PLAN COMMISSION
-MINUTES-
Monday, July 6, 2026 - Commenced at 1:45 P.M. & adjourned at 3:17 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
Bil Murray
Andy Jones
Dave Osborne
Rochali Newbill
Diana Lawson
Aaron Mishler
Jeff Schaffer

MEMBERS ABSENT
Dan Boecher

REPRESENTING THE PLANNING DEPARTMENT
Eric Trotter, Assistant Director for Planning
Kyle Anthony-Petter- Planner II

LEGAL DEPARTMENT
Maggie Marnocha, Corporation Counsel

TECHNOLOGY STAFF

RECORDING SECRETARY
Carla Lipsey

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

APPROVAL OF PROOFS OF PUBLICATION
Motion to approve by Lawson; Second by Jones. Voice vote carries.

26-X-02 PETITIONER IS Donnie Greathouse (New Life in Christ Ministries)
PROPERTY IS LOCATED AT 1842 E Bristol St
Per Section 11.3.A, Special Exception Uses in the B-1 Neighborhood Business District to allow for the establishment of a new church at 1842 East Bristol Street.

STAFF ANALYSIS
The request is per 11.3, Special Exception Uses, (11.3 A) Churches to allow for the establishment of a new church at 1842 East Bristol Street.

The petitioner has purchased a commercial building with the intent of renovating the building to use as a church. This building was previously used as a bank, and the applicant is proposing some interior remodeling to open the floor plan to accommodate the new use as a place of worship.

The floor plans provided show several existing offices that will be removed to create a large gathering/congregation space. Some of the current office space will remain. At this time, no proposals were made for changes to the exterior of the building.

The site also has twenty parking spaces. Based on current parking requirements, the current parking configurations will accommodate around 100 people.

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

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare **will be** protected;

2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because there will be no exterior changes to the existing building;

3. The Special Exception **shall** conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

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

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare **will be** protected;

2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because there will be no exterior changes to the existing building;

3. The Special Exception **shall** conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

Schaffer asks if there are questions from the Commission.

Mishler inquires about parking availability. There are 20 parking spaces, which can accommodate around 100 people. Several businesses in the area are currently unoccupied. My question is: if these businesses are occupied, will the 20 parking spaces be sufficient for the church's needs. Additionally, will having the lot filled impact the other businesses in the vicinity.

Trotter mentioned that the current configuration does not consider the restriping of the former drive-thru area. There is potential for parking on that side, taking into account the number of people in the facility. In a typical place of worship, there are four seats per car. The largest attendance usually occurs on Sunday mornings or weekday evenings, which typically fall outside the surrounding area's common business hours.

Mishler continues to state that it was originally designed as a bank and can accommodate up to 100 people. The building has parking for this capacity, as typically required by fire code permits for structures of that size.

Trotter replies that when they apply for their building permits, they will discuss that with the building department and plan review team.

Schaffer calls petitioner forward.

Donnie Greathouse of Vandalia, Michigan, is requesting permission to use the facility as our place of worship. The building was renovated before we purchased it and features an open space with small offices on each side. We expect to have around 50 to 60 attendees. If our group grows larger, we have access to a larger facility to accommodate more people. Additionally, there are 20 stalls and extra space in the drive-thru area.

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 Board of Zoning Appeals; Second by Newbill. Motion carries.

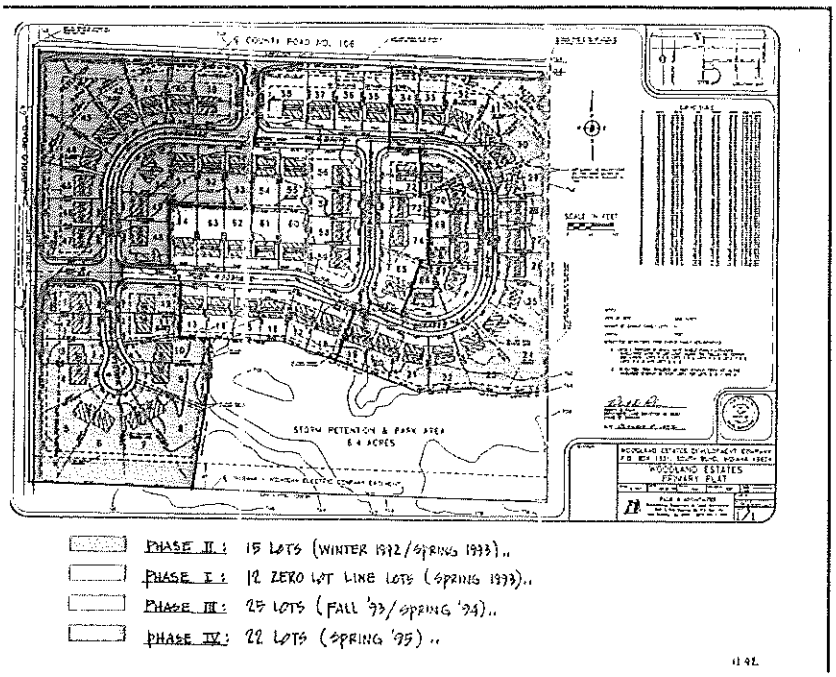
Osborne- Yes
Newbill- Yes
Jones- Yes
Lawson- Yes
Murray-Yes
Mishler-Yes
Schaffer- Yes

NEW BUSINESS

26-PUDA-04 PETITIONER IS David Myers & Elizabeth Myers
PROPERTY IS LOCATED AT VL Woodland Estates
Per Section 20.10.B.1 of the City of Elkhart Zoning Ordinance, a Major Amendment to the Woodland Estates Planned Unit Development District, Ordinances PC 92-32 & PC 92-34, approved by the Board of County Commissioners for Elkhart County. The proposed amendment would remove 6.66 acres of land from the Woodland Estates Planned Unit Development. To also allow a 50-foot right-of-way for the cul-de-sac to match the existing development, to allow lot frontages that are less than 75 feet for Woodland Estates Drive as depicted on the preliminary plat, to allow for no public sidewalks in this part of the development, and to allow Lot 68 to have no frontage.

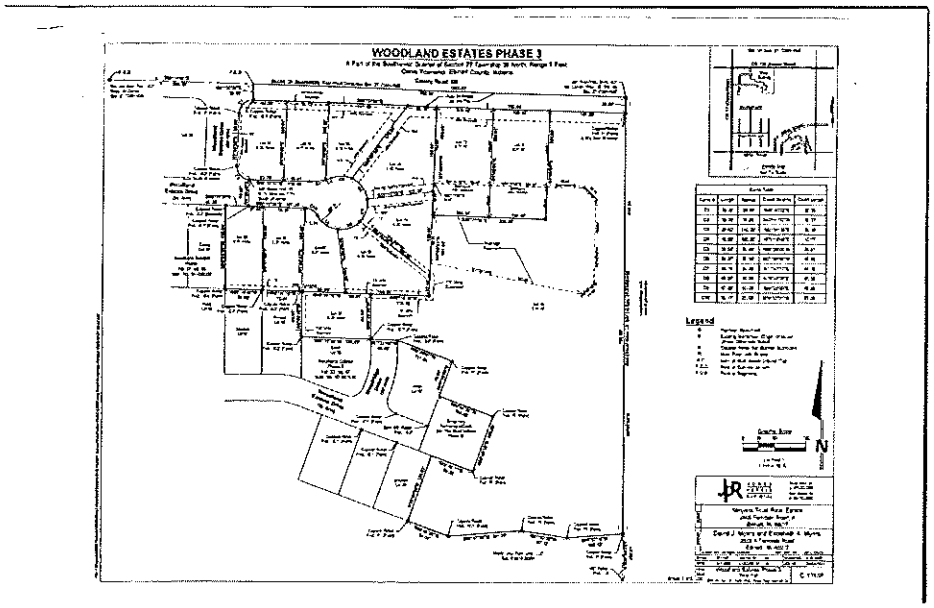
STAFF ANALYSIS
Per Section 20.10.B.1 of the City of Elkhart Zoning Ordinance, a Major Amendment to the Woodland Estates Planned Unit Development District, Ordinances PC 92-32 & PC 92-34, approved by the Board of County Commissioners for Elkhart County. The proposed amendment would remove 6.66 acres of land from the Woodland Estates Planned Unit Development. To also allow a 50-foot right-of-way for the cul-de-sac to match the existing development, to allow lot frontages that are less than 75 feet for Woodland Estates Drive as depicted on the preliminary plat, to allow for no public sidewalks in this part of the development, and to allow Lot 68 to have no frontage.

The Woodland Estates planned subdivision was approved by the Elkhart County Board of Commissioners in 1992. The development was to be built in four (4) phases. The development was annexed into the city in 1993. Currently, Phase I and Phase II have been built out. The original plan called for two additional loop roads built to connect to Woodland Estates Drive as a part of Phase III and Phase IV. A graphic is provided below that depicts the original phasing plan for the subdivision.



Original Phasing Graphic

The updated plan will reduce the number of lots from the original plan of 74 to 55 and alter the street layout for the proposed Phase III of the development. The revised plan will establish a new cul de sac at the north side of the development. The revised plan will also establish three (3) lots with direct access to Henke Street (CR 106).



Proposed Phase III

With the modified plan for Phase III, there will be 13 new lots established. The developer is proposing to extend the northern leg of Woodland Estates Drive to the east to a new cul de sac and establish nine (9) new single-family lots (Lots 65-67 and Lots 69-77). One (1) lot, Lot 68 is proposed to have no street frontage and is to be deeded to the parcel to the south (Lot 59, Phase II). This action will match the depth of the other lots along the south leg of Woodland Estates Drive.

Finally, three (3) lots (Lots 70, 72 and 73) are proposed to have direct access to Henke Street and are larger to allow for well and septic. The petitioner is also proposing to amend the PUD to remove 6.66 acres and request to rezone that land to R-1, One Family Dwelling district (that request will follow after the amendment has been heard by the common council). With access off Henke and proposed to be larger lots – these parcels do not feel as much a part of the more homogenous original phases of the development. These three (3) lots are proposed to not be a part of the homeowners association.

The request for dimensional lot deviations for the cul de sac lots and relief from the street width requirement are requested to maintain consistency within the overall development. From staff's perspective, neither of these requests are unreasonable and maintain the consistency of the development. The proposed setback for each of the lots is consistent with the other lots in other cul de sacs throughout the neighborhood. The street width relief is also consistent with the existing development and within design standards for a low volume residential neighborhood.

The request for relief from the requirement to install a public sidewalk within the right of way within Phase III is to maintain the consistency of the overall subdivision as there are no other public sidewalks within the development. In 2007 and in 2015, petitions were filed with the Board of Zoning Appeals seeking relief from having to install the public sidewalks for the remaining vacant lots. Those requests covered the last 11undeveloped lots in the neighborhood at that time. The board requests were made as the first homes developed did not have public sidewalks and there was a desire to maintain that throughout the development.

STAFF RECOMMENDATION

Per Section 20.10.B.1 of the City of Elkhart Zoning Ordinance, the Staff recommends approval of a Major Amendment, to the Woodland Estates Planned Unit Development District, Ordinances PC 92-32 & PC 92-34, approved by the Board of County Commissioners for Elkhart County. The proposed amendment would remove 6.66 acres of land from the Woodland Estates Planned Unit Development. To also allow a 50-foot right-of-way for the cul-de-sac to match the existing development, to allow lot frontages that are less than 75 feet for Woodland Estates Drive as depicted on the preliminary plat, to allow for no public sidewalks in this part of the development, and to allow Lot 68 to have no frontage:

1. The Comprehensive Plan calls for this area to be developed with low density residential uses. The proposed amendment to the PUD maintains the low density residential uses and is in keeping with the long range land use plan.
2. The proposed amendment to the Woodland Estates Planned Unit Development should not impact negatively the other residential uses within this PUD or have a substantial negative effect on the surrounding uses as the uses within the PUD will remain low density residential.
3. The proposed amendment to the Woodland Estates Planned Unit Development will minimize adverse environmental impacts of development by maintaining acres of the wooded area and would improve the design, quality and character of the development.

Trotter states there were 39 letters mailed, 3 returned in favor with no comments, and 3 returned not in favor with no comments.

Schaffer asks if there are questions from the Commission.

Mishler asks whether this development is in the second or third phase.

Trotter responds with the third phase.
Mishler adds that the other two phases do not have any public sidewalks.

Trotter responds Yes.

Mishler emphasizes that historically, whenever there is new development on CR 17, we still request that sidewalks be included. This is primarily due to public safety concerns. Sidewalks benefit some residents, while others without them raise the question of whether this is just for aesthetics.

Trotter stated that this neighborhood is self-contained and does not connect to any other neighborhoods. At that time, there was no public infrastructure on the main public right-of-way on Osolo or Henke. This development only pertains to the interior of the self-contained area that was originally approved by the county, which still has nine remaining lots.

Osborne asked how Lot 68 has no frontage.

Trotter states that the property will be deeded to lot 59 of phase two.

Lawson inquires about the total number of lots developed outside of phase three.

Trotter states there are 42 lots, with 9 additional lots within the subdivision and 3 larger parcels.

Schaffer calls petitioner forward.

Angela Smith, JPR 325 S. Lafayette, South Bend, is representing the petition. This portion of the development has been under the same ownership for over 20 years. The current market conditions allow for the construction of 9 lots, while the other 3 lots will be serviced by well and septic systems due to their size and location. We are looking to complete this development and request consistency in lot development, size, and the overall appearance of the street. The three developed lots will be separate from Henke.

Jones asks the three residents who opted out of the homeowners association if they will choose different colors.

Smith replied that they will be separate from all the development. They won't have any restrictions, and you won't see them; they will be located behind the development at the end of the cul-de-sac.

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

Ken Yoder, 2025 Woodland Estates: The original developer, Holiday Properties, was granted a use permit in 1992 to develop Maple Lane Apartments, now known as Woodland Estates. Here are some key points regarding the area:

- This area is one of the last locations in Elkhart where you can develop a home and enjoy walking trails.
- The children from Maple Lane often visit the trails.
- The original concept was to create a wooded environment; however, the current developer has not adhered to this vision.
- The completion of the seven lots has not met the development standards or vegetation requirements set by the city of Elkhart.
- Concerns have been raised regarding the vegetation in the development.

Andy Myers, 2809 Ferndale Rd, is the petitioner. I have tried to maintain as many trees as possible because they are important for safety. My goal is to preserve as many trees as I can.

Schaffer mentioned that the area planned as parkland is owned by another party. The three larger lots will have tree preservation due to their size.

Myers states that I am in the process of purchasing from my parents. If this had been developed as intended, we would have preserved more trees.

Schaffer notes that we have an Arbor grant that is administered by the Environmental Center and is planting on both public and private properties.

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 Jones. Motion carries.

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

Schaffer states that as we consider this preliminary plat, our evaluation should be contingent upon the common council's approval of the PUD.

Schaffer confirms for the record that there was a nod of agreement.

26-SUB-04 PETITIONER IS David Myers & Elizabeth Myers

PROPERTY IS LOCATED AT VL Woodland Estates

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a 13-lot, +/- 10.44 acre major subdivision, to be known as Woodland Estates Phase 3; a part of the Southwest Quarter of Section 27, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.

STAFF ANALYSIS

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a 13-lot, +/- 10.44 acre major subdivision, to be known as Woodland Estates Phase 3; a part of the Southwest Quarter of Section 27, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.

The preliminary plat, known as Woodland Estates, Phase 3, depicts the north section of Woodland Estates Drive extended to a cul de sac with nine (9) newly established lots for single family dwellings. There are four (4) additional lots proposed – three (3) with access from Henke Street and one (1) without street frontage that is to be deeded to the adjacent property owner.

The proposed retention for the newly extended street will be directly east of the cul de sac, as depicted on the plat, across parts of future Lots 70, 72 and 73, by way of a drainage easement along the north side of future Lot 71. There are also a number of utility easements proposed for the purpose of extending water and sewer to all lots with the exception Lots 70, 72 and 73 which will utilize well and septic. Lots without water or sewer must meet a minimum lot width of 80 feet and be a minimum of 10,000 square feet in area; all of the lots meet the requirements. A non-access easement is also proposed along the west side of Lot 77 to limit future curb cut placement for the future home on the south side of the parcel, away from the intersection.

The project meets the requirements of the Zoning and Subdivision Ordinances including lot size, layout, and street width. It has been submitted to the city's Technical Review process and staff have had review of the project. There are some minor outstanding issues, however staff does not anticipate any insurmountable issues.

STAFF RECOMMENDATION

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

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

The City of Elkhart Planning Staff has reviewed the subject petition and recommends **approval** of a Preliminary Plat for a 13-lot, +/- 10.44 acre major subdivision, to be known as Woodland Estates Phase 3; a part of the Southwest Quarter of Section 27, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.

The lots meet the minimum lot area requirements for the R-1, One-Family Dwelling District;

1. Lots proposed for single-family development meet all of the bulk standards of the R-1 Zoning District, One-Family Dwelling District, specifically, minimum lot size, and property development setbacks;

2. The proposed subdivision meets the stormwater requirements by establishing a drainage easement area across parts of Lots 70, 72 and 73;

3. In review of the proposed preliminary plat for a new major subdivision, Staff finds the petitioner has demonstrated compliance with all the enacted regulations of both the City of Elkhart Zoning and Subdivision Control Ordinance.

CONDITIONS

1. The approval is preliminary only. The applicant must submit the required application materials for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.

2. Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.

3. Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.

4. The project must be reviewed and approved through the City's Technical Review process prior to the submission of the final plat to the Plat Committee.

Trotter states that 39 letters were mailed: 6 were returned in favor, 4 were in favor with no comments, and 2 were not in favor with no comments.

Schaffer asks if there are questions from the Commission.

Schaffer calls petitioner forward.

Angela Smith, JPR 325, S. Lafayette, is speaking on behalf of the petitioner. The staff report is clear regarding our previous request. In recent discussions with the neighbors, we discovered that there is already a lot 65 in the other phase. Although this is a second phase, when we submit for secondary approval, we will renumber it to lot 78 to eliminate any confusion. We kindly ask for your approval.

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 a motion to approve with a Do-Pass Recommendation to the Plan Commission, with conditions listed in the staff report, the approval of 26-PUDA-04; seconded by Jones. Motion carries.

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

26-TXT-03 PETITIONER IS City of Elkhart
PROPERTY IS LOCATED AT City of Elkhart

STAFF ANALYSIS
Subsequent to the Plan Commission approval of the Unified Development Ordinance, based on changes in state law, there were additional terms that were not mentioned in the definitions Chapter 17, previously. The goal is to update existing definitions and add new ones related to emerging technologies.

The additional terms being added to Chapter 17 Language Rules and Definitions are as follows:

Backup Generator; Brownfield; Data Center (Principal); Data Center Campus; Data Center, Accessory; Data Hall; Electrical Substation, Accessory; Mechanical Yard; Sensitive Receptor; Solar Energy System; Solar, Community Scale; Solar, Large-Scale; and Solar, Small-Scale Accessory.

The second part of this amendment is to Update Use Specific Conditions in Chapter 4 to amend or add the following uses to Table 4.2-1 as well as amend or add the use specific conditions in Sections 4.8, 4.9, and 4.10 based on emerging technologies. Those use conditions included - Data Center (Principal); Data Center Campus; Data Center, Accessory; Solar, Community Scale; Solar, Large-Scale; and Solar, Small-Scale Accessory. Finally, update numbering for headings and subheadings throughout Chapters 4 and 17. To also update cross references throughout the UDO to reflect changes to Chapters 4 and 17.

Data centers and solar arrays are emerging technologies that evoke strong feelings and pose tremendous concern with residents and adjacent neighboring property owners as these uses are introduced and asked to be approved within communities. Environmental, public health, safety, property values and conformance to development standards are all important considerations to properly review and consider as the development process works through the prescribed process review. That is why staff felt it was important to develop, along with our consultant, development regulations that protect the city and its residents should a proposal be submitted for review.

STAFF RECOMMENDATION

Staff recommends approval of case 26-TXT-03, the proposed zoning ordinance text amendment to the Unified Development Ordinance (UDO), as described above and send to the Common Council with a "Do Pass" recommendation.

Schaffer asks if there are questions from the Commission.

Michael Huber, Director of Development Services, appreciates your consideration of the City's request. The update on the UDO has seemed long overdue, especially given that many of you are aware of the ongoing discussions surrounding data centers. We want to use this opportunity to address these concerns in the ordinance regarding data centers of various scales. With guidance from REA, we are focusing on key factors that will help ensure community safety. The ordinance reflects our current thinking on this matter. Cynthia Bowen from REA will now walk us through the updates.

Schaffer calls petitioner forward.

Cynthia Bowen, a principal at REA, I would like to take a moment to provide an overview of the emerging technology included in the zoning ordinance. As Mike indicated, several changes were made in Indiana law. Indiana passed House Bill 1001, which encompasses various references to accessory uses and housing reports, as well as provisions for shooting ranges. This legislation required us to update the zoning ordinance.

The first relevant legislation is Public Law 117-SEA 176, which is available on the legislative website. We needed to incorporate its language into the Unified Development Ordinance (UDO). This update included revised definitions and references concerning the use conditions. An indoor shooting range is permitted on any lot or parcel designated for commercial, industrial, or agricultural use, provided that certain conditions are met.

Additionally, Public Law 73 HEA 176 updates the definition of accessory dwelling units (ADUs) as self-contained living units located internal to or on the same lot or parcel as a single-family dwelling.

Initially, we defined the ADU as needing to be 1,000 square feet or less, or up to 75% of the interior habitable area. The ADU must include its own cooking, sleeping, and sanitation facilities, and it must comply with or be exempt from any applicable building codes. It is important to note that the ADU does not include a manufactured home, as defined by state code. We have incorporated these definitions into the UDO by reference.

Data centers can be classified either as a special exception or as an accessory use. An accessory data center, whether it is considered an accessory use or a principal data center, is subject to on-site and administrative approval by the planning staff. Accessory data centers are limited to 2,000 square feet or less and must have an aggregate electrical power capacity of less than 5 megawatts. These accessory data centers are exempt from the requirements that apply to principal data center uses.

We have updated the standards for data centers classified as principal uses. They are now allowed to have an accessory electrical substation, solar installations, or battery energy storage systems (BESS), provided they meet the respective conditions. Additionally, we encourage the redevelopment of brownfield sites for this purpose, as it can be of beneficial use for those locations in Elkhart.

We needed to make sure we implemented the 500ft separation from any sensitivity receptor: residential zoning district, convalescent homes, nursing homes or hospices; dormitories; community buildings or center; daycares; libraries; place of worship; schools and colleges; any park, recreation, open space and trails it has to be at least 500 feet from what we call the sensitivity receptors; you are allowed to reduce it to 300 ft if separated by an interstate, highway, or major arterial.
We want to ensure that the placement and orientation of buildings are compatible with the site's surroundings. Many data centers resemble office buildings, often featuring a front office area with employees working inside, while the back may look like a warehouse. Any construction should minimize visual and environmental impacts. We have established criteria for site design.

The special exception is subject to the approval of the site plan and building elevation. There is a minimum lot size of 5 acres and required setbacks of 150 feet. Screening and landscaping buffers are also necessary.

We have addressed noise and vibration concerns, as data centers can generate noise depending on their cooling mechanisms. We have set noise limits: 60 dBA for sensitive receptors and 70 dBA at the property line for other areas. If the noise levels exceed these limits, the applicant may need to implement noise reduction barriers or conduct a sound study to ensure compliance with local ordinances.

There is considerable discussion regarding energy impact, as data centers consume a substantial amount of energy. Their energy requirements depend on their setup and equipment. Applicants must provide a letter from their energy provider confirming adequate capacity and must have the necessary utility infrastructure in place before construction begins. We also need to understand the impact of the cooling system; some data centers are cooled with water, while others use air conditioning systems. If any battery energy storage is proposed, we need to know the specifications and its implications for the utility and surrounding area regarding renewable or clean energy sources.

Regarding cooling and water impact, applicants must disclose their cooling methods and conduct a water impact study. The special exception requires a commitment to provide annual water impact reports to city staff. Additionally, a decommissioning plan, along with a bond, is necessary as a condition of approval. This ensures that if the data center becomes unnecessary in 20 years and the site is not cleaned up, the city will have the authority to manage the cleanup.

For solar energy systems, like data centers, a special exception may be required depending on the type. Most special exceptions apply to community-scale solar projects and large-scale solar installations. Community-scale facilities must be a minimum of 5 acres and less than 10 MW, either powering on-site needs or contributing to the power grid. Large-scale solar installations require a minimum of 10 acres and have no capacity limit but provide power to third parties.

These use standards apply to both community-scale and large-scale solar projects and must comply with IC 8-1-42. Additional requirements include specific heights (including fences or berms), distances from roads, and setbacks from non-participating properties. If there is an agreement with adjacent property owners who do not have solar facilities, the required 250-foot setback can be reduced to 50 feet. Solar panels need to be 25 feet tall with a maximum tilt, adhering to zoning height limitations.

A vegetation planting plan and buffers are required. There must be a 6-foot high enclosure that completely surrounds the solar array, allowing for wildlife access and using wildlife-friendly materials. Barbed wire is prohibited, and all underground cables must be buried. A utility plan detailing all cable installations is required, with approval from the Department of Public Works as a condition of the special exception.

Lastly, nuisance mitigation measures must minimize glare and should not interfere with traffic or air traffic. Sound levels must not exceed 50 dBA at the exterior of non-participating dwellings. Both glare and sound analyses may be required, and a consultant analysis might also be necessary.

Each community-scale and large-scale project must include a decommissioning, abandonment, and force majeure event site restoration plan. This must comply with IC 8-1-42, which outlines the requirements for a decommissioning plan, including a site restoration plan and the necessary bonds for decommissioning. These conditions are required as part of the special exception for battery energy storage systems (BESS) proposed alongside solar installations.

For small-scale accessory BESS when solar energy is attached to a primary or accessory structure, the systems do not count towards lot coverage. Solar carports and associated electric vehicle (EV) charging stations are permitted in parking lots across all districts but are limited to a height of 15 feet in residential districts and 20 feet in all other districts. Reflectors used in these installations must minimize glare, which will be verified during inspection.

Grid-tied solar systems must adhere to the interconnection requirements set by the utility company; however, off-grid systems are exempt from this requirement. If the solar system is only powering a building or house, it is not subject to these regulations.

Building- or roof-mounted solar installations must not exceed the maximum height for the zoning district. Exceptions to height regulations for mechanical equipment may apply to solar panels. For solar panels installed on flat roofs, they must be screened with a parapet wall per the screening requirements outlined in Section 8.10.3. If installed on a pitched roof, the panels must comply with all relevant approvals and permits, and if visible from the street, they must match the pitch of the roof and be no more than 10 inches above it.

Ground-mounted solar panels must be installed in a side or rear yard and must adhere to the setback requirements of their zoning district when oriented at maximum tilt. However, mechanical equipment may be exempt from these requirements. Planning staff may approve panels that exceed lot coverage if the soil they cover remains vegetated and uncompacted. The maximum height for these panels, when at maximum tilt and used as an accessory to residential property, is 15 feet.

The next steps involve recommending the approval of the UDO to the Common Council, scheduling a public hearing to gather additional feedback from the public once it is completed and approved, and proceeding to adopt it.

Bowen asks the board if there are any questions.

Newbill inquires about livestock and the noise from the data centers. What kind of feedback do they receive. Is it a continuous humming sound, or what type of noise is produced.

Bowen replied that it has been described to him, but she hasn't heard it personally. It sounds like constant traffic in the background that never goes away.

Newbill continues to ask how far the noise coverage extends: 5 acres or 10 acres.

Bowen explains that we have established a decimal standard, meaning noise levels at the property line cannot exceed a certain limit. If they do, we will need mitigation measures. For example, we can install sound walls near the air conditioning units located between the buildings. This is part of our effort to reduce noise levels so that it doesn't sound like constant traffic passing by.
Newbill continues to ask whether it affects livestock or other animals in the area.

Bowen mentions that no studies have been conducted so far on how this may affect livestock.

Mishler inquires with ADU whether mobile homes are permitted under House Bill 10-01, noting that they are no longer allowed. Mishler also asks for clarification on the cooling systems and operations of the data center, specifically regarding how these may negatively impact the surrounding area.

Bowen responds regarding the sound and the use of water. We have attempted to allocate sections and conduct studies, including glare analysis, sound analysis, and water impact assessments. These studies are necessary so that the board can make an informed decision about the electric grid, specifically concerning power usage, water consumption, and whether the city can accommodate these demands.

Mishler is asking whether there is anything that would necessitate the use of a closed-loop cooling system for the data center. This has been a significant issue concerning noise levels. Facilities that do not use a water-cooling system typically rely on air cooling, which often causes a buzzing sound. In contrast, water-cooling systems can produce up to one million gallons of wastewater per day. However, if they were to implement a closed-loop system, the waste would be reduced to just 25-30 gallons per day.

Mishler asked Schaffer if the city uses at least 12 million gallons of wastewater a day.

Schaffer reports that our current wastewater flow during dry weather is approximately 12.5 million gallons per day, and we have a capacity of 20 million gallons.

Mishler continues to inquire whether the language in question requires the use of less water-intensive systems in closed systems, or if the decision will be left up to the council once the studies are completed.

Bowen replied that we didn't require a specific system; it depends on the data center setup and experience with other data centers. The one I dealt with didn't have a closed system, and there wasn't the capacity to treat and return the water to the plant. Often, when data centers come in, there are economic incentives or discussions about what they need to do. During this process, the staff can engage in conversations with them. If they seek economic incentives, Recommendations could be tied to those incentives, and you can negotiate what you want based on those studies.

Jones asks about staffing at the data center facilities.

Bowen explains that the data center's size and specific characteristics play a significant role in its operation. For example, the third-party data center I examined planned to have five buildings and serve a variety of users. They anticipated having around 100 employees on-site each day. However, Google and Meta operate somewhat differently.

Jones asks what the attraction to the Brown's Field sites for development of these locations.

Bowen explains that both data centers and solar farms require considerable space and acreage for buffering, landscaping, and future expansion. In Elkhart, we have several brownfield sites, some of which already have the necessary infrastructure for these uses. We

want to provide an incentive for developers to prioritize these brownfield locations instead of expanding to the outskirts of the community, which would necessitate extending water and sewer services to newly annexed areas.

Jones indicates that the entire site does not need to be remediated.

Bowens replies that you may not need to do any remediation at all. Because it is an industrial use, some remediation may be needed, but it would be limited because the use is very similar.

Newbill asked whether the property is located in the county or the city.

Bowen responds that it is in the city.

Schaffer thanks Cynthia Bowen and the staff for documenting the rules for how a developer may approach the City.

Lawson asks which collaboration in the County should be approached first, and secondly, how we are the same or different from their requirements.

Bowen mentioned that one of the initiatives to assist staff was a white paper on solar field data centers. This paper examined research not only in the region but also across the country, compiling best practices tailored to the city's needs. Each county in the region has different standards and requirements, and Elkhart has implemented the best practices based on current thinking about these facilities. As Jeff pointed out, clearly defined guidelines are necessary for compliance.

Lawson states that this is a moving target, which matters to many people. He questions how often this will be reviewed and updated.

Huber replied that this represents our current thinking. We haven't had extensive conversations regionally, so we turned to our consulting team at REA. As we finish this project, we are starting to see emerging issues. We need to look beyond our region to consider what is happening nationally, focusing on important factors like transparency, public safety, and the public's concerns regarding these matters. We aim to establish a framework for a path forward that identifies suitable opportunities on a scale that fits our community and in locations that are appropriate, all while ensuring the public can have a meaningful impact in the process.

Lawson emphasizes that this document should be treated as a living document.

Huber responds, establishing our starting point and setting the ground rules for moving forward.

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

Angela Smith
JPR 325 S Lafayette

I have worked extensively with end-user development in Saint Joseph County. The JPR is currently working on the DPUD for the town of Bristol, so I am very familiar with the relevant ordinances.

I wanted to address a couple of questions regarding noise levels and livestock. A noise level of 60 DBA is equivalent to that of a residential air conditioning unit. While the noise may be louder at the source, it is comparable to a residential air conditioner once it reaches the property line. This noise level is appropriate for the proposed developments in Bristol DPUD, especially those adjacent to residential areas.

This project is not a data center, but the proposed uses are allowable within the DPUD. The noise levels we are proposing are consistent with what we have seen in similar projects, and we are implementing stricter screening requirements to address concerns from neighboring properties.

Any project that advances will utilize technology that may differ significantly from what is available today. In Bristol, we were asked to require a closed-loop system; however, we recognize that technology can rapidly improve. Therefore, we want to allow for some flexibility in this requirement. I hope this explanation addresses your concerns.

Schaffer mentioned that he can provide insights on the water side. Mike Yoder, the town manager in Bristol, has discussed regional water and wastewater issues. They are taking an open approach and considering various options for implementation.

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.

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

STAFF ITEMS
26-SI-06
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

217 Haines Drive	New Single-Family Dwelling	20-05-01-454-007.000-006

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

Schaffer asks if there are questions from the Commission.

Schaffer calls for a motion.

Mishler makes motion to approve; Second by Newbill. Motion carries.

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

Jeff Schaffer, President **Diana Lawson, Secretary**