

***PERSONAL AUDIO ENHANCERS ARE AVAILABLE FROM THE COUNCIL
SECRETARY***

AGENDA FOR REGULAR ELKHART CITY COUNCIL MEETING

LOCATION: CITY HALL, 2ND FLOOR, COUNCIL CHAMBERS

June 12, 2023

7:00 P.M.

1. Call to Order, Pledge, Moment of Silent Meditation, Roll Call

2. Minutes for Approval

There are no minutes for approval

Presentations and Introductions

3. Unfinished Business

a) Reports of Council Committees

b) Ordinances on Second-Third Reading

PROPOSED ORDINANCE 23-O-12, an ordinance appropriating Three Hundred Fifty-Five Thousand Dollars (\$355,000.00) for purchase of five new police units and law enforcement kits, for the Elkhart Police Department.

c) Ordinances and Resolutions Referred to Committees

There are no ordinances or resolutions referred to committees

d) Tabled Ordinances and Resolutions

PROPOSED RESOLUTION 23-R-09, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Alliance RV, LLC\Creek, LLC are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-8-19, R-9-19 and R-10-19

PROPOSED RESOLUTION 23-R-10, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Alliance RV, LLC\Creek, LLC are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-08-21, R-13-21 and R-14-21

PROPOSED RESOLUTION 23-R-11, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Alpha Systems, LLC\DVS, LLC are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-06-17, R-08-17 and R-09-17

PROPOSED RESOLUTION 23-R-12, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Alpha Systems, LLC\DVS, LLC are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-43-20, R-44-20 and R-45-20

PROPOSED RESOLUTION 23-R-13, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether American Millwork, LLC\Nickell Properties I, LLC are in substantial compliance with its statement of benefits-Personal Property (Form CF-1/PP) and the memorandum of agreement approved under Resolution Nos. R-07-21, R-11-21 and R-12-21

PROPOSED RESOLUTION 23-R-15, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Champion Manufacturing Inc.\C.R. 17 Land Development, LLC are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-41-19, R-42-19 and R-43-19

PROPOSED RESOLUTION 23-R-16, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether EOZ Business, LLC are in substantial compliance with its statement of benefits (CF-1 Forms) and the memorandum of agreement approved under Resolution Nos. R-37-20, R-39-20 and R-40-20

PROPOSED RESOLUTION 23-R-17, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Flexible Concepts, Inc. are in substantial compliance with its statement of benefits – personal property (Form CF-1/PP) and the memorandum of agreement approved under Resolution Nos. R-37-19, R-38-19 and R-39-19

PROPOSED RESOLUTION 23-R-18, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Flexible Concepts, Inc. are in substantial compliance with its statement of benefits – personal property (Form CF-1/PP) and the memorandum of agreement approved under Resolution Nos. R-51-21, R-57-21 and R-58-21

PROPOSED RESOLUTION 23-R-19, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Kem Krest, LLC\La Isla Bonita Properties, LLC are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-47-16, R-49-16 and R-50-16

PROPOSED RESOLUTION 23-R-20, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Marson International, LLC are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-04-22, R-06-22 and R-07-22

PROPOSED RESOLUTION 23-R-21, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Placon Corporation are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-14-20, R-27-20 and R-28-20

PROPOSED RESOLUTION 23-R-22, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether R. Concepts Industries, Inc. are in substantial compliance with its statement of benefits (Form CF-1\PP) and memorandum of agreement approved under Resolution Nos. R-37-19, R-49-19 and R-50-19

PROPOSED RESOLUTION 23-R-23, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Tredit Tire & Wheel Company, Inc. are in substantial compliance with its statement of benefits (Form CF-1\PP) and memorandum of agreement approved under Resolution Nos. R-38-18, R-42-18 and R-43-18

PROPOSED RESOLUTION 23-R-24, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Truma Corp.\42K Real Estate, LLC are in substantial compliance with its statement of benefits (CF-1 Forms) and memoranda of agreement approved under Resolution Nos. R-04-18, R-09-18 and R-10-18

PROPOSED RESOLUTION 23-R-25, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether FF US Acquisition Corporation, DBA Tuscany Motor Company\TLMTG Properties, LLC are in substantial compliance with its statement of benefits (CF-1 Forms) and memoranda of agreement approved under Resolution Nos. R-50-18, R-53-18 and R-54-18

PROPOSED RESOLUTION 23-R-26, a resolution of the Common Council of the City of Elkhart, Indiana determining whether Americana Development; DBA: Dexstar Wheel are in substantial compliance with its statement of benefits (CF-1 Forms) and memoranda of agreement approved under Resolution Nos. R-51-20, R-52-20 and R-53-20

PROPOSED RESOLUTION 23-R-27, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether CTS Corporation are in substantial compliance with its statement of benefits (CF-1 Forms) and memoranda of agreement approved under Resolution Nos. R-03-19, R-04-19 and R-05-19

PROPOSED RESOLUTION 23-R-28, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Tepe Sanitary Supply, Inc. T5, LLC are in substantial compliance with its statement of benefits (Form CF-1\RP) and memorandum of agreement approved under Resolution Nos. R-50-20, R-54-20 and R-55-20

4. **New Business**

a) **Ordinances on First Reading**

PROPOSED ORDINANCE 23-O-13, an ordinance amending the zoning map created pursuant to Ordinance No. 4370, the “zoning ordinance of the City of Elkhart, Indiana” as amended, to rezone 1600 block of Sterling Ave., Elkhart, IN 46516 from M-2, General Manufacturing District to R-4, Multiple Family Dwelling District

PROPOSED ORDINANCE 23-O-14, an ordinance approving a major amendment to the “Concord Mall Planned Unit Development District (PUD)” Elkhart City Ordinance 5029 to remove B-4, Regional Business District and add R-4, Multi-Family Residential District, B-2, Community Business District, and M-1, Manufacturing District with conditions

b) **Resolutions**

There are no resolutions

c) **Vacation Hearings**

There are no vacation hearings

d) **Other New Business**

e) **Reports of Mayor, Board of Works, Board of Safety or City Departments**

f) **Neighborhood Association Reports**

g) **Privilege of the Floor**

h) **Scheduling of Committee Meetings**

5. **Acceptance of Communications**

Minutes of April 26, 2023 – Board of Aviation Commissioners

Minutes of May 16, 2023 – Board of Public Works

Report – Month End – May 2023 – Elkhart Communications Center

Report – Month of April 2023 – Parks Department

6. **Adjournment**

Rod Roberson
Mayor



Planning & Development
Community Development
Economic Development
Planning Services
229 S. Second St.
Elkhart, IN 46516
574.294.5471
Fax: 574.295.7501

To: City Council
From: Mike Huber ~~WAA~~
Date: June 5, 2023
Re: 23-Z-01

This is a request to rezone a .9-acre vacant lot on the 1600 block of Sterling Avenue from M-2, General Manufacturing District to R-4, Multiple Family Dwelling District. The rezoning will enable the Redevelopment Commission to redevelop the property with multifamily housing. The rezoning is advantageous because it is on a corridor where industrial development is unlikely, it will add more needed housing for the city, and is located on a primary street. It comes before the council with a "Do-Pass" recommendation from the Plan Commission on a 6-0 vote.

Rod Roberson
Mayor



Planning & Development
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229 S. Second St.
Elkhart, IN 46516
574.294.5471
Fax: 574.295.7501

June 6, 2023

The Common Council
City of Elkhart
Elkhart, IN 46516

**RE: Petition 23-Z-01
VL (1600 BLOCK) STERLING AVE**

Dear Council Members:

This letter certifies that the Elkhart City Plan Commission at its regular meeting on **Monday, June 5, 2023**, heard the above petition as prescribed by Section Per Section 29.11.B, Map Amendments, a request to rezone Vacant Land on the 1600 Block of Sterling Avenue from M-2, General Manufacturing District to R-4, Multiple Family Dwelling District.

The Plan Commission **voted 6 to 0 in favor** of this rezoning petition and thus it is sent to the Common Council with a "Do Pass" recommendation.

Sincerely,

Kayla Jewell
Plan Commission Recording Secretary

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING MAP CREATED PURSUANT TO ORDINANCE NO. 4370, THE “ZONING ORDINANCE OF THE CITY OF ELKHART, INDIANA” AS AMENDED, TO REZONE 1600 BLOCK OF STERLING AVE ELKHART, IN 46516 FROM M-2, GENERAL MANUFACTURING DISTRICT TO R-4, MULTIPLE FAMILY DWELLING DISTRICT

WHEREAS, on July 20, 1998, the Common Council of the City of Elkhart, Indiana (the “Common Council”) adopted Ordinance No. 4370 (the “Zoning Ordinance of the City of Elkhart, Indiana”), creating the zoning map that established the zoning districts for all real estate located within the corporate boundaries of the City of Elkhart (commonly referred to as the “Zoning Map”); and

WHEREAS, the real estate located at 1600 Block of Sterling Ave Elkhart, IN 46516 (the “Real Estate”), is zoned M-2, General Manufacturing District; and

WHEREAS, the owner of the Real Estate petitioned the Elkhart City Plan Commission, requesting to amend the Zoning Map to allow for redeveloping property for use as multi-family housing; and

WHEREAS, the intended use of the Real Estate is not a permitted use, thus requiring that the subject Real Estate be rezoned from M-2, General Manufacturing District to R-4, Multiple Family Dwelling District, if the owner’s intended use is to be allowed; and

WHEREAS, the rezoning, as petitioned, remains compatible with the adjacent properties and reflects responsible growth and development; and

WHEREAS, on June 5, 2023, the Elkhart City Plan Commission conducted a public hearing on the petition to amend the Zoning Map for the purpose stated herein and voted to forward to this Council the Commission's "DO PASS" recommendation.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA that

Section 1. The zoning map created pursuant to and incorporated into Ordinance No. 4370, as amended, the Zoning Ordinance of the City of Elkhart, Indiana, is hereby further amended to rezone from M-2, General Manufacturing District to R-4, Multiple Family Dwelling District, the following real estate, located in the City of Elkhart, County of Elkhart, State of Indiana, and more-fully described as follows:

LEGAL DESCRIPTION:

Lots Numbered Fifty-one (51) through Fifty-five (55) inclusive, Seven (7) feet in width off and across the entire length of the Southerly side of Lot Numbered Fifty-six (56), as the said Lots are known and designated on the recorded Plat of HUDSON-STERLING ADDITION to the City of Elkhart, Indiana; said Plat being recorded in Deed Record 115, page 413 in the Office of the Recorder of Elkhart County, Indiana.

ALSO

A strip of land in the East half (E ½) of the Southwest Quarter (SW ¼) of Section Nine (9), Township Thirty-seven (37) North, Range Five (5) East, in the City of Elkhart, Indiana, more particularly described as follows:

A Thirty-three (33) foot strip of land lying between the South line projected Westerly of Lot Fifty-one (51) in Hudson-Sterling Addition to the City of Elkhart, Indiana, and a North line Seven (7) feet North of and parallel with the South line of Lot Fifty-six (56) In said addition, projected Westerly bounded on the West by the Easterly line of the right of way of the New York Central Railroad Company and on the East by the Westerly line of a vacated Sixteen (16) foot alley, together with the West half (W ½) of said vacated alley aforementioned, abutting and adjoining said Thirty-three (33) foot strip above described on the East.

Address(s):

1600 Block of Sterling Ave Elkhart, IN 46516

Parcel Identification Number(s):

20-06-09-329-003.000-012

Section 2. Conditions of Rezoning. This amendment and rezoning shall not take effect unless the following conditions are satisfied:

A: NONE

[Balance of page is intentionally blank.]

Section 3. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Common Council.

So ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this _____ day of _____, _____,
at _____ a.m./p.m.

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk



Staff Report

Planning & Zoning

Petition: 23-Z-01

Petition Type: Rezoning

Date: June 5, 2023

Petitioner: RB Realty LLC

Site Location: Vacant Lot (1600 block) Sterling Avenue; Parcel 20-06-09-329-003.000-012

Request: Per Section 29.11.B, Map Amendments, a request to rezone Vacant Land on the 1600 Block of Sterling Avenue from M-2, General Manufacturing District to R-4, Multiple Family Dwelling District

Parcel I.D. Number(s): 20-06-09-329-003.000-012

Existing Zoning: M-2, General Manufacturing District

Size: +/- .91 Acres

Thoroughfares: Sterling Avenue

School District: Elkhart Community Schools

Utilities: Available to site

Surrounding Land Use & Zoning:

The property is in an established mixed use corridor that is transitioning from legacy manufacturing to residential uses. Property to the north is a public park zoned M-2. Property to the south is vacant zoned R-4. Property to the east is residential zoned M-2.

Applicable Sections of the Zoning Ordinance:

See enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for this area to be developed with medium density residential uses.

Plan Commission Action: Recommendation to Common Council.



City of Elkhart | Maxar, Microsoft | Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., HERE/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Staff Analysis

The City of Elkhart Redevelopment Commission (RDC) owns a .9 acre development site on the west side of Sterling Avenue, between Indiana Avenue and Lusher Avenue. A developer has submitted a proposal to develop the property as a multifamily development, with an anticipated two buildings, a total of sixteen (16) units, and associated parking. The site is located on a primary street within the city, and a railroad right-of-way borders its rear property line.

Last year the developer worked with the city to apply for Low Income Housing Tax Credit (LIHTC) program through the Indiana Housing and Community Development Authority (IHCDA). At the time they applied for two other sites – one was the lot to the immediate south at 1701 Sterling and the other was at 1710 Main St. The project was not funded, in part because of a negative mark for having the project split by a railroad. As a result, the city and developer have modified the plan to include the property that is the subject of this application and the lot at 1701 Sterling to the immediate south, which are on the same side of the railroad tracks. The two projects would combine for a total of 40 housing units.

The property is currently zoned M-2, which is a remnant from when industrial land uses were common along the corridor. The existing industrial uses on Sterling have mostly gone into disuse, and the location and depth of the lot make it unlikely to be redeveloped as an industrial property. In recent years, industrial uses have moved out to the periphery of the city on larger lots, and this section of Sterling Avenue has become a primarily residential corridor. The Comprehensive Plan calls for the area to be converted to residential.

The M-2 zoning district is no longer the most appropriate for the site. Conversion to R-4, Multiple Family Dwelling District is appropriate because it is a large lot on a primary corridor, where multi-family dwellings are appropriate. The site plan submitted is illustrative and has not yet been submitted to the City's Technical Review process.

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 residential uses;
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because it will not have an impact on adjacent industrial and commercial uses;
- 3) The R-4 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 a mix of uses;
- 5) The rezoning of the property to R-4, Multiple Family Dwelling District is compatible with the surrounding properties and does reflect responsible growth and development.

Photos





Attachments

Petition, appeal letter, affidavit, and site plan.

PETITION #: 23-2-01

FILING FEE: \$ waved

PETITION to the PLAN COMMISSION

PETITION TYPE: REZONING

This action requires final approval from the Common Council

Property Owner(s): City of Elkhart In

Mailing Address: 229 S. Second St. Elkhart, IN 46516

Phone #: (574) 294-5471 (Ext 1019) Email: adam.fann@coe.org

Contact Person: Adam Fann

Mailing Address: 201 S. Second St. Elkhart, IN 46516

Phone #: (574) 294-5471 (Ext. 1019) Email: adam.fann@coe.org

Subject Property Address: Vacant land Parcel # 20-06-09-329-037.000-012

Zoning: M-2

Present Use: Greenspace Proposed Use: Residential

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Sandra Schreiber

SIGNATURE(S): Sandra Schreiber DATE: 4/27/23

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Plan Commission docket:

- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 25 copies must be submitted.
- Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: [Signature] DATE: 4/27/23

April 25, 2023

TO: Honorable Members of the Plan Commission and City Council City of Elkhart, Indiana

Re: Rezoning

The undersigned petitioner respectfully shows the Plan Commission and Council:

1. I, Sandi Schreiber, president of Elkhart Redevelopment Commission, am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart, County, State of Indiana, to wit: Parcel 20-06-09-329-003.000-012 , Legal Description attached as Exhibit A
2. The above-described real estate presently has a zoning classification of M-2 under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies the above-described property in the following manner: Vacant industrial building. Proposed use is to construct two residential buildings with eight units in each building for a total of 16 units.
4. Petitioner desires to rezone said real estate to R-4 District to construct two residential buildings with eight units in each building for a total of 16 units.
5. The proposed development and use of the subject property is consistent with the Updated Comprehensive Plan adopted by the City Council of The City of Elkhart on February 2, 2015. Specifically, the proposed development is compatible with the stated goals in "Future Land Use" map in section 4. The proposed project is medium density residential on an existing street. The existing surrounding land uses are commercial, light manufacturing, and low density residential. The conversion of industrial to residential is a stated goal.

5.1 This proposal encourages the innovative use of currently underutilized land in the city. The land in question has been vacant for a period of time since the factory is no longer in use. The redevelopment of this parcel is an opportunity to do infill development in an existing neighborhood. The neighborhood consists of various uses including commercial and residential across the street from this project, industrial next door, and is adjacent to a city park.

5.2 The location of this property in an existing neighborhood and next to a park constitutes a very efficient economic use of the land. The existing pedestrian infrastructure is in place to allow the future tenants of the property to safely access the products and services found in the immediate vicinity. Public facilities and services are already in place to support the development. Utilizing this property for medium density residential development is a desirable use of the land.

5.3 The construction of attractive modern apartment buildings will conserve property values throughout the district by introducing new construction to the neighborhood better suited to residential development than industrial.

WHEREFORE, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the Plan Commission make a do pass recommendation and the Council, after hearing, pass on appropriate ordinance rezoning the above-described parcel of land located in the City of Elkhart.

Signature of Property Owner: Jandra Schreiber

Printed Name: Jandra Schreiber

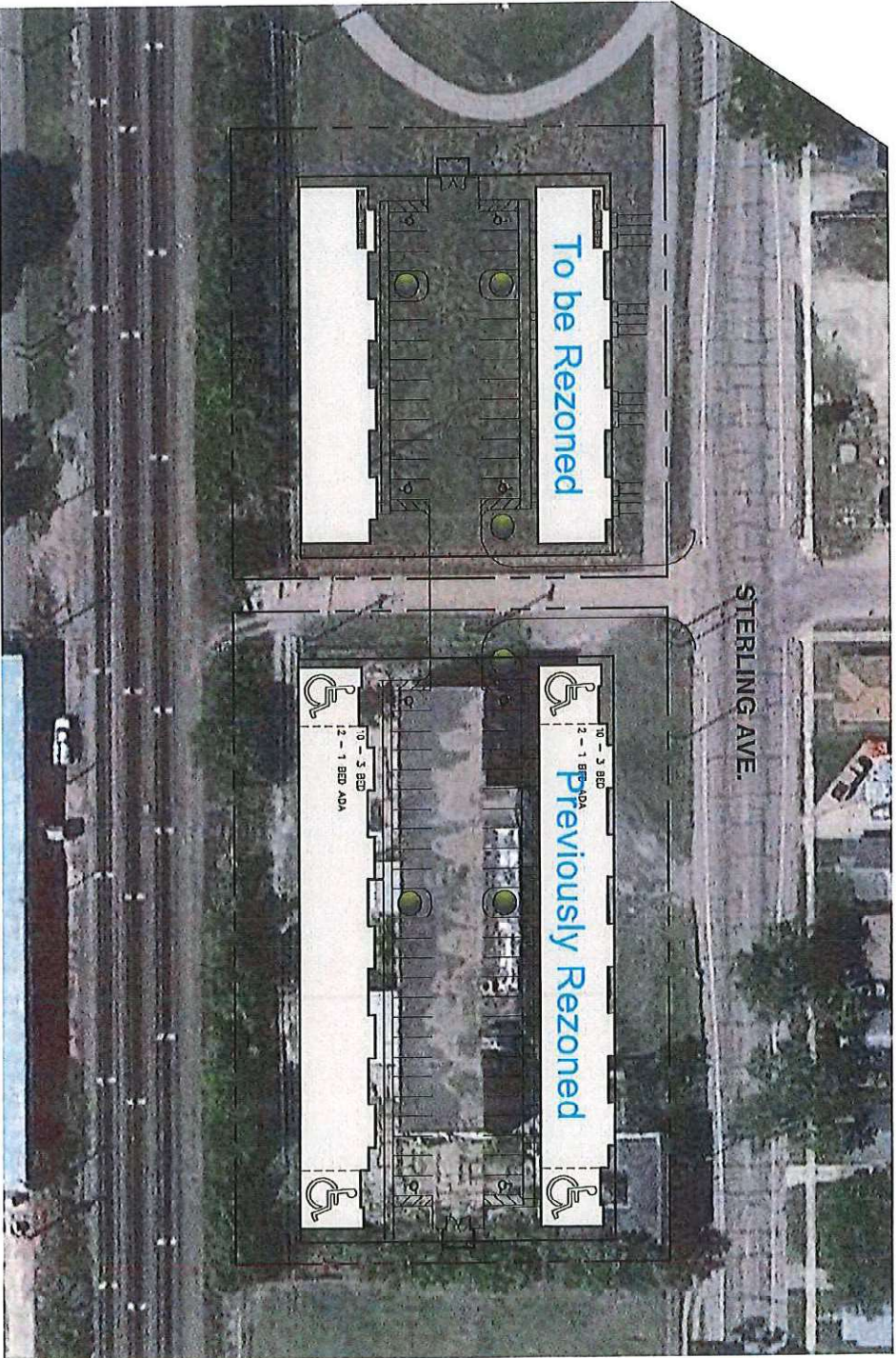
Contact Person: _____

Name: Adam Fann

Address: 201 S. Second St. Elkhart

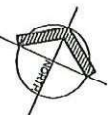
Phone Number: (574) 294-5471 (EX 1019)

Email: adam.fann@coeii.org



ARCHITECTURAL SITE PLAN


SCALE: 1/64" = 1'-0"



Rod Roberson
Mayor



Planning & Development
Community Development
Economic Development
Planning Services
229 S. Second St.
Elkhart, IN 46516
574.294.5471
Fax: 574.295.7501

To: City Council
From: Mike Huber 
Date: June 5, 2023
Re: 22-PUDA-04

This is a request to amend the Concord Mall PUD to allow for R-4 – Multiple Family Residential, B-2 – Community Business, and M-1 – Limited Manufacturing uses. The M-1 uses would have some limitations. Outside storage would be limited, screened, and buffered. The revision would allow the mall to be redeveloped as a mixed use business park with potential for some multi-family residences. It comes to the Council with a “Do-Pass” recommendation from the Plan Commission on a 6-0 vote.

Rod Roberson
Mayor



Planning & Development
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Elkhart, IN 46516
574.294.5471
Fax: 574.295.7501

June 6, 2023

The Common Council
City of Elkhart
Elkhart, IN 46516

RE: Petition 23-PUDA-04
3701 SOUTH MAIN STREET

Dear Council Members:

This letter certifies that the Elkhart City Plan Commission at its regular meeting on **Monday, June 5, 2023**, heard the above petition as prescribed by Section Per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Concord Mall Planned Unit Development District, Ordinance 5029, approved by the Common Council of the City of Elkhart. The proposed amendment would remove the B-4, Regional Business District from the list of permitted uses, and add R-4, Multi-Family Residential District, B-2, Community Business District, and M-1, Limited Manufacturing District to the list of permitted uses, with some M-1 uses omitted (complete list available in the Planning and Zoning Office). To also allow for limited, screened outside storage.

The Plan Commission **voted 6 to 0 in favor** of this planned unit development petition and thus it is sent to the Common Council with a "Do Pass" recommendation with listed conditions:

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

1. Ordinances 5029 and shall be revoked.
2. Uses for the following Zoning Districts shall be permitted with exceptions as noted:
The R-4, Multiple Family Dwelling District
The B-2, Community Business District
The M-1, Limited Manufacturing District, with the following modifications:

Uses that shall be explicitly prohibited:

- Recycling centers, excluding chemical processing and tire recycling
- Kennels and animal hospital
- Archery/rifle range, when located entirely within a building
- Crematoriums

Uses that shall be allowed by Special Exception as per Section 29.7 of the Zoning Ordinance and subject to approval by the Board of Zoning Appeals:

- Mobile home and manufactured housing manufacturing

Uses that shall not be permitted as primary uses but shall be allowed as accessory to other permitted uses:

- Motor freight terminal, excluding hazardous waste
 - Truck, tractor, trailer or bus storage, parking lot or yard, or garage
3. Outside storage shall only be permitted as per the areas outlined in Figure 1. Outside storage will not be permitted in front of an active retail or office use.
 4. Outside storage shall be screened and buffered as outlined below. Outside storage, screening, and buffering shall not block emergency access as determined by the City of Elkhart Fire Department.

Screening shall be architecturally compatible with the façade materials found on the primary structure.

Fence height must fully screen material stored outside and be a maximum of twelve (12) feet. Fence material shall be opaque. Opaque fence to provide a unified exterior appearance to the South Main Street corridor and the residential structures to the south adjacent to Mishawaka Road.

For the South Main Street frontage, additional landscape bed adjacent to fence a minimum of five (5) feet for plantings to soften and buffer fence. This will allow for understory plantings to vary in height and add greenspace to the campus. This may not be necessary if the overall landscape plan incorporates additional plant material.

Buffer requirements adjacent to the residential uses are a minimum width of thirty (30) feet and meet the minimum landscape strip requirements found in Section 26.7 in order to establish a visual, physical and audible barrier from the outside storage use.

Sincerely,



Kayla Jewell
Plan Commission Recording Secretary

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A MAJOR AMENDMENT TO THE
“CONCORD MALL PLANNED UNIT DEVELOPMENT DISTRICT
(PUD)” ELKHART CITY ORDINANCE NO. 5029 TO REMOVE B-4,
REGIONAL BUSINESS DISTRICT, AND ADD R-4, MULTI-FAMILY
RESIDENTIAL DISTRICT, B-2, COMMUNITY BUSINESS DISTRICT,
AND M-1, MANUFACTURING DISTRICT WITH CONDITIONS**

WHEREAS, the City of Elkhart adopted Ordinance No. 5029, approving the “Concord Mall Planned Unit Development District” (PUD), a planned unit development of the City of Elkhart, Indiana;

WHEREAS, the Concord Mall PUD contains the real property commonly known as 3701 South Main Street Elkhart, IN. 46516 (aka Concord Mall Drive) (the “Real Estate”), and legally described in Exhibit A, attached; and

WHEREAS, the Real Estate is presently assigned the zoning district of B-4, Regional Business District; and

WHEREAS, the owner of the Real Estate petitioned the Elkhart City Plan Commission, requesting that the Plan Commission recommend to the Common Council of the City of Elkhart, an amendment to the Concord Mall PUD to allow the Real Estate to be redeveloped and used as a mixed-used business park with the potential for multi-family residences; and

WHEREAS, the intended use of the Real Estate is not a permitted use under the Concord Mall PUD, as adopted in Ordinance 5029 of the City of Elkhart, thus requiring a major amendment to the Concord Mall PUD (Ordinance No. 5029), to eliminate the zoning designation of B-4, Regional Business District, and add as permitted zoning designations, R-4, Multi-Family Residential District, B-2, Community Business District, and M-1, Manufacturing District, subject

to certain conditions and restrictions; and

WHEREAS, the requested amendment and rezoning, as petitioned, remains compatible with the adjacent properties and reflects responsible growth and development; and

WHEREAS, on June 5, 2023, the Elkhart City Plan Commission conducted a public hearing on the petition to amend the Concord Mall (PUD) for the purpose stated herein and voted to forward the petition to the Common Council with the Commission's "DO PASS" recommendation.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA that:

Section 1. Ordinance No. 5029, Concord Mall Planned Unit Development District, adopted by the Common Council of the City of Elkhart, be, and hereby is, amended to remove the zoning district from B-4, Regional Business District and establish the zoning district as R-4, Multi-Family Residential District, B-2, Community Business District, and M-1, Manufacturing District, as limited below, for that certain Real Estate located in the City of Elkhart, County of Elkhart, State of Indiana, and more fully described as follows:

Legal Description:

See Exhibit A, attached.

Address(s):

3701 South Main Street (aka Concord Mall Drive), Elkhart, IN 46516.

Parcel Identification No.(s):

| | | |
|-----------------------|-----------------------|-----------------------|
| 06-22-401-002.000-011 | 06-22-326-006.000-011 | 06-22-326-007.000-009 |
| 06-22-427-003.000-011 | 06-22-427-010.000-011 | 06-22-477-016.000-011 |
| 06-22-452-021.000-011 | 06-22-476-009.000-011 | 06-22-452-004-011 |
| 06-22-477-004-011 | 06-22-477-005-011 | 06-22-427-002-011 |
| 06-22-476-007-011 | 06-22-477-003-011 | 06-22-452-020-011 |
| P-011-002-00106 | | |

Section 2. Conditions and Limitations of rezoning for the M-1, Manufacturing

District:

- a. Uses that shall be explicitly prohibited:
 - i. Recycling centers
 - ii. Chemical processing
 - iii. Tire recycling
 - iv. Kennels and animal hospital
 - v. Archery/rifle range, when located entirely within a building
 - vi. Crematoriums
- b. Uses that shall be allowed by Special Exception as per Section 29.7 of the Zoning Ordinance and subject to approval by the Board of Zoning Appeals:
 - i. Mobile home and manufactured housing manufacturing
- c. Uses that shall not be permitted as primary uses but shall be allowed as accessory to other permitted uses:
 - i. Motor freight terminal, excluding hazardous waste
 - ii. Truck, tractor, trailer or bus storage, parking lot or yard, or garage
 - iii. Outside storage shall only be permitted as per the areas outlined in Figure 1:

Screened Outside Storage - Permitted Locations

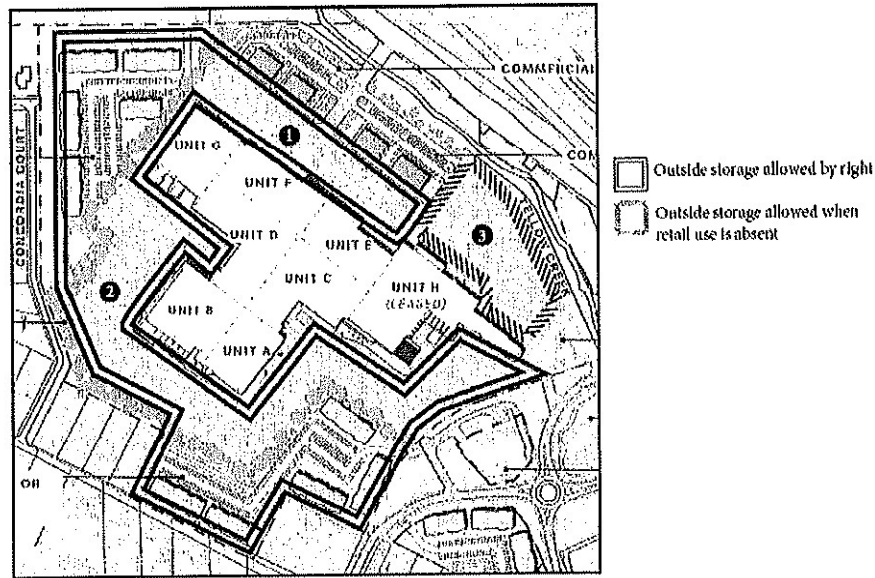


Figure 1

1. Outside storage will not be permitted in front of an active retail or office use.
2. Outside storage shall be screened and buffered as outlined below.
 - A. Outside storage, screening, and buffering shall not block emergency access as determined by the City of Elkhart Fire Department.
 - B. Screening shall be architecturally compatible with the facade materials found on the primary structure.
 - C. Fence height must fully screen material stored outside and be a maximum of twelve (12) feet. Fence material shall be opaque. Opaque fence to provide a unified exterior appearance to the South Main Street corridor and the residential structures to the south adjacent to Mishawaka Road.
 - D. For the South Main Street frontage, additional landscape bed adjacent to fence a minimum of five (5) feet for plantings to soften and buffer fence. This will allow for understory plantings to vary in height and add greenspace to the campus. This may not be necessary if the overall landscape plan incorporates additional plant material.
 - E. Buffer requirements adjacent to the residential uses are a minimum width of thirty (30) feet and meet the minimum landscape strip requirements found in Section 26.7 in order to establish a visual, physical and audible barrier from the outside storage use.

Section 3. Limitations of Amendment. All other terms and conditions of the

Concord Mall PUD, as adopted under Ordinance No. 5029, which are not specifically amended in this ordinance, remain fully effective and binding upon the property.

Section 4. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Common Council.

ORDAINED this ___ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this ___ day of _____, _____, at _____
_____ a.m./p.m.

Debra D. Barrett, City Clerk

APPROVED by me this ___ day of _____, _____.

ATTEST:

Rod Roberson, Mayor

Debra D. Barrett, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

Parcel I:

A part of the South Half of Section 22. Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, and more particularly described as follows:

Commencing at the Northwest corner of the East Half of the Southwest Quarter of said Section 22, thence South 89 degrees 55 minutes East, 325.00 feet along the North line of the East Half of the Southwest Quarter or said Section 22 to the point of beginning of this description, thence continuing South 89 degrees 55 minutes East along the same described line, 999.78 feet to the center of said Section 22; thence South 89 degrees 21 minutes East, 906.65 feet along the North line of the West Half of the Southeast Quarter of said Section 22 to the Southwesterly right of way line of U.S. Highway Number 33; thence South 51 degrees 15 minutes East, 1016.60 feet along said highway right of way to the P.C. of a curve to the right having a radius of 3076.90 feet; thence Southeastwardly 29.47 feet along said curve chord bearing of South 50 degrees 58 minutes 32 seconds East, a chord distance of 29.47 feet to the Northwest corner of land owned by N.I.P.S. Co.; thence South 21 degrees 15 minutes 24 seconds East 201.12 feet; thence South 2 degrees 27 minutes 52 seconds West 39.70 feet; thence South 46 degrees 5 minutes 48 seconds East, 71.64 feet to the most Southern corner of said N.I.P.S. Co. land; thence South 62 degrees 12 minutes 30 seconds West 88.5 feet to the most Westerly corner of land formerly conveyed to Calumet National Bank as Trustee of Trust No. 2283, dated March 30, 1978 and recorded April 3, 1978 in Deed recorded 371, page 64; thence South 29 degrees 13 minutes 51 seconds East, 208.71 feet to a point on the Northerly right-of-way line of Concord Mall Drive and the most Southerly corner of said Bank property, said point lying on a curve to the left having a radius of 675.0 feet with last described bearing not being tangent; thence Northeasterly along said curve an arc length of 230.00 feet to the P.C. of said curve, chord bearing of North 59 degrees 9 minutes 38 seconds East, chord of 228.89 feet; thence North 49 degrees 24 minutes East along said right of way line 36.64 feet to the Southwesterly right of way line of U.S. Highway Number 33, said point being on curve to the right, having a radius of 3076.90 feet with last described bearing not being tangent; thence Southeasterly along said curve an arc length of 100.0 feet, chord bearing of South 40 degrees 9 minutes 10 seconds East, chord of 100.0 feet to the Southerly right of way of Concord Mail Drive and the most Northerly corner of the property conveyed to NEMY Investment Company on May 4, 1983 and recorded May 18, 1983 in Deed record 402, page 52; thence South 49 degrees 24 minutes West along said right of way line, 35.86 feet to the P.C. of a curve to the right having a radius of 775.00 feet; thence continuing Southwesterly along said curve and right of way, an arc length of 100.21 feet, chord bearing of South 53 degrees 06 minutes 15 seconds West, chord of 100.14 feet to the most Westerly corner of said NEMY Investment Company property; thence South 28 degrees 51 minutes 12 seconds East 172.29 feet to the most Southerly corner of said NEMY Investment Company property; thence North 53 degrees 50 minutes 40 seconds East 172.13 feet to the most Easterly corner of said NEMY Investment Company property, said point also lying on the Southwesterly right of way line of U.S. Highway Number 33 and being a curve to the right having a radius of 3086.90 feet with last described bearing not being tangent; thence Southeasterly along said curve and right of way line an arc length of 139.99 feet, chord bearing of South 34 degrees 39 minutes 50 seconds East, chord of 139.98 feet, to the most Northerly corner of land conveyed to MHM Venture December 21, 1976 and recorded December 30, 1976 in Deed Record 361, page 194; thence South 53 degrees 50 minutes 40 seconds West 335.94 feet to the

most Westerly corner of said MHM Venture property; thence South 23 degrees 06 minutes 59 seconds East, 374.53 feet to the most Southerly corner of the land conveyed to Reinalt-Thomas Corporation on December 3, 1979 and recorded December 4, 1979 in Deed Record 384, page 631; thence North 58 degrees 05 minutes East along the Southeasterly line of said Reinalt-Thomas Corporation property, 75.47 feet; thence South 24 degrees 19 minutes East 356.92 feet to the most Easterly corner of a tract of land conveyed to Dean A. and Olive E. Baker on November 9, 1970 and recorded December 3, 1970 in Deed Record 308, page 428; thence South 57 degrees 09 minutes West along the Southeasterly line of said Baker land, 223.33 feet to the most Southerly corner of said Baker land; thence South 0 degrees 01 minutes East along the West line of Martin's Unrecorded Subdivision, 318.30 feet to the Northerly right of way line of Mishawaka Road, also known as County Road No. 20, as said right of way line was relocated on project plans dated July 27, 1979 and said relocated dedication being recorded in Deed Record 242, pages 339 and 340 and said point lying on a curve to the right having a radius of 2818.10 feet with the last described bearing not being tangent; thence Northwesterly along said curve and right of way line an arc length of 627.40 feet; chord bearing of North 72 degrees 18 minutes 38 seconds West, a chord distance of 626.10 feet to the P.T. of said curve; thence North 66 degrees 11 minutes West (recorded in said Deed Record 242, pages 339 and 340) along said relocated North right of way line, 349.44 feet to the East line of the West Half of the Southeast Quarter of the aforesaid Section 22 and to the East line a tract of land conveyed to Veterinary Associates, Inc. on February 28, 1979 and recorded March 13, 1979 in Deed Record 379, page 17; thence North 0 degrees 15 minutes East along said described East line 282.49 feet to the Southwesterly line of a trace of land conveyed to Concord Development Company on September 30, 1977 and recorded October 3, 1977 in Deed Record 367, page 350; thence North 62 degrees 40 minutes West along the Northeasterly line of tracts of land described in Deed Record 379, page 17, Deed Record 293, page 233 and Deed Record 336, page 526 and along said Southwesterly line of Deed Record 367, page 350, 354.07 feet to the most Northerly corner of land as described in a conveyance to Donald R. and Dorothy K. Goodenough on August 9, 1973 and recorded August 23, 1973 in Deed Record 336, page 526; thence South 27 degrees 20 minutes West along the Northwesterly line of said Goodenough land, 275.00 feet to the centerline of Mishawaka Road, also known as County Road Number 20; thence North 62 degrees 40 minutes West, 900.00 feet along said centerline; thence North 27 degrees 20 minutes East, 275.00 feet; thence North 62 degrees 41 minutes West, 400.32 feet to the Easterly right of way line of Concordia Court; thence North 27 degrees 15 minutes East, 71.23 feet along said Concordia Court right of way line; thence North 18 degrees 53 minutes West, 304.52 feet along said Concordia Court right of way; thence North 0 degrees 1 minute West, 641.36 feet along said Concordia Court right of way; thence North 89 degrees 55 minutes West, 297.64 feet along the Northerly right of way line of Concordia Court, thence South 72 degrees 42 minutes West, 167.64 feet along said Concordia Court right of way; thence North 89 degrees 57 minutes West, 342.46 feet along said Concordia Court right of way; thence North 0 degrees 2 minutes West 299.86 feet to the point of beginning of this description.

Excepting (A)

EXCEPTING out OF AND FROM PARCEL I ABOVE THE FOLLOWING DESCRIBED PARCELS A. B. C and D OF LAND:

That part of the South Half Section 22, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, described as commencing a railroad spike marking the Northwest corner of the East Half of the Southwest Quarter of said Section 22; thence South 89 degrees 55 minutes

00 seconds East on the East-West Quarter line of said Section 22, 325.00 feet; thence South 00 degrees 01 minute 00 seconds West 299.93 feet to a 5/8 Inch rebar; thence South 89 degrees 52 minutes 27 seconds East 342.77 feet to a 3/4 inch pipe; thence North 72 degrees 39 minutes 39 seconds East, 167.53 feet to a 3/4 inch pipe; thence South 89 degrees 53 minutes 43 seconds East 297.61 feet to a 3/4 Inch Pipe; thence South 0 degrees 00 minutes 13 seconds, East 641.45 feet to a 3/4 inch pipe; thence South 18 degrees 50 minutes 20 seconds East, 304.74 feet to a 1/2 inch Pipe; thence South 27 degrees 15 minutes 00 seconds West, 71.23 feet to a 3/4 inch pipe; thence South 62 degrees 39 minutes 55 seconds East, 400.44 feet; thence South 27 degrees 22 minutes 52 seconds West 275.00 feet to the centerline of Mishawaka Road (C.R. 20); thence South 62 degrees 40 minutes 40 seconds East on said centerline, 494.03 feet to the place of beginning; thence North 27 degrees 19 minutes 25 seconds East, 239.96 feet to a 5/8 inch rebar; thence South 62 degrees 41 minutes 10 seconds East, 299.91 feet to a 5/8 inch rebar on the Westerly Right of Way line of Mall Drive; thence South 27 degrees 19 minutes 04 seconds West on said Right of Way line 240.00 feet to the centerline of Mishawaka Road (C.R. 20); thence North 62 degrees 40 minutes 40 seconds West, 299.93 feet to the place of beginning,

Subject to local highways.

Updated Description

The above description has been modernized by a survey by Kenneth K. Jones, Licensed Surveyor, dated January 6, 1997 and last March 25, 1997 as follows:

That part of the South Half of Section 22, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, described as: Commencing at a railroad spike marking the Northwest corner of the East Half of the Southwest Quarter of said Section 22; thence South 89 degrees 55 minutes East, 325.00 feet along the North line of the East Half of the Southwest Quarter of said Section 22 to a 1/2 inch pipe and the point of beginning; thence continuing South 89 degrees 55 minutes East along the same described line 999.78 feet to the center of said Section 22 (a 3/4 inch pipe); thence South 89 degrees 25 minutes 35 seconds East 906.03 feet along the North line of the West Half of the Southeast Quarter of said Section 22 to a concrete right-of-way monument on the Southwesterly right-of-way line of U.S. Highway Number 33; thence South 52 degrees 45 minutes 09 seconds West on the right-of-way line 30.92 feet to a 3/4 inch pipe; thence continuing on said right-of-way line South 51 degrees 14 minutes 52 seconds East 45.10 feet to a 3/4 inch pipe; thence North 38 degrees 45 minutes 08 seconds East 30.0 feet to a 3/4 inch pipe; thence South 51 degrees 14 minutes 52 seconds East 180.0 feet to a 3/4 inch pipe; thence South 38 degrees 45 minutes 08 seconds West 30.0 feet to a 3/4 inch pipe; thence South 51 degrees 14 minutes 52 seconds East 50.0 feet to a 3/4 inch pipe; thence North 38 degrees 45 minutes 08 seconds East 30.0 feet to a 3/4 Inch pipe; thence South 51 degrees 14 minutes 52 seconds East 85.0 feet to a 3/4 inch pipe; thence South 38 degrees 45 minutes 08 seconds West 30.0 feet to a 3/4 inch pipe; thence South 51 degrees 14 minutes 52 seconds East 30.0 feet to a 3/4 inch pipe; thence North 38 degrees 45 minutes 08 seconds East 30.0 feet to a concrete right-of-way monument; thence South 51 degrees 14 minutes 52 seconds East 180.97 feet to a 3/4 inch pipe; thence South 0 degrees 18 minutes 08 seconds West 38.31 feet to a 3/4 inch pipe; thence South 51 degrees 14 minutes 52 seconds East 21.48 feet to a 3/4 inch pipe; thence North 38 degrees 45 minutes 08 seconds East 30.0 feet to a concrete right-of-way monument; thence South 51 degrees 14 minutes 52 seconds East 170.45 feet to a concrete right-of-way monument; thence South 38 degrees 45 minutes 08 seconds West 30.0 feet to a 3/4 inch pipe; thence South 51 degrees 14 minutes 52 seconds East 40.0 to a 3/4 inch pipe; thence North 38 degrees 45 minutes 08 seconds East 30.0 feet to a 3/4 inch pipe; thence South 51 degrees

14 minutes 52 seconds East 198.11 feet to a concrete right-of-way marker; thence Southeasterly on a 3076.90 foot radius curve the right 29.47 feet said curve subtended by a chord bearing South 51 degrees 04 minutes 55 seconds East 29.47 feet to a 1/2 inch pipe; thence South 21 degrees 10 minutes 51 seconds East 202.10 feet to a 3/4 inch pipe; thence South 2 degrees 27 minutes 52 seconds West 39.70 feet to a 3/4 inch pipe; thence South 46 degrees 5 minutes 48 seconds East 71.64 feet to a 3/4 inch pipe; thence South 62 degrees 12 minutes 30 seconds West 88.5 feet a 3/4 inch pipe; thence South 29 degrees 13 minutes 51 seconds East 208.71 feet to a 3/4 inch pipe on the Northerly line of Concord Mall Drive (Mall Drive); thence Northeasterly on a 675.0 foot radius curve to the left (not tangent to the last described course) 230.0 feet subtended by a chord bearing North 59 degrees 09 minutes 41 seconds East 228.89 feet to a 1 inch iron bar; thence continuing on said North line North 49 degrees 24 minutes 00 seconds East 36.66 feet to a 3/4 inch pipe on the Southwesterly right-of-way line of United States Highway Number 33; thence Southeasterly along said right-of-way on a 3076.90 foot radius curve to the right 100.0 feet subtended by a chord bearing South 40 degrees 08 minutes 25 seconds East 100.0 feet to a 3/4 inch pipe on the Southerly line of Concord Mali Drive; thence South 49 degrees 24 minutes 00 seconds West 35.86 feet to a 3/4 inch pipe; thence continuing on said Southerly line on a 775.0 foot radius curve to the right 100.21 feet subtended by a chord bearing South 53 degrees 06 minutes 15 seconds West 100.21 feet to a 3/4 inch pipe; thence South 28 degrees 51 minutes 12 seconds East 172.29 feet to a 1/2 inch pipe; thence North 53 degrees 50 minutes 40 seconds East 172.13 feet to a 3/4 inch pipe on the Southwesterly right-of-way line of United States Highway Number .33; thence Southeasterly on said right-of-way line on a 3086.90 foot radius curve to the right 140.02 feet subtended by a chord bearing South 34 degrees 34 minutes 42 seconds East 140.01 feet to a 3/4 inch pipe; thence South 53 degrees 50 minutes 40 seconds West 335.94 feet to a 7/8 Inch Iron bar, thence South 23 degrees 03 minutes 34 seconds East 374.53 feet to a 7/8 inch iron bar; thence North 57 degrees 59 minutes 02 seconds East 62.61 feet to a 3/4 inch pipe; thence, South 24 degrees 38 minutes 03 seconds East 121.10 feet to a I inch pipe; thence North 56 degrees 47 minutes 57 seconds East 1.88 feet to a 3/4 inch pipe; thence South 24 degrees 14 minutes 33 seconds East 165.51 feet to a 3/4 inch pipe; thence South 57 degrees 12 minutes 10 seconds West 5.92 feet; thence South 33 degrees 20 minutes 08 seconds East 75.0 feet to a 3/4 inch pipe; thence South 57 degrees 12 minutes 10 seconds West 223.40 feet to a 5/8 inch rebar on the West line of Martins unrecorded subdivision; thence South 0 20 minutes 36 seconds East on said West line 290.27 feet to a 1/2 inch pipe on the Northerly right-of-way line of County Road 20 (Mishawaka Road); thence North 82 degrees 25 minutes 45 seconds West on said right-of-way line 47.57 feet 10 a 3/4 inch pipe; thence continuing on said line a 1076.07 foot radius curve to the right 95.65 feet subtended by a chord bearing North 79 degrees 52 minutes 57 seconds West 95.62 feet to a 3/4 inch pipe; North 77 degrees 01 minute 03 seconds West 59.99 feet to a 3/4 inch pipe; thence Northwesterly on a 1081.12 foot radius curve to the right 224.68 feet subtended by a chord bearing North 71 degrees 03 minutes 50 seconds West 224.27 feet to a 3/4 inch pipe; thence North 65 degrees 06 minutes 37 seconds West 554.96 feet to a 3/4 inch pipe on the West line of the East Half of the Southeast Quarter of said Section 22; thence North 0 degrees 18 minutes 08 seconds East on said East line 250.44 feet to a 3/4 inch pipe; thence North 62 degrees 40 minutes West 353.66 feet to a 3/4 inch Pipe; thence South 27 degrees 19 minutes 04 seconds West 275.52 feet to the centerline of Mishawaka Road; thence North 62 degrees 40 minutes 40 seconds West on said centerline 107.33 feet; thence North 27 degrees 19 minutes 04 seconds East 240.0 feet to a 5/8 inch iron bar; thence North 62 degrees 41 minutes 10 seconds West 299.91 feet to a 5/8 inch iron bar; thence South 27 degrees 19 minutes 25 seconds West 239.96 to the centerline of Mishawaka road; thence North 62

degrees 40 minutes 40 seconds West on said centerline 494.03 to a railroad spike; thence North 27 degrees 22 minutes 52 seconds East 275.0 feet to a 1/2 inch pipe, thence North 62 degrees 39 minutes 56 seconds West 400.42 feet 10 3/4 inch pipe on the Easterly right-of-way line of Concordia Court; thence North 27 degrees 15 minutes 00 seconds East on said right of way line 71.23 feet to a 1/2 inch pipe; thence continuing on said right-of-way line North 18 degrees 50 minutes 20 seconds West 304.74 feet to a 1/2 inch pipe; thence North 0 degrees 00 minutes 13 seconds West 641.45 feet to a 1/2 inch pipe; thence North 89 degrees 53 minutes 43 seconds West 297.61 feet to a 1/2 inch pipe; thence South 72 degrees 39 minutes 39 seconds West 167.53 feet to a 1/2 inch pipe; thence North 89 degrees 52 minutes 27 seconds West 342.77 to a 5/8 inch iron bar; thence North 0 degrees 01 minutes 00 seconds East 299.93 feet to the place of beginning.

Subject to legal highways

Excepting (B)

Part of the Southeast Quarter of Section 22, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, and being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of Section 22, Township 37 North, Range 5 East; thence South 89 degrees 14 minutes 47 seconds East along the South line of said Section 22, a distance of 1328.91 feet to the Southeast Corner of the West Half of the Southeast Quarter of said Section 22; thence North 00 degrees 16 minutes 46 seconds East along the East line of the West Half of the Southeast Quarter of said Section 22 a distance of 662.49 feet, thence North 62 degrees 40 minutes 00 seconds West 156.73 feet to the Point of Beginning; thence North 62 degrees 40 minutes 00 seconds West 199.08 feet to the Southeasterly boundary of Concord Mall Drive; thence North 22 degrees 05 minutes 26 seconds East along said Southeasterly boundary 100.26 feet; thence North 25 degrees 55 minutes 28 seconds East along said Southeasterly boundary 82.70 feet; thence 233.45 feet along an arc to the right having a radius of 480.00 feet and subtended by a long chord bearing North 39 degrees 51 minutes 28 seconds East 231.16 feet, thence South 40 degrees 44 minutes 33 seconds East 260.68 feet; thence 9.61 feet along an arc to the right having a radius of 529.68 feet and subtended by a long chord bearing South 43 degrees 19 minutes 39 seconds East 9.61 feet; thence South 43 degrees 46 minutes 00 seconds West 320.77 feet to the Point Of Beginning.

Excepting (C)

Lot 4

Part of the Southeast Quarter of Section 22, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, and being more particularly described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of said Section 22; thence South 89 degrees 14 minutes 47 seconds East along the South line of said 22 a distance of 1328.91 feet to the Southeast Corner of the West Half of the Southeast Quarter of Said Section 22; thence North 00 degrees 16 minutes 46 seconds East along the East line of the West Half of the Southeast Quarter of said Section 22, a distance of 412.11 feet to the Point of Beginning; thence North 00 degrees 16 minutes 46 seconds East along said East line 176.23 feet; thence South 86 degrees 02 minutes 18 seconds East 260.32 feet; thence 241.99 feet along an arc to the right having a radius of 485.07 feet and subtended by a long chord bearing South 09 degrees 37 minutes 29 seconds West 239.48 feet; thence South 23 degrees 55 minutes 00 seconds West 21.48 feet to the Northerly boundary of Mishawaka Road; thence North 65 degrees 06 minutes 37 seconds West along said

Northerly boundary 231.35 feet to the Point of beginning.

Excepting (D)

Lot 6

Part of the Southeast Quarter of Section 22, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, and being more particularly described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of Section 22, Township 37 North, Range 5 East; thence South 89 degrees 14 minutes 47 seconds East along the South line of said Section 22 a distance of 1328.91 feet to the Southeast Corner of the West Half of the Southeast Quarter of said Section 22; thence North 00 degrees 16 minutes 46 seconds East along the East line of the West Half of the Southeast Quarter of said Section 22 a distance of 412.11 feet to the Northerly boundary of Mishawaka Road; thence South 68 degrees 06 minutes 37 seconds East along said Northerly boundary 297.36 feet to the Point of Beginning; thence North 23 degrees 55 minutes 00 seconds East 22.60 feet; thence 449.16 feet along an arc to the left having a radius of 551.07 feet and subtended by a long chord bearing North 00 degrees 33 minutes 58 seconds East 436.83 feet; thence North 22 degrees 47 minutes 02 seconds West 39.67 feet; thence North 67 degrees 03 minutes 46 seconds East 432.47 feet; thence South 22 degrees 37 minutes 13 seconds East 638.06 feet to a point described as 915.3 feet East and 371.05 feet North of the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 22; thence South 00 degrees 20 minutes 36 seconds East 290.40 to the Northerly boundary of Mishawaka Road; thence North 82 degrees 25 minutes 45 seconds West along said Northerly boundary 47.57 feet; thence along said Northerly boundary 95.63 feet along an arc to the right having a radius of 1076.07 feet and subtended by a long chord bearing North 79 degrees 52 minutes 57 seconds West 95.62 feet; thence North 77 degrees 01 minutes 03 seconds West along said Northerly boundary 59.99 feet; hence along said Northerly boundary 224.68 feet along an arc to the right having a radius of 1081.12 feet and subtended by a long chord bearing North 71 degrees 03 minutes 50 seconds West 224.27 feet; thence North 65 degrees 06 minutes 37 seconds West along said Northerly boundary 255.38 feet to the Point of Beginning.

Parcel II

Together with a non-exclusive easement for ingress and egress as created in Warranty Deed between Concord Development Company and Nemy Investment Company dated May 4, 1983 and recorded May 18, 1983 in Deed Record 402, page 52 over and across the following described parcel of land:

A part of the Southeast Quarter of Section 22, Township 37 North, Range S East, Concord Township, Elkhart County, Indiana and more particularly described as follows,

Commencing at the Northeast corner of the West Half of said Quarter Section; thence South 0 degrees 22 minutes West, 347.36 feet along the East line of the West Half of said Quarter Section to the Southwesterly right of way of U.S. Highway 33; thence South 51 degrees 15 minutes East, 453.57 feet; thence South 45 degrees 45 minutes 05 seconds East 644.77 feet; thence along a curve to the right With a radius of 3076.90 feet, a chord bearing of South 37 degrees 55 minutes 50 seconds East, a chord distance of 138.65 feet and an arc length of 138.66 feet; thence North 53 degrees 21 minutes 38 seconds East, 10.0 feet; thence along a curve to the right with a radius of 3086.90 feet a chord bearing of South 36 degrees 18 minutes 05 seconds East, a chord distance of 36.47 feet and an arc distance of 36.47 feet to the point of beginning of this description; thence

continuing on the above described curve, a chord bearing of South 35 degrees 47 minutes 26 seconds East, a chord distance of 18.50 feet and an arc distance of 18.50 feet; thence South 53 degrees 50 minutes 40 seconds West, 29.88 feet; thence North 36 degrees 09 minutes 20 seconds West, 30.0 feet; thence North 53 degrees 50 minutes 40 seconds East, 30.01 feet to a point on a curve to the right with a radius of 3086.90 feet; thence along said curve, a chord bearing of South 36 degrees 04 minutes 10 seconds East, a chord distance of 11.50 feet and an arc distance of 11.50 feet to the point of beginning.

Subject to Legal Highways.

Parcel III:

Easements for the benefit of Parcel I as contained in a Reciprocal Easement and Operating Agreement between Mountain AMD, L.P. and GKC Theatres. Inc., dated December 6, 1996 and recorded December 23, 1996 in the Office of the Recorder of Elkhart County, as Instrument No. 96032046.

This Legal description includes Parcel: 20-06-22-326-007.000-009 located in unincorporated Elkhart County.



Staff Report

Planning & Zoning

Petition: 23-PUDA-04

Petition Type: Major Amendment to PUD

Date: June 5, 2023

Petitioner: Concord Mall Properties LLC

Site Location: 3701 South Main Street

Request: Per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Concord Mall Planned Unit Development District, Ordinance 5029, approved by the Common Council of the City of Elkhart. The proposed amendment would remove the B-4, Regional Business District from the list of permitted uses, and add R-4, Multi-Family Residential District, B-2, Community Business District, and M-1, Limited Manufacturing District to the list of permitted uses, with some M-1 uses omitted (complete list available in the Planning and Zoning Office). To also allow for limited, screened outside storage.

Existing Zoning: PUD – Planned Unit Development

Size: +/- 64.7 Acres

Thoroughfares: Main Street, Mishawaka Road

School District: Elkhart Community Schools

Utilities: Available and provided to site.

Plan Commission Action: Recommendation to Common Council.

Surrounding Land Use & Zoning:

Properties to the south and west are commercial and residential, zoned PUD, B-2 and Elkhart County Zoning. Properties to the west are residential zoned Elkhart County Zoning. Properties to the north are commercial zoned PUD and B-2. Properties to the east are commercial and undeveloped zoned B-2 and B-3.

Applicable Sections of the Zoning Ordinance:

See enumerated in request.

Comprehensive Plan:

The Comprehensive Plan does not yet take this area into account but is anticipated to call for it to be developed with commercial uses.



City of Elkhart | Maxar | Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Staff Analysis

The petitioner owns a 64-acre group of properties including a shopping mall built in the early 1970s that comprises over 540,000 square feet of commercial space and 1.7 million square feet of pavement. Like many malls across the United States, Concord Mall has struggled in recent decades to find tenants for its retail spaces, and while there are still three tenants there, currently the majority of the space is vacant and current and recent owners have struggled to cover their maintenance costs with the lack of rental income coming in.

A developer with relevant experience has proposed to modify the nature of the site, converting it to a mixed use park consisting of commercial, residential, and light industrial uses. The developer is intending to invest a significant amount in the property including interior renovations, façade improvements, and various site improvements. The conversion of the existing building to a mixed use park would entail major renovations to the interior which would include the consolidation of space to fewer tenants. The developer intends to purchase and retain ownership of the property; at the time of the writing of this report the future tenants have yet to be determined.

Additionally, the developer would have the option to develop outlots along the edges of the property, with commercial outlots being conceptualized adjacent to Main Street and multifamily residential adjacent to Mishawaka Road. As the PUD is conceptual in nature, the site plan could change, but additions to the property would need to be approved by the Plan Commission through the Final Site Plan Amendment process. Adjacent property that is under the jurisdiction of Elkhart County may also be developed with single family residences.

The proposed amendment would allow for a mix of residential, commercial, and industrial uses. While the amendment would allow the uses, the final configuration of which use will be in which space will be determined at a later date. At this time the owner and developer are seeking a change to the zoning to allow them to make detailed plans for the tenants and the site.

The R-4, Multiple Family Residential District, allows for multi-family residences, which are intended to act as a buffer for the single family residences to the west from the new development. The B-2, Community Business District includes a range of commercial uses including retail stores, restaurants, offices, and banks. The M-1, Limited Manufacturing District includes light manufacturing uses including warehousing, component assembly, and auto repair and conversion.

The following uses would be explicitly not allowed in the PUD:

- Recycling centers, excluding chemical processing and tire recycling
- Kennels and animal hospital
- Archery/rifle range, when located entirely within a building
- Crematoriums

The following use would be allowed only as a Special Exception as defined in Section 29.7 of the Zoning Ordinance, subject to approval by the Board of Zoning Appeals:

- Mobile home and manufactured housing manufacturing

The following uses would not be allowed as a primary use, but would be allowed as an accessory use to an allowed primary use:

- Motor freight terminal, excluding hazardous waste
- Truck, tractor, trailer or bus storage, parking lot or yard, or garage

Outside storage:

Outside Storage, which is defined in the Zoning Ordinance as “Outside Storage, display, or placement of manufacturing raw and finished materials, manufactured goods, or business-related items in any yard,” will be allowed on a limited basis and would be required to be screened. Figure 1 outlines the areas where it would be allowed. In Section 2 noted on Figure 1 it would be allowed. On the north side of the mall, noted as Section 1 in Figure 1, it would be allowed on the north from the building outwards to where the potential outlots could be built, not more than 200’ from the existing structure. In front of the existing retail and medical uses, noted as Section 3 on Figure 1, it would not be allowed where any active retail use exists.

Screening and buffering requirements for outside storage:

Architecturally compatible with the façade materials found on the primary structure. Fence height must fully screen material stored outside and be a maximum of twelve (12) feet. Fence material shall be opaque. Opaque fence to provide a unified exterior appearance to the South Main Street corridor and the residential structures to the south adjacent to Mishawaka Road. For the South Main Street frontage, additional landscape bed adjacent to fence a minimum of five (5) feet for plantings to soften and buffer fence. This will allow for understory plantings to vary in height and add greenspace to the campus. This may not be necessary if the overall landscape plan incorporates additional plant material.

Buffer requirements adjacent to the residential uses are a minimum width of thirty (30) feet and meet the minimum landscape strip requirements found in Section 26.7 in order to establish a visual, physical and audible barrier from the outside storage use.

Emergency access

Outside storage, screening and buffering shall be configured in such a way that will maintain required emergency vehicle access, subject to approval by the City of Elkhart Fire Department.

Screened Outside Storage - Permitted Locations

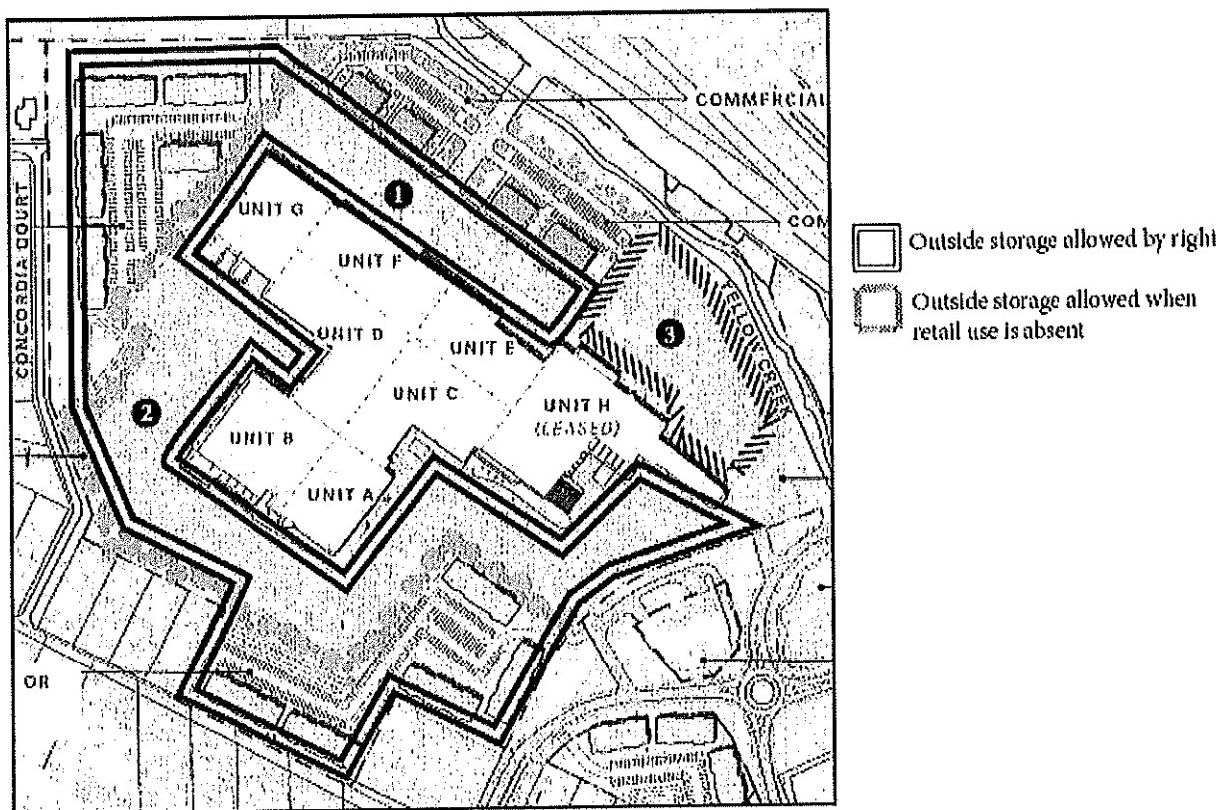


Figure 1

Recommendation

The Staff recommends approval of the major amendment to the Planned Unit Development, per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Concord Mall Planned Unit Development District, Ordinance 5029, approved by the Common Council of the City of Elkhart. The proposed amendment would remove the B-4, Regional Business District from the list of permitted uses, and add R-4, Multi-Family Residential District, B-2, Community Business District, and M-1, Limited Manufacturing District to the list of permitted uses, with some M-1 uses omitted (complete list available in the Planning and Zoning Office). To also allow for limited, screened outside storage, 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 uses should not impact the other permitted uses approved for this PUD. The proposed use should not negatively impact surrounding properties.
- 3) The proposed use is compatible with other activity already permitted by the planned unit development – the B-4 District would no longer be valid, but the B-2 District will allow existing retail and medical uses to continue by right.

Conditions

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

1. Ordinance 5029 shall be revoked.
2. Uses for the following Zoning Districts shall be permitted with exceptions as noted:
 - The R-4, Multiple Family Dwelling District
 - The B-2, Community Business District
 - The M-1, Limited Manufacturing District, with the following modifications:
 - Uses that shall be explicitly prohibited:
 - Recycling centers, excluding chemical processing and tire recycling
 - Kennels and animal hospital
 - Archery/rifle range, when located entirely within a building
 - Crematoriums
 - Uses that shall be allowed by Special Exception as per Section 29.7 of the Zoning Ordinance and subject to approval by the Board of Zoning Appeals:
 - Mobile home and manufactured housing manufacturing
 - Uses that shall not be permitted as primary uses but shall be allowed as accessory to other permitted uses:
 - Motor freight terminal, excluding hazardous waste
 - Truck, tractor, trailer or bus storage, parking lot or yard, or garage
3. Outside storage shall only be permitted as per the areas outlined in Figure 1. Outside storage will not be permitted in front of an active retail or office use.
4. Outside storage shall be screened and buffered as outlined below. Outside storage, screening, and buffering shall not block emergency access as determined by the City of Elkhart Fire Department.
 - Screening shall be architecturally compatible with the façade materials found on the primary structure.
 - Fence height must fully screen material stored outside and be a maximum of twelve (12) feet. Fence material shall be opaque. Opaque fence to provide a unified exterior appearance to the South Main Street corridor and the residential structures to the south adjacent to Mishawaka Road.
 - For the South Main Street frontage, additional landscape bed adjacent to fence a minimum of five (5) feet for plantings to soften and buffer fence. This will allow for understory plantings to vary in height and add greenspace to the campus. This may not be necessary if the overall landscape plan incorporates additional plant material.
 - Buffer requirements adjacent to the residential uses are a minimum width of thirty (30) feet and meet the minimum landscape strip requirements found in Section 26.7 in order to establish a visual, physical and audible barrier from the outside storage use.

Photos





May 12, 2023 4:24:38 PM



May 12, 2023 4:21:03 PM

Attachments

Petition, appeal letter, site plan.

PETITION #: 23-PVDA04

FILING FEE: \$ 200.00

PETITION to the PLAN COMMISSION

PETITION TYPE:

PUD Major PUD Amendment Minor PUD Amendment

All PUD & PUD Amendment petitions require final approval from the Common Council

Property Owner(s): Concord Mall Properties, LLC

Mailing Address: 3701 S. Main Street, Elkhart, IN 46517

Phone #: 281-232-9088 Email: ggamel@cannonmgt.com

Contact Person: Owner's Agent: Jeffrey J. Martin

Mailing Address: 6110 Parkland Blvd., Mayfield Heights, OH 44124

Phone #: 216-201-0046 Email: jmartin@iepllc.com

Subject Property Address: 3701 S. Main Street, Elkhart, IN 46517

Zoning: _____

Present Use: _____ Proposed Use: _____

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Jeffrey J. Martin

SIGNATURE(S): *Jeffrey Martin* DATE: 4/27/2023

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Plan Commission docket:

- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 25 copies must be submitted.
- Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____



April 21, 2023

PUD Amendment Appeal Letter
Concord Mall
Elkhart, Indiana

RE: PUD Amendment

Honorable Members of the Plan Commission and City Council,

The undersigned petitioner, ICP, respectfully shows the Plan Commission and City Council:

1. I, Jeff Martin – SVP of Development for ICP, as an authorized agent of the current property owner, Concord Mall Properties, LLC of the Concord Mall located at 3701 S. Main Street, Elkhart, State of Indiana, to-wit:
 - a. *Legal Descriptions attached separately to petition – including the below tax parcel #s*
06-22-401-002-011, 06-22-326-006-011, 06-22-326-007-009, 06-22-427-003-011, 06-22-427-010-011, 06-22-477-016-011, 06-22-452-021-011, 06-22-476-009-011, 06-22-452-004-011, 06-22-477-004-011, 06-22-477-005-011, 06-22-427-002-011, 06-22-476-007-011, 06-22-477-003-011, 06-22-452-020-011, P-011-002-00106
2. The above-described real estate is currently zoned as a PUD with primary uses within the B-2 Community Business District under the Zoning Ordinance of the City of Elkhart.
3. ICP proposes to occupy the above-described property with a redevelopment of the mall into a mixture of industrial, commercial and residential uses. The mall will be largely repurposed into a job-creating business park with light industrial tenants co-habiting the space with the remaining operating retail tenants. Other commercial and residential uses will be layered around the perimeter of the mall parking lot to absorb the unnecessarily large sea of parking that will no longer be required by retail tenants. Additional landscaping buffers will be provided around the perimeter of the site – in addition to new stormwater management areas to reduce the runoff from the property.
4. ICP desires to amend said PUD for that purpose.
5. The attached Zoning Narrative letter from our project architect is a compilation of our collective thoughts on how the PUD Standards are achieved and improved through our redevelopment of the Concord Mall.

WHEREFORE, ICP respectfully requests a hearing on this PUD Amendment and that after such hearing, the Plan Commission make a do pass recommendation and the Council, after hearing, pass on appropriate ordinance rezoning the above-described parcels of land located in the City of Elkhart to the amended PUD as described in this petition.

BY: *Jeffrey Martin*

Jeff Martin, SVP Development, ICP – Owner's Agent
6110 Parkland Blvd., Mayfield Heights, OH 44124 (216-201-0046)



April 21, 2023

PUD Application Narrative
Concord Mall
Elkhart, Indiana

Vocon Project No. 230256.00

Applicable Standards of the Zoning Ordinance PUD, Planned Unit Development District

20.1 Purpose

The Planned Unit Development (PUD) District is designed to encourage quality land development and site design without the use of typical zoning standards. The purpose of this Section is to improve and protect the public health, safety, and welfare by pursuing the following objectives.

- A. To ensure that future development which occurs is in accordance with the Comprehensive Plan.
The Comprehensive Plan shows continued commercial use of this area. The Concord Mall development proposes a mix of Commercial, Light Industrial and Residential uses. The Comprehensive Plan recognizes that Industrial is a critical component to Elkhart's economy. The proposed mix will create a more sustainable and active neighborhood.
- B. To encourage innovations in land development and redevelopment.
Malls across the country are being decommissioned and repositioned for new uses. This development team is experienced and successful in mall repositioning for new light industrial uses. These new uses are a catalyst for additional development on the surplus land once used for surface parking.
- C. To foster the safe, efficient, and economic use of the land, transportation, public facilities, and services.
The proximity to Lincoln Highway is key to a successful light industrial park. The added density and mix of new commercial uses leverage the reconfigured roadway and railroad overpass.
- D. To facilitate the provision of adequate public services such as transportation, water, sewer, storm, drainage, electricity, and public parks.
Based on the Comprehensive Plan, the site is adequately covered by municipal services.
- E. To avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage.
In each of the redeveloped perimeter parcels, on-site stormwater basins will be planned to accommodate the needs of each area. The redeveloped mall in combination with the new perimeter development will result in improved stormwater management across the site.
- F. To encourage patterns of land use which decrease trip length of automobile travel and encourage trip consolidation.
The proposed residential and commercial uses will benefit from existing commercial amenities (grocery store, vet clinic, multiple food offerings) near the site creating the opportunity for residents and the workforce to walk to these amenities therefore reducing vehicle trips.



G. To minimize adverse environmental impacts of development.

The reuse of this large-enclosed structure for new commercial and light industrial uses will prevent large-scale demolition and the ensuing disruption that would place on the surrounding community if the mall were to be demolished. Additionally new landscape areas around the existing mall site will help to buffer both new uses and the existing neighborhood. In each of the redeveloped perimeter parcels, on-site stormwater basins will be planned to accommodate the needs of each area.

H. To improve the design, quality, and character of new development.

Redeveloping a sea of surface parking into new uses, responsible stormwater management, and additional landscape will visually transform the character of the whole site.

I. To foster a more rational pattern of relationship between residential, business, and industrial uses.

The proposed uses are organized to create a more consistent and cohesive vision for the neighborhood. Proposed residential uses are contiguous with existing residential. Around the proposed new roadway and roundabout, new buildings are clustered closer to the street to create a more connected fabric and encourage pedestrian connectivity.

Light industrial uses in the repositioned mall are buffered from the perimeter by significant landscape areas.

J. To protect existing neighborhoods from harmful encroachment by intrusive or disruptive development.

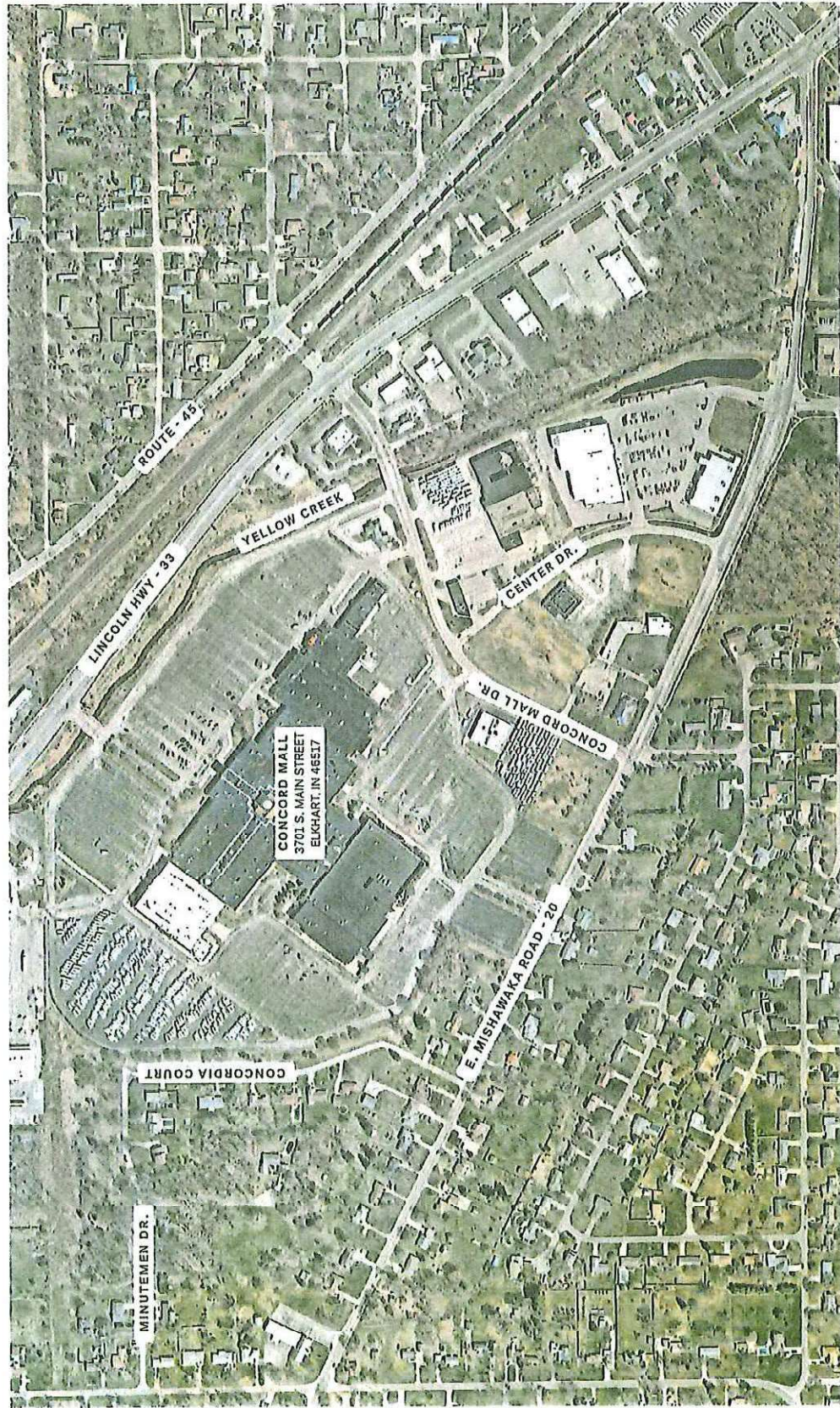
The proposed residential land uses at the perimeter of the site are consistent with the existing neighborhood land use and will act as a transition to the repositioned mall. The addition of significant landscape buffer zones will visually screen the neighborhoods from the mall site.

vocon

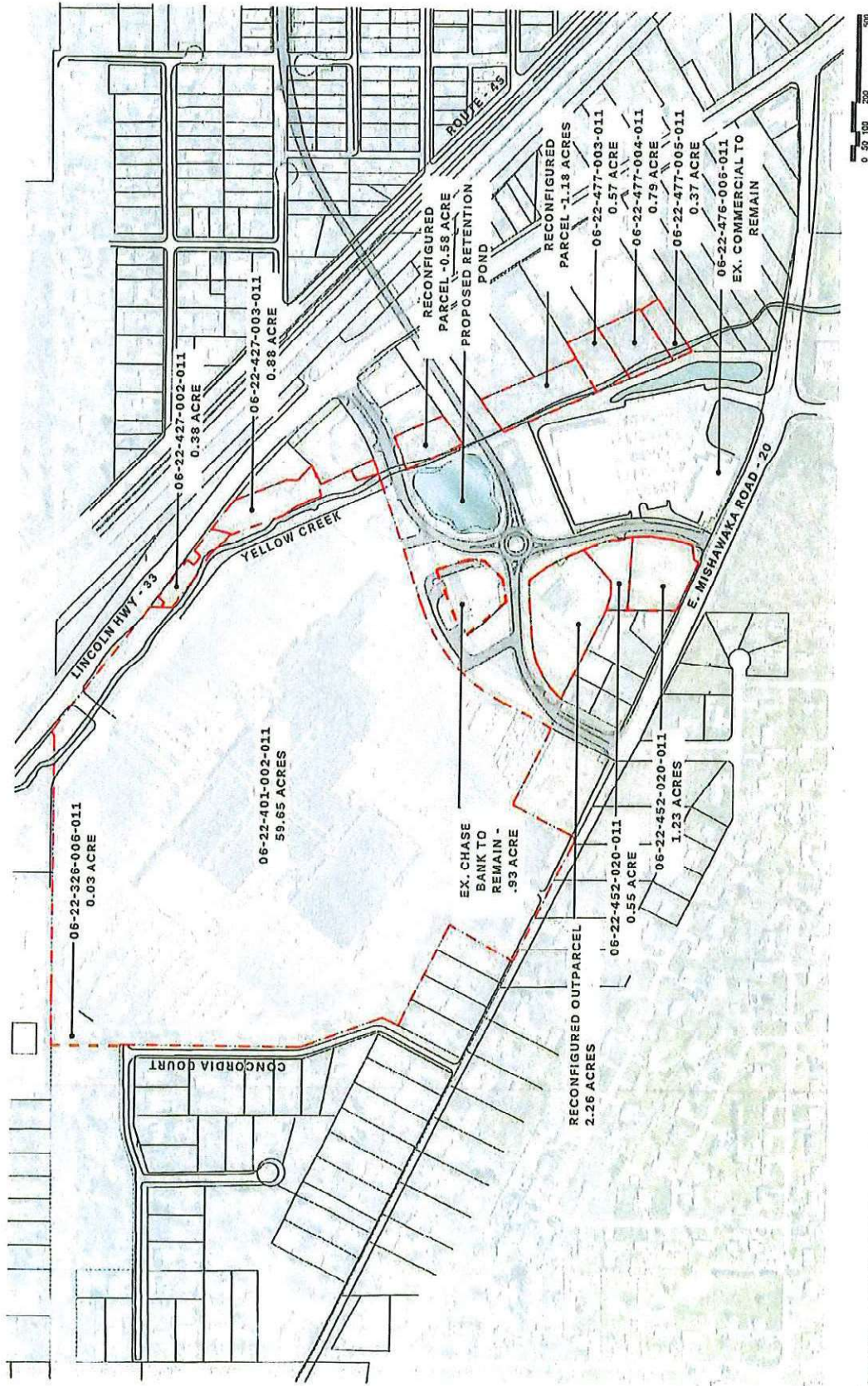
APRIL 21, 2023

**INDUSTRIAL COMMERCIAL PROPERTIES
CONCORD MALL
ELKHART, IN**

EXISTING CONTEXT



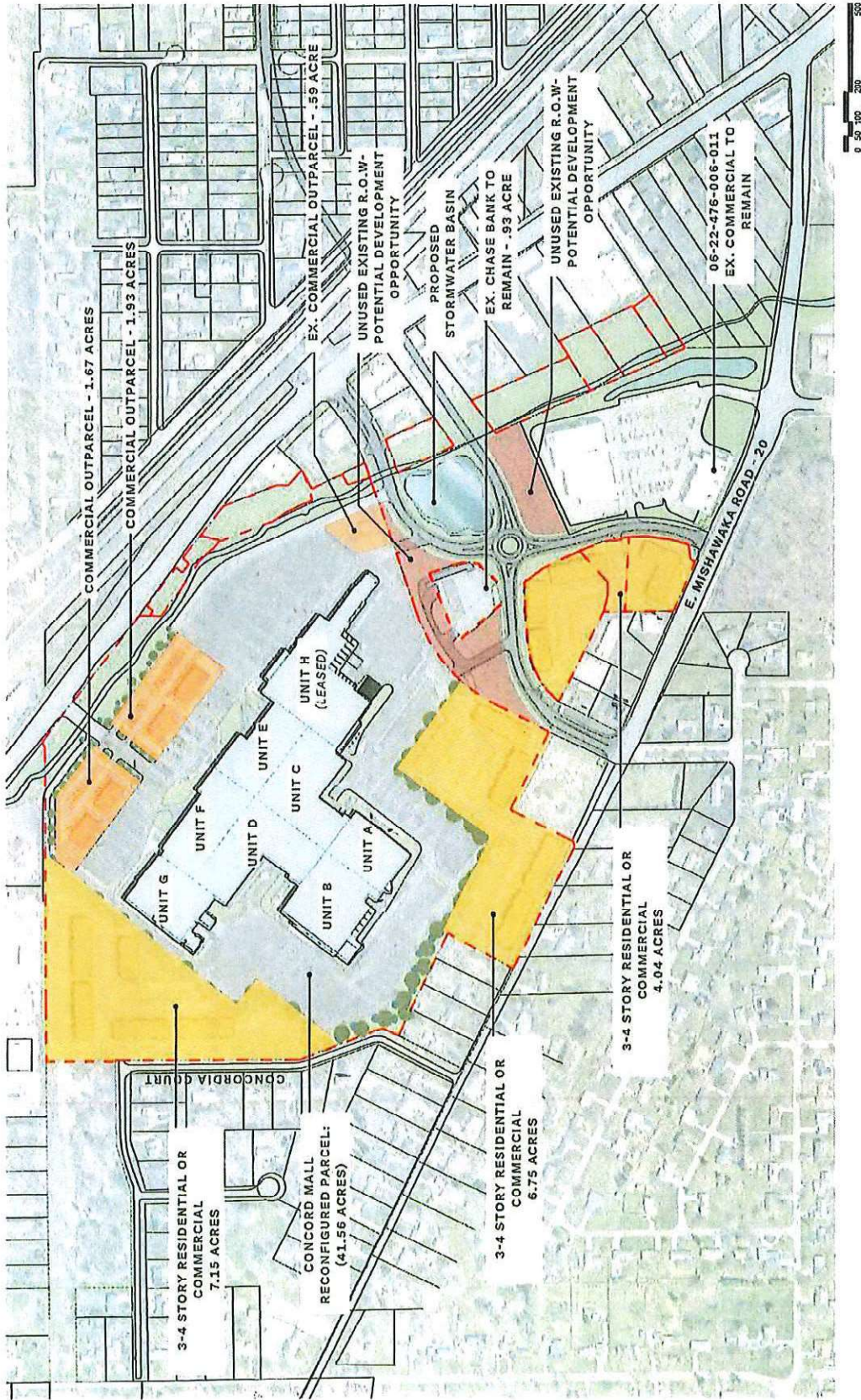
PUD DEVELOPMENT PARCELS & PLANNED NEW ROADWAYS



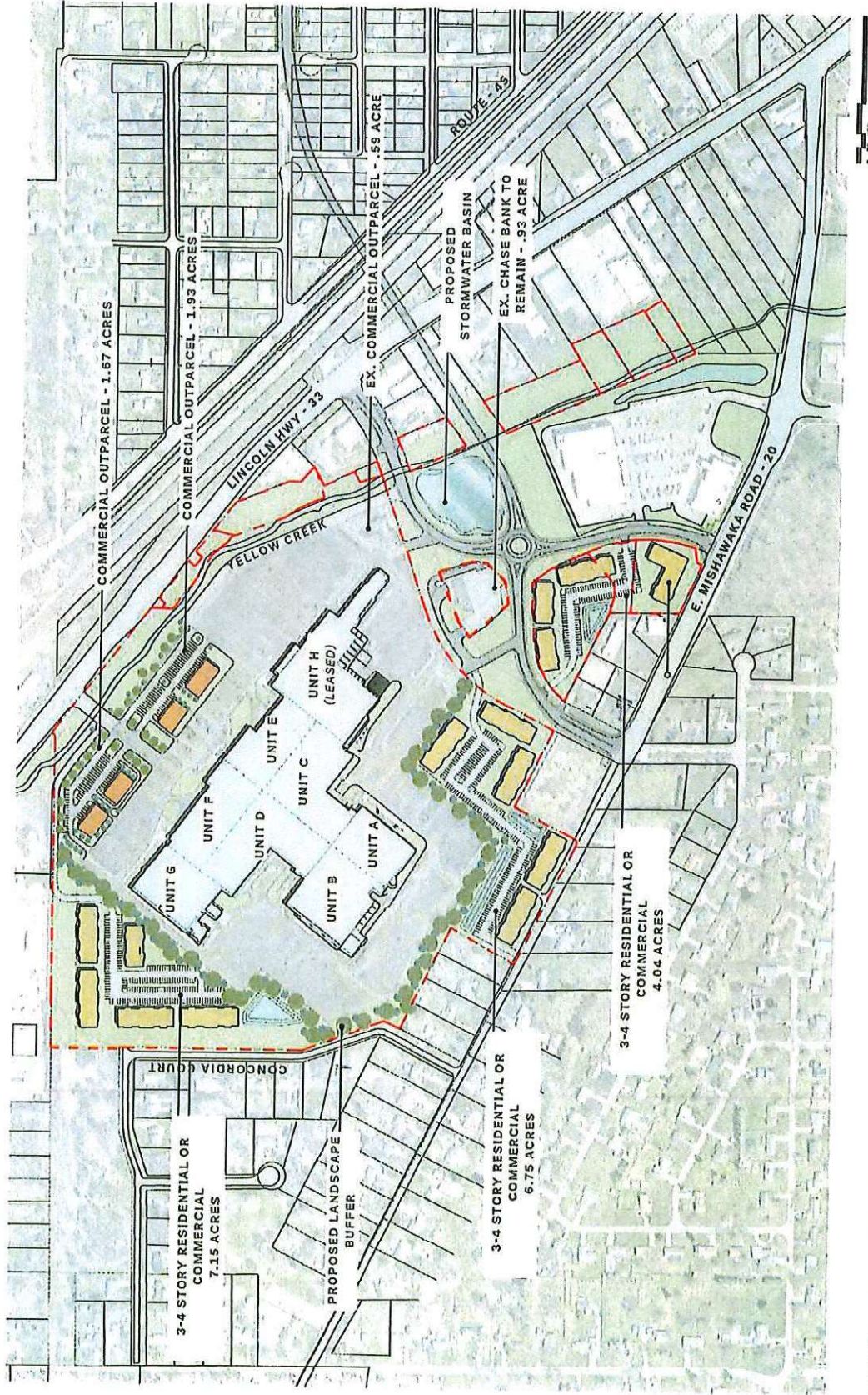
NORTH



PUD USE PLAN



PROPOSED DEVELOPMENT PLAN



NORTH

APRIL 21, 2023 | 5

City of Elkhart
Board of Aviation Commissioners Meeting
April 26, 2023

The Board of Aviation Commissioners meeting was called to order by Commissioner Doug Thorne at 4:00pm on Wednesday, April 26, 2023 at the Elkhart Municipal Airport Administration Building, 1211 CR 6 W, Elkhart, Indiana 46514. Commissioners Bruce Shreiner and Shari Mellin were present. Commissioner Tom Shoff was present via Webex. Also present were Andy Jones, Karen Shaw, Bruce Maclachlan, Kevin Davis, Paul Shaffer, Jeremy Yahwak, and Ryan Sherwood. Councilman Dwight Fish was present via Webex.

Approval of Minutes:

Mr. Shreiner made a MOTION to approve the minutes of the March 29, 2023 meeting. Mrs. Mellin SECONDED the motion. There being no further discussion, the motion PASSED unanimously.

Approval of Claims:

Mrs. Mellin made a MOTION to approve claims as submitted for \$23,587.51. Mr. Shoff SECONDED the motion. There being no further discussion, the motion PASSED unanimously.

Airport Manager's Report:

Andy advised that the new replacement lawnmower has arrived and that we are looking forward to putting it to use this summer. The old 4000 series mower is declared surplus and being disposed of through the approved channels. Andy reminded everyone that the airshow is next month. If anyone is interested in volunteering, please let us know.

New Business:

The first item of new business is the Hangar/Office Lease for Pilot in Command. Andy advised that our maintenance staff renovated and updated the large storage space in the administration hangar into a great office space. Soon after, we were contacted by Pilot In Command, LLC who would like to provide charter helicopter services to Elkhart Airport. Andy asked the board to approve the lease agreement for this service with Pilot In Command, LLC. Mr. Thorne advised that the date on page 16 of the lease is incorrect. Mr. Davis with the legal department advised he would get that corrected. Mr. Shreiner made a MOTION to approve the hangar/office lease. Mrs. Mellin SECONDED the motion. There being no further discussion, the motion PASSED unanimously.

The next order of new business is the Air Traffic Control Tower (ATC) liability insurance premium renewal. Andy advised that this is the time of year for this renewal, and our broker, Clevenger Insurance shopped around and received several quotes, and this year's quote is two thousand dollars more than last year but is the most responsive bidder and least expensive quote. Andy is asking the board to approve this quote so we can bind it, and then ask the board to approve the claim for payment at the next board meeting. Mr. Thorne asked if we have met the State law requirements for several quotes returned and the most responsive bidder. Andy advised affirmative. Mrs. Mellin made a MOTION to approve the ATC liability insurance renewal. Mr. Shreiner SECONDED. There being no further discussion, the motion PASSED unanimously.

The next item of new business is the Elkhart Festivals, Inc (EFI) hold harmless agreement for the Elkhart Airshow. Kevin Davis would like the board to approve a hold harmless agreement between EFI & the BOAC for the airshow. Mr. Davis further advised he is still working out the details of this agreement. Andy asked the board to approve this when completed by the legal department so he can sign on behalf of the board. Mr. Thorne stated he appreciates EFI's endeavor to indemnify the airport for this event.

City of Elkhart
Board of Aviation Commissioners Meeting
April 26, 2023

Mr. Shreiner made a MOTION to approve EFI's hold harmless agreement pending legal's approval. Mrs. Mellin SECONDED the motion. There being no further questions, the motion PASSED unanimously.

The next item of new business is the submission of the 2023 NPE grant application for Runway 18-36 Lighting Rehabilitation Design for AIP-40. Paul Shaffer with Butler, Fairman, & Seufert (BF&S) advised this is the formal grant application so we can position the lighting project to be ready to go when the paving project is ready. This is so the timing of everything with these projects lines up with FAA requirements. Mr. Shreiner made a MOTION to approve AIP-40 Runway 18-36 grant application. Mrs. Mellin SECONDED. There being no further questions, the motion PASSED unanimously.

The next item of new business is the submission of AIP-39 pay request #6 for 10-unit T-Hangar & Taxi lane Designs. Paul advised this gets the invoices up to date for the T-Hangar project, for \$8,255.00, with the Federal share at \$7,429.00, the State share at \$412.75, and the Local share at \$413.25. Mrs. Mellin made a MOTION to approve AIP-39 pay request #6. Mr. Shoff SECONDED. There being no further questions, the motion PASSED unanimously.

The last item of new business is the submission of AIP-38 pay request #3 for Runway 18-36 Pavement Rehabilitation Design. Paul advised this get us up to date on invoices for the pavement design, for \$5,725.00, with the Federal share at \$5,153.00, the State share at \$286.25, and the Local share at \$285.75. Mrs. Mellin made a MOTION to approve AIP-38 pay request #3. Mr. Shoff SECONDED. There being no further questions, the motion PASSED unanimously.

Privilege of the Floor:

Mr. Thorne opened comments. There was none.

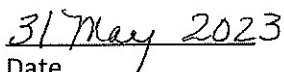
Adjournment:

Mr. Shreiner made a MOTION to adjourn. Mr. Shoff SECONDED. There being no further discussion, the meeting was adjourned.

Next regular BOAC meeting is scheduled for Wednesday, May 31, 2023 at 4pm. Location will be the Elkhart Municipal Airport Administration Building, 1211 County Road 6 W., Elkhart, IN 46514 & via WebEx.

Respectfully Submitted,


Tom Shoff – Aviation Board Secretary


Date

BOARD OF PUBLIC WORKS
Tuesday, May 16, 2023

President Mike Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, May 16, 2023. Clerk of the Board Nancy Wilson called the roll. Mike Machlan, Rose Rivera, Chad Crabtree and Jamie Arce attended in person. Ron Davis was absent.

1. Approve Agenda

A motion was made by Chad Crabtree and seconded by Jamie Arce to approve the agenda. On motion by Chad Crabtree, seconded by Rose Rivera and carried 4-0, the agenda was amended by removing the Proposed Sewer Connection to Elkhart County Regional Sewer District Heaton Lake. The amended agenda carried 4-0.

2. Open Bids & Quotes

Bid #23-05 REBID SR 19 Corridor Improvements

Proof of publication was presented which appeared in The Elkhart Truth on April 22 and April 29, 2023. No bids were received.

Quote #23-10 2031 Anna Drive Stormwater Pipe Replacement

One proposal was received from Premium Concrete Services for \$30,775.00. On motion by Jamie Arce, seconded by Chad Crabtree and carried 4-0, the proposal was given to staff to review and report back with an award later in the meeting if practical.

3. Claims & Allowance Docket

On motion by Chad Crabtree, seconded by Rose Rivera and carried 4-0, the Board approved the claims and allowance docket totaling \$4,603,164.78, consisting of 27 pages as prepared on May 9, 2023 at 1:19 p.m.

4. Minutes Regular Meeting May 3, 2023

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board approved the minutes from May 3, 2023.

5. Engineering

(A.) Utility

Partial Payment #55 to Donohue & Associates: Elkhart WWTP Capacity Upgrades Phase 2

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board approved partial payment #55 in the amount of \$71,015.00 to Donohue & Associates from the allocated SRF loan for construction on the Elkhart WWTP Capacity Upgrades Phase 2 project.

(B.) Right of Way

South Shore-Cottage Avenue Right of Way Dedication

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved the right of way dedication for South Shore- Cottage Avenue.

Change Order #1 South Main Street Phase 3: Bid #23-21

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0 the Board approved Change Order #1 for the South Main Street Phase 3 Lusher to Indiana project, Bid #23-21 for \$4,466.90, bringing the current contract price to \$574,466.90.

Award Quote #23-10 2031 Anna Drive Stormwater Pipe Placement

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board awarded Quote #23-10 2031 Anna Drive Stormwater Pipe Replacement to

BOARD OF PUBLIC WORKS

Tuesday, May 16, 2023

Premium Concrete Services , who was the lowest, responsive and responsible quote with a contract price of \$30,775.00.

(C.) Summary

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the following permits were ratified:

Sewer Assessment Applications:

Habitat for Humanity
2910 Elkhart Rd.
Goshen, IN. 46526
Property: 906 Independence
Paid \$6715.00

Habitat for Humanity
2910 Elkhart Rd.
Goshen, IN. 46526
Property: 918 Independence
Paid \$4135.00

Lacasa Inc.
202 N. Cottage
Goshen, IN. 46528
Property: 1639 Huron St.
Paid \$4255.00

Lacasa Inc.
202 N. Cottage
Goshen, IN. 46528
Property: 1635 Huron St.
Paid \$4255.00

Water Assessment Applications:

Lacasa Inc.
202 N. Cottage
Goshen, IN. 46528
Property: 1639 Huron St.
Paid \$1089.00

Lacasa Inc.
202 N. Cottage
Goshen, IN. 46528
Property: 1635 Huron St.
Paid \$1089.00

Habitat for Humanity
2910 Elkhart Rd.
Goshen, IN. 46526

BOARD OF PUBLIC WORKS

Tuesday, May 16, 2023

Property: 906 Independence
Paid \$1371.90

Habitat for Humanity
2910 Elkhart Rd.
Goshen, IN. 46526
Property: 918 Independence
Paid \$1075.20

Darryl Riegsecker, North Meadow of Goshen
P.O. Box 525
Goshen, IN. 46527
56290 River Shore Lane
Paid \$1171.80

Darryl Riegsecker, North Meadow of Goshen
P.O. Box 525
Goshen, IN. 46527
Property: 56272 River Shore Lane
Paid \$1171.80

Team Construction
1849 W. Lincoln
Goshen, IN. 46526
Property: 10089 Lehman St.
Paid \$690.00

Osman Enrique Diaz Alvarado
922 E. Herrold Ave.
Elkhart, IN. 46517
Property: 922 E. Herrold Ave.
Paid \$1461.60

Paul Herrrich
2408 Toledo Rd.
Elkhart, IN. 46516
Property: 2408 Toledo Rd.
Paid \$1620.30

Revocable Permits: #6538, Owner: Diana Gibson
Property: 231 N. Main St.
Permit Holder: Diana Gibson
Description: Outdoor Seating & Table

#6556, Owner: Elkhart Community Schools
Property: 1735 Strong Ave

BOARD OF PUBLIC WORKS
Tuesday, May 16, 2023

Permit Holder: Mary Daly School & PTO
Description: 5 sets of bleachers on the easement & sidewalk

#6555, Owner: Dallas Bergl
Property: 2818 E. Jackson Blvd
Permit Holder: HartWood Tree Care
Description: Closing west bound lane in front of 2818 E. Jackson

6. Utilities

(A.) Administration

Wastewater Utility MRO for April 2023

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board accepted and placed on file the Wastewater Utility MRO for April 2023.

Water Utility MRO for April 2023

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board accepted and placed on file the Water Utility MRO for April 2023.

(B.) Pretreatment

Notice of Violation: Bimbo Bakeries Permit #2006-03

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board approved a Violation for Bimbo Bakeries, Permit #2006-03, for failure to submit a self-monitoring report by the due date, and assessed a \$200.00 penalty.

Jon Kania of Bimbo Bakeries participated in the discussion via WebEx noting the violation occurred in 2022, and they have made significant strides in 2023.

7. New Business

Request to Purchase Street Sweeper for Street Department

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board approved the purchase of a new, Global M-4 a Mechanical Street Sweeper from Brown Equipment Company for \$335,998.00, and granted permission to trade in the 2010 Allianz Global Street Sweeper, Unit #384 for \$10,000.00 declaring it surplus, resulting in a total purchase price of \$325,998.00. Jamie Arce noted the bid was through the State of Indiana Sourcewell Purchasing Cooperative.

BOW Resolution 23-R-12 Prohibiting Camping Under Bridges and Walkways in the City of Elkhart

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board approved Board of Works Resolution 23-R-12, a Resolution prohibiting camping under all bridges in the City of Elkhart.

8. Use and Event Permits

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board approved the following Use and Event Permits:

- Corpus Christi Procession 6/11- ESS, Special Exception from Noise, Public Assembly
- Lerner on the Lawn 5/25, 6/29, 7/27, 8/31, 9/28, 10/26- Central Green Stage, Special Exception from Noise, Public Assembly
- Crossroads Picnic in McNaughton Park Thursdays June & July-- Public Assembly Special Exception from Noise


BOARD OF PUBLIC WORKS

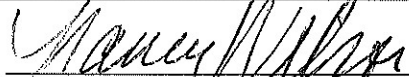
Tuesday, May 16, 2023

- Crossroads Church in Ulery Park Sundays in June & July & 8/6- Special Exception from Noise, Public Assembly
- McMorris Block Party 7/15- Temporary Street Closure, Special Exception from Noise
- Baskin Birthday Party 5/20- Temporary Street Closure, Special Exception from Noise
- Scandinavian Festival 8/26- Temporary Street Closure, Special Exception from Noise
- Hispanic Heritage Festival 9/30- Central Green Stage, EMS, Golf cars, Trailer, EPD, Temporary Street Closure
- Snappers Music-
5/13,5/20,5/27,6/3,6/10,6/17,6/24,7/8,7/15,7/22,7/29,8/5,8/12,8/13,8/19,8/26,9/2,9/9,9/16,9/23,9/30,10/7,10/14,10/21 Special Exception from Noise
- Grand Prix 8/4-8/5 Central Green Stage, Temporary Street Closures, Special Exception from Noise, Public Assembly, Tents, Golf Carts, Fencing, ESS, EMS, EPD, Bridge Banners, Plaza Sign
- Independence Day 7/1- Central Green Stage, Civic Plaza, Temporary Street Closures, Special Exception from Noise, Public Assembly, Tents, Golf Carts, Fencing, ESS, EMS, EPD, Plaza Sign
- Leroy Robinson Southern Soul & Jazz on the Green 8/19- Central Green Park, Public Assembly, Fencing, EPD, Temporary Street Closure, Special exception from Noise, Plaza Sign

9. Adjournment

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board, the Board of Works adjourned at 9:31 a.m.

 Michael C. Machlan, President

Attest:  Nancy Wilson, Clerk of the Board

Rod Roberson
Mayor

Dustin McLain
Department Head

ELKHART CITY



911
COMMUNICATIONS

574.293.2175
Fax: 574.294.5530

Elkhart City Communications
135 E Franklin Street
Elkhart, IN 46516

Date: June 8, 2023

To: Mayor Rod Roberson
Elkhart City Board of Public Safety
Common Council

From: Dustin McLain, Department Head
Elkhart Communications Center

Re: **May 2023 Month End Report**

We processed 10,436 incoming & outgoing emergency and non-emergency phone calls. This was an increase of 759 calls from May 2022. Below is a summary of the calls we handled in Communications.

| CALL SOURCES | 911 <i>*This includes Landlines, Wireless, VoIP, TextTTY, and abandoned.* (as reported by ECats State reporting online)</i> | Administrative (non-emergency) | TOTAL |
|--------------|--|---------------------------------------|---------------|
| | 2545 | 7891 | 10,436 |
| 2022 TOTALS | 2385 | 7292 | 9677 |
| 2021 TOTALS | 2,438 | 8165 | 10603 |

By shift, we entered 7,811 calls into the CAD, an increase of 728 calls from May 2022. Below is a breakdown of the call volume by shift.

| | POLICE CALLS | FIRE CALLS | OTHER | TOTALS |
|-------------------|--------------|------------|------------|-------------|
| Day Shift | 2286 | 379 | 288 | 2953 |
| Afternoon Shift | 2298 | 380 | 442 | 3120 |
| Midnight Shift | 1417 | 180 | 141 | 1738 |
| All Shifts | 6001 | 939 | 871 | 7811 |
| 2022 TOTALS | 5481 | 874 | 728 | 7083 |
| 2021 TOTALS | 5856 | 810 | 690 | 7356 |

*Other Calls refers to calls made to communications that either required a response by other departments, such as Parks Dept., Street Dept., etc. This also includes calls that are dispatched out as attempts to locate, repossessions and/or private impounds.

OTHER BUSINESS

Rod Roberson
Mayor

Dustin McLain
Department Head

ELKHART CITY



911
COMMUNICATIONS

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- For the month of May 2023 we handled 48 AUDIO REQUESTS for the Prosecutor's Office and Police Dept. We provided 6 (FOIA) Public Records Requests to individuals.

*The Honorable
Rod Roberson
Mayor*

Jamison Czarnecki
Parks Superintendent



Parks & Recreation
1320 Benham Ave.
Elkhart, IN 46516

574.295.7275
Fax: 574.522-7808

MEMO

To: Board of Elkhart Parks and Recreation

From: Jamison Czarnecki, Superintendent

Date: 5-16-2023

Re: Parks Department Report

Superintendent's Update (Jamison Czarnecki)

- We will be implementing our new parks and recreation software through Civic Rec Parks which will allow for a much better customer experience and better data collection for our programs, rentals, and other areas of operation that users will appreciate. This should begin by June.
- New River Greenway Ribbon Cutting was on May 11th.
- We have filled all of our summer seasonal positions and are getting them trained and ready to go for a great season. We filled these positions because of the competitive wages offered and paid for lifeguard certification to employees who will work the summer season for us.
- We have torn out the broken kiddie pool at Ideal Beach.
- The new contract with Coca Cola has begun to replace our Pepsi products. Surveys will be created and distributed within the facilities for feedback on product offerings.

Events and Volunteers Report (Sherry Krask and Maddy Gordon)

- The farmers market opened on Saturday, May 6th from 9-1, with 44 vendors and approximately 350 shoppers. We gave away about 30 loyalty cards. Look for our farmers market billboard next to Hacienda.
- We are currently in the process of interviewing and hiring event aides.
- Coming up: Elkhart Bicycle Festival, May 19, Rhapsody Arts and Music Fest, June 9 and 10, and Summer Chill Concert Series begins June 16
- We have officially had two successful adoptions of our parks. The Woof Group has adopted the Frank Booth Bark Park and a few individual adopters have banded together to adopt Hayden Park as well. The Woof Group hosted a clean-up day at the Bark Park this past Saturday where they planted flowers and greenery, hung hanging baskets, and did some trash and stick pick-up in the area.
- Truma Corp hosted a service day clean up at Island Park with over 50 volunteers.

Programming and Recreation Report (Luisa Ixmatlahua)

Roosevelt Program Updates

- We want to thank Police Officer Phillip Wang, who has mentored and played basketball with the youth daily.
- Roosevelt Center Programs 4:30-5:30 pm -158 participants
 - High School consistent Mentors- 20 participants

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Community Programs Updates

- "Line Dancing" began on April from 6:00-8:00 pm will cost \$5 and has been open to all ages in the community. - Total of 16 participants.
- "Basic Digital Photography Seminar" finished. – 7 participants
- "Intro to Water Color" for adults finished with – 14 participants
- "Fun with Water Color for Kids" finished with -13 participants.
- "CPR" finished with -16 participants.
- "Getting College Smart: Money Management" Spanish Workshop had 10 participants, and English Workshop had a one-on-one with the instructor.

May Programs

- "Line Dancing" is currently continuing every Thursday, 6pm to 8pm at High Dive Pavilion until July.
- We are offering 2 Bird Bikes for Association of the Disabled of Elkhart County (ADEC) members. River Greenway Trail and Studebaker May 9 & May 23 from 9:30-10:30 am - 50 participants.
- "Intro to Watercolor Florals" is a three-series watercolor class on May 11, 18, and 25 from 6:00- 8:00 pm; the cost is \$80.00, and currently there are 5 registered participants.
- "Kids Bike Rodeo" is a fun, interactive, and non-competitive skills course designed for kids to improve their bike handling and traffic safety skills. This program will be happening during our Bicycle Fest (After-work Bicycle party) in celebration of Bike to Work Week. This program will be accessible on May 19, from 5:00 pm – 8:00 pm, and it is free!
- "Peace Run and Walk" is on May 20 and starts at 9:00 am. This will take place at Roosevelt Park; this event will be centered on anti- bullying and mental health.
- "Skateboarding Lessons" began on April 30 and will end on May 21, Sundays from 12- 2 pm. The class is full.

Ranger Report (Ranger Stan McCray)

April 1-30, 2023 – Ranger Stan McCray

Citations

- None written.

Various Park Activities and number of people participating.

- Basketball (173), Biking (150), Boating/Kayak (9), Dancing/Music (7), Fishing (158), Football (18), Grilling/Picnic (99) Parking/Sitting (1,279), Playground (727), Pickleball (26), Scooter (25), Skateboarding (70), Walking/Jogging (1,362), Dog Walking (295), Soccer (131), Baseball/Softball (189), and Tennis (22). Grand Total of 4,766 patrons.

Events

- April 11, 2023 – Ranger McCray lead a Bird Hike at Elkhart Environmental Center for 23 adult A.D.E.C. Clients.
- April 22, 2023 – Earth Day Park cleanup at Island Park and Bi-Centennial Park. Approximate 50 volunteers picked up trash, completed landscaping, and painted trashcans in the park.

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Damage

- April 6, 2023 - While on patrol Ranger Nhim was at Woodlawn Nature Ctr. when he noticed a fallen tree. The fallen tree fell on the rear roof of the building. Mike Lightner from the Buildings and Grounds Dept. was contacted to remove the tree from the roof and they advised there was very minor damage.
- Apr. 17, 2022 – While on patrol Ranger Keen was at Studebaker Park walking around the park. When he returned to the truck, he found that the right side-view mirror had been smashed. Ranger Keen then contacted the Police Dept. to complete a Damage to City Property report.
- April 19, 2023 – While patrolling, Ranger Miller found a basketball net at Roosevelt Park basketball courts. The damage was reported on MyElkhart311.
- April 24, 2023 – While patrolling, Ranger Miller found graffiti on the underside of the slide at Baker Park. The damage was reported on MyElkhart311.

Other

- Apr. 7, 2023 - While patrolling Ranger Nhim reported that a wood barrier pole had been removed at Edgewater Park, additionally he found the climbing net at Ullery Park had been completely removed.
- April 11, 2023 – While on patrol, Ranger Keen talked to a Building and Grounds employee who found a cat buried in a shallow grave at NIBCO Ice and Water Park. The issue was reported to the Elkhart Police Dept. and Ranger Keen then disposed of the cat.
- April 13, 2023 - Ranger McCray conducted a 2 hr. training session for the Elkhart City Park Rangers; topics included: Homeless Encampments, Report Writing, MyElkhart311, and other general ranger duties.
- April 23, 2023 – While on patrol, Ranger Keen found a Homeless Encampment at American Park. The encampment was reported on MyElkhart311.
- April 27, 2023 – While on patrol, Ranger Nhim found a Homeless Encampment at Langle Park under the Open Air Pavilion at the west side of the park. The encampment was reported on MyElkhart311.

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End of Report