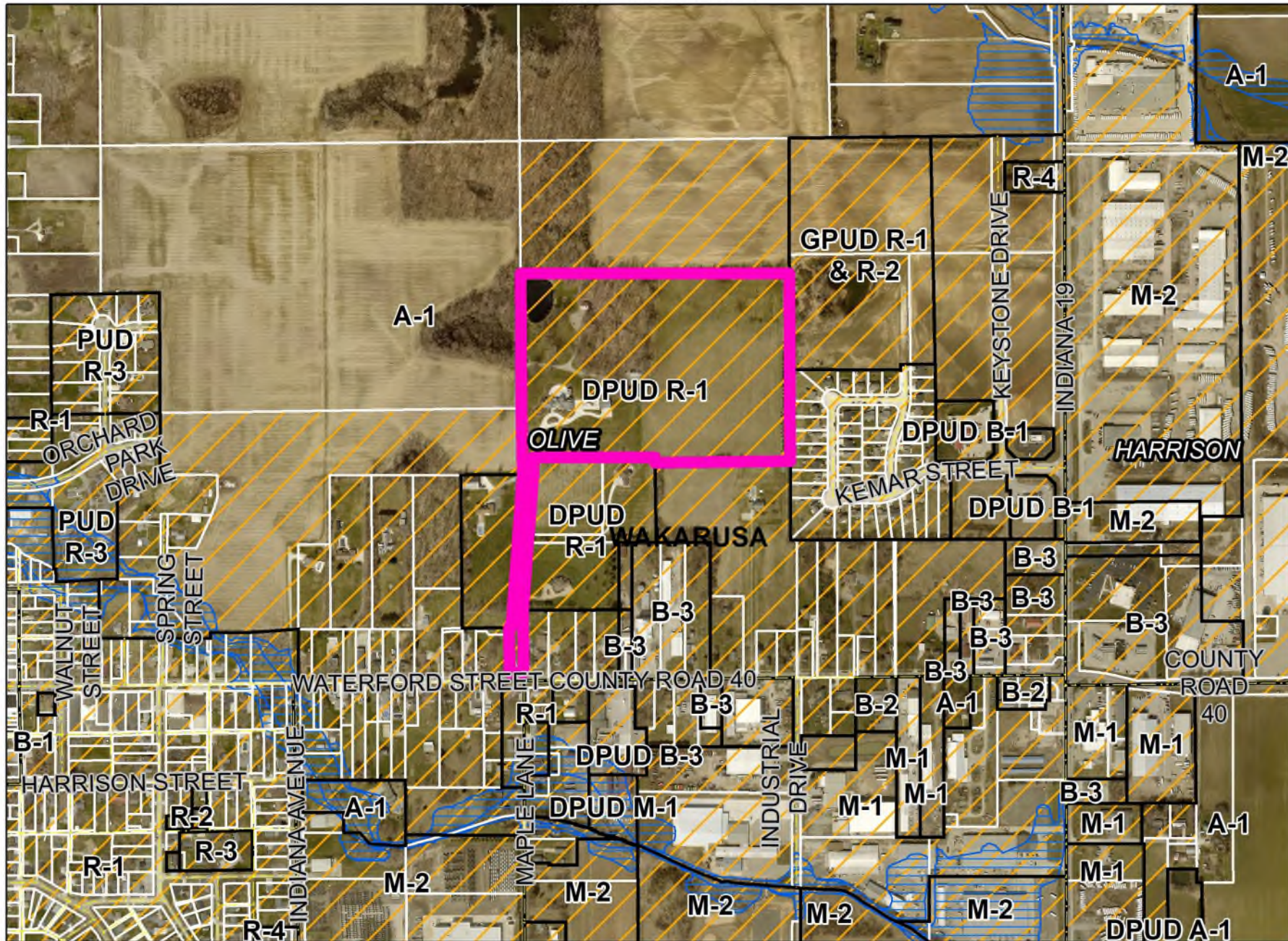
R-4

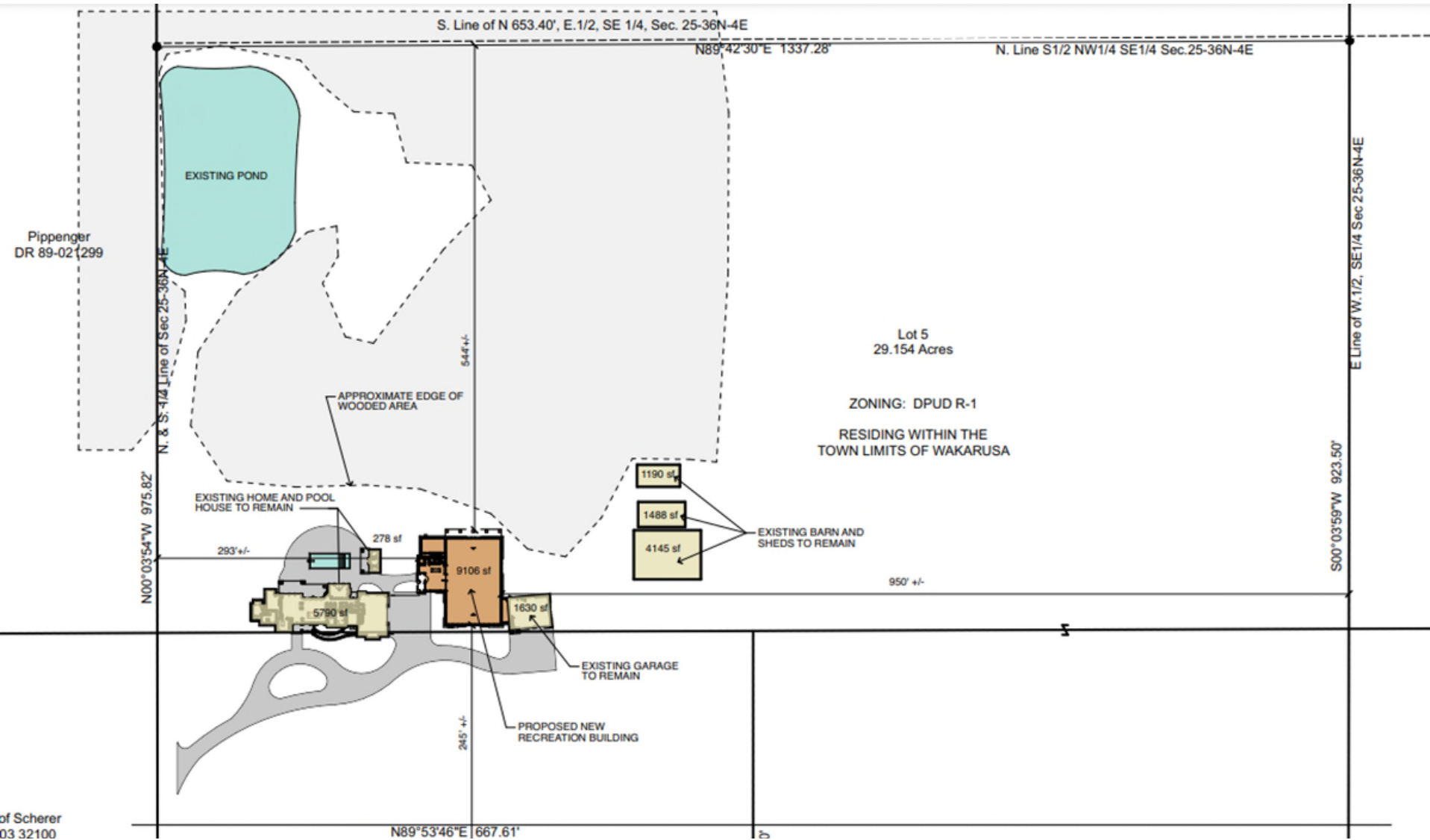
KEYSTONE DRIVE

INDIANA 19

M-2

KEMAR STREET





# Plan Commission Staff Report

Prepared by the Department of Planning and Development

Hearing Date: June 13, 2024

Transaction Number: DPUD-0293-2024.

Parcel Number(s): 20-01-26-126-002.000-005, 20-01-26-126-012.000-005.

Existing Zoning: A-1.

Petition: for a zone map change from A-1 to DPUD B-3 & DPUD A-1 and for primary approval of a 2-lot minor subdivision to be known as ROBERTS DPUD.

Petitioner: Gary L. Roberts & Frances M. Roberts, Husband & Wife, represented by Surveying and Mapping LLC.

Location: southeast corner of CR 10 & CR 6, in Cleveland Township.

Adjacent Zoning and Land Uses: The following table shows the zoning and current land use for the subject property and adjacent sites.

	Zoning	Current Land Use
Subject Property	A-1	Residential
North	A-1	Power Substation
South	A-1	Residential
East	A-1	Residential
West	DPUD B-3, A-1, & R-1	Commercial – Gas Station & Residential

Site Description: The subject property consists of two parcels totaling 6.00 acres. The property will be developed into two lots. Lot 1 will include the existing house (1,768 sq. ft) and accessory structures (3,168 sq. ft., 420 sq. ft., & 280 sq. ft.). Lot 2 will consist of four self-storage buildings (8,000 sq. ft., 6,800 sq. ft., 6,000 sq. ft., & 5,100 sq. ft.) and an outdoor storage area.

### History and General Notes:

- None.

Zoning District Purpose Statements: The purpose of the DPUD, Detailed Planned Unit Development, Overlay zoning district is to allow an applicant the benefit of flexibility in development in exchange for increased public or private amenities that go beyond the requirements of the Zoning Ordinance. The purpose of the B-3, Heavy Business, zoning district is to accommodate higher impact community and regional developments. The district also accommodates uses related to vehicular travel, interstate commerce, heavy equipment, trucking and outdoor storage. The zoning district is appropriately applied adjacent to interstates and major state or county highways. The purpose of the A-1, Agricultural, zoning district is to accommodate family farms, modestly scaled agricultural operations, agri-businesses, large lot single-family detached dwellings not associated with an agricultural use, residential subdivisions and other compatible and supporting uses.

# ***Plan Commission Staff Report (Continued)***

*Hearing Date:* June 13, 2024

*Staff Analysis:* The purpose of this rezoning petition is to develop a self-storage facility adjacent to an existing residential property.

The staff, after reviewing this petition, recommends **APPROVAL** of this rezoning for the following reasons:

1. The requested Zoning Map Amendment complies with the Comprehensive Plan. Commercial development in the county should be directed to Urban Growth Areas and in designated transportation corridors. County Road 6 and Conty Road 10 are both arterial streets.
2. The request is in character with current conditions, structures, and uses on the subject property and in its surroundings. The proposed use of the property is comparable with what would be expected in a transition zone in or near a mixed-use area.
3. The most desirable use of the subject property is residential, light commercial, and/or other compatible and supporting uses.
4. The request conserves property values by allowing other compatible and supporting uses. There are other similar uses in the area and around the county.
5. The proposed rezoning promotes responsible growth and development. The DPUD limits the use and details contained in the petition, site plan / support drawing, and PUD ordinance.

*Staff Analysis Continued:* The staff, after reviewing this petition with the assistance of the Elkhart County Technical Committee, recommends **APPROVAL** of this DPUD and of this Primary plat, as the development meets all pertinent standards.

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Detailed PUD - Rezoning, Plat & Site Plan

DPUD-0293-2024

Date: 05/03/2024 Meeting Date: June 13, 2024 Transaction #: DPUD-0293-2024  
Plan Commission Hearing (PUD)

Description: for a zone map change from A-1 to DPUD B-3 & DPUD A-1 and for primary approval of a 2-lot minor subdivision to be known as ROBERTS DPUD.

<u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>	<u>Private Surveyor</u>
Surveying And Mapping Llc 2810 Dexter Dr. Elkhart, IN 46514	Surveying And Mapping Llc 2810 Dexter Dr. Elkhart, IN 46514	Gary L. Roberts & Frances M. Roberts, Husband & Wife 29829 Cr 10 Elkhart, IN 465147816	Surveying And Mapping Llc 2810 Dexter Dr. Elkhart, IN 46514

Site Address: 29829 County Road 10 ELKHART, IN 46514	Parcel Number: 20-01-26-126-002.000-005 20-01-26-126-012.000-005
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Township: Cleveland  
Location: SOUTHEAST CORNER OF CR 10 & CR 6

Subdivision:	Lot #
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Lot Area: 5.36	Frontage: 820.00	Depth: 530.00
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Zoning: A-1	NPO List: 05/29/2024
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Present Use of Property: RESIDENTIAL

Legal Description:

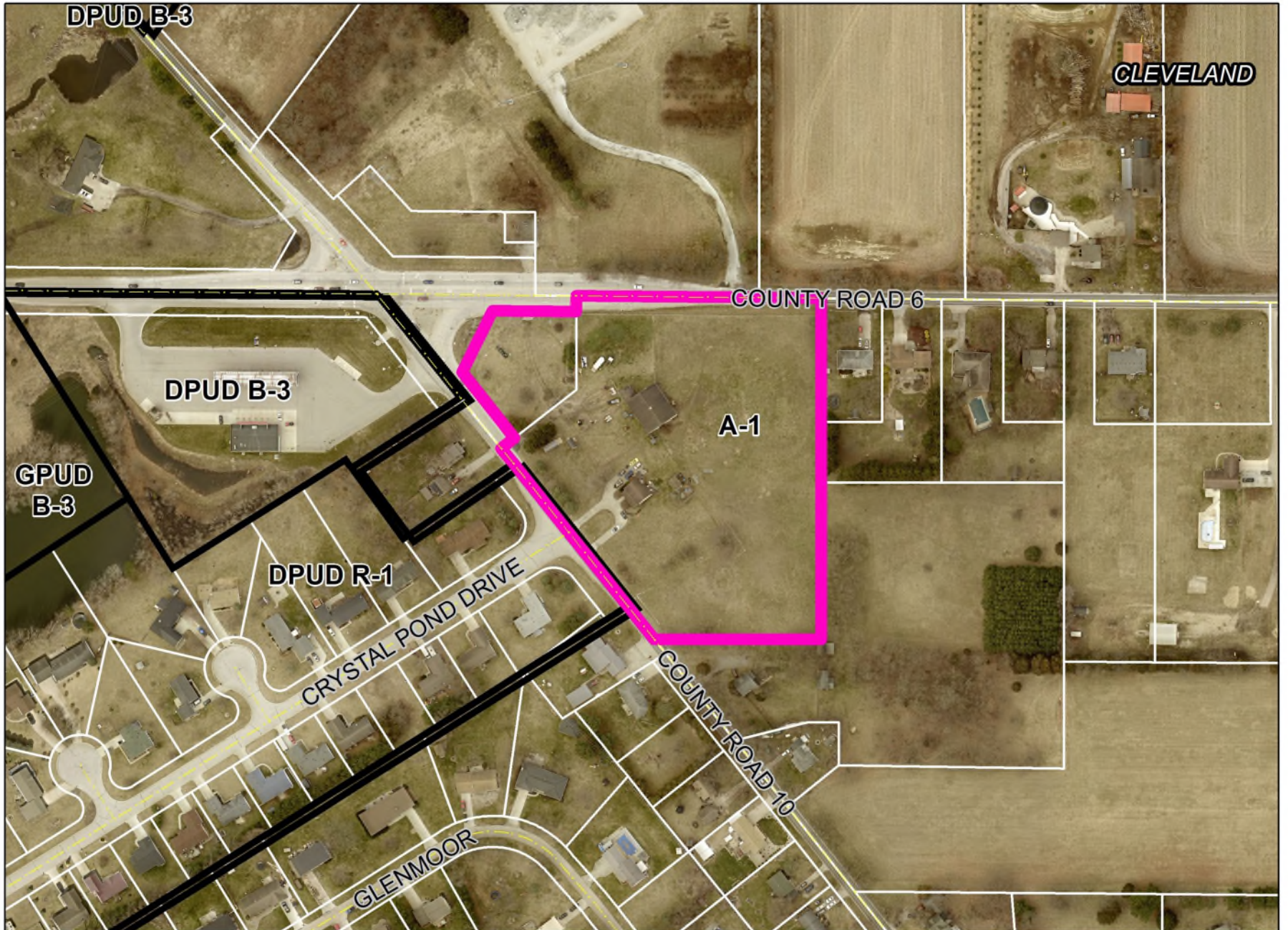
Comments:

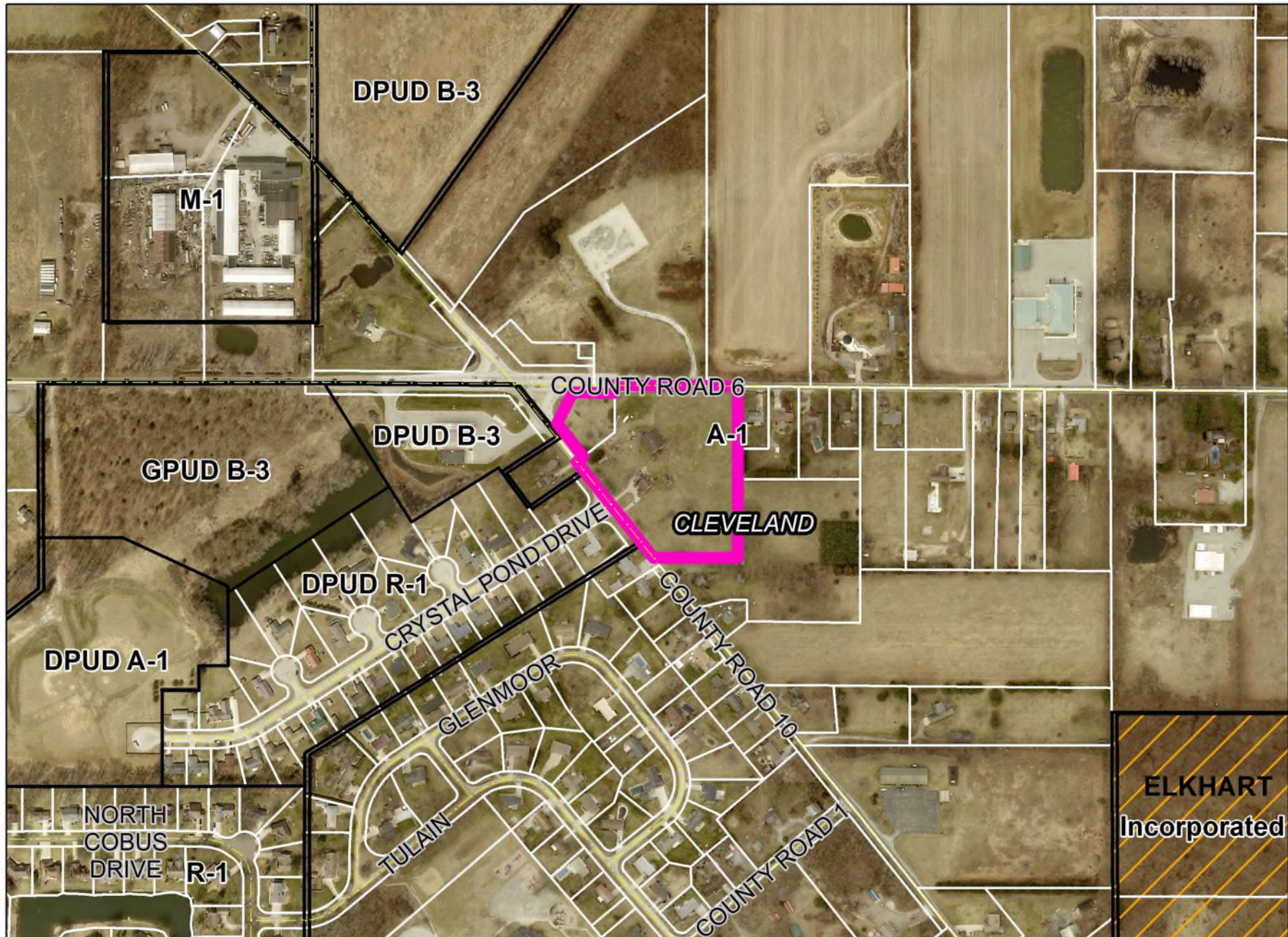
Applicant Signature:

Department Signature:













TO: Plan Commission

FROM: H. Jason Auvil, Planning Manager & Zoning Administrator

SUB: Approvals of Plan Commission Recommendations

The following petition was **approved** at the April 9, 2024, Town Council of Wakarusa meetings:

- Petitioner: Andrew M. Yoder & Ellie Yoder represented by Land & Boundary, LLC  
Petition: for a zone map change from GPUD R-1 & R-2 to A-1.  
Location: north end of Cameron Dr., 645 ft. north of Kenmar St., west of SR 19, in  
Olive Township. *(RZ-0049-2024)*  
Plan Commission Vote: Yes: 9; No: 0; Absent: 0  
Remonstrators Present: No  
Development Issues: None