

**PLAN COMMISSION**

**-MINUTES-**

**Monday, January 5, 2026 - Commenced at 1:45 P.M. & adjourned at 3:00 P.M.  
City Council Chambers – Municipal Building**

The Elkhart City Plan Commission was called to order by Jeff Schaffer at 1:45 P.M.

**MEMBERS PRESENT**

Dave Osborne  
Andy Jones  
Rochali Newbill  
Bil Murray  
Aaron Mishler  
Jeff Schaffer

**MEMBERS ABSENT**

Dan Boecher  
Diana Lawson

**REPRESENTING THE PLANNING DEPARTMENT**

Eric Trotter, Assistant Director for Planning  
Kyle Anthony-Petter-Planner II

**LEGAL DEPARTMENT**

Maggie Marnocha, Corporation Counsel

**RECORDING SECRETARY**

Carla Lipsey

**APPROVAL OF AMENDED AGENDA**

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

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

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

**APPROVAL OF PROOFS OF PUBLICATION**

Motion to approve by Jones; Second by Murray. Voice vote carries.

**ELECTION OF 2026 OFFICERS**

Schaffer announced that the first item on the agenda was the election of officers. The nominations for the year 2026 were to take place. Schaffer then asked if there were any nominations for the position of President. Osborne nominates Jeff Schaffer for President, with Mishler seconding the motion. Schaffer then asked for nominations for the position of Vice President. Osborne nominated Aaron Mishler for Vice President, with Jones seconding the motion. Finally, Schaffer asked if there were any nominations for the position of Secretary. Osborne nominated Diana Lawson for Secretary, with Mishler seconding the motion.

Osborne nominates Jeff Schaffer for President. Seconded by Mishler. Voice vote carries

Osborne-Yes  
Newbill- Yes  
Jones- Yes  
Murray- Yes  
Mishler- Yes  
Schaffer- Yes

Osborne nominates Aaron Mishler for Vice President. Seconded by Jones. Voice vote carries

Osborne-Yes  
Jones- Yes  
Newbill- Yes  
Murray- Yes  
Mishler- Yes  
Schaffer- Yes

Osborne nominates Diana Lawson for Secretary. Seconded by Mishler. Voice vote carries.

Jones- Yes  
Newbill- Yes  
Osborne-Yes  
Murray- Yes  
Mishler- Yes  
Schaffer- Yes

Schaffer states we need to elect the plat committee of 2026. It's an annual renewal

Tory Irwin, a member of the plat committee, will be leaving the City of Elkhart later this month, as stated by Schaffer.

Schaffer mentioned that the current members of the Plat Committee are Jeff Schaffer, Tory Irwin, and Eric Trotter. Since Tory Irwin is stepping down, I suggest we appoint Timothy Reecer, the Assistant Director of Public Works, to fill the Engineering role on the Plat Committee. Additionally, he is a resident of the city.

Schaffer calls for a motion to nominate Jeff Schaffer, Timothy Reecer, and Eric Trotter to the Plat Committee for 2026 as presented in the Memo.

Osborne makes a motion to nominate the three members mentioned in the memo to the plat committee. Jones seconded the motion, which then carried.

Osborne-Yes  
Newbill-Yes  
Jones- Yes

Murray- Yes  
Mishler- Yes  
Schaffer- Yes

Schaffer mentioned that the planning commission also has a position on the Board of Zoning that remains vacant. I am asking today if we can take the necessary steps to make this appointment with the Board of Zoning Appeals. Schaffer states that Aaron Mishler is not eligible as he serves on the Council. Additionally, Jeff Schaffer and Andy Jones are not eligible because they are city employees. This leaves a limitation for members of the Plan Commission regarding the vacant seat. I am asking if the members present today are available to serve on the Board of Zoning Appeals.

Schaffer calls for a motion.

Jones makes a motion to nominate Rochali Newbill to the Board of Zoning Appeals. Mishler seconded the motion, which then carried.

Osborne- Yes  
Newbill- Yes  
Jones- Yes  
Murray- Yes  
Mishler- Yes  
Schaffer- Yes

**25-Z-04 PETITIONER IS Polly Properties, LLC**

**PROPERTY IS LOCATED AT 345 Country Club Drive and 1839 Cassopolis Street**

Per Section 29.11.B, Map Amendments, a request to rezone 345 Country Club Drive (pt 02-32-201-010 and pt 02-32-201-009) from R-3, Two Family Dwelling District to B-1, Neighborhood Business District. And to rezone 1839 Cassopolis Street (pt 02-32-201-010 and pt 02-32-201-009) and (02-32-201-013) from R-3, Two Family Dwelling District to B-3, Service Business District.

**STAFF ANALYSIS**

Per Section 29.11.B, Map Amendments, a request to rezone 345 Country Club Drive (pt 02-32-201-010 and pt 02-32-201-009) from R-3, Two Family Dwelling District to B-1, Neighborhood Business District. And to rezone 1839 Cassopolis Street (pt 02-32-201-010 and pt 02-32-201-009) and (02-32-201-013) from R-3, Two Family Dwelling District to B-3, Service Business District.

The petitioner owns five parcels that total approximately .66 acres on the south side of Country Club Drive. The petitioner is requesting to rezone the rear of 345 Country Club Drive from R-3, Two Family Dwelling District to B-3, Service Business District. This rezoning of the B-1, Neighborhood Business District is meant to act as a buffer of the B-3, Service Business District from the residential.

The petitioner is also requesting to rezone the west part of 1839 Cassopolis Street from R-3, Two Family Dwelling District to B-3, Service Business District.

The petitioner is looking to align the zoning with the uses of the property in question.

In 2017, the then owner of the restaurant, filed with the Board of Zoning Appeals, at 1839 Cassopolis Street acquired 345 Country Club Drive as the southern portion of the property was needed to expand the drive thru for the restaurant. A use and developmental variance were approved to permit the expansion.

Staff support the request. The residential zoning is no longer appropriate for this property on Country Club Drive as the use as residential no longer exists and is now being used as an office. The rezoning request on Cassopolis Street reflects the use of the property.

### **STAFF RECOMMENDATION**

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

1. The proposed rezoning is compatible with the Future Land Use map, which calls for the area to be developed with mixed land uses;
2. Current conditions and the character of current structures and uses in each district will not be impacted because the proposed use will blend well with the surrounding commercial and existing residential uses;
3. The B-1, Neighborhood Business District does allow for the most desirable uses for which the land can be adapted;
4. The proposed rezoning will preserve the conservation of property values throughout the City because it is adjacent to other residential and commercial uses;
5. The rezoning of the property to B-3, Service Business District and B-1, Neighborhood Business District is compatible with the surrounding properties and does reflect responsible growth and development, because commercial uses are permitted within the Business Districts.

Trotter states there were 15 letters mailed, 1 returned not in favor with comments. Comments from Luis Arias: I would like more information on this rezone. What does this mean for our property values and taxes? Currently, I am opposed to it until further information is provided.

Schaffer asks if there are questions from the Commission.

Mishler states that the Dairy Queen on Cassopolis wants to expand the drive-thru into the lot behind it.

Trotter stated that the property has already been expanded, and this rezoning will acknowledge its current use. When the use variance was approved, the staff communicated with the property owner, urging them to proceed with the rezoning. Now, the property owner is finally taking steps to do that.

Mishler continues to add, is there going to be construction expected, or is this just catching up with what we already done

Trotter's reply addresses bringing the zoning into conformance with current uses.

Mishler asks whether the plan commission will have the final say or if this will go before the common council.

Trotter responds that it will be sent to the common council.

Schaffer calls the petitioner forward.

Debra Hughes from Surveying and Mapping, located at 2810 Dexter Drive, is representing the petitioner, Polly Properties. Patrick O'Neil, the owner of Dairy Queen, is available online for any questions. As Eric mentioned, the Dairy Queen expanded its restaurant and drive-thru about five years ago under a use variance and development variance. The properties, which previously included a house owned by the same owner on Country Club Drive, have now been sold to Patrick O'Neil. Additionally, there is a subdivision petition to separate the Dairy Queen property from the office at 345 Country Club Drive. The office will be designated as B1, while the Dairy Queen restaurant will fall under B3 zoning. This project does not involve any construction activities.

Schaffer asks if there are questions from the Commission.

Jones asks the petitioner if they have spoken to the person who objected or the staff.

Hughes replied that they were not aware of that objection and stated they would reach out to them for contact.

Schaffer calls Trotter forward

Schaffer, since we are dealing with two different zoning districts, can you explain the difference between the B1 and B3 districts, particularly regarding the allowed restaurant uses.

Trotter explains that the B1 zoning is intended for our least intensive commercial uses, which include offices and professional medical offices. In contrast, the B3 zoning permits more intensive uses. The B3 designation was chosen because it aligns with what is common along that corridor, ensuring that the zoning district reflects the existing character along Cassopolis Street.

Schaffer continues to expand, so the house's use will be limited to offices or similar low-traffic purposes.

Trotter confirms that it serves as a buffer between that area and the residential uses to the west.

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

Schaffer closes the public portion of the meeting.

Schaffer calls for a motion.

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

Osborne-Yes

Jones-Yes

Newbill- Yes

Murray-Yes

Mishler-Yes

Schaffer- Yes

**25-PUDA-02R PETITIONER IS Emerson North Creek Development and Northern Investments, LLC  
PROPERTY IS LOCATED AT VL Emerson Drive and Karen Drive**

Petitioner has filed to amend approved Plan Commission petition 25-PUDA-02 as 25-PUDA-02R which will amend the approved conceptual site plan by consolidating the drive access points to the project to Emerson Drive eliminating the Karen Drive auto access. The amended site plan addresses the condition placed by Plan Commission.

Per Section 20.4.B and 20.10.B.1, a Major Amendment to Planned Unit Development Ordinance 4143 and 4360 as a conceptual planned unit development, to add land not previously included in the Northfield Market PUD, approximately 16.62 acres to the PUD, to allow for the uses and the construction of: a 336 unit apartment complex (R-4, Multi Family Dwelling District) and a climate controlled self-storage facility (B-3, Service Business District). To also permit a minimum dwelling unit size of 550 square feet (for a studio) and 720 square feet (for one bedroom), where 750 square feet is the minimum dwelling unit size.

**STAFF ANALYSIS**

Petitioner has filed to amend approved Plan Commission petition 25-PUDA-02 as 25-PUDA-02R which will amend the approved conceptual site plan by consolidating the drive access points to the project to Emerson Drive eliminating the Karen Drive auto access. The amended site plan addresses the condition placed by Plan Commission.

***This is the original analysis from staff report for 25-PUDA-02***

Per Section 20.4.B and 20.10.B.1, a Major Amendment to Planned Unit Development Ordinance 4143 and 4360 as a conceptual planned unit development, to add land not previously included in the Northfield Market PUD, approximately 16.62 acres to the PUD, to allow for the uses and the construction of: a 336 unit apartment complex (R-4, Multi Family Dwelling District) and a climate controlled self-storage facility (B-3, Service Business District). To also permit a minimum dwelling unit size of 550 square feet (for a studio) and 720 square feet (for one bedroom), where 750 square feet is the minimum dwelling unit size.

The petitioner is seeking to add land to the Northfield Market Planned Unit Development in order to construct a 336-unit apartment complex on the south side of Emerson Drive west of Cassopolis Street. There is proposed to be seven (7) buildings, each with 48 units comprising studio, one bedroom and two-bedroom apartments. The complex will have a club house with a pool and pickleball courts. Other amenities within the complex are a dog run area, grilling area, gathering pavilions and a one-mile walking trail that will ring the perimeter. It is also proposed to have approximately ten acres of existing wooded area be maintained along with a self-storage facility for the use of the residents. The phasing for the development has not yet been established. When the project is submitted for Technical Review and for Final Site Plan to the Plan Commission the developer will have had time to refine the phasing for the project.

Currently the zoning ordinance permits the smallest dwelling unit size of 750 square feet. This project is requesting as part of the approval to have the smallest studio unit be 550 square feet and the smallest one-bedroom unit be 720 square feet. The request is in keeping with other new apartment complex developments that have been approved within the last two years.

Primary access will be from Emerson Drive. That entrance provides connections to signalized intersections both at Cassopolis Street and County Road 6. The secondary exit will be by way of Karen Drive. In 2022, the city along with the two commercial auto dealers, negotiated the dedication of the first 525 feet Karen Drive from Cassopolis Street, between those two property owners. The plan is to connect the proposed development

to the dedicated right of way portion of Karen Drive. The city has engaged a consultant to negotiate with the remaining three property owners.

This project will add an additional 336 housing units to the community. These units will fill a need and are targeted for workers between 80% to 120% Area Median Income. The Zimmerman Volk Housing study, updated in 2022, highlighted the need for housing for every income level and type for the city.

**Additional analysis based on modified site plan –**

The site plan has been updated to remove the auto access to Karen Drive. There is the ability along the Karen Drive access, whether by parcel or public right of way, to construct underground utilities without auto access. With this modification/consolidation of auto access to Emerson Drive, the developer has addressed the condition placed by the Plan Commission in October 2025, which required the establishment of the public right of way before the Common Council hearing the major amendment.

**STAFF RECOMMENDATION**

The Staff recommends approval of the amended site plan (to consolidate auto access to Emerson Drive and eliminate auto access to Karen Drive) which is a Major Amendment to the Planned Unit Development per Section 20.4.B and 20.10.B.1, Ordinance 4143 and 4360, as a conceptual planned unit development, to add land not previously included in the Northfield Market PUD, approximately 16.62 acres to the PUD, to allow for the uses and the construction of: a 336 unit apartment complex (R-4, Multi Family Dwelling District) and a climate controlled self-storage facility (B-3, Service Business District). To also permit a minimum dwelling unit size of 550 square feet (for a studio) and 720 square feet (for one bedroom), where 750 square feet is the minimum dwelling unit size, based on the following findings of fact:

1. The Comprehensive Plan calls for this area to be developed with mixed land uses. The proposed apartment complex is compatible with the current commercial uses that surround a majority of the site.
2. The proposed apartment complex, storage facility and amended unit size should not impact the other permitted uses approved for this PUD or have a substantial negative effect on the surrounding uses.
3. The proposed apartment complex, storage facility and amended unit size will not adversely impact the land within the area of the Planned Unit Development as the proposed uses are already permitted within the Northfield Market Planned Unit Development.

**CONDITIONS**

Trotter states there were 20 letters mailed, 2 returned, not in favor with comments. Comments were:

Vickie Kidder and Perry Guzman of 150 North Drive

**\*\*NOT IN FAVOR OF PROPOSED PLANS\*\***

We believe the new complex needs a fence and a noise buffer to protect the surrounding properties and homes. Please consider our opinions. Why would the City of Elkhart prioritize an out-of-town developer over long-time

residents and taxpayers of our own city? We are not trying to stop the development, as we know that would be impossible. We are simply trying to protect what we currently have.

Along with our neighbors, we have several concerns. The development will include 336 apartments, which could add approximately 1,000 to 2,000 people to this already congested area. There are only 438 parking spaces planned. We are particularly worried about noise pollution becoming a significant issue. We suggest building a large hill with grass, evergreen trees, and shrubs to direct noise away from our properties. Additionally, we request a fence on the south side of this noise buffer.

The proposed mile-long walking path appears to be open to the community, which borders our property. We do not want people crossing into our property to access the creek. We also have dogs, which creates further complications. We request no bicycles, dirt bikes, four-wheelers, or walkers crossing into our land. Our private property contains a pond and a creek, and we will not be responsible for any accidents resulting from trespassing.

Please intervene before this process starts. This is private property, and we expect no exceptions. The drawings make the trash area appear small to downplay its significance, but it will become an issue—overflowing dumpsters, unpleasant odors, flies, and even the presence of rats. We fear that people will dispose of furniture like chairs, sofas, and mattresses, which could potentially bring pests like bed bugs. We urge you to relocate the trash area closer to your main office instead of adjacent to our property.

We are uncertain about the location of the retention pond. It is crucial to ensure that runoff including oil, antifreeze, and other car emissions does not flow into it. Will the retention pond have a fence around it? Christiana Creek is a primary water source for Elkhart, Indiana, so we are very concerned about pollution that may affect the underground areas feeding into the creek, as well as runoff issues onto our property.

We have already experienced serious criminal activity in our neighborhood, especially from stores and apartments north of us. Adding 1,000 to 2,000 more residents to this area raises significant concerns about increased crime. When Walter Compton owned this land, he always planned to keep it as a wildlife refuge, and we are worried about the disruption to local wildlife. We understand that progress is necessary from a developer's perspective, but we must mention this in his memory, as he was a beloved member of our community.

In conclusion, we are requesting a noise pollution buffer, a barrier as suggested above, and a minimum 7-foot fence to deter trespassing onto neighboring properties. Additionally, please provide a contact person's name and phone number with live answering for assistance with any issues that may arise once your complex is completed.

Tom Hatfield of 302 North Drive

**\*\*Increased Neighborhood Crime\*\*.**

Schaffer informed the Plan Commission members that, as they may recall, this matter was discussed in both October and November. The purpose of this amendment is to remove the previous objections. Schaffer then asked Eric whether this issue had been presented to the Common Council yet. Eric responded that it had not. Schaffer continued by stating that the petitioner is seeking a new recommendation to present to the Common Council for the same apartment project. We have already provided our recommendation. They have submitted a

new site plan that includes an access point to Emerson Drive, eliminating one access point to Emerson and one to Karen Drive.

Schaffer asks if there are questions from the Commission.

Jones asks Trotter how many stories are planned for this development, considering the proximity to the airport runway.

Mishler asks Trotter those entering to comply with the needs of police, fire engines, and other services.

Trotter responds that this still needs to undergo the Technical Review. Everything we have is currently conceptual and is intended for design purposes. As part of this process, it will be sent to the Technical Review for verification of the radius.

Mishler continues to address concerns regarding access on Karen Drive. It's good to see that the company has taken the residents' worries seriously. Have city officials spoken to any of the other residents who expressed concerns about fencing or noise issues. Have those residents reached out to the city at all.

Trotter replies not yet, but those concerns from the initial public hearing will be carried over for technical review, and it's apart of the overall site plan.

Mishler continues to add that, based on the recommendation, there will still be time for public comments and a public hearing during the City Council.

Schaffer calls the petitioner forward.

Sharon Krone of CRIB Holding LLC, located at 1189 Wilmette Avenue, Suite 295, in Wilmette, IL, is directing operations with Scott Krone. This modification to the Planned Unit Development (PUD) is in line with what was previously approved. It provides the city with adequate time to address the neighbors' concerns. I believe the resubmission accomplishes that. If there are any questions, I will bring Scott in to address them.

Schaffer asks if there are questions from the Commission.

Mishler asks the petitioner whether there have been ongoing efforts to reach out to the neighbors regarding their concerns about noise and fencing previously discussed at the last meeting.

Scott Krone of CRIB Holdings, located at 1189 Wilmette Avenue, Suite 295 in Wilmette, IL, has spoken with the neighbor to the south. We are maintaining all the forested areas on the southern part of the property, as indicated on the site plan. This will create a greater sound buffer. The question now is how we can install the fence through the forest, and we wavered back and forth and went through the site plan with them.

Mishler emphasizes the importance of encouraging open communication with neighbors throughout the development process.

Scott mentions that the building is four stories tall, but it is still located underneath the airport approach.

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

Perry Guzman of 150 North Drive states, I haven't been contacted by Petitioner Number 1. In our last conversation, I mentioned that people from the apartments and Walmart have been entering my property and

causing problems. The police have apprehended a few of these individuals. Just last month, on Christmas Eve, someone came through, and the police chased him from the apartments on North Drive.

This is the situation I'm dealing with; the issues are arising from the apartments. All I am asking for is a fence to act as a buffer between my property and theirs. If this continues, more people will likely come looking for the creek and cut through my property, which is unfair to me. A simple 7-foot fence would suffice, even without barbed wire on top.

Additionally, I still haven't received an answer about where the retention pond is and where the pollution from the 500 parking lot is going. Shouldn't I be concerned about that. For those of you on city water, I'm still on a well, and we are within city limits. I don't want my beautiful drinking water contaminated; I am simply seeking safety.

Chad Rapp  
218 Karen Drive

I stand here today to address a pattern of procedural negligence that has harmed our community. The city, which prides itself on being the "City with a Heart," has chosen to prioritize deals with developers and businesses over the rights of homeowners. There is a lack of transparency in the city's dealings, which directly violates our property rights.

This issue goes beyond mere communication; it reflects a consistent failure to adhere to city regulations. We cannot continue to build the future of Elkhart on a foundation of rule-breaking, backroom deals, and disregard for its citizens.

I am requesting that this commission immediately halt all current dealings with the developer, Innovation, until a public audit of the Karen Drive purchase and the proposed changes to the Henderson Place subdivision is conducted. Additionally, we need a formal, transparent communication plan established for our neighborhood, which should be discussed with us. We are homeowners and taxpayers, and we demand that you uphold the law and respect the property rights of the people you serve.

Joe Geyer  
200 Karen Drive

I am confused about this request. Earlier, on November 3, it was stated that this project could not move forward without the inclusion of Karen Drive. Now, all of a sudden, it seems to be completely unnecessary. I don't understand why it was deemed crucial before, and is no longer needed. If this project goes through, it will significantly affect us—our home and property values will plummet. We have worked hard for over 20 years to rebuild everything, and to have it all completely undermined is heartbreaking.

If construction proceeds, it could last for years. I know what this means for our community—the mess, the noise. Wildlife has been mentioned as well; we have 19 deer in our area, and they will surely be impacted. Additionally, the proposed four-story apartment building would invade our privacy, allowing people to look directly into our yards. The light pollution from the apartments will create a significant disruption. My question is, if you were in my position, would you want an apartment building behind your home or in your neighborhood. Why don't they just buy the houses and give us a good deal.

Micheal English  
100 Karen Drive

I have not received any communication regarding the project. I have only received a couple of letters from the city. I own an acre and a half of land, and this entire project will surround my property without fencing. As a result, I have lost all property value and privacy. There has been no communication from the city, and they seem to be moving forward without consulting me or my neighbors on any of the three sides of my property.

Schaffer asks whether there are any questions from the Commission for the Staff or the Attorney.

Mishler, I want to clarify the Planning Commission's procedural role. Unlike the City Council, our role is not based on personal opinions about whether we like a project. Our function is strictly quasi-judicial; we are responsible for determining whether the project meets the necessary legal requirements. If it advances to the City Council, that body is where members can vote based on their support or opposition to the project. Today, our task is to evaluate if it meets the criteria for a "do pass" or "do not pass" recommendation. I just want to make it clear what our role entails.

Schaffer states that Newbill had a question for the petitioner

Newbill inquired about the wooded area and sound barrier, but that hasn't stopped people from coming through. How long will it take to put up the fence.

Schaffer mentioned that he would address this matter briefly. I have been involved in land use matters since I was 16 years old, when I worked part-time with a surveyor. Fences can both solve problems and create them; they are very technical in nature. This is a land-use issue because I live adjacent to an apartment complex next to a single-family residential development, and they coexist well, with no fences between us.

However, this doesn't mean that this development doesn't need a fence. I truly believe that the fence issue is a decision the Common Council could make as a zoning condition of approval, and they have the authority to do so. Personally, I think it's a site-plan decision that should be determined as we delve into the plan's detailed components.

I understand the residents' concerns. Until we see the specifics of the plan, including the building and surrounding woods, the need for a fence is uncertain. It should be left to the site plan process. If the Plan Commission believes the plan should go before the Council, the current question before us is whether to recommend including vehicle access to Karen Drive.

While the Plan Commission can discuss the fence matter, it is not what was advertised; that will be a matter for the Common Council to consider. What the Plan Commission is being asked to consider is whether it can move forward without access to Karen Drive. Both the petitioner and the residents can bring their concerns to the Common Council to request conditions.

I want to avoid any confusion and ensure that our focus remains on access to Karen Drive, as that is the question we need to address.

The petitioner responded to Newbill's question, stating that it is approximately 600 feet.

Jones asks if you have any objections to adding a 7-foot fence to this project to address the concerns.

Krone responded with a no.

Mishler, my recommendation is to meet with the residents of Karen Drive immediately after this discussion and vote. Please gather their contact information and phone numbers. What happens today is just one step in the process; it still needs to go to the City Council for final site approval regarding the fence. You all did a great job removing access, and I hope you will continue that stewardship as we move forward with the fence.

Krone responded that multiple properties are involved in this process and that there are many details he cannot share because he is not directly involved. He expressed a desire for the team to work together to resolve the issues, as he did not have the answers they were seeking.

Schaffer mentioned that we are addressing land use matters. We have approved the proofs of publication, and to the best of my knowledge, letters have been sent out. Our attorney and the recording secretary are in compliance with state law in these land-use matters.

Schaffer then closed the public portion of the meeting.

Schaffer states our motion today would be to recommend that the common council consider an amended do-pass recommendation that eliminates access to Karen Drive.

Schaffer calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation to the Common Council eliminating the access to Karen Drive; Second by Mishler. Motion carries.

Osborne-Yes  
Newbill- Yes  
Jones-Yes  
Murray-Yes  
Mishler- Yes  
Schaffer- Yes

**26-PUDA-01 PETITIONER IS Elkhart Concord LLC  
PROPERTY IS LOCATED AT 3701 S Main St**

Per Section 20.10.B.2, Modifications to Approved Final Site Plan, by changing the density, which is a Major Amendment to the Concord Mall Planned Unit Development District, Ordinance 5029, to allow for the establishment of development parcels within the Planned Unit Development. The initial request will establish a parcel to be known as Lot 1 of the Elkhart Concord Planned Unit Development.

**STAFF ANALYSIS**

The petitioner is requesting a major amendment to the PUD to allow for the establishment of development parcels within the Planned Unit Development. The initial request will establish a parcel to be known as Lot 1 of the Elkhart Concord Planned Unit Development.

The petitioner is requesting the ability to establish development lots within the Planned Unit Development. The first lot will create an 8.39 acre lot where the former JC Penny store was located, along the Mishawaka Road side of the development. This action will allow the petitioner the opportunity to plat and sell development lots within the project site – from this point forward.

The request is consistent with the original plan that also called for the creation of commercial lots along South Main Street.

## STAFF RECOMMENDATION

The Staff recommends **approval** of the major amendment to the Planned Unit Development, Per Section 20.10.B.2, Modifications to Approved Final Site Plan, by changing the density, which is a Major Amendment to the Concord Mall Planned Unit Development District, Ordinance 5029, to allow for the establishment of development parcels within the Planned Unit Development. The initial request will establish a parcel to be known as Lot 1 of the Elkhart Concord Planned Unit Development, based on the following findings of fact:

1. The Comprehensive Plan calls for this area to be developed with commercial uses. The proposed use is compatible with commercial uses.
2. The proposed development parcels should not impact the future development within the PUD. The proposed use should not negatively impact surrounding properties.
3. The increase in density will not adversely impact the ability to redevelop the land within the area of the Planned Unit Development as the proposed access to the site and out lot will be incorporated into a new development plan

## CONDITIONS

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

1. Each lot must be submitted as an individual plat to establish new lots moving forward.

Trotter states there were 30 letters mailed, 3 returned, not in favor with comments. Comments were:

**\*\*Jacquelyn Ball\*\***

C.R. 20

As a Concord bus driver, I frequently visit the apartment complexes in the area. I often see the police there, and I do not want that presence near my property. I'm sure that if you were honest, you would feel the same way.

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**\*\*Danny Mahoney\*\***

Elmhurst Dr

It would have been helpful if you had stated what would be included in Parcel 1.

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**\*\*Denise Tiller\*\***

Patriot Court

This message is regarding case 26-PUDA-01. I am not in favor of the petition that is set to go to public hearing on Monday, January 5th. If you require more information regarding my position, please feel free to contact me. My main concern is the potential decline in property values if subsidized housing is built in our small area. We do not wish to see our properties devalued due to such developments. Thank you.

Schaffer explains that this petition aims to separate the old JCPenney building from its current parcel. At this time, no new construction is being considered; the focus is solely on creating a designated parcel for the JCPenney building. All the uses originally approved in the Planned Unit Development (PUD) from 2022 remain

unchanged. This process simply involves establishing property lines that align with the original boundaries of the mall.

Trotter's response is correct. This will also enable the establishment of future lots at a later time.

Schaffer asks Trotter if they want to construct a new building; they would have to return to the plan commission for final site plan approval or a PUD amendment.

Trotter replies, I don't recall how this was originally. There would have to be some appearance back at this board.

Schaffer mentioned that this petition does not propose any new building; any new building would need to return to the board for the PUD.

Schaffer asks if there are questions from the Commission.

Schaffer calls the petitioner forward.

Debra Hughes of surveying and mapping located at 2810 Dexter Drive on behalf of the petitioner. Jami Supanich is participating online and representing the owner. As Eric mentioned, the owner intends to subdivide a portion of the JCPenney building along with a section of the parking lot for a new tenant who is operating in that building and has made some renovations. They are interested in purchasing that land. The remainder of the parcel will continue to function as a single lot.

As Eric stated, when further developments occur on the site, we will return to the plan commission to adhere to the Planned Unit Development (PUD) regulations at each stage. Any subdivisions will be processed through the plat process, which involves multiple steps, including a technical review of the development site plan. This subdivision pertains to an existing structure.

Schaffer asks if there are questions from the Commission.

Schaffer opens for public comments in favor of or opposed to the petition.

Schaffer closes the public portion of the meeting.

Schaffer calls for a motion.

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

Murray-Yes  
Osborne-Yes  
Jones-Yes  
Newbill-Yes  
Mishler-Yes  
Schaffer-Yes

Schaffer indicates that we will take a short break while Trotter gets ready for his presentation.

Schaffer states that we will not review every page; only the sections being adjusted.

Trotter responds with a yes.

**26-TXT-01 PETITIONER IS City of Elkhart, Indiana**

**PROPERTY IS LOCATED AT All properties located within the City of Elkhart**

The City of Elkhart seeks the review and adoption of updated language found in the Unified Development Ordinance (UDO).

The amendments are as follows:

- Update Scrivener's errors for cross-references in the document.
- Incorporate standards for Toll Road Signs.
- Changes in the special exception conditions for day cares.
- Modifying the uses in the Airport Airspace Overlay District to be compatible with airport operations and airspace usage.
- Updated sign standards for places of worship.

Trotter mentions in Chapter Five, "Building Typologies," that several footnote references were omitted from the final text, particularly related to the table of development standards. You will find the relevant tables included in your packet, and the updated reference page is displayed on the screen.

In Chapter Eleven, which addresses off-premises signage, we have now included standards for limited access highways and toll roads that were previously missing. The city did not have any development standards for toll roads in the current ordinance. These new standards align with those established by other jurisdictions concerning toll roads. The updated signage guidelines can be found in your packet and are also displayed on the screen.

Chapter Four introduces specific standards reflecting the conditions set by the Board of Zoning Appeals regarding day care homes and centers over the past twenty years. These standards generally cover the requirement to maintain a current license with the state of Indiana, the maximum number of children allowed, facility maintenance, programming requirements, and adequate pick-up and drop-off procedures. This list of conditions has been added to this chapter of the Unified Development Ordinance (UDO).

Additionally, Chapter Four corrects an oversight in the table detailing the uses allowed in the airport overlay district, which mistakenly omitted some uses. This error was not identified prior to the last meeting. The updated list of uses now includes primary airport uses and secondary uses that can be approved by special exception, with the aim of accommodating future growth.

In Chapter Eleven, the administration has proposed changes to the sign requirements for places of worship. They recommend doubling the number of allowed yard signs, banners, and feather signs to help these establishments effectively inform the public about their activities. Additionally, there will be no limit on specialty sign types, as long as they are well-maintained. However, failure to keep any signs in good condition will be considered a violation of the sign section of the Unified Development Ordinance (UDO), as clearly outlined in both the ordinance and the accompanying documentation.

The staff recommends approval of case 26-TXT-01 for the proposed TXT amendment to the unified development ordinance, as described above. This recommendation should be sent to the Common Council with a do-pass recommendation.

Schaffer asks if there are questions from the Commission.

Mishler inquires whether Trotter has noticed any specific signage used in tree lawns. We have encountered issues with signs on tree lawns and utility poles. Are we implementing any changes regarding those.

Trotter responds that, according to the new UDO, any signage in the right-of-way is prohibited unless specifically mentioned in the ordinance. While we do not address signage on telephone poles, we outline the areas where signs are permitted. By default, telephone poles are not included, and placing signs on them would be a violation. This issue has been ongoing with the staff in the planning, street, and traffic departments, who are involved in removing those signs.

Mishler continues to put up tree lawn signs. How should residents handle them if they see them in front of their homes.

Trotter responded that for the initial violation, they have the option to contact the zoning office or public works, which will address these violations. If a sign is located in the tree lawn, it will be removed, while real estate and election signs are kept. Advertising signs are taken down by the street department.

Mishler indicates where they can come to collect them if they choose to do so.

Trotter responds with a yes.

Jones asks where you are references the airport in section four

Trotter replies the sheet should have been in your packet. We had too many uses included in the airport district; we amended that to airport operations, and any uses that would be appropriate for the potential future and for airport employees.

Jones responds regarding airport properties.

Trotter responds with a yes.

Schaffer states that if you start on page eighty and go back to page seventy-nine, you will find information under the "Overlay District." At the top, you'll see "AO." As you scroll down, you will come across the letters "S" and "P." The "S" stands for special uses, while the "P" represents permitted uses.

On the next sheet, it indicates that the airport is a permitted use in the overlay district. The "S" entries include special uses such as convenience stores and grocery stores, which could be added if the airport were to expand to include them.

Schaffer instructed Jones to follow up with Trotter regarding any questions.

Jones states that the aviation board should have been informed.

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

Schaffer closes the public portion of the meeting.

Schaffer calls for a motion.

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

Jones-Yes

Newbill-Yes

Osborne-Yes

Murray-Yes

Mishler-Yes

Schaffer-Yes

#### 26-SI-01

Approval of proposed addresses 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

2407 South Main Street New Duplex Dwelling 20-06-16-208-008.000-012

1722 Sterling Avenue New Single-Family Dwelling 20-06-09-406-007.000-012

#### Residential Subdivision

#### Commercial

#### Industrial

#### Recommendation

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

Schaffer calls for a motion.

Jones makes a motion to approve 26-SI-01; Second by Mishler. Motion carries

Trotter mentioned in today's audience that REA has assisted us through the UDO process and has conducted our training sessions. We held training for the Board of Zoning Appeals (BZA) on a Thursday from 2 PM to 4 PM.

I would like to know if it would be feasible to schedule another training session for the Plan Commission during the same time frame, from 2 PM to 4 PM. We don't have a specific date yet, but we're considering scheduling it in about 2 to 3 weeks.

I just wanted to bring to your attention that the council has requested that we conduct training for both the Board of Zoning Appeals and the Plan Commission.

Jones asked how long it would take.

Trotter responded two hours.

Jones also mentioned that Thursday generally looks fine for him.

Trotter announced that we will schedule a makeup session for the Board of Zoning Appeals on a Thursday. He pointed out that Newbill has already attended the training session for the Board of Zoning Appeals. Any other members transitioning from the Planning Commission to the Board of Zoning Appeals will need to attend this makeup session.

**ADJOURNMENT**

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

  
Jeff Schaffer, President

  
Aaron Mishler, Vice-President