

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

AGENDA FOR REGULAR ELKHART CITY COUNCIL MEETING

LOCATION: CITY HALL, 2ND FLOOR, COUNCIL CHAMBERS

May 15, 2023

7:00 P.M.

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

2. **Minutes for Approval**

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-08, an ordinance approving a major amendment to the “K-2, Detailed Planned Unit Development District” by adding “Component Assembly” and Warehousing Distribution” as permitted uses

PROPOSED ORDINANCE 23-O-09, an ordinance approving a major amendment to the “Windsor Crossing Planned Unit Development District” (Elkhart City Ordinance No. 3701 and 5169) by adding hotel as permitted use

PROPOSED ORDINANCE 23-O-11, an ordinance appropriating Eight Hundred Thousand Dollars (\$800,000.00) for land acquisition, and professional services for the new public safety facilities for the Elkhart Fire Department

c) **Ordinances and Resolutions Referred to Committees**

There are no ordinances or resolutions referred to committees

d) **Tabled Ordinances and Resolutions**

There are no tabled ordinances or resolutions

4. **New Business**

a) **Ordinances on First Reading**

There are no ordinances on first reading

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 March 29, 2023 – Board of Aviation Commissioners

Minutes of April 11, 2023 – Board of Public Safety

Minutes of April 25, 2023 – Board of Public Safety

Minutes of April 18, 2023 – Board of Public Works

Minutes March 23, 2023 – Human Relations Commission

Minutes of April 12, 2023 – Lerner Theatre Board

Minutes of April 3, 2023 – Plan Commission

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
Date: April 3, 2023
Re: 23-PUDA-02 – 2707 CR 15

This is a request to amend the K-2, Detailed Planned Unit Development District, Ordinance 12-21 approved by the Elkhart County Commissioners and Ordinance 5600 approved by the Common Council of the City of Elkhart. The proposed amendment would revise the allowed uses to include 'Component Assembly and Warehousing and Distribution'.

The Plan Commission passed it onto City Council with a "Do Pass" Recommendation on April 3, 2023 on a 5-1 vote in favor of the request.

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

April 4, 2023

The Common Council
City of Elkhart
Elkhart, IN 46516

**RE: Petition 23-PUDA-02
2707 COUNTY ROAD 15**

Dear Council Members:

This letter certifies that the Elkhart City Plan Commission at its regular meeting on **Monday, April 3, 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 K2 Detailed Planned Unit Development District, Ordinance 12-21 approved by the Elkhart County Commissioners and Ordinance 5600 approved by the Common Council of the City of Elkhart. The proposed amendment would revise the allowed uses to include "Components Assembly" and Warehousing and Distribution."

The Plan Commission **voted 5 to 1 in favor** of this Planned Unit Development petition and thus it is sent to the Common Council with a "Do Pass" recommendation with the following conditions:

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

1. Outside storage shall be allowed only in the rear yard, and shall not extend northward of the northern extreme or southward of the southern extreme of the building.
2. All outside storage shall be screened so that it is not visible from adjacent properties or roadways. Proposed screening shall be approved by city staff prior to installation. Screening may be considered in tandem with that required under condition 3, subject to staff approval.
3. Along the southern property line, the fifty (50) foot buffer shall be maintained in perpetuity, and a screen shall be installed in accordance with Section 18.7.F.1.
4. Mobile and modular buildings shall not be allowed as permanent structures on the site.

5. Additional landscaping shall be installed between the parking lot and County Road 6, with a canopy tree interval of at least one tree per thirty (30) linear feet.
6. The use of the property for Components Assembly and Warehousing and Distribution, and for outside storage, shall expire on April 1, 2025; the requirements regarding landscaping shall remain in place in perpetuity.

Sincerely,

Jamie Kochanowski
Plan Commission Recording Secretary

ORDINANCE NO. _____

AN ORDINANCE APPROVING A MAJOR AMENDMENT TO THE “K-2, DETAILED PLANNED UNIT DEVELOPMENT DISTRICT” BY ADDING “COMPONENT ASSEMBLY” AND “WAREHOUSING DISTRIBUTION” AS PERMITTED USES

WHEREAS, the Elkhart County Commission, under ordinance number 12-21, and the City of Elkhart, under ordinance number 5600, adopted the “K-2, Detailed Planned Unit Development District”, a detailed planned unit development of the City and County of Elkhart, Indiana; and

WHEREAS, the K-2, Detailed Planned Unit Development District contains the real property commonly known as 2707 County Road 15 Elkhart, Indiana 46514 (the “Real Estate”), and legally described as follows:

K2 DPUD Lot 1, as recorded March 18, 2014 in the Elkhart County Recorder’s Office, Plat Book 35, Page 8, Document Number 2014-04699.

Containing 8.464 Acres more or less.

WHEREAS, the Real Estate of the K-2, Detailed Planned Unit Development District is presently assigned the zoning district of Detailed Planned Unit Development (M-1 Standards); 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 K-2, Detailed Planned Unit Development District to allow the Real Estate to be use for Component Assembly and Warehousing Distribution; and

WHEREAS, the intended uses of the Real Estate of the K-2, Detailed Planned Unit Development District are not permitted uses for property under the zoning uses and standards specifically assigned by the Elkhart County Commission and the City of Elkhart, at the time of the passage of the respective ordinances, thus requiring a major amendment to the K-2, Detailed

Planned Unit Development District, to change the zoning uses and standards to add “Components Assembly” and “Warehousing Distribution“ as permitted uses, if the owner’s intended use of the Real Estate is to be permitted; and

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

WHEREAS, on April 17, 2023, the Elkhart City Plan Commission conducted a public hearing on the petition to amend the K-2, Detailed Planned Unit Development District for the purpose stated herein and voted to forward the petition to the Common Council with the Commission’s “DO PASS” recommendation, subject to the special conditions set forth in Exhibit A, attached hereto.

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

Section 1. The K-2, Detailed Planned Unit Development District, adopted by the Elkhart County Commission Common Council under Ordinance No. 12-21 and the City of Elkhart under Ordinance No. 5600, be, and hereby is, amended to add “Components Assembly” and “Warehousing Distribution” as permitted uses for that certain Real Estate within the K-2, Detailed Planned Unit Development District, located in the City of Elkhart, County of Elkhart, State of Indiana, and more-fully described as follows:

Legal Description:

K2 DPUD Lot 1, as recorded March 18, 2014 in the Elkhart County Recorder’s Office, Plat Book 35, Page 8. Document Number 2014-04699.

Containing 8.464 Acres more or less.

Address(s):

2707 County Road 15 Elkhart, Indiana 46514

Parcel Identification No.(s):

20-02-25-101-002.000-027

Section 2. Limitations of Amendment. The amendment adopted herein is subject to the following special conditions:

1. Outside storage shall be allowed only in the rear yard, and shall not extend northward of the northern extreme or southward of the southern extreme of the building.
2. All outside storage shall be screened so that it is not visible from adjacent properties or roadways. Proposed screening shall be approved by city staff prior to installation. Screening may be considered in tandem with that required under condition 3, subject to staff approval.
3. Along the southern property line, the fifty (50) foot buffer shall be maintained in perpetuity, and a screen shall be installed in accordance with Section 18. 7 .F .1.
4. Mobile and modular buildings shall not be allowed as permanent structures on the site.
5. Additional landscaping shall be installed between the parking lot and County Road 6, with a canopy tree interval of at least one tree per thirty (30) linear feet.
6. The use of the property for Components Assembly and Warehousing and Distribution, and for outside storage, shall expire on April 1, 2025; the requirements regarding landscaping shall remain in place in perpetuity.

All other terms and conditions of the K-2, Detailed Planned Unit Development District, as adopted by the Elkhart County Commission under Ordinance No. 12-21 of the Elkhart under Ordinance No. 5600, which not specifically amended by this ordinance, remain fully effective and binding upon the property.

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



City of Elkhart

Staff Report

Planning & Zoning

Petition: 23-PUDA-02

Petition Type: Major Amendment to PUD

Date: April 3, 2023

Petitioner: K2 Holdings LLC

Site Location: 2707 County Road 15

Request: Per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the K2 Detailed Planned Unit Development District, Ordinance 12-21 approved by the Elkhart County Commissioners and Ordinance 5600 approved by the Common Council of the City of Elkhart. The proposed amendment would revise the allowed uses to include “Components Assembly” and “Warehousing and Distribution.”

Existing Zoning: M-1 DPUD – Detailed Planned Unit Development to the M-1 Standards

Size: +/- 8.1 Acres

Thoroughfares: County Road 15 North, County Road 6 East

School District: Elkhart Community Schools

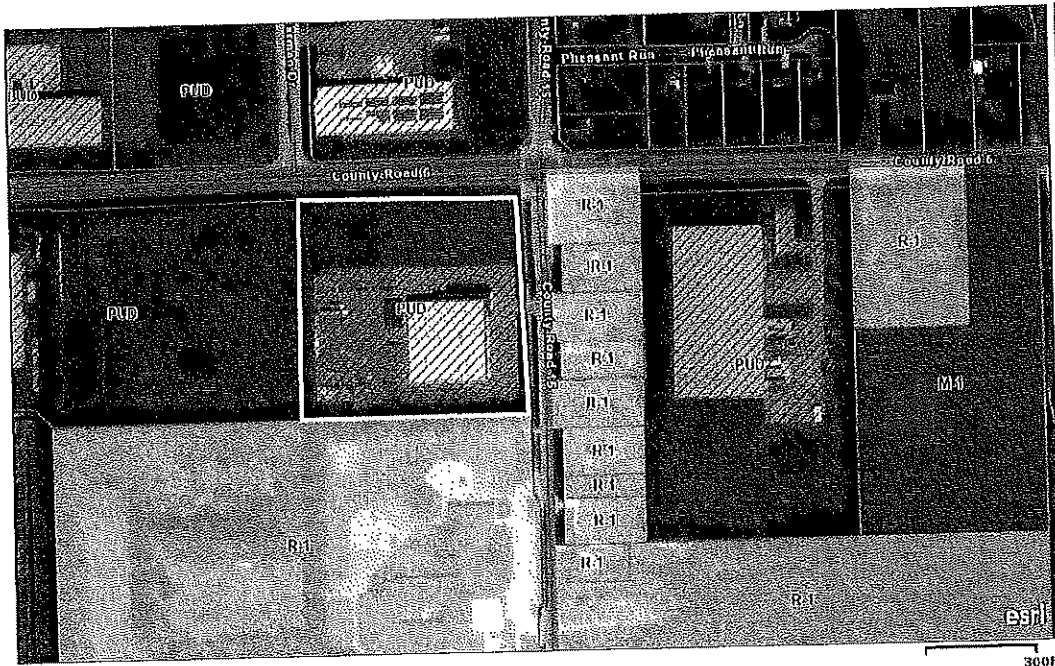
Utilities: Available and provided to site.

Plan Commission Action: Recommendation to Common Council.

Surrounding Land Use & Zoning:
Property to the south is a school zoned R-1. Property to the east is residential zoned R-1. Properties to the north and west are industrial and vacant zoned PUD.

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 commercial or mixed 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 an 8.1-acre property located at the southwest intersection of County Road 15 North and County Road 6 East. The PUD was established while under the jurisdiction of Elkhart County under Ordinance PC 12-21, which established the following limitations on its use:

1. That the only permitted land uses are specified by this Ordinance as follows:
 - a. Sales of Boat, RV, and Car as demonstrated on the Site Plan Support Drawing.
 - b. Boat, RV, and Car display as demonstrated on the Site Plan Support Drawing
 - c. Indoor car, boat and RV storage as demonstrated on the Site Plan Support Drawing
 - d. Vehicles wash area as demonstrated on the Site Plan Support Drawing
 - e. A maximum of 26 vehicles permitted as outside storage and shall be under cover as demonstrated on the Site Plan Support Drawing.
2. That the following land uses be prohibited:
 - a. All uses specified in the M-1, B-3, B-2, B-1 and R-4 zoning district unless permitted by the adopted DPUD Ordinance.
 - b. No temporary, short or long-term occupancy of RV's (i.e. no overnight residing).
 - c. The use of this real estate as a vehicle assembly or transfer yard, including vehicle chassis or the finished product, boats, RV's or cars

The property was annexed in 2015 and developed in 2017. That same year the PUD was amended under city Ordinance 5600 which modified PC12-21 "to allow 6,800 square feet in the existing building to be used as a meeting hall/banquet facility, and to also allow for indoor lease space for a small recreational vehicle show, lease space for a small trade show, and for vendor new product roll out events."

While sections of County Road 6 have been established as an industrial corridor, this specific parcel is adjacent to a school and has single family residential across the street. As a result the property was planned and built with specific limits on its use to prevent impacts on adjacent properties.

In December of 2022 staff noted that the facility was being used as a manufacturing facility, with outside storage occurring fronting on County Road 15. Since the use and the storage exceeded what was allowed by ordinance, staff reached out to the owner and found that Bennington Marine, whose headquarters are to the northwest on Decio Drive, had established a component assembly and warehousing operation there. The owner's representatives stated that there had been a loss of revenue in the establishment since the COVID lockdowns and had looked to an alternative tenant.

Additionally, the tenant installed a mobile office which would not be permitted as a permanent structure. When staff inquired about the structure, they were informed that it was a temporary office building while Bennington's headquarters expanded and would be removed by June.

The petitioner wishes to have Bennington as a long-term tenant, and therefore is requesting an amendment to the PUD to allow the use to continue. They propose to limit the outside storage to the side and rear yards, and are now proposing to make a mobile structure permanent.

Staff has concerns about the request, given that it runs directly contrary to the initial, approved plans for the property, and its close proximity to the school and single family residential across the street, and the use of a mobile structure runs counter to what is allowed by ordinance. If the plan commission and council approve of the plan, staff recommends the following conditions be placed upon the approval:

1. Outside storage shall be allowed only in the rear yard, and shall not extend northward of the northern extreme or southward of the southern extreme of the building.
2. All outside storage shall be screened so that it is not visible from adjacent properties or roadways. Proposed screening shall be approved by city staff prior to installation. Screening may be considered in tandem with that required under condition 3, subject to staff approval.
3. Along the southern property line, the fifty (50) foot buffer shall be maintained in perpetuity, and a screen shall be installed in accordance with **Section 18.7.F.1**.
4. Mobile and modular buildings shall not be allowed as permanent structures on the site.
5. Additional landscaping shall be installed between the parking lot and County Road 6, with a canopy tree interval of at least one tree per thirty (30) linear feet.
6. The use of the property for Components Assembly and Warehousing and Distribution, and for outside storage, shall expire on April 1, 2025; the requirements regarding landscaping shall remain in place in perpetuity.

Recommendation

The Staff recommends **approval** of the major amendment to the Planned Unit Development, only with conditions, based on the following findings of fact:

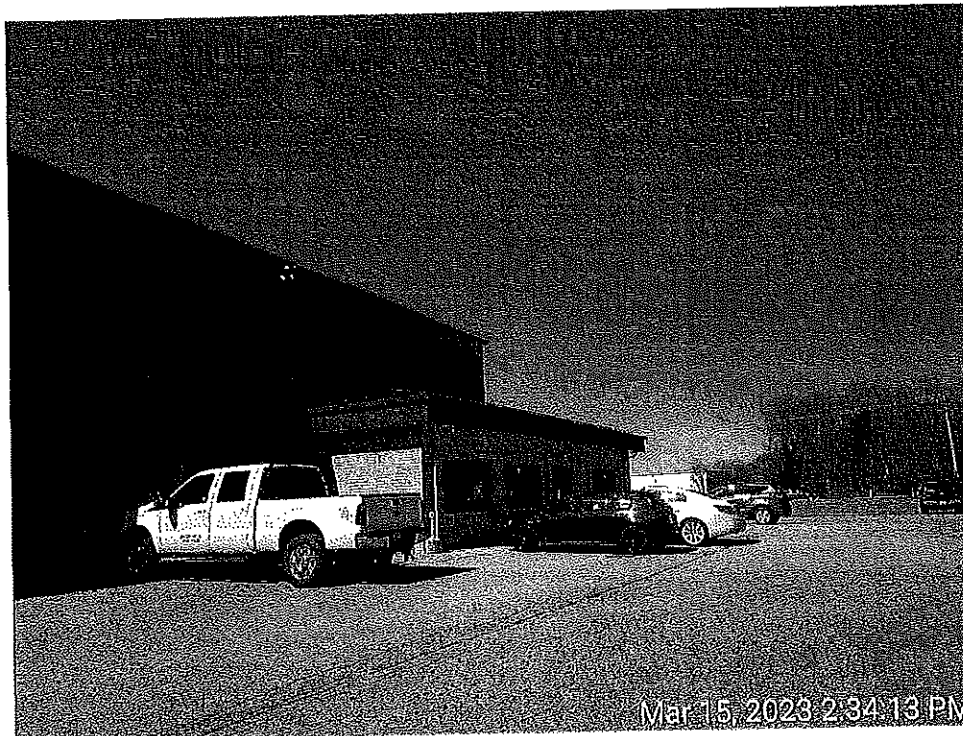
- 1) The Comprehensive Plan is anticipated to call for this area to be developed with commercial or mixed uses. Due to economic concerns, the proposed use is compatible with mixed uses as a temporary use but is not the best long-term use of the property.
- 2) The proposed uses should not impact the other permitted uses approved for this PUD since the use of the building could revert to its original planned use. The proposed use should not negatively impact surrounding properties as a temporary and mitigated use, but is not the best long-term use of the property.
- 3) The proposed use is compatible with other activity already permitted by the planned unit development because it is the only property in this PUD.

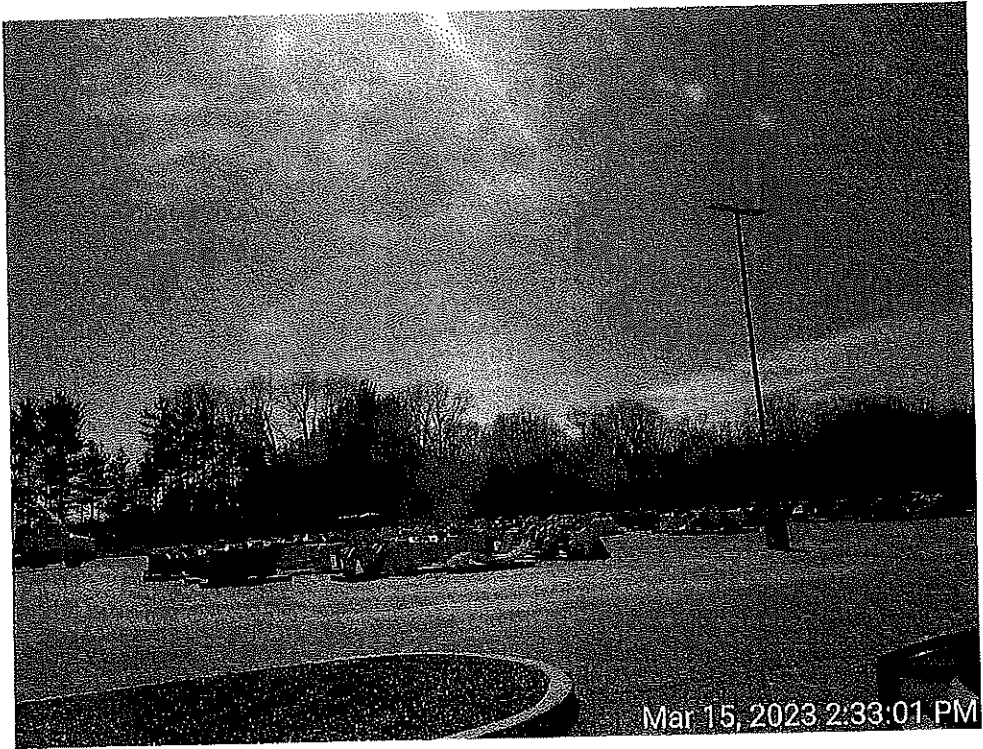
Conditions

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

1. Outside storage shall be allowed only in the rear yard, and shall not extend northward of the northern extreme or southward of the southern extreme of the building.
2. All outside storage shall be screened so that it is not visible from adjacent properties or roadways. Proposed screening shall be approved by city staff prior to installation. Screening may be considered in tandem with that required under condition 3, subject to staff approval.
3. Along the southern property line, the fifty (50) foot buffer shall be maintained in perpetuity, and a screen shall be installed in accordance with **Section 18.7.F.1**.
4. Mobile and modular buildings shall not be allowed as permanent structures on the site.
5. Additional landscaping shall be installed between the parking lot and County Road 6, with a canopy tree interval of at least one tree per thirty (30) linear feet.
6. The use of the property for Components Assembly and Warehousing and Distribution, and for outside storage, shall expire on April 1, 2025; the requirements regarding landscaping shall remain in place in perpetuity.

Photos





Mar 15, 2023 2:33:01 PM

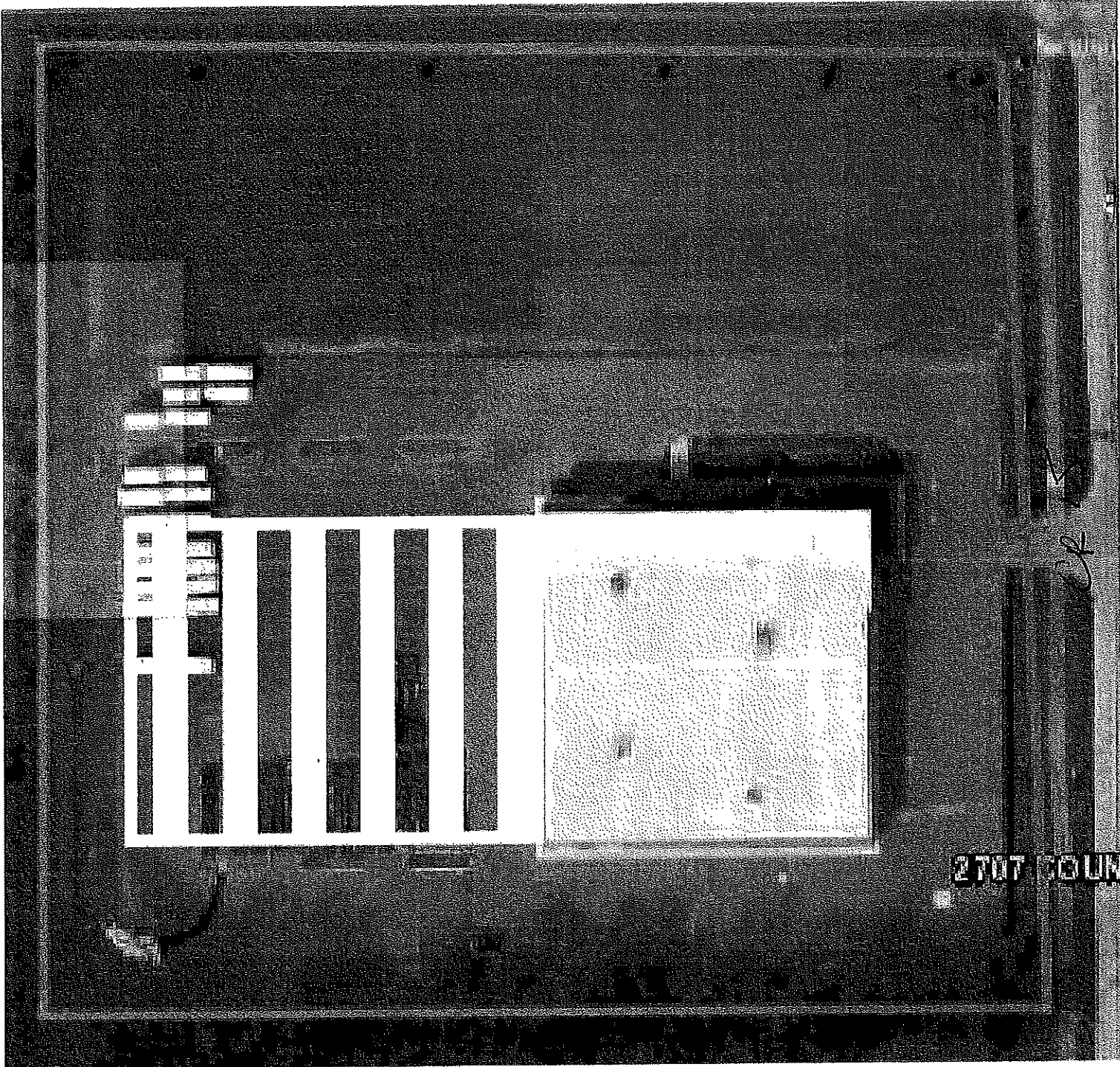


Mar 15, 2023 2:33:04 PM

Attachments

Petition, appeal letter, site plan.

CR 4



2707 2014

27

March 30, 2023

Honorable Members of the Common Council
And City Plan Commission
City of Elkhart, IN

Regarding: K2 PUD M-1 Amendment

The building is currently being leased by Polaris Boats LLC for use from April 1, 2021, to March 31, 2025. Bennington Marine is owned by Polaris Boats LLC.

Bennington Marine currently uses the building for assembly of components to support pontoon boat manufacturing at their campus on County Road 6 and Decio Drive.

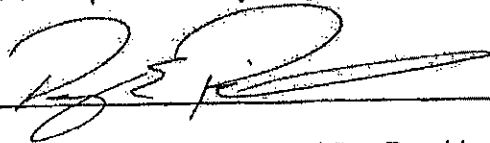
The property owner's intent is to move some manufacturing operations from this building to a new building currently under construction at the southeast corner of County Roads 4 and 15. Completion of the new building is scheduled for late 2023. Some operations would remain at this location through March 2025.

Bennington Marine uses the building and property for light manufacturing with assembly of components needed in pontoon boat manufacturing. Component assembly for pontoon boats is a low intensity use with quiet operations, weekday, daytime shift work and approximately 55 employees. There are rare weekend shifts at this location.

Bennington Marine uses the two west and south side yards for outside storage of materials. There will be no outside storage in the north or east front yards.

Bennington Marine has installed two portable office trailers adjacent to the existing building on the west side. These are necessary due to current building construction at the owner's office building at 2805 Marina Drive. The temporary trailers would be removed as soon as the building construction is complete. The building construction completion is scheduled for August 2023. The owner plans to have the temporary trailers removed by December 31, 2023. The additional time is in case of construction completion delays.

Signature of Property Lessee:



Printed Name: Polaris Boats LLC, Perry Richards, Vice President of Operations

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: Plan Commission
From: Ryan Smith
Date: March 22, 2023
Re: 23-PUDA-02 2707 C.R. 15

As of the writing of this memo, staff is still in talks with the petitioner regarding this case. As a result, a final staff report has not yet been completed. We anticipate having a staff report emailed to you in advance of the meeting, and will bring paper copies to the meeting. In the interest of providing commission members information in a timely manner, we are including the petitioners' application materials in the packet.

PETITION #: 23-PUDA-02 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): K2 Holdings LLC

Mailing Address: 23090 Greenleaf Blvd. Elkhart IN 46514

Phone #: _____ Email: _____

Contact Person: Kim Price, Member

Mailing Address: 23090 Greenleaf Blvd. Elkhart IN 46514

Phone #: _____ Email: _____

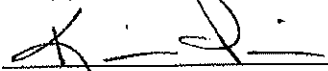
Subject Property Address: 2707 County Road 15 Elkhart IN 46514

Zoning: PUD

Present Use: Manufacturing Proposed Use: Manufacturing

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): Kim Price, Member

SIGNATURE(S):  DATE: 3-2-2023


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: 3/3/2023

**AFFIDAVIT IN SUPPORT OF PLANNED UNIT DEVELOPMENT (PUD) PETITION
OR PUD AMENDMENT PETITION**

I, Kim Price, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

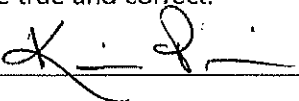
1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my Planned Unit Development (PUD) petition or PUD Amendment petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at 2707 County Road 15 Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 2nd day of March 2023.



Printed: Kim Price, Member, K2 Holdings LLC

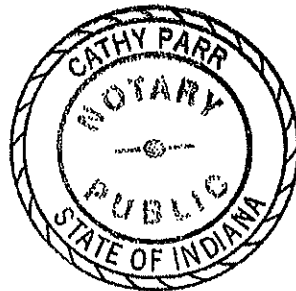
I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.



Printed: Kim Price, Member, K2 Holdings LLC

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Kim Price, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 2nd day of MARCH, 2023.





Printed: CATHY PARR

My Commission Expires:
1/28/25

Notary Public in and for the State of Indiana
Resident of ELKHART County, Indiana

March 3, 2023

Honorable Members of the Common Council
And City Plan Commission
City of Elkhart, IN

Regarding: K2 PUD M-1 Amendment

The undersigned appellant respectfully shows the City Council and Plan Commission:

1. K2 Holdings LLC is the owner of the following described real estate located with the City of Elkhart, Osolo Township, Elkhart County, State of Indiana, to-wit:

LEGAL DESCRIPTION

K2 DPUD Lot 1, as recorded March 18, 2014, in the Elkhart County Recorder's Office, Plat Book 35, Page 8. Document Number 2014-04699.

CONTAINING 8.464 ACRES MORE OR LESS.

2. The above-described real estate presently has a zoning classification of:
PUD M-1.
3. Petitioner presently occupies the above-described property in the following manner:
The property has a building and parking lot with a drainage retention basin, landscape planting and landscape berm.
4. Petitioner desires to receive PUD Site Plan Amendment for:
The PUD Amendment is needed because the existing building uses have changed. The approved Site Plan included a 43,500 s.f. building with a 42,000 s.f. future addition. The building is currently being used for assembly of components to support Bennington Marine pontoon boat manufacturing at their campus on County Road 6 and Decio Drive. The existing PUD did not include assembly of components for support of pontoon boat manufacturing as an approved use.

K-2 PUD M-1 Amendment

5. Using the appropriate standards from the previous page, address each standard.

1. The use is in accordance with the Comprehensive Plan.

The property was zoned DPUD M-1 by the Elkhart County Commissioners in March 2014. The property was annexed to the City of Elkhart in late 2014 as PUD M-1. The PUD M-1 zone would allow for light manufacturing use such as assembly of components for pontoon boats.

The property owner leased the building to Polaris Boats LLC in Feb. 2021. The tenant has a new facility under construction at County Road 15 and County Road 4 in Elkhart. The intent is to move manufacturing operations from this building to the new building after it is completed. Completion of the new building is scheduled for late 2024.

The building tenant uses the property for light manufacturing with assembly of components needed in pontoon boat manufacturing. Component assembly for pontoon boats is a low intensity use with quiet operations, weekday, daytime shift work and approximately 55 employees. There are rare weekend shifts at this location.

The building tenant has installed two portable office trailers adjacent to the existing building on the west side. These are necessary due to current building construction at the owner's office building at 2805 Marina Drive. The temporary trailers would be removed as soon as the building construction is complete. The building construction completion is scheduled for August 2023. The owner plans to have the temporary trailers removed by October 1, 2023.

The building tenant will not have any outside storage of materials in the front yards on the County Road 6 or County Road 15 frontage. Outside storage of materials will be limited to the west and south side yards of the existing building.

2. The use encourages innovations in development.

The property is used for assembly of components needed for pontoon boat manufacturing. This manufacturer provides employment in a different industry than many of the other manufacturing businesses in Elkhart.

3. The use fosters the safe, efficient, and economic use of the land, transportation, public facilities, and services.

The property has access to County Road 15. Existing traffic primarily turns north on County Road 15. This minimizes traffic to the south on County Road 15. The site frontage on County Road 15 is part of the public bike path route. The existing building use has no effect on public facilities or services.

K-2 PUD M-1 Amendment

4. The use will facilitate the provision of adequate public services such as transportation, water, sewer, storm drainage, electricity, and public parks.

The property uses the existing roadway network, is connected to existing City Sanitary Sewer and Water Utilities, has an on-site storm water retention system, is connected to the existing electrical network, and have a public bike path on County Road 15, which supports access to public parks.

5. The use will avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage.

The existing building use is appropriate adjacent to industrial, residential, and educational uses. It has adequate storm water drainage and has no impact on flood damage. The current operations are safe, clean, odorless, and non-hazardous to adjoining land uses. The building tenant has been a good neighbor to the adjoining property owners.

6. The use will encourage patterns of land use which decrease trip length of automobile travel and encourage trip consolidation.

The existing building use is appropriate in the County Road 6 industrial corridor. The use allows a local manufacturer to use a building near their main manufacturing campus at CR6 and Decio Drive for component assembly. Employees and materials can move easily between the two manufacturing properties for this company. This increases manufacturing efficiencies for the tenant.

7. The use will minimize adverse environmental impacts of development.

The existing building use is a low intensity light industrial use on a property adjacent to manufacturing, residential and educational uses. There is a buffer zone of existing trees that on the south side of the property adjacent to the educational use.

8. The use will improve the design, quality, and character of new development.

The existing building has high-quality construction with an attractive exterior. The existing building meets City construction requirements.

9. The use will foster a more rational pattern of relationship between residential, business, and industrial uses.


The existing building use is low intensity which will have no negative impact on adjoining residential, educational, or manufacturing uses.

10. The use will protect existing neighborhoods from harmful encroachment by intrusive or disruptive development.

The existing building use will have minimal impact on adjoining residential, educational, and manufacturing uses.

K-2 PUD M-1 Amendment

WHEREFORE, Appellant respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested PUD Amendment.

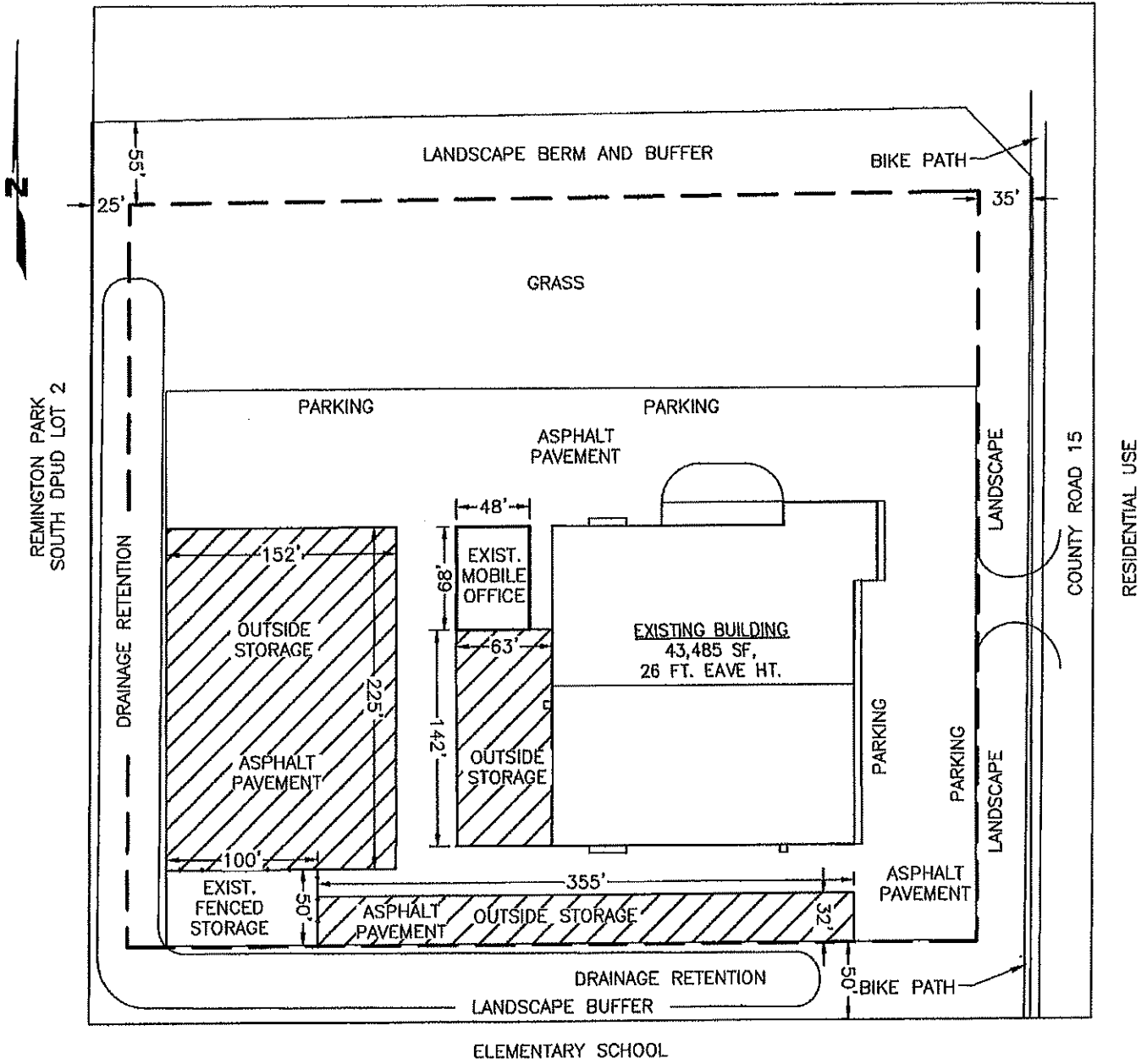
Signature of Property Owner:  _____

Printed Name: _____ K2 Holdings LLC, Kim Price Member _____

*Documents Prepared By: Debra S. Hughes, P.E.,
Business Name: Surveying and Mapping LLC (SAM)
Address: 3220 Southview Drive, Elkhart, IN 46514
Phone: (574) 266-1010
Fax: (574) 262-3040
Email: debra.hughes@sam.biz*

INDUSTRIAL USE

COUNTY ROAD 6



PRINTED: Thursday, March 2, 2023 1:53:44 PM PLOT: \\SAMANCA\SLA_PROJ\ECTS\1023076993\003\SURVEY\1\DESIGN\COPY76993_SIT PLAN.DWG

PROPOSED SITE PLAN
 K2 PUD M-1, 2707 COUNTY ROAD 15, ELKHART
 NW 1/4 OF THE NW 1/4, SECTION 25,
 T38N, R5E, OSOLO TOWNSHIP,
 SCALE: 1"=100'
 ENGINEER: DSH
 TECHNICIAN: DSH
 DRAWING: 76993 SITE PLAN.DWG



3220 Southview Drive
 Elkhart, IN 46514
 Phone: 574-266-1010
 Email: info@sam.biz

SHEET 1
 OF 1
 JOB NUMBER: 1023076993

2011017988

ELKHART COUNTY
JERRY L. WEAVER
FILED FOR RECORD
AS PRESENTED

Tax ID No.
20-02-25-101-002.000-026

HOLD FOR MERIDIAN TITLE COMMERCIAL (LTH)

2011 SEP 29 A 4: 37

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

Lutheran Social Services Inc.

CONVEYS AND WARRANTS TO

K2 Holdings, LLC, an Indiana limited liability company for Ten Dollars (\$10.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Elkhart County, in the State of Indiana, to-wit:

SEE ATTACHED EXHIBIT "A"

Subject to taxes for the year 2011, due and payable in 2012, and taxes for all subsequent years.

Subject to covenants, restrictions and easements of record.

The undersigned persons executing this deed on behalf of Grantor represent and certify that they are duly authorized to act for the Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, the Grantor has executed this deed this 27 day of September, 2011.

DISCLOSURE FEE PAID

Lutheran Social Services Inc.

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

By: Angela J. Moellering
Its: President/CEO

9/29 2011
Pauline E. Proff AUDITOR
003428

TRANSFER FEE 5
PARCEL NO. ✓

State of Indiana, County of Allen ss:

Before me, a Notary Public in and for said County and State, personally appeared Angela J. Moellering, President/CEO, who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who having been duly sworn, stated that the representations contained therein are true.

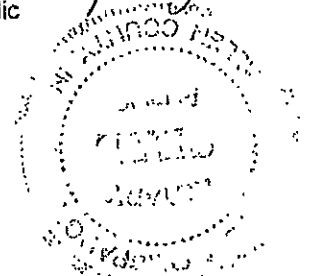
WITNESS, my hand and Seal this 27 day of September, 2011.

My Commission Expires: May 16, 2016

Krista Omspaugh
Signature of Notary Public

Krista Omspaugh
Printed Name of Notary Public

Allen County Indiana
Notary Public County and State of Residence



This instrument was prepared by:
Andrew T. McGuire, Attorney-at-Law #25941-71
202 S. Michigan Street, Ste. 300, South Bend, IN 46601

Grantee's Address and Mail Tax Statements To:
53400 C.R. 113
Elkhart, IN 46514

Property Address:
Vacant Land, CR 15, Elkhart, IN 46514

File No.: 11-36663

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.
ELKHART COUNTY INDIANA 2011/09/29 PAGE 1 OF 2

20:ck

NON CONFORMING \$ 2.

mc

2011017987

ELKHART CNTY
JERRY L. WEAVER
FILED FOR RECORD
AS PRESENTED

2011 SEP 29 A 11:59

HOLD FOR MERIDIAN TITLE COMMERCIAL

Tax ID No.
20-02-25-101-005.000-026

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

William L. McCaslin and Betsy L. McCaslin Husband and Wife

CONVEY(S) AND WARRANT(S) TO

K2 Holdings, LLC, a Indiana limited liability company, for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Elkhart County, in the State of Indiana, to wit:

SEE ATTACHED EXHIBIT "A"

Subject to taxes for the year 2011, due and payable in 2012, and taxes for all subsequent years.

Subject to covenants, restrictions and easements of record.

IN WITNESS WHEREOF, the Grantor has executed this deed this 27th day of September, 2011.

William L. McCaslin

Betsy L. McCaslin
Betsy L. McCaslin

William L. McCaslin

State of Indiana, County of Elkhart ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named William L. McCaslin and Betsy L. McCaslin Husband and Wife who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

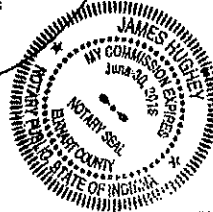
WITNESS, my hand and Seal this 27th day of September, 2011.

My Commission Expires: _____

[Signature]
Signature of Notary Public

Printed Name of Notary Public _____

Notary Public County and State of Residence _____



This instrument was prepared by:
Andrew T. McGuire, Attorney-at-Law #25941-71
202 S. Michigan Street, Ste. 300, South Bend, IN 46601

Property Address:
53111 CR 15, Elkhart, IN 46514

Grantee's Address and Mail Tax Statements To:
53400 CR 13
Elkhart, IN 46514

File No.: 11-36654

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. *Andrew T. McGuire*

DISCLOSURE FEE PAID

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER
9/29 2011
Pauline F. Haff AUDITOR
003429
TRANSFER FEE _____
PARCEL NO. _____

Mc

EXHIBIT A

A part of the East Half of the North Half of the Northwest Quarter of the Northwest Quarter of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter of Section 25; thence South 88 degrees 24 minutes 45 seconds East (Record Bearing Remington Park South D.P.U.D., Plat Book 30, Page 75), along the North line of said Northwest Quarter of Section 25, a distance of 660.78 feet to the Northwest corner of the Northeast Quarter of said Northwest Quarter of the Northwest Quarter of Section 25, also being the Northeast corner of said Remington Park South D.P.U.D.; thence South 01 degree 43 minutes 28 seconds West, along the West line of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25 and the East line of said Remington Park South D.P.U.D., a distance of 429.31 feet to an iron rebar capped (DORIOT 890028) at the Point of Beginning of this description; thence continuing South 01 degree 43 minutes 28 seconds West, along said West line of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, a distance of 240.34 feet to an iron pipe at the Southeast corner of Lot Numbered 2 in said Remington Park South, D.P.U.D., also being the Southwest corner of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25; thence South 88 degrees 32 minutes 18 seconds East, along the South line of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, a distance of 661.05 feet to a mag nail with brass washer (DORIOT 890028) at the Southeast corner of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25; thence North 01 degree 42 minutes 06 seconds East, along the East line of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, a distance of 240.34 feet to a mag nail with brass washer (DORIOT 890028); thence North 88 degrees 32 minutes 18 second West, a distance of 660.95 feet to the Point of Beginning.

EXHIBIT A

The East half of the North half of the Northwest Quarter of the Northwest Quarter of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.

EXCEPTING That part to the County of Indiana for Right of Way purposes.

A part of the Northwest Quarter of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, described as follows:

Commencing at a point on the North line of said Quarter Section, said point being 660 feet East of the Northwest corner of said Section 25, measured along the North line of said Quarter section; thence Southerly, parallel with the West line of said Quarter Section, 25 feet to the point of beginning of this description; thence North 89 degrees 53 minutes 15 seconds East, parallel with the centerline of County Road 6 (line "A") as established and designated on County Highway Plans for project No. 7601, 637 feet to a point 25 feet West of the East line of the property described in Deed Recorded as 89-2932; thence Southerly 275 feet parallel with the East line of said property; thence Westerly 15 feet parallel with the North line of said property; thence Northerly, 183.84 feet parallel with the East line of said property; thence North 45 degrees 0 minutes West, 63.64 feet; thence South 89 degrees 15 minutes 55 seconds West, 577.05 feet to the West line of said property; thence Northerly 52.27 feet along the West line to the point of beginning.

LESS AND EXCEPTING: A part of the East Half of the North Half of the Northwest Quarter of the Northwest Quarter of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, more particularly described as follows: Commencing at the Northwest corner of said Northwest Quarter of Section 25; thence South 88 degrees 24 minutes 45 seconds East (Record Bearing Remington Park South D.P.U.D., Plat Book 30, Page 75), along the North line of said Northwest Quarter of Section 25, a distance of 660.78 feet to the Northwest corner of the Northeast Quarter of said Northwest Quarter of the Northwest Quarter of Section 25, also being the Northeast corner of said Remington Park South D.P.U.D.; thence South 01 degree 43 minutes 28 seconds West, along the West line of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25 and the East line of said Remington Park South D.P.U.D., a distance of 429.31 feet to an iron rebar capped (DORIOT 890028) at the Point of Beginning of this description; thence continuing South 01 degree 43 minutes 28 seconds West, along said West line of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, a distance of 240.34 feet to an iron pipe at the Southeast corner of Lot Numbered 2 in said Remington Park South, D.P.U.D., also being the Southwest corner of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25; thence South 88 degrees 32 minutes 18 seconds East, along the South line of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, a distance of 661.05 feet to a mag nail with brass washer (DORIOT 890028) at the Southeast corner of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25; thence North 01 degree 42 minutes 06 seconds East, along the East line of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, a distance of 240.34 feet to a mag nail with brass washer (DORIOT 890028); thence North 88 degrees 32 minutes 18 second West, a distance of 660.95 feet to the Point of Beginning.

BUSINESS INFORMATION
DIEGO MORALES
INDIANA SECRETARY OF STATE
03/13/2023 11:47 AM

Business Details

Business Name: **K2 HOLDINGS, LLC** Business ID: **2001100200035**
Entity Type: **Domestic Limited Liability Company** Business Status: **Active**
Creation Date: **10/01/2001** Inactive Date:
Principal Office Address: **23090 Greenleaf Blvd., ELKHART, IN,
46514, USA** Expiration Date: **Perpetual**
Jurisdiction of Formation: **Indiana** Business Entity Report Due
Date: **10/31/2023**
Years Due:

Managing Person Information

Title	Name	Address
Manager	Kim Price	2707 County Road 15, Elkhart, IN, 46514, USA

Registered Agent Information

Type: **Individual**
Name: **Kim Price**
Address: **23090 Greenleaf Blvd., Elkhart, IN, 46514, USA**

8 0 3 5 1 4
Tx: 4019575

2014-04698

ELKHART COUNTY RECORDER
JERRY I. WEAVER
FILED FOR RECORD ON
AS PRESENTED
03/18/2014 2:16 PM

ORDINANCE NO. PC12-21

AN ORDINANCE TO AMEND THE ELKHART COUNTY CODE 36-7-4-600 MORE SPECIFICALLY ARTICLE 2. DISTRICTS AND ZONE MAPS FOR REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM A-1 TO DETAILED PLANNED UNIT DEVELOPMENT-M-1, TO BE KNOWN AS K2 D.P.U.D; AND BY CHANGING THE ZONE MAPS INCORPORATED BY REFERENCE IN ARTICLE 2. DISTRICTS AND ZONE MAPS OF THE ELKHART COUNTY ZONING ORDINANCE

WHEREAS, K2 Holdings LLC submitted a petition to change the zone maps for the real estate described in SECTION 1 of this ordinance from A-1 to DPUD-M-1 on August 17 2012;

WHEREAS, The Site Plan Review Committee did critique the petition as submitted and made those comments part of the file for consideration by the Elkhart County Plan Commission;

WHEREAS, The Staff for the Elkhart County Advisory Plan Commission did cause the publishing of the legal advertisements for the Public Hearing in The Elkhart Truth on the 27th day of October 2012 and in The Goshen News on the 27th day of October 2012 and did mail as prescribed by Rule and Law the Notice of Public Hearing to all persons of record with in 300 feet;

WHEREAS, The Elkhart County Advisory Plan Commission did hold a public hearing as provided by law on the 11th day November 2012 and did take public input at that meeting;

WHEREAS, The Elkhart County Advisory Plan Commission did give reasonable regard to the criteria established by IC 36-7-4-603 and Specifications I - Planned Unit Development of the Elkhart County Zoning Ordinance; And

WHEREAS, The petition was sent to the Board of County Commissioners for Elkhart County with a Favorable Recommendation as outline in this Ordinance.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY INDIANA, AS FOLLOWS:

- SECTION 1. That the legal description of the real estate attached hereto as Exhibit A is made a part of this ordinance and incorporated herein by this reference.
- SECTION 2. That the real estate described in SECTION 1 of this Ordinance be rezoned from A-1 to DPUD-M-1 effective immediately and the zone maps adopted by reference in Article 2 of the Elkhart County Zoning Ordinance for Elkhart County, Indiana be amended and ordered amended and changed to reflect the said rezoning of said real estate.

SECTION 3. That the Detailed Planned Unit Development be granted for the real estate described in **SECTION 1** of this Ordinance. Unless this Ordinance specifies to the contrary, all Development Standards for the M-1 Zoning District detailed in the Elkhart County Zoning Ordinance will be enforced and govern the use of the real estate, though the Development Plan and Site Plan/Support Drawing will supersede all otherwise applicable Permitted Uses, Special Uses, and Development Standards under the M-1 zoning district.

SECTION 4. That all Development Plan(s) must be submitted to the Plat Committee of the Elkhart County Advisory Plan Commission for approval as a Secondary Plat; Secondary approval shall be granted only if the Development Plan(s) comply with the provisions of this Ordinance, the Site Plan/ Support Drawing, and the Subdivision Control Ordinance. The Development Plan(s) shall be incorporated into this Ordinance by this reference. All Secondary Plats will reference this Ordinance and if the intent of this Ordinance or the Site Plan/ Support drawing is not clear the Secondary Plan may be considered by the County Advisory Plan Commission at a Public meeting.

SECTION 5. That the Site Plan / Support Drawing is made part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

SECTION 6. This Detailed Planned Unit Development Ordinance will limit the use of this real estate to what has been shown on the Site Plan / Support Drawing.

SECTION 7. That the additional documentation and supporting information listed in Section 9 of this Ordinance must be supplied and the conditions specified in Section 9 of this Ordinance must be satisfied prior to any permits for construction being issued.

SECTION 8. That the following specified limitations to this Planned Unit Development have been adopted and imposed:

1. That the only permitted land uses are specified by this Ordinance as follows:
 - a. Sales of Boat, RV, and Car as demonstrated on the Site Plan Support Drawing.
 - b. Boat, RV, and Car display as demonstrated on the Site Plan Support Drawing
 - c. Indoor car, boat and RV storage as demonstrated on the Site Plan Support Drawing
 - d. Vehicles wash area as demonstrated on the Site Plan Support Drawing.
 - e. A maximum of 26 vehicles permitted as outside storage and shall be under cover as demonstrated on the Site Plan Support Drawing.
2. That the following land uses be prohibited:
 - a. All uses specified in the M-1, B-3, B-2, B-1 and R-4 zoning district unless permitted by the adopted DPUD Ordinances.
 - b. No temporary, short or long-term occupancy of RV's (i.e. no overnight residing).
 - c. The use of this real estate as a vehicle assembly or transfer yard, including vehicle chassis or the finished product, boats, RV's or cars.

SECTION 9.

List of additional documentation, supporting information, and conditions:

1. That the Specifications E "Landscape and Screening Requirements" be established as a developmental standard along CR 6 (north property line), along CR 15 (east property line) and along the property line adjacent to the Eastwood School (south property line).
2. That the "Landscape Plan" as described in the Specifications E "Landscape and Screening Requirements", along CR 15 and the Eastwood School be submitted with the Development Plan (PUD Plat).
3. That the "Landscape Plan" and the PUD Plan be considered by the Plan Commission and not the Plat Committee.

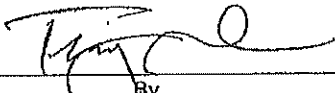
SECTION 10.

In the event any covenant, restriction, provision or section of this Ordinance or any portion thereof is declared invalid or void, such declaration shall in no way affect any other covenant, restriction, or section.


SECTION 11.

This Ordinance shall be in full force and effect from and after its passage and approval in according with the law:

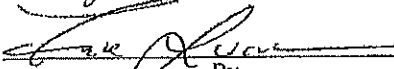
ORDAINED AND ADOPTED THIS THE 17TH DAY OF DECEMBER 2012 BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY INDIANA.



By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: Pauline E. Graff
Pauline E. Graff Auditor for Elkhart County

EXHIBIT A Legal Description

The East half of the North half of the Northwest Quarter of the Northwest Quarter of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.

EXCEPTING That part of the County of Indiana for Right of Way purposes.

A part of the Northwest Quarter of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, described as follows:

Commencing at a point on the North line of said Quarter Section, said point being 660 feet East of the Northwest corner of said Section 25, measured along the North line of said Quarter section; thence Southerly, parallel with the West line of said Quarter Section, 25 feet to the point of beginning of this description; thence North 89 degrees 53 minutes 18 seconds East, parallel with the centerline of County Road 6 (line "A") as established and designated on County Highway Plans for project No. 7601, 637 feet to a point 25 feet West of the East line of the property described in Deed Recorded as 89-2932; thence Southerly 275 feet parallel with the East line of said property; thence Westerly 15 feet parallel with the North line of said property; thence Northerly, 183.84 feet parallel with the East line of said property; thence North 46 degrees 0 minutes West, 63.64 feet; thence South 89 degrees 15 minutes 55 seconds West, 677.05 feet to the West line of said property; thence Northerly 82.27 feet along the West line to the point of beginning.

LESS AND EXCEPTING: A part of the East Half of the North Half of the Northwest Quarter of the Northwest Quarter of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, more particularly described as follows: Commencing at the Northwest corner of said Northwest Quarter of Section 25; thence South 88 degrees 24 minutes 46 seconds East (Record Bearing Remington Park South D.P.U.D., Plat Book 30, Page 75), along the North line of said Northwest Quarter of Section 25, a distance of 860.78 feet to the Northwest corner of the Northeast Quarter of said Northwest Quarter of the Northwest Quarter of Section 25, also being the Northeast corner of said Remington Park South D.P.U.D.; thence South 01 degree 43 minutes 28 seconds West, along the West line of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25 and the East line of said Remington Park South D.P.U.D., a distance of 420.31 feet to an iron rebar capped (DORLOT 890028) at the Point of Beginning of this description; thence continuing South 01 degree 43 minutes 28 seconds West, along said West line of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, a distance of 240.34 feet to an iron pipe at the Southeast corner of Lot Numbered 2 in said Remington Park South D.P.U.D., also being the Southwest corner of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25; thence South 88 degrees 32 minutes 18 seconds East, along the South line of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, a distance of 681.05 feet to a mag nail with brass washer (DORLOT 890028) at the Southeast corner of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25; thence North 01 degree 42 minutes 08 seconds East, along the East line of said Northeast Quarter of the Northwest Quarter of the Northeast Quarter of Section 25, a distance of 240.34 feet to a mag nail with brass washer (DORLOT 890028); thence North 88 degrees 32 minutes 18 seconds West, a distance of 680.95 feet to the Point of beginning.

A part of the East Half of the North Half of the Northwest Quarter of the Northwest Quarter of Section 26, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter of Section 26; thence South 88 degrees 24 minutes 45 seconds East (Record Bearing Remington Park South D.P.U.D., Plat Book 30, Page 75), along the North line of said Northwest Quarter of Section 26, a distance of 660.78 feet to the Northwest corner of the Northeast Quarter of said Northwest Quarter of the Northwest Quarter of Section 26, also being the Northeast corner of said Remington Park South D.P.U.D.; thence South 01 degree 43 minutes 28 seconds West, along the West line of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 26 and the East line of said Remington Park South D.P.U.D., a distance of 429.31 feet to an iron rebar capped (DORJOT 890028) at the Point of Beginning of this description; thence continuing South 01 degree 43 minutes 28 seconds West, along said West line of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 26, a distance of 240.34 feet to an iron pipe at the Southeast corner of Lot Numbered 2 in said Remington Park D.P.U.D., also being the southwest corner of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 26; thence South 88 degrees 32 minutes 18 seconds East, along the South line of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 26, a distance of 661.05 feet to a mag nail with brass washer (DORJOT 890028) at the Southeast corner of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 26; thence North 01 degree 42 minutes 05 seconds East, along the East line of said Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 26, a distance of 240.34 feet to a mag nail with brass washer (DORJOT 890028); thence North 88 degrees 32 minutes 18 seconds West, distance of 660.05 feet to the Point of Beginning.

CONTAINING 9.18 ACRES

I Duane Burrow Senior Planner with the Elkhart County Division of Planning did prepare this document and do affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

ORDINANCE NO. 5600

**AN ORDINANCE AMENDING THE ZONING MAP CREATED
PURSUANT TO ORDINANCE NO. 4370, THE "ZONING
ORDINANCE OF THE CITY OF ELKHART, INDIANA" BY
AMENDING CONDITIONS OF THE K2 DETAILED
PLANNED UNIT DEVELOPMENT DISTRICT**

WHEREAS, the Common Council of the City of Elkhart (the "Common Council") previously annexed certain land located at 2707 County Road 15 North into the City of Elkhart (the "Real Estate"); and

WHEREAS, pursuant to Elkhart County Ordinance No. PC 12-21 (the "Ordinance"), the Real Estate is zoned K2 Detailed Planned Unit Development-M-1 District (the "DPUD"); and

WHEREAS, the owner of the Real Estate has requested that the Common Council amend the restrictions in the DPUD to allow a portion of the building to be used as a meeting hall/ banquet facility, which use is currently prohibited by the Ordinance, and to also allow for indoor lease space for a small recreational vehicle show, for a small trade show, and for vendor new product roll out events; and

WHEREAS, on July 3, 2017, the Elkhart City Plan Commission held a public hearing on the petition, and now recommends its approval.


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

Section 1. The restrictions in Section 8 of the Ordinance establishing the K2 Detailed Planned Unit Development-M-1 District for the Real Estate shall be modified to allow 6,800 square feet in the existing building to be used as a meeting hall/banquet facility, and to also allow

for indoor lease space for a small recreational vehicle show, lease space for a small trade show, and for vendor new product roll out events.

Section 2. This Ordinance shall be in effect from and after its passage, approval, and publication according to law.

ORDAINED this 24th day of July, 2017.



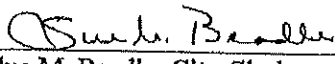
Brian J. Dickerson
President of the Common Council

ATTEST:



Sue M. Beadle, City Clerk

Presented to the Mayor by me this 1st day of August, 2017.



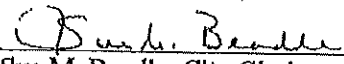
Sue M. Beadle, City Clerk

Approved by me this 1st day of August, 2017.



Timothy Neese, Mayor

ATTEST:



Sue M. Beadle, City Clerk

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: April 3, 2023
Re: 23-PUDA-03 Vacant Lot, Windsor Avenue

This is a request to amend the Windsor Crossing Planned Unit Development to add "Hotel" to the permitted use for the parcel at the northwest corner of Johnson Street and Windsor Avenue (Parcel ID 20-02-20-426-043.000-027). The parcel currently only allows M-1, Limited Manufacturing uses; amending the PUD would allow for this property to be developed as a 122-unit extended stay hotel. Staff believes the proposed use would be compatible with surrounding land uses. The Plan Commission passed it onto City Council with a "Do Pass" Recommendation on April 3, 2023 on a 6-0 vote.

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

April 4, 2023

The Common Council
City of Elkhart
Elkhart, IN 46516

**RE: Petition #23-PUDA-03
VL WINDSOR AVE**

Dear Council Members:

This letter certifies that the Elkhart City Plan Commission at its regular meeting on **Monday, April 3, 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 Windsor Crossing Planned Unit Development District, Ordinances 3701 and 5169, approved by the Common Council of the City of Elkhart. The proposed amendment would add "Hotel" to the list of permitted uses for the parcel at the northwest corner of Windsor Avenue and Johnson Street, which was previously designated as allowing only M-1 uses.

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.

Sincerely,

Jamie Kochanowski
Plan Commission Recording Secretary

ORDINANCE NO. _____

AN ORDINANCE APPROVING A MAJOR AMENDMENT TO THE “WINDSOR CROSSING PLANNED UNIT DEVELOPMENT DISTRICT” (ELKHART CITY ORDINANCE NO. 3701 AND 5169) BY ADDING HOTEL AS A PERMITTED USE

WHEREAS, the City of Elkhart adopted Ordinance No. 3701 and 5169, approving the “Windsor Crossing Planned Unit Development District”, a planned unit development of the City of Elkhart, Indiana;

WHEREAS, (the “Windsor Crossing Planned Unit Development District” contains the real property generally described as vacant land at the northwest corner of Windsor Avenue and Johnson Street, Elkhart, Indiana 46514 (the “Real Estate”), and legally described as in Exhibit A, attached.

WHEREAS, the Real Estate of the Windsor Crossing Planned Unit Development District is presently assigned the zoning district of PUD, (Planned Unit Development M-1 Standards); 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 Windsor Crossing Planned Unit Development District to allow for Hotel to be a permitted use for the Real Estate; and

WHEREAS, the intended use of the Real Estate of the Windsor Crossing Planned Unit Development District is not a permitted for property as currently zoned, thus requiring a major amendment to the Windsor Crossing Planned Unit Development District, to change the zoning designation to allow Hotels as a permitted use for the Real Estate; and

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

WHEREAS, on April 10, 2023, the Elkhart City Plan Commission conducted a public hearing on the petition to amend the Windsor Crossing Planned Unit Development District 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. The Windsor Crossing Planned Unit Development District, adopted by the Common Council of the City of Elkhart under Ordinance Nos. 3701 and 5169, be, and hereby is, amended to add Hotel as a permitted use under the PUD (Planned Unit Development (M-1 Standards) for that certain Real Estate within the Windsor Crossing Planned Unit Development District, 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):

Vacant land at the northwest corner of Windsor Avenue and Johnson Street, Elkhart, Indiana 46514

Parcel Identification No.:

20-02-20-426-043.000-027

Section 2. Limitations of Amendment. All other terms and conditions of the Windsor Crossing Planned Unit Development District, as adopted by the Elkhart County Commission under

Ordinance No. 3701 and 5169, which not specifically amended in this ordinance, remain fully effective and binding upon the property.

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

[Balance of page intentionally blank.]

EXHIBIT A

Legal Description

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 5 EAST, OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA, WHICH IS DESCRIBED AS:

FROM THE SOUTHEAST CORNER OF SAID SECTION MEASURE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION AND THE CENTER LINE OF JOHNSON STREET, 1448.67 FEET AND NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 25.00 FEET TO THE PLACE OF BEGINNING; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 419.74 FEET; THENCE AROUND A 710.54 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE 51.04 FEET TO THE END OF A CHORD WHICH BEARS SOUTH 87 DEGREES 56 MINUTES 31 SECONDS WEST, AND HAVING A DISTANCE OF 51.03 FEET; THENCE AROUND A 50.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE 82.13 FEET TO THE END OF A CHORD WHICH BEARS NORTH 47 DEGREES 03 MINUTES 29 SECONDS WEST, AND HAVING A DISTANCE OF 73.20 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 35.29 FEET; THENCE AROUND A 245.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 88.49 FEET TO THE END OF A CHORD WHICH BEARS NORTH 10 DEGREES 20 MINUTES 49 SECONDS EAST, AND HAVING A DISTANCE OF 88.01 FEET; THENCE AROUND A 35.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 32.26 FEET TO THE END OF A CHORD WHICH BEARS NORTH 47 DEGREES 06 MINUTES 12 SECONDS EAST, AND HAVING A DISTANCE OF 31.13 FEET; THENCE AROUND A 50.00 FEET RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 72.92 FEET TO THE END OF A CHORD WHICH BEARS NORTH 31 DEGREES 43 MINUTES 55 SECONDS EAST AND HAVING A DISTANCE OF 66.63 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 19 SECONDS EAST, 450.67 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 247.68 FEET TO THE PLACE OF BEGINNING. CONTAINING 2.865 ACRES.

EXCEPTING THERE FROM THE FOLLOWING:

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY (20), TOWNSHIP THIRTY-EIGHT (38) NORTH, RANGE FIVE (5) EAST, OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 5 EAST; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (BASIS OF BEARING DEED RECORD 95 003490) ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 AND THE CENTERLINE OF COUNTY ROAD 9, A DISTANCE OF 1448.67 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 419.74 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG A CURVE TO THE LEFT AND HAVING A RADIUS OF 710.54 FEET AND AN ARC DISTANCE OF 51.04 FEET TO THE END OF A CHORD WHICH BEARS SOUTH 87 DEGREES 56 MINUTES 32 SECONDS WEST, A DISTANCE OF 51.03 FEET; THENCE NORTHWESTERLY ALONG A

CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 82.13 FEET TO THE END OF A CHORD WHICH BEARS NORTH 47 DEGREES 03 MINUTES 29 SECONDS WEST, A DISTANCE OF 73.20 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 35.29 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 245.00 FEET AND AN ARC LENGTH OF 75.05 FEET TO THE END OF A CHORD WHICH BEARS NORTH 08 DEGREES 46 MINUTES 31 SECONDS EAST, A DISTANCE OF 74.76 FEET TO THE BEGINNING OF THIS DESCRIPTION; THENCE 1) CONTINUING ALONG THE LAST DESCRIBED CURVE TO THE RIGHT HAVING A RADIUS OF 245.00 FEET AND AN ARC LENGTH OF 13.44 FEET TO THE END OF A CHORD WHICH BEARS NORTH 19 DEGREES 07 MINUTES 20 SECONDS EAST, A DISTANCE OF 13.44 FEET TO A POINT OF COMPOUND CURVATURE; THENCE 2) NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET AND AN ARC LENGTH OF 32.26 FEET TO THE END OF A CHORD WHICH BEARS NORTH 47 DEGREES 06 MINUTES 12 SECONDS EAST, A DISTANCE OF 31.13 FEET TO A POINT OF REVERSE CURVATURE; THENCE 3) NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 37.47 FEET TO THE END OF A CHORD WHICH BEARS NORTH 52 DEGREES 02 MINUTES 34 SECONDS EAST, A DISTANCE OF 36.60 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE 4) SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 52.00 FEET AND AN ARC LENGTH OF 49.32 FEET TO THE END OF A CHORD WHICH BEARS SOUTH 44 DEGREES 51 MINUTES 28 SECONDS WEST, A DISTANCE OF 47.49 FEET TO A POINT OF REVERSE CURVATURE; THENCE 5) SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET AND AN ARC LENGTH OF 33.28 FEET TO THE END OF A CHORD WHICH BEARS SOUTH 44 DEGREES 47 MINUTES 22 SECONDS WEST, A DISTANCE OF 32.04 FEET TO THE BEGINNING.

CONTAINING 372.04 SQUARE FEET, MORE OR LESS, ALSO EXCEPTING THERE FROM THE FOLLOWING:

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 5 EAST, IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ASSUMING THE EAST LINE OF SAID QUARTER SECTION TO HAVE A BEARING OF DUE NORTH AND SOUTH, AND COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION, THENCE DUE NORTH, ALONG THE EAST LINE OF SAID QUARTER SECTION, A DISTANCE OF 1696.35 FEET (DEEDED); THENCE DUE WEST, A DISTANCE OF 25 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 89 DEGREES 59 MINUTES 19 SECONDS WEST (DEEDED), A DISTANCE OF 450.67 FEET TO A POINT ON A CURVE OF A PRIVATE ACCESS ROADWAY; THENCE SOUTHWARDLY, ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 50 FEET, A DISTANCE OF 51.47 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 19 SECONDS EAST, A DISTANCE OF 475.41 FEET TO THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NUMBER 9; THENCE DUE NORTH, PARALLEL WITH THE EAST LINE OF SAID QUARTER SECTION, A DISTANCE OF 40 FEET TO THE PLACE

OF BEGINNING.

ALSO EXCEPTING THERE FROM THE FOLLOWING:

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 5 EAST, OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 5 EAST, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (BASIS OF BEARING DEED RECORD 95-003490) ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 AND THE CENTERLINE OF COUNTY ROAD 9, A DISTANCE OF 1448.67 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 419.74 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG A CURVE TO THE LEFT AND HAVING A RADIUS OF 710.54 FEET AND AN ARC LENGTH OF 51.04 FEET TO THE END OF A CHORD WHICH BEARS SOUTH 87 DEGREES 56 MINUTES 32 SECONDS WEST, A DISTANCE OF 51.03 FEET; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 82.13 FEET TO THE END OF A CHORD WHICH BEARS NORTH 47 DEGREES 03 MINUTES 29 SECONDS WEST, A DISTANCE OF 73.20 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 35.29 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 245.00 FEET AND AN ARC LENGTH OF 88.49 FEET TO THE END OF A CHORD WHICH BEARS NORTH 10 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 88.01 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET AND AN ARC LENGTH OF 32.26 FEET TO THE END OF A CHORD WHICH BEARS NORTH 47 DEGREES 06 MINUTES 12 SECONDS EAST, A DISTANCE OF 31.13 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 37.47 FEET TO THE END OF A CHORD WHICH BEARS NORTH 52 DEGREES 02 MINUTES 34 SECONDS EAST, A DISTANCE OF 36.60 FEET TO THE BEGINNING OF THIS DESCRIPTION; THENCE 1) CONTINUING ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 35.45 FEET TO THE END OF A CHORD WHICH BEARS NORTH 10 DEGREES 15 MINUTES 38 SECONDS EAST, A DISTANCE OF 34.71 FEET TO A POINT OF NON-TANGENCY; THENCE 2) SOUTH 89 DEGREES 59 MINUTES 19 SECONDS WEST, A DISTANCE OF 7.07 FEET TO A NON-TANGENT CURVE; THENCE 3) SOUTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 52.00 FEET AND AN ARC LENGTH OF 34.81 FEET TO THE END OF A CHORD WHICH BEARS SOUTH 01 DEGREES 29 MINUTES 30 SECONDS EAST, A DISTANCE OF 34.17 FEET TO THE BEGINNING.

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-PUDA-03

Petition Type: Major Amendment to PUD

Date: April 3, 2023

Petitioner: Seahawk Corporation

Site Location: Vacant Land, Windsor Avenue

Request: Per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Windsor Crossing Planned Unit Development District, Ordinances 3701 and 5169, approved by the Common Council of the City of Elkhart. The proposed amendment would add “Hotel” to the list of permitted uses for the parcel at the northwest corner of Windsor Avenue and Johnson Street, which was previously designated as allowing only M-1 uses.

Existing Zoning: PUD – Planned Unit Development

Size: +/- 2.4 Acres

Thoroughfares: East Windsor Avenue, Coast Court, Johnson Street

School District: Elkhart Community Schools

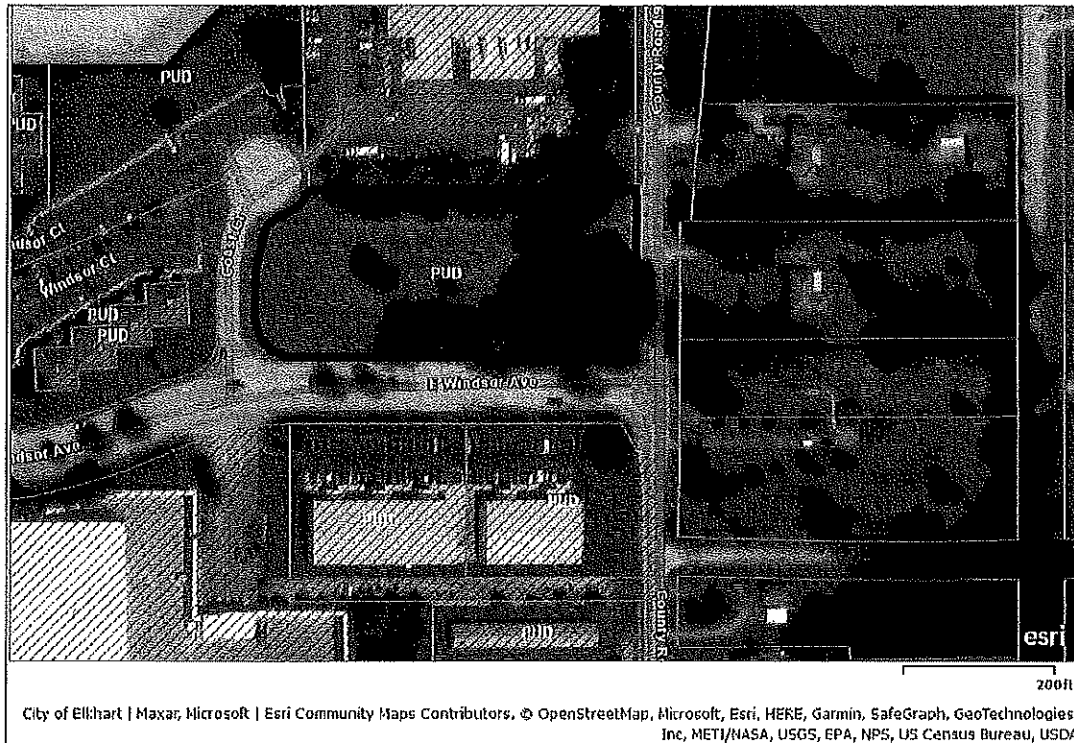
Utilities: Available and provided to site.

Plan Commission Action: Recommendation to Common Council.

Surrounding Land Use & Zoning:
Properties to the south and west are commercial zoned PUD. Property to the north is light industrial zoned PUD. Properties to the east are residential zoned Elkhart County zoning.

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 mixed uses.



Staff Analysis

The petitioner owns a 2.4-acre property located at the northwest intersection of Windsor Avenue and Johnson Street (parcel 20-02-20-426-043.000-027). The property also front on Coast Court. It is a part of the Windsor Crossing Planned Unit Development, which comprises approximately 60.5 acres and was mixed use in nature, allowing commercial (B-3), industrial (M-1) and residential (R-1) within its boundaries.

Since its original establishment, most of the properties have been developed with commercial uses, with the exception of 3002 Coast Court, which was in the M-1 section and has been developed as a light industrial building. The property to the immediate south has remained vacant, and is also in the M-1 section of the PUD.

The current owner wishes to amend the permitted uses on this parcel only to allow for a 122-room extended stay hotel. The conceptual site plan provided by the potential developer shows the primary egress on Windsor Avenue, with a secondary egress on Coast Court, and no access on Johnson St.

Staff believes the proposed use to be compatible with its environment. It would not pose a negative impact to its industrial and commercial neighbors, and would be separated from the low-density single family residences across Johnson St., with a potential 50' setback on its eastern side.

Should this request be approved, it would only add the specific use – hotel – the list of permitted uses on this parcel, and would be less intense than many uses allowed in the M-1. Staff has reviewed the preliminary site plan and believes it to be viable. When the final site plan is completed, it would have to be approved by the Plan Commission prior to construction.

Recommendation

The Staff recommends **approval** of the major amendment to the Planned Unit Development based on the following findings of fact:

- 1) The Comprehensive Plan calls for this area to be developed with mixed uses. The proposed use is compatible with mixed 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 – B-3 (commercial) and M-1 (light industrial).

Photos



Attachments

Petition, appeal letter, site plan.

PETITION #: 23-PV04-03 FILING FEE: \$ _____

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): Seahawk Corporation

Mailing Address: PO 1322, Elkhart, IN

Phone #: _____ Email: _____

Contact Person: Duffey Phelps

Mailing Address: 1 Walker Ave, Ste 300, Clarendon Hills, IL 60514

Phone #: 202.365.8604 Email: DPhelps@HolladayProperties.com

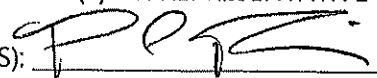
Subject Property Address: Unspecified address on Windsor Ave

Zoning: PUD (M-1 Standards)

Present Use: Vacant Land Proposed Use: Hotel

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): Paul Phair

SIGNATURE(S):  DATE: 03/06/2023

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: _____

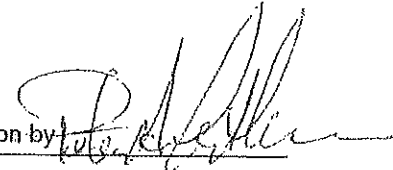
RECEIVED BY:  DATE: _____

**AFFIDAVIT IN SUPPORT OF PLANNED UNIT DEVELOPMENT (PUD) PETITION
OR PUD AMENDMENT PETITION**

I, Peter Letherman, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

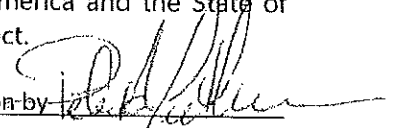
1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my Planned Unit Development (PUD) petition or PUD Amendment petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at Vacant Land on Windsor Drive - Elkhart, Indiana.
Parcel: 02-20-426-043-027
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 2nd day of March, 2023.

Seahawk Corporation by 

Printed: Seahawk Corporation by Peter Letherman

I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

Seahawk Corporation by 

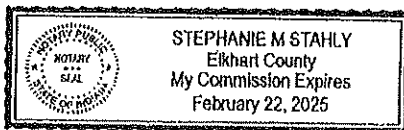
Printed: Seahawk Corporation by Peter Letherman

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Peter A. Letherman, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 2nd day of March, 2023.



Stephanie M. Stahly

Printed: Stephanie M. Stahly

My Commission Expires:

February 22, 2025

Notary Public in and for the State of Indiana
Resident of Elkhart County, Indiana

DATE: February 24, 2023

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

RE: PUD Amendment

The undersigned petitioner respectfully shows the Plan Commission and Council:

1. The following described real estate located within the City of Elkhart, Osolo Township, Elkhart County, State of Indiana, is owned by Seahawk Corporation:

Property Address is unspecified on Windsor Avenue. The full legal description is included as a separate attachment in this submittal.

2. The above described real estate presently has a zoning classification of PUD (M-1 Standards) District under the Zoning Ordinance of the City of Elkhart.

3. Petitioner presently occupies (or proposes to occupy) the above described property in the following manner:

Petitioner proposes to construct a 122 key extended stay hotel on the property in question. Current flag being considered is WoodSpring Suites.

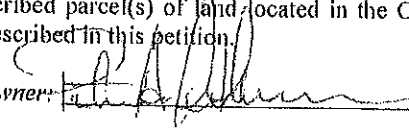
4. Petitioner desires to amend said PUD to allow for a hotel.

5. Using the standards from page 4, address each standard.

1. Is in accordance with the Comprehensive Plan; **Throughout the Comprehensive Plan, concerns are raised about how to handle vacant tracts of land. This development will be a positive use for an otherwise unused parcel. What's more, the Comprehensive Plan calls for "High profile tourist attractions", which necessitate places for those travelers to stay – this project fills that need.**
2. Encourages innovations in development and/or redevelopment; **Our project will be an attractively designed and built hotel and will be a positive use for a currently vacant piece of land.**
3. Fosters the safe, efficient, and economic use of the land, transportation, public facilities, and services; **Our project will be designed with safety in mind – traffic patterns will be taken into account, fire safety measures will be considered, and management will ensure that the property is well run. Additionally, this project will mesh nicely with the retail, restaurant, and hospitality properties in the immediate vicinity.**
4. Facilitates the provision of adequate public services such as transportation, water, sewer, storm, drainage, electricity, and public parks; **Per the Comprehensive Plan, Hotel/Motel tax is an important component of financing city programs and capital investments. Our project will help contribute dollars to fund public services that are vital to the Elkhart community.**
5. Avoids the inappropriate development of lands and provide for adequate drainage and reduction of flood damage; **This project will work with licensed engineers to ensure proper handling of stormwater and that flood precautions are taken.**

6. Encourages patterns of land use which decrease trip length of automobile travel and encourage trip consolidation; **Our proposed project location is a quick drive from an interchange on the Indiana Toll Road, making it easily accessible to travelers. Additionally, the concentration of businesses nearby will allow guests to handle shopping and dining without having to drive long distances.**
7. Minimizes adverse environmental impacts of development; **Our project team will work closely with engineers to ensure no adverse environmental impacts. Notably, we will ensure that stormwater and sewer systems are properly designed to make the project as environmentally friendly as possible.**
8. Improves the design, quality, and character of new development; **The petitioner has designed and opened 10 Woodspring Suites around the Midwest. Our operations team ensures that the properties are well maintained, properly run, and a benefit to their local communities.**
9. Fosters a more rational pattern of relationship between residential, business, and industrial uses; **Located near the Indiana Toll Road, this site is an ideal candidate for a hotel for travelers. There are other hotels nearby (including the Baymont), and the hotel will be located near businesses that hotel guests can patronize (including restaurants like Olive Garden, Texas Roadhouse, and Buffalo Wild Wings).**
10. Protects existing neighborhoods from harmful encroachment by intrusive or disruptive development; **The proposed location for the hotel is in the midst of a collection of businesses, including restaurants, retail, and other hotels. The hotel will mesh nicely with existing land uses in the area.**

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(s) of land located in the City of Elkhart to Planned Unit Development or amending the PUD as described in this petition.

Signature of Property Owner: 

Printed Name: Seahawk Corporation by Peter Letherman

Second Property Owner: _____

Printed Name: _____

Contact Person: Duffey Phelps (under contract to purchase property)

Address: 1 Walker Ave, Ste 300, Clarendon Hills, IL 60514

Phone: 202.365.8604

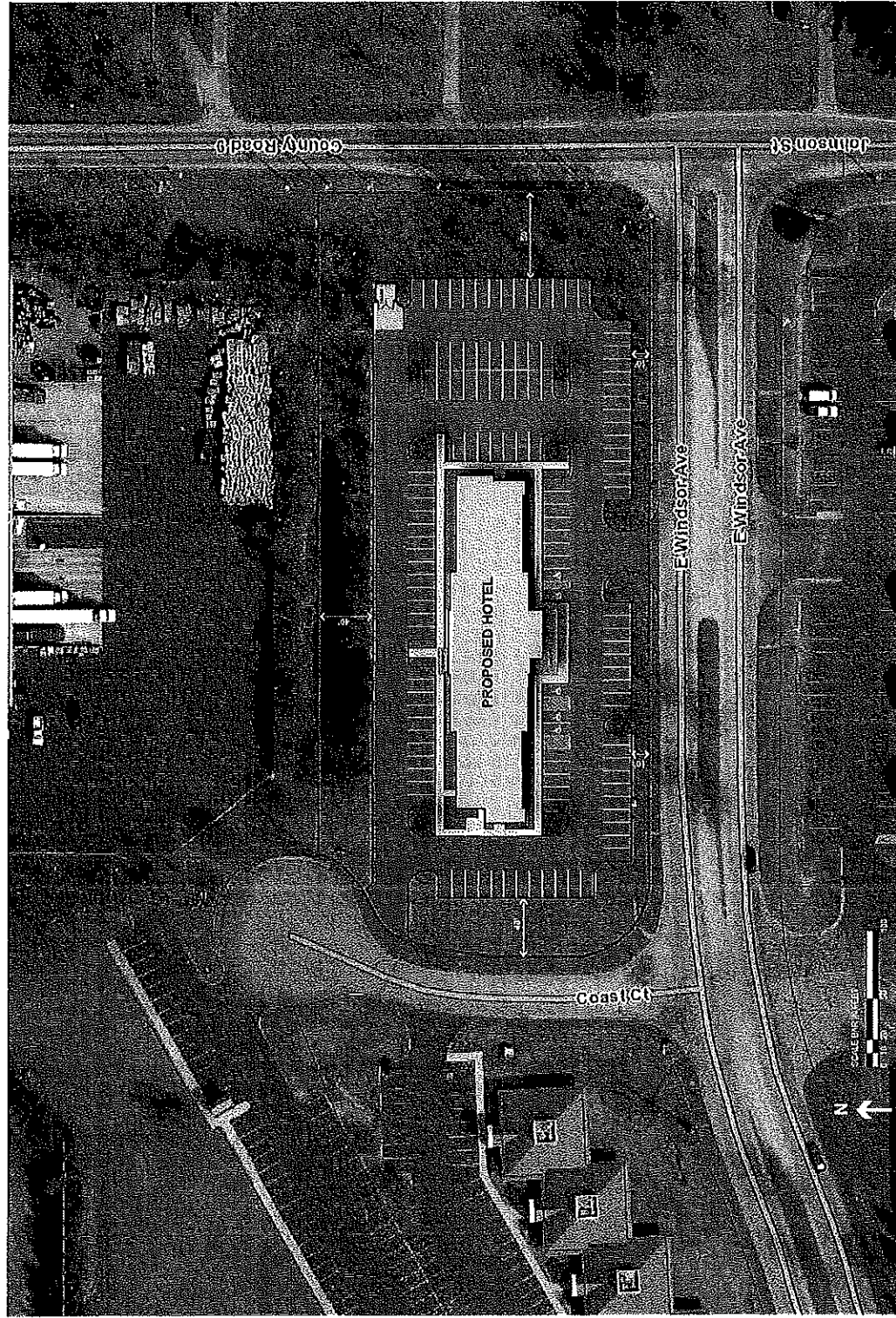
Email: DPhelps@HolladayProperties.com

BUILDING DATA

Building Height: 46'-11" (4-story)
Building Footprint Area: 12,394 sq. ft.
Building Total Area: 48,660 sq. ft.
Guest Room Count: 122 suites

SITE DATA

Site Location: Windsor Ave.
Elkhart, IN
Site Area: 2.422 acres
Parking Stalls Shown: 126 stalls
Parking Stall Size: 9' x 20'



SP.1
PRELIMINARY
SITE PLAN
ELKHART, IN

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 20-02-20-426-043.000-027

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 5 EAST, OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA, WHICH IS DESCRIBED AS:

FROM THE SOUTHEAST CORNER OF SAID SECTION MEASURE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION AND THE CENTER LINE OF JOHNSON STREET, 1448.67 FEET AND NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 25.00 FEET TO THE PLACE OF BEGINNING; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 419.74 FEET; THENCE AROUND A 710.54 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE 51.04 FEET TO THE END OF A CHORD WHICH BEARS SOUTH 87 DEGREES 56 MINUTES 31 SECONDS WEST, AND HAVING A DISTANCE OF 51.03 FEET; THENCE AROUND A 50.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE 82.13 FEET TO THE END OF A CHORD WHICH BEARS NORTH 47 DEGREES 03 MINUTES 29 SECONDS WEST, AND HAVING A DISTANCE OF 73.20 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 35.29 FEET; THENCE AROUND A 245.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 88.49 FEET TO THE END OF A CHORD WHICH BEARS NORTH 10 DEGREES 20 MINUTES 49 SECONDS EAST, AND HAVING A DISTANCE OF 88.01 FEET; THENCE AROUND A 35.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 32.26 FEET TO THE END OF A CHORD WHICH BEARS NORTH 47 DEGREES 06 MINUTES 12 SECONDS EAST, AND HAVING A DISTANCE OF 31.13 FEET; THENCE AROUND A 50.00 FEET RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 72.92 FEET TO THE END OF A CHORD WHICH BEARS NORTH 31 DEGREES 43 MINUTES 55 SECONDS EAST AND HAVING A DISTANCE OF 66.63 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 19 SECONDS EAST, 450.67 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 247.68 FEET TO THE PLACE OF BEGINNING. CONTAINING 2.865 ACRES.

EXCEPTING THERE FROM THE FOLLOWING

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY (20), TOWNSHIP THIRTY-EIGHT (38) NORTH, RANGE FIVE (5) EAST, OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 5 EAST; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (BASIS OF BEARING DEED RECORD 95 003490) ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 AND THE CENTERLINE OF COUNTY ROAD 9, A DISTANCE OF 1448.67 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 419.74 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG A CURVE TO THE LEFT AND HAVING A RADIUS OF 710.54 FEET AND AN ARC DISTANCE OF 51.04 FEET TO THE END OF A CHORD WHICH BEARS SOUTH 87 DEGREES 56 MINUTES 32 SECONDS WEST, A DISTANCE OF 51.03 FEET; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 82.13 FEET TO THE END OF A CHORD WHICH BEARS NORTH 47 DEGREES 03 MINUTES 29 SECONDS WEST, A DISTANCE OF 73.20 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 35.29 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 245.00 FEET AND AN ARC LENGTH OF 75.05 FEET TO THE END OF A CHORD WHICH BEARS NORTH 08 DEGREES 46 MINUTES 31 SECONDS EAST, A DISTANCE OF 74.76 FEET TO THE BEGINNING OF THIS DESCRIPTION; THENCE 1) CONTINUING ALONG THE LAST DESCRIBED CURVE TO THE RIGHT HAVING A RADIUS OF 245.00 FEET AND AN ARC LENGTH OF 13.44 FEET TO THE END OF A CHORD WHICH BEARS NORTH 19 DEGREES 07 MINUTES 20 SECONDS EAST, A DISTANCE OF 13.44 FEET TO A POINT OF COMPOUND CURVATURE; THENCE 2) NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET AND AN ARC LENGTH OF 32.26 FEET TO THE END OF A CHORD WHICH BEARS NORTH 47 DEGREES 06 MINUTES 12 SECONDS EAST, A

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its Issuing agent that may be in electronic form.

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



EXHIBIT "A"
Legal Description

DISTANCE OF 31.13 FEET TO A POINT OF REVERSE CURVATURE; THENCE 3) NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 37.47 FEET TO THE END OF A CHORD WHICH BEARS NORTH 52 DEGREES 02 MINUTES 34 SECONDS EAST, A DISTANCE OF 36.60 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE 4) SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 52.00 FEET AND AN ARC LENGTH OF 49.32 FEET TO THE END OF A CHORD WHICH BEARS SOUTH 44 DEGREES 51 MINUTES 28 SECONDS WEST, A DISTANCE OF 47.49 FEET TO A POINT OF REVERSE CURVATURE; THENCE 5) SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET AND AN ARC LENGTH OF 33.28 FEET TO THE END OF A CHORD WHICH BEARS SOUTH 44 DEGREES 47 MINUTES 22 SECONDS WEST, A DISTANCE OF 32.04 FEET TO THE BEGINNING.
CONTAINING 372.04 SQUARE FEET, MORE OR LESS.

ALSO EXCEPTING THERE FROM THE FOLLOWING

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 5 EAST, IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ASSUMING THE EAST LINE OF SAID QUARTER SECTION TO HAVE A BEARING OF DUE NORTH AND SOUTH, AND COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION, THENCE DUE NORTH, ALONG THE EAST LINE OF SAID QUARTER SECTION, A DISTANCE OF 1696.35 FEET (DEEDED); THENCE DUE WEST, A DISTANCE OF 25 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 89 DEGREES 59 MINUTES 19 SECONDS WEST (DEEDED), A DISTANCE OF 450.67 FEET TO A POINT ON A CURVE OF A PRIVATE ACCESS ROADWAY; THENCE SOUTHWARDLY, ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 50 FEET, A DISTANCE OF 51.47 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 19 SECONDS EAST, A DISTANCE OF 475.41 FEET TO THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NUMBER 9; THENCE DUE NORTH, PARALLEL WITH THE EAST LINE OF SAID QUARTER SECTION, A DISTANCE OF 40 FEET TO THE PLACE OF BEGINNING.

ALSO EXCEPTING THERE FROM THE FOLLOWING

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 5 EAST, OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 5 EAST, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (BASIS OF BEARING DEED RECORD 95-003490) ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 AND THE CENTERLINE OF COUNTY ROAD 9, A DISTANCE OF 1448.67 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 419.74 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG A CURVE TO THE LEFT AND HAVING A RADIUS OF 710.54 FEET AND AN ARC LENGTH OF 51.04 FEET TO THE END OF A CHORD WHICH BEARS SOUTH 87 DEGREES 56 MINUTES 32 SECONDS WEST, A DISTANCE OF 51.03 FEET; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 82.13 FEET TO THE END OF A CHORD WHICH BEARS NORTH 47 DEGREES 03 MINUTES 29 SECONDS WEST, A DISTANCE OF 73.20 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 35.29 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 245.00 FEET AND AN ARC LENGTH OF 88.49 FEET TO THE END OF A CHORD WHICH BEARS NORTH 10 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 88.01 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET AND AN ARC LENGTH OF 32.26 FEET TO THE END OF A CHORD WHICH BEARS NORTH 47 DEGREES 06 MINUTES 12 SECONDS EAST, A DISTANCE OF 31.13 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 37.47 FEET TO THE END OF A CHORD

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



EXHIBIT "A"
Legal Description

WHICH BEARS NORTH 52 DEGREES 02 MINUTES 34 SECONDS EAST, A DISTANCE OF 36.60 FEET TO THE BEGINNING OF THIS DESCRIPTION; THENCE 1) CONTINUING ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 35.45 FEET TO THE END OF A CHORD WHICH BEARS NORTH 10 DEGREES 15 MINUTES 38 SECONDS EAST, A DISTANCE OF 34.71 FEET TO A POINT OF NON-TANGENCY; THENCE 2) SOUTH 89 DEGREES 59 MINUTES 19 SECONDS WEST, A DISTANCE OF 7.07 FEET TO A NON-TANGENT CURVE; THENCE 3) SOUTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 52.00 FEET AND AN ARC LENGTH OF 34.81 FEET TO THE END OF A CHORD WHICH BEARS SOUTH 01 DEGREES 29 MINUTES 30 SECONDS EAST, A DISTANCE OF 34.17 FEET TO THE BEGINNING.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.





DATE: April 27, 2023
TO: Elkhart Common Council, Arvis Dawson President
FROM: Corinne Straight, Director of Quality of Place
RE: Fire Station 6 Land Acquisition and Design of Stations 5 & 6

The administration asks for your consideration of Proposed Ordinance No. 23-O-11, which would appropriate \$800,000 for the purchase of the land situated on Ada Drive at the fair market value of and for the design and other professional services for a new Elkhart Fire Station 6.

This site was selected after an extensive search of parcels in the area necessary to maintain response times. An adequately sized piece of land has been selected on the east side of Ada Dr., in between County Road 6 and Cooper Dr. This site will provide plenty of space to build an updated, modern station that will allow our staff to continue to provide high-quality service to the people of Elkhart. The appraisal for the purchase of the property are included with this memorandum.

This ordinance will also allow for the design work of this new station work to be completed.

Staff will be available for your questions.

Thank you for your consideration.

ORDINANCE NO. _____

AN ORDINANCE APPROPRIATING EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00) FOR LAND ACQUISITION, AND PROFESSIONAL SERVICES FOR THE NEW PUBLIC SAFETY FACILITIES FOR THE ELKHART FIRE DEPARTMENT

WHEREAS, the City of Elkhart has been engaged in a multi-year process to locate, design and build new public safety facilities for the Elkhart Fire Department; and

WHEREAS, the Administration has located suitable property for Station 6, consisting of 4.62 acres located on the east side of Ada Drive, between CR 6 East and Cooper Drive in Elkhart, Indiana which is available for purchase by the City of Elkhart for an amount less than the fair market value of the property; and

WHEREAS, the Administration now seeks to engage appropriate professional services for the design, construction management, inspection and other services for the new Station 5 and Station 6 for the Elkhart Fire Department; and

WHEREAS, the Administration is requesting an appropriation in the amount of Eight Hundred Thousand Dollars (\$800,000.00) for the acquisition of land estimated and foreseeable professional services to design, inspect and manage construction of a new Station 5 and Station 6 for the Elkhart Fire Department; and

WHEREAS, there exist among the unappropriated funds of the Cumulative Fire Special Fund of the City of Elkhart, sufficient and appropriate sums for the purposes stated herein.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Elkhart, Indiana, that:

Section 1. The total sum of Eight Hundred Thousand Dollars (\$800,000.00) is appropriated from the Cumulative Fire Special Fund and allocated to the following account category in the amount:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
4425-5-680-4310400	Professional Services	\$500,000.00
4425-5-680-4410000	Land	\$300,000.00

Section 2. The Common Council has fixed the ____ day of _____, _____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and the taxpayers of the City of Elkhart, Indiana, shall have then and there the right to be heard.

Section 3. This Ordinance shall be in effect from and after its passage and approval, according to law.

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

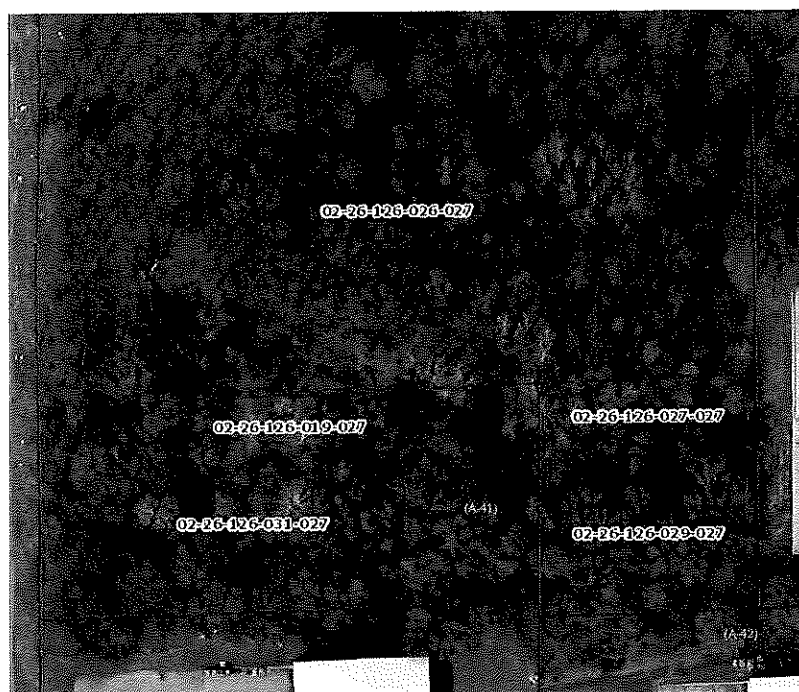
APPROVED by me this ____ day of _____, _____.

ATTEST:

Rod Roberson, Mayor

Debra D. Barrett, City Clerk

APPRAISAL REPORT



A Wooded Industrial Site

At:
Ada Drive
Elkhart, IN 46514

As Of:
March 27, 2023

Written:
March 27, 2023

Prepared For:
City of Elkhart

Prepared By:
Steven W. Sante, MAI, SRA
PO Box 555
Granger, IN 46530

**APPRAISAL SERVICES, INC.
PO Box 555
Granger, IN 46530**

March 27, 2023

Mr. Adam Fann
Assistant Director of Redevelopment
City of Elkhart
201 South Second Street
Elkhart, IN 46516-3112

RE: Ada Drive Parcels
Elkhart, IN 46516

In accordance with your request, a real estate appraisal has been made on the above captioned property. My opinion of the market value of the fee simple interest of the real estate; subject to the assumptions, limitations, and comments appearing herein, as of, March 27, 2023, the effective date of this appraisal is as follows:

**THREE HUNDRED THIRTY SEVEN THOUSAND DOLALRS
\$337,000**

This appraisal is performed in accordance with the reporting requirements of the Appraisal Institute, and the Uniform Standards of Professional Practice. (USPAP)

Respectfully Submitted By,

SW. ST

Steven W. Sante, MAI, SRA
Indiana Certified General Appraiser #CG40901229
Michigan Certified General Appraiser #1205005623

TABLE OF CONTENTS

Title Page	i
Letter of Transmittal	ii
Table of Contents	iii
Purpose of Appraisal	1
Scope of Work	3
Identification	4
Market Area Analysis	6
Site Description	7
Highest And Best Use	9
Appraisal Process	11
Sales Comparison Approach	12
Reconciliation	19
Certification of Appraisal	20
Assumptions and Limiting Conditions	21
Qualifications of Appraisers	24

APPRAISAL SERVICES, INC.
574 277 7777

USPAP SR1-2

In developing a real property appraisal an appraiser must:

- A) **identify the client and other intended users.**
The client is identified as the City of Elkhart.

- b) **identify the intended use of the appraiser's opinions and conclusions:** This appraisal is to be used by the client to assist with purchasing the subject parcels.

- c) **identify the purpose of the assignment, including the type and definition of the value to be developed and, if the value opinion to be developed is market value, ascertain whether the value is to be the most probable price:**
 - (i) **in terms of cash; or**
 - (ii) **in terms of financial arrangements equivalent to cash; or**
 - (iii) **in other precisely defined terms**
 - (iv) **if the opinion of value is based on non-market financing or financing with unusual conditions or incentives, the terms of such financing must be clearly identified and the appraiser's opinion of their contribution to or negative influence on the value must be developed by analysis of relevant market data.**

The purpose is to estimate market value.

DEFINITION OF MARKET VALUE:

The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.

Source: Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 7th ed. (Chicago: Appraisal Institute, 2022).

- d) **identify the effective date of the appraiser's opinions and conclusions:** The effective date is March 27, 2023, which is the date the report was written.
- e) **identify the characteristics of the property that are relevant to the purpose and intended use of the appraisal including:**
 - i) **it's location and physical, legal, and economic attributes:** The subject of this appraisal contains five industrial parcels that has a size of 4.62 acres. The site is located in an urban location that is industrial in nature. Municipal water and sewer are available to the subject site.
 - ii) **Property interest being valued:** Fee Simple
 - iii) **Any personal property, trade fixtures, or intangible items that are not real property but are in the appraisal.** None Noted.
 - iv) **Any known easements, restrictions, encumbrances, lease reservations, covenants, contracts, declarations, special assessments, ordinances, or other items of a similar nature:** None Noted.
 - v) **Whether the subject property is a fractional interest, physical segment or partial holding:** The value is a whole interest.
- f) **Identify any extraordinary assumptions necessary in the assignment:** The appraisal assumes soil conditions are adequate for industrial construction. Use of this assumption may have affected assignment results.
- g) **Identify any hypothetical conditions necessary in the assignment:** None Noted

h) Determine the scope of work necessary to produce credible assignment results in accordance with the SCOPE OF WORK:

I viewed the site from the public right-of-way on March 27, 2023. Aerial images found on-line were viewed for this report.

I used information from county records to identify the characteristics of the subject property that are relevant to the valuation problem.

I have researched sales of similar properties that have occurred over the past five years throughout the county. Sources include MLS, tax records and my own files.

The appraisal problem did not warrant an intensive highest and best use study. Given the nature of the subject real estate, my conclusion of highest and best use was based on logic and observed evidence.

I did not apply the income approach or cost approach, as they were not considered applicable to arrive at credible results. I applied the sales comparison approach, which was necessary for credible results given the intended use, property characteristics, and type of value sought.

Appraiser has not previously provided services at the subject property as an appraiser in the past three years.

IDENTIFICATION

LOCATION:

Ada Drive
Elkhart, IN 46516

PARCEL NUMBERS:

20-02-26-126-031.000-027
20-02-26-126-029.000-027
20-02-26-126-019.000-027
20-02-26-126-027.000-027
20-02-26-126-026.000-027

LEGAL DESCRIPTION:

See Next Pages

HISTORY OF OWNERSHIP:

Public record indicates the parent tract has been held by International Industrial Centre Inc. for more than ten years

The subject property has been held by Al Ludwig, or related entities, for at least the past ten years. No listings of the properties are noted through on-line sources.

GIS AERIAL



20-02-26-126-031-000-027

Parcel Number
20-02-26-126-031-000-027
Local Parcel Number
02-26-126-031-027
Tax ID:
Routing Number

Property Class 300
Vacant Land
Year: 2022
County
Elkhart

Township
OSOLO TOWNSHIP
District 027 (Local 027)
EC OSOLO
School Corp 2305
ELKHART COMMUNITY

Neighborhood Z737009-027
Z737009-Industrial-Acre-City Public
Section/Plat

Location Address (1)
ADA DRIVE
ELKHART IN 46514
Subdivision

Market Model
Industrial Market
Topography
Flood Hazard
Public Utilities
All
Streets or Roads
Faced
Neighborhood Life Cycle Stage

Static
Printed
Review/Group 2018
Data Source Aerial
Collector 03/14/2018
Appraiser

LUDWIG & MILLER LLC

Owner
LUDWIG & MILLER LLC
C/O NORTH LAKED CORPORATION
PO BOX 1922
ELKHART, IN 46515

Assessment Year
2022
Reason For Change
VAP
As Of Date
01/07/2022
Valuation Method
Indiana Cost Mod
Equitization Factor
1.0000
Notice Required

Land
Land Res (1)
Land Non Res (2)
Land Non Res (3)
Improvement
Imp Res (1)
Imp Non Res (2)
Imp Non Res (3)
Total
Total Res (1)
Total Non Res (2)
Total Non Res (3)

Location Address (1)
ADA DRIVE
ELKHART IN 46514
Subdivision

Market Model
Industrial Market
Topography
Flood Hazard
Public Utilities
All
Streets or Roads
Faced
Neighborhood Life Cycle Stage

Static
Printed
Review/Group 2018
Data Source Aerial
Collector 03/14/2018
Appraiser

ADA DRIVE

Date
05/18/2018
03/20/2018
01/07/1900

Assessment Year
2022
Reason For Change
VAP
As Of Date
01/07/2022
Valuation Method
Indiana Cost Mod
Equitization Factor
1.0000
Notice Required

Land
Land Res (1)
Land Non Res (2)
Land Non Res (3)
Improvement
Imp Res (1)
Imp Non Res (2)
Imp Non Res (3)
Total
Total Res (1)
Total Non Res (2)
Total Non Res (3)

Location Address (1)
ADA DRIVE
ELKHART IN 46514
Subdivision

Market Model
Industrial Market
Topography
Flood Hazard
Public Utilities
All
Streets or Roads
Faced
Neighborhood Life Cycle Stage

Static
Printed
Review/Group 2018
Data Source Aerial
Collector 03/14/2018
Appraiser

300, Vacant Land

Doc ID Code Book/Prge Adj Sale Price VN
0203 WD / / \$0
0145 WD / / \$0
CO / / \$0

Assessment Year
2022
Reason For Change
VAP
As Of Date
01/07/2022
Valuation Method
Indiana Cost Mod
Equitization Factor
1.0000
Notice Required

Land
Land Res (1)
Land Non Res (2)
Land Non Res (3)
Improvement
Imp Res (1)
Imp Non Res (2)
Imp Non Res (3)
Total
Total Res (1)
Total Non Res (2)
Total Non Res (3)

Location Address (1)
ADA DRIVE
ELKHART IN 46514
Subdivision

Market Model
Industrial Market
Topography
Flood Hazard
Public Utilities
All
Streets or Roads
Faced
Neighborhood Life Cycle Stage

Static
Printed
Review/Group 2018
Data Source Aerial
Collector 03/14/2018
Appraiser

Z737009-Industrial-Acre-Cit

Notes

Assessment Year
2022
Reason For Change
VAP
As Of Date
01/07/2022
Valuation Method
Indiana Cost Mod
Equitization Factor
1.0000
Notice Required

Land
Land Res (1)
Land Non Res (2)
Land Non Res (3)
Improvement
Imp Res (1)
Imp Non Res (2)
Imp Non Res (3)
Total
Total Res (1)
Total Non Res (2)
Total Non Res (3)

Location Address (1)
ADA DRIVE
ELKHART IN 46514
Subdivision

Market Model
Industrial Market
Topography
Flood Hazard
Public Utilities
All
Streets or Roads
Faced
Neighborhood Life Cycle Stage

Static
Printed
Review/Group 2018
Data Source Aerial
Collector 03/14/2018
Appraiser

1/2

Notes

Assessment Year
2022
Reason For Change
VAP
As Of Date
01/07/2022
Valuation Method
Indiana Cost Mod
Equitization Factor
1.0000
Notice Required

Land
Land Res (1)
Land Non Res (2)
Land Non Res (3)
Improvement
Imp Res (1)
Imp Non Res (2)
Imp Non Res (3)
Total
Total Res (1)
Total Non Res (2)
Total Non Res (3)

Location Address (1)
ADA DRIVE
ELKHART IN 46514
Subdivision

Market Model
Industrial Market
Topography
Flood Hazard
Public Utilities
All
Streets or Roads
Faced
Neighborhood Life Cycle Stage

Static
Printed
Review/Group 2018
Data Source Aerial
Collector 03/14/2018
Appraiser

20-02-26-126-019-000-027

General Information

Parcel Number 20-02-26-126-019-000-027
Local Parcel Number 02-26-126-019-027
Tax ID: 02208
Routing Number

LUDWIG & MILLER LLC
ADA DRIVE
LUDWIG & MILLER LLC
PO BOX 1322
ELKHART, IN 46515

300, Vacant Land
Transfer of Ownership
Date 03/13/2018
Owner LUDWIG & MILLER LL
LUDWIG INVESTMEN

Doc ID 91392
Code WMD
Book/Page 1 /
Adj Sale Price \$0
Sale Price \$0

2737009-Industrial-Acre-Cit 1/2
Notes

Property Class 300
Vacant Land

Year 2022

Section Information

County Elkhart
Township OSOLO TOWNSHIP
District 027 (Local 027)
EC OSOLO
School Corp 2305
ELKHART COMMUNITY
Neighborhood 2737009-027
2737009-Industrial-Acre-City Public
Section/Pat

Location Address (1)
ADA DRIVE
ELKHART, IN 46514

Zoning Z001 Residential
Subdivision

Lot

Market Model
Industrial Market

Topography
Flood Hazard

Public Utilities
EVA

Streets or Roads
TIF

Paved
Neighborhood Life Cycle Stage

Static
Review Group 2018

Data Source Aerial

Collector 03/14/2018 Ange

Appraiser



Industrial

Year	Assessment Year	Reason For Change	As Of Date	Valuation Method	Equalization Factor	Notice Required	Land	Land Res (1)	Land Non Res (2)	Land Non Res (3)	Improvement	Imp Res (1)	Imp Non Res (2)	Imp Non Res (3)	Total	Total Res (1)	Total Non Res (2)	Total Non Res (3)
2022	2022	AA	01/01/2022	Indiana Cost Mod	1.0000		\$800	\$0	\$0	\$800	\$0	\$0	\$0	\$0	\$800	\$0	\$0	\$800
2021	2021	AA	01/01/2021	Indiana Cost Mod	1.0000		\$800	\$0	\$0	\$800	\$0	\$0	\$0	\$0	\$800	\$0	\$0	\$800
2020	2020	AA	01/01/2020	Indiana Cost Mod	1.0000		\$800	\$0	\$0	\$800	\$0	\$0	\$0	\$0	\$800	\$0	\$0	\$800
2019	2019	AA	04/09/2019	Indiana Cost Mod	1.0000		\$500	\$0	\$0	\$500	\$0	\$0	\$0	\$0	\$500	\$0	\$0	\$500
2018	2018	AA	01/01/2018	Indiana Cost Mod	1.0000		\$800	\$0	\$0	\$800	\$0	\$0	\$0	\$0	\$800	\$0	\$0	\$800

Land Pricing Soil	Act	Size Factor	Rate	Adj. Rate	Ext. Value	Inf. %	Res Market	Value
Type Method ID	0	0.3900000	1.00	\$2,000	\$780	0%	0%	\$780

Calculated Acreage	Actual Frontage	Developer Discount	Parcel Acreage	81 Legal Dism NV	82 Public Roads NV	83 UT Towers NV	9 Homesite	91/92 Acres	Total Acres Farmland	Farmland Value	Measured Acreage	Avg Farmland Value/Acre	Value of Farmland	Classified Total	Farm / Classified Value	Homesite(s) Value	91/92 Value	Supp. Page Land Value	CAP 1 Value	CAP 2 Value	CAP 3 Value	Total Value
0.39	0		0.39	0.00	0.00	0.00	0.00	0.39	0.00	\$0	0.00	\$0	\$0	\$0	\$0	\$900	\$0	\$0	\$0	\$0	\$0	\$900

20-02-26-126-027-000-027

General Information

Parcel Number 20-02-26-126-027-000-027
Local Parcel Number 02-26-126-027-027
Tax ID: 02268
Routing Number

Property Class 300
Vacant Land

Year 2022

Section Information

County Elkhart
Township OSOLO TOWNSHIP
District 027 (Local 027)
EC OSOLO
School Corp 2305
ELKHART COMMUNITY
Neighborhood Z737009-027
Z737009-Industrial-Acre-City Public
Section/Plat

Location Address (1)
COOPER DRIVE
ELKHART, IN 46514

Zoning Z001 Residential
Subdivision

Lot

Market Model
Industrial Market

Characteristics

Topography Flood Hazard
Public Utilities
All ERA
Streets or Roads TIF
Neighborhood Life Cycle Stage
Static

Review Group 2018
Review Date April 8, 2022

LUDWIG & MILLER LLC

Ownership

LUDWIG & MILLER LLC
PO BOX 1322
ELKHART, IN 46515

Year 2018

Valuation

Assessment Year 2022
Reason For Change W/P
As Of Date 01/01/2022
Valuation Method Indiana Cost Mod
Equalization Factor 1.0000
Notice Required

Assessment Year	Reason For Change	As Of Date	Valuation Method	Equalization Factor	Notice Required	Land	Land Res (1)	Land Non Res (2)	Land Non Res (3)	Improvement	Imp Res (1)	Imp Non Res (2)	Imp Non Res (3)	Total	Total Res (1)	Total Non Res (2)	Total Non Res (3)
2022	W/P	01/01/2022	Indiana Cost Mod	1.0000		\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$300	\$0	\$0	\$0
2021	AA	01/01/2021	Indiana Cost Mod	1.0000		\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$300	\$0	\$0	\$0
2020	AA	01/01/2020	Indiana Cost Mod	1.0000		\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$300	\$0	\$0	\$0
2019	AA	01/01/2019	Indiana Cost Mod	1.0000		\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$300	\$0	\$0	\$0
2018	AA	01/01/2018	Indiana Cost Mod	1.0000		\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$300	\$0	\$0	\$0

Industrial

COOPER DRIVE

Address

300, Vacant Land
Dec ID Code Book Page Adj Sale Price Val
01302 WD / / \$0 /

Date 03/13/2018

Owner

LUDWIG & MILLER LL
LUDWIG INVESTMEN
01/01/1900

Z737009-Industrial-Acre-Cit

Notes

1/2

Calculated Acreage 0.17
Actual Frontage 0
Developer Discount 0.17
Parcel Acreage 0.00
81 Legal Drain NV 0.00
82 Public Roads NV 0.00
83 UT Towers NV 0.00
9 Homestead 0.00
91/92 Acres 0.17
Total Acres Farmland 0.00
Farmland Value \$0
Measured Acreage 0.00
Avg Farmland Value/Acre \$0
Value of Farmland \$0
Classified Total \$0
Farm / Classified Value \$0
Homestead(s) Value \$0
51/92 Value \$300
Supp Page Land Value \$0
CAP 1 Value \$0
CAP 2 Value \$300
CAP 3 Value \$0
Total Value \$300

Data Source Aerial

Collector 03/14/2018 Ange

Appraiser

20-02-26-126-026-000-027

General Information
 Parcel Number 20-02-26-126-026-000-027
 Local Parcel Number 02-26-126-026-027
 Tax ID: 022618
 Routing Number

Ownership
 LUDWIG & MILLER LLC
 PO BOX 1322
 ELKHART, IN 46515

ADA DRIVE
 Date 03/13/2018
 Owner LUDWIG & MILLER LL
 01/01/1900 LUDWIG INVESTMEN

300, Vacant Land
 Doc ID 01302
 Code WD
 Book/Pg 1 / 1
 Ad Sale Price \$0
 Ad Sale Price \$0

2737009-Industrial-Acre-CR 1/2

Property Class 300
 Vacant Land
 Year: 2022

County Elkhart
 Township OSOLO TOWNSHIP
 District 027 (Local 027)
 EC OSOLO
 School Corp 2305
 ELKHART COMMUNITY
 Neighborhood 2737009-027
 2737009-Industrial-Acre-City Public
 Section/Plat

Assessment Year 2022
 Reason For Change W/P
 As Of Date 01/07/2022
 Valuation Method Indiana Cost Mod
 Equalization Factor 1.0000
 Notice Required

Industrial
 2022 2021 2020 2019 2018
 AA AA AA AA AA
 01/01/2022 01/01/2021 01/01/2020 04/08/2019 01/01/2018
 Indiana Cost Mod Indiana Cost Mod Indiana Cost Mod Indiana Cost Mod Indiana Cost Mod
 1.0000 1.0000 1.0000 1.0000 1.0000

Land Computations
 Calculated Acreage 2.96
 Actual Frontage 0
 Developer Discount 0
 Parcel Acreage 2.96
 81 Legal Drain NV 0.00
 82 Public Roads NV 0.00
 83 UT Towers NV 0.00
 9 Homestead 0.00
 9/192 Acres 2.96
 Total Acres Farmland 0.00
 Farmland Value \$0
 Measured Acreage 0.00
 Avg Farmland Value/Acre 0.0
 Value of Farmland \$0
 Classified Total \$0
 Farm / Classified Value \$0
 Homestead Value \$0
 9/192 Value \$5,900
 Supp. Page Land Value \$0
 CAP 1 Value \$0
 CAP 2 Value \$5,900
 CAP 3 Value \$0
 Total Value \$5,900

Location Address (1)
 ADA DRIVE
 ELKHART, IN 46514

Zoning Z001 Residential
 Subdivision

Land Pricing Soil Act Front Size Factor Rate Rate Adj. Ext. Inf. % EIG % Res Market Value
 3 0 2.962000 1.00 \$3,000 \$2,000 \$5,924 0% 0% 1.0000 \$5,920

Market Model Industrial Market
 Topography Flood Hazard
 Public Utilities ERA
 All ERA
 Streets or Roads TIF
 Paved TIF
 Neighborhood Life Cycle Stage
 Static
 Printed Fri, April 8, 2022
 Review Group 2018 Data Source Aerial Collector 03/14/2018 Ange Appraiser

Market Model Industrial Market
 Topography Flood Hazard
 Public Utilities ERA
 All ERA
 Streets or Roads TIF
 Paved TIF
 Neighborhood Life Cycle Stage
 Static
 Printed Fri, April 8, 2022
 Review Group 2018 Data Source Aerial Collector 03/14/2018 Ange Appraiser

Land Pricing Soil Act Front Size Factor Rate Rate Adj. Ext. Inf. % EIG % Res Market Value
 3 0 2.962000 1.00 \$3,000 \$2,000 \$5,924 0% 0% 1.0000 \$5,920

Market Model Industrial Market
 Topography Flood Hazard
 Public Utilities ERA
 All ERA
 Streets or Roads TIF
 Paved TIF
 Neighborhood Life Cycle Stage
 Static
 Printed Fri, April 8, 2022
 Review Group 2018 Data Source Aerial Collector 03/14/2018 Ange Appraiser

Land Pricing Soil Act Front Size Factor Rate Rate Adj. Ext. Inf. % EIG % Res Market Value
 3 0 2.962000 1.00 \$3,000 \$2,000 \$5,924 0% 0% 1.0000 \$5,920

Market Model Industrial Market
 Topography Flood Hazard
 Public Utilities ERA
 All ERA
 Streets or Roads TIF
 Paved TIF
 Neighborhood Life Cycle Stage
 Static
 Printed Fri, April 8, 2022
 Review Group 2018 Data Source Aerial Collector 03/14/2018 Ange Appraiser

Land Pricing Soil Act Front Size Factor Rate Rate Adj. Ext. Inf. % EIG % Res Market Value
 3 0 2.962000 1.00 \$3,000 \$2,000 \$5,924 0% 0% 1.0000 \$5,920

MARKET AREA ANALYSIS

The market area includes the industrial area on the northeast side of Elkhart.



Note: The defined area contains limited detail, as the client is familiar with the area.

SITE DESCRIPTION AND ANALYSIS

PHYSICAL CHARACTERISTICS

Dimensions: Not Identified

Total Size: 4.62Acres or 452,153SF

Shape: Rectangular

Topography, etc.: Based on the topography map, the site appears to be fairly level.

The subject site is heavily wooded which is not ideal for an industrial site.

Zoning:

The subject site is zoned for industrial uses. The zoning designation allows for a broad range of industrial uses.

Site Improvements: None Noted

HIGHEST & BEST USE

If an appraisal ultimately answers the question “How Much”, then this section summarizes the preceding chapters answering the questions “Who Is The Typical Buyer” and “To What Use Will the Typical Investor Put This Real Estate” Without knowing the answers to these questions, the “How Much” question can not be answered.

The Appraisal Institute definition of Highest and Best Use is as follows:

“The reasonably probable and legal use of vacant land or improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.”

There are therefore four tests:

- 1) The proposed use must be legal
- 2) The proposed use must be probable, not speculative, or conjecture. Alternatively, it must be possible.
- 3) There must be effective demand for the proposed use.
- 4) The proposed use must be profitable.

These tests are applied two ways. The first is as if the land were vacant and available for highest and best use. (The land is always valued this way) This set of tests will identify the optimum improvements for the site.

The second way is to apply the tests to the site as improved. It can be determined then if the present improvements represent the highest and best use. If they do not, the tests will isolate probably physical, functional, and external losses to value. The marginal dollar theory can be employed to determine if the present improvements should be razed to make way for the sites highest and best use.

The conclusion will answer the questions “Who is the typical investor?” and “What will the typical investor use the property for?” thereby allowing valuation.

HIGHEST & BEST USE

AS-IF VACANT

Legally Permissible:

This parcel is zoned for industrial uses and that use is consistent with surrounding properties.

Physically possible:

The site is level and it is assumed soil conditions are adequate to erect a building. Typical land to building range in the county are 3 : 1 to 10 : 1. Therefore, the site is adequate to erect a building of approximately 20,000SF to 67,000SF.

Financially Feasible:

Industrial uses are financially feasible in this area.

Maximally Productive:

The maximally productive use of the site is industrial uses.

Conclusion:

The highest and best use is judged to be industrial uses.

The exposure time and marketing time are judged to be less than one year, based on the marketing times of other properties in the market area.

USPAP defines **Exposure Time** as follows:

The estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.

THE APPRAISAL PROCESS

The process of estimating the value of a parcel of real estate is essentially a research project. The appraiser gathers as much applicable data as is available from the market place, analyzes the data and draws conclusions, which results in an estimate of value.

The data gathered includes, but is not limited to, factual data about the subject, comparable sales, rental and vacancy surveys, operating expenses, costs, etc. The specific data types collected for this report is outlined in the scope of the assignment chapter of the report.

The data is then analyzed via three approaches to value. They are known as cost, sales, and income approaches. Each approach yields an estimate of value based on the data and rationale pertinent to that approach. The rationale of each approach is explained within each approach's respective chapter.

From the three estimates of value the appraiser derives a final estimate of value of the subject property by correlating the individual estimates. The correlation process entails four steps. The presentation of the individual value estimates; evaluation of each approach's rationale as it relates to the specific problem; analysis of the quantity and quality of the presented data; and the emphatic declaration of final value estimate.

The final value figure may be the result of one of the three approaches or may be a figure which represents a typical value estimate within the range of values determined by the three approaches. In an case, **it is not determined by averaging the results of the three approaches**, but a logical analysis of the results thereof.

All three approaches to value are considered. However, only the sales comparison approach is developed. The parcels consist of vacant land. Properties with the subject's characteristics are not typically purchased for income production. Therefore, the income approach is not developed. Since there are no improvements, the cost approach is not developed.

SALES COMPARISON APPROACH

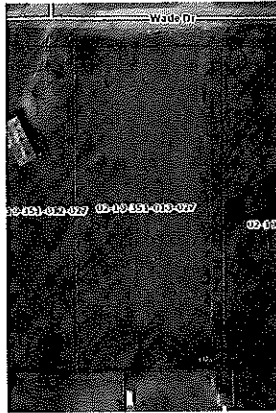
RATIONALE

In this approach, the typical investor/buyer will make an evaluation based on comparisons of properties suitable for their intended use. The operative word is substitution. Properties are compared to each other and an accounting is made of their significant differences. The typical investor/buyer will pay no more for one property than could be paid for another property with similar utility.

Several comparable sales are shown in a grid on page 22 and analysis begins after the grid.

The data sheets and the comparable maps for the comparable sales used in this report are on the following pages.

Land Sale



Property Identification

Property Type	Industrial
Address	Wade Drive, Elkhart IN 46514
Tax ID	20-02-19-351-013.000-027

Sale Data

Grantor	Kash
Grantee	Community Foundation
Sale Date	12/31/19
Verification	Public Record
Sale Price	\$76,500

Land Data

Zoning	M-1, Industrial District
Topography	Level
Utilities	Full

Land Size Information

Gross Land Size	1.7 Acres
-----------------	-----------

Indicators

Sale Price/Gross Acre	\$45,000
-----------------------	----------

Remarks. The subject site is partially wooded.

Land Sale



Property Identification

Property Type	Industrial
Address	County Road 6, Elkhart IN 46514
Tax ID	20-02-25-126-014.000-027

Sale Data

Grantor	Lukas
Grantee	Schwintek, Inc.
Sale Date	7/22/21
Verification	Public Record

Sale Price	\$360,270
------------	-----------

Land Data

Zoning	M-1, Industrial District
Topography	Level
Utilities	Full

Land Size Information

Gross Land Size	7.72 Acres
-----------------	------------

Indicators

Sale Price/Gross Acre	\$46,667
-----------------------	----------

Remarks. The subject site is wooded.

Land Sale



Property Identification

Property Type	Industrial
Address	Aeroplex Drive, Elkhart IN 46514
Tax ID	20-02-25-126-014.000-027

Sale Data

Grantor	
Grantee	Shah Land Development, LLC.
Sale Date	4/1/22
Verification	Public Record
Sale Price	\$888,000

Land Data

Zoning	M-1, Industrial District
Topography	Level
Utilities	Full

Land Size Information

Gross Land Size	12.23 Acres
-----------------	-------------

Indicators

Sale Price/Gross Acre	\$72,608
-----------------------	----------

Remarks. The subject site is wooded.

Land Sale



Property Identification

Property Type	Industrial
Address	14 Harman Drive, Elkhart IN 46514
Tax ID	20-02-24-351-007.000-027

Sale Data

Grantor	Y&L Investment, LLC.
Grantee	42 K Real Estate, LLC
Sale Date	10/6/20
Verification	Public Record

Sale Price	\$285,000
------------	-----------

Land Data

Zoning	M-1, Industrial District
Topography	Level
Utilities	Full

Land Size Information

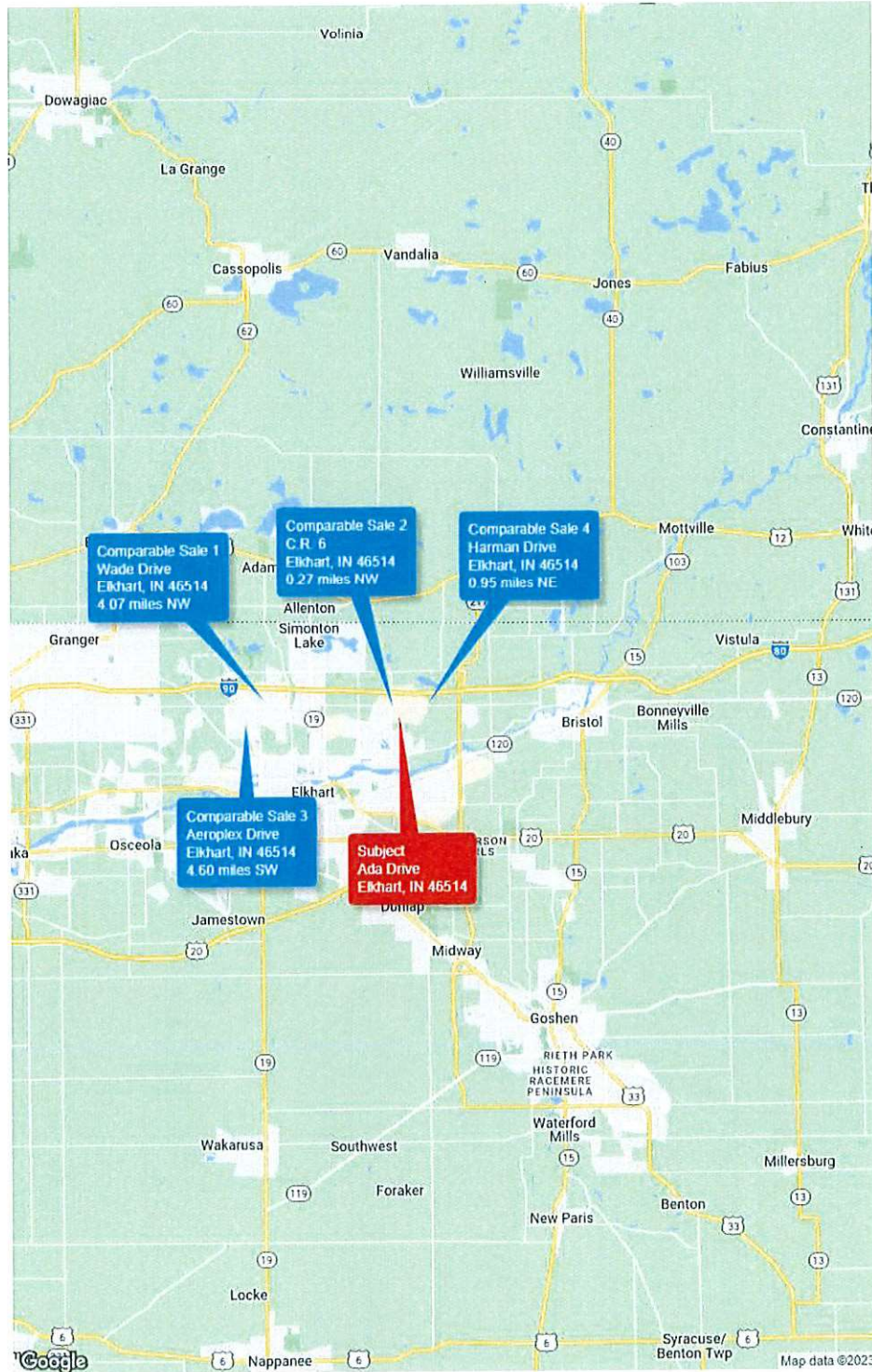
Gross Land Size	3.8 Acres
-----------------	-----------

Indicators

Sale Price/Gross Acre	\$75,000
-----------------------	----------

Remarks. The subject site is partially wooded.

COMPARABLE SALE MAP



SALES COMPARISON APPROACH

Several land sales are identified in this report. They are summarized in the following grid.

Sale #	Location	Sale Date	Sale Price	Acres	Utilities	Wooded	Price/Acre
1	Wade Drive	12/31/19	\$76,500	1.7	Full	Yes	\$45,000
2	CR 6	7/22/22	\$360,270	7.72	Full	Yes	\$46,667
3	Aeroplex	4/1/22	\$888,000	12.23	Full	Yes	\$72,608
4	14 Harman Dr	10/6/20	\$285,000	3.8	Full	Yes	\$75,000
	Subject			4.62	Full	Yes	

The sales show a range of approximately \$45,000 to \$75,000 per acre. The value of the subject property likely falls within this range. The following observations are made:

All four sales are wooded, like the subject. This factor is adverse to the overall value of industrial land. Using these sales accounts for the subject being wooded.

Sales two and four are located in the subject's node, therefore, they are given the most weight. There is a shortage of available industrial land in the county. Therefore, the value of the subject is estimated to be at the upper end of this range. The subject's value is estimated at \$73,000 per acre. The value of the subject is as follows:

4.62 Acres X \$73,000 \$337,260 **RS337,000**

VALUE BY SALES COMPARISON APPROACH
\$337,000

RECONCILIATION

All three approaches to value are considered. However, only the sales comparison approach is developed. The subject is a vacant site. Properties with the subject's characteristics are not typically purchased for income production. Therefore, the income approach is not developed. Since there are no improvements, the cost approach is not developed.

My opinion of market value of the fee simple interest of the subject property as of March 27, 2023 is \$337,000

DATE OF REPORT: March 27, 2023

SW. Sante

Steven W. Sante, MAI, SRA
Indiana Certified General Appraiser #CG40901229
Michigan Certified General Appraiser #1205005623

CERTIFICATION

I certify that to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analysis, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased, professional analysis, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
- I have not performed services as an appraiser, or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report, or to the parties involved with the assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the code of Professional ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly representatives.
- as of the date of this report I, Steven W. Sante, have completed the requirements of the continuing education program of the Appraisal Institute.

S W. Sante

3/27/23

Date

Steven W. Sante, MAI, SRA
Indiana Certified General Appraiser #CG40901229
Michigan Certified General Appraiser #1205005623

ASSUMPTIONS AND LIMITING CONDITIONS

The certification of the appraiser appearing in the appraisal report is subject to the following conditions and to such specific and limiting conditions as set forth by the Appraiser in the report.

1. The Appraiser assumes no responsibility for matters of legal nature affecting the property appraised or the title thereto, nor does the Appraiser render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.
2. Any sketch in the report may show approximate dimensions and is included to assist the reader in visualizing the property. The Appraiser has made no survey of the property.
3. The Appraiser is not required to give testimony or appear in court because of having made the appraisal reference to the property in question, unless arrangements have been made previously made therefore.
4. Any distribution of the valuation in the report between land and improvements applies only under the existing program of utilization. The separate valuations for land and building must not be used in conjunction with any other appraisal and are invalid if so used.
5. The Appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The Appraiser assumes no responsibility for such conditions, or for engineering which might be required to discover such factors.
6. Information, estimates, and opinions furnished to the Appraiser, and contained in this report, were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished to the Appraiser can be assumed by the Appraiser.
7. Disclosure of the contents of the appraisal report is governed by the Bylaws and Regulations of the professional appraisal organizations with which the Appraiser is affiliated.
8. Neither all, nor any part of the content of the report, or copy thereof (including conclusions as to the property value, the identity of the Appraiser, professional designations, reference to any professional appraisal organizations, or the firm with which the appraiser is connected), shall be used for any purposes by anyone but the client specified in the report, the borrower if appraisal fee paid by same, the mortgagee or its successors and assigns, mortgage insurers, consultants, professional appraisal organizations, any state or federally approved financial institution, any department, agency, or instrumentality of the United States or District of Columbia, without previous written consent of the Appraiser; nor shall it be conveyed by anyone to the public through

advertising, public relations, news sales, or other media, without the written consent and approval of the Appraiser.

9. On all appraisals, subject to satisfactory completion, repairs, or alterations, the appraisal report and value conclusions are contingent upon completion of the improvements in a workman like manor.

10. In this appraisal assignment, the existence of potentially hazardous material used in the construction or maintenance of the building, such as the presence of urea formaldehyde foam insulation, and/or existence of toxic waste, which may or may not be present on the property, has not been considered. The appraiser is not qualified to detect such substances. It is urged that the client retain an expert in this field if desired.

11. A legal description was not provided to the appraiser. The legal description in the report is assumed to be correct. We assume no responsibility for matters legal in character nor do we render any opinion as to title, which is assumed to be good and marketable.

12. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws, and that all zoning, building, and use regulations of all types have been complied with unless non-compliance is stated, defined and considered in the appraisal report. It is further assumed that all licenses, consents, permits, or legislative or administrative authority required by any local, state, or federal and/or private entity or organization have been or can be obtained or renewed for any use considered in the value estimate.

13. Possession of this report, or a copy thereof, does not carry with it the right of publication, nor may it be used for other than its intended use by anyone other than the Client without the prior written consent of the Appraiser or the Client, and then only with the proper identification and qualification and only in its entirety. No change of any item in the report shall be made by anyone other than the Appraiser and/or officer in the firm. The Appraiser and firm shall have no responsibility if any such change is made.

14. Any after-tax investment analysis and resulting measures of return on investment are intended to reflect only possible and general market considerations, whether used to estimate value or return investment given a purchase price. Please note that the Appraiser does not claim expertise in tax matters and advises Client to seek competent tax advice.

15. The liability of Appraiser and the firm is limited to the client only and to the fee actually received by Appraiser. Further, there is no accountability, obligation, or liability to any third party. If this report is placed in the hands of anyone other than the client, the Client shall make such party aware of all limiting condition and assumptions of the assignment and related decisions. The Appraiser is in no way to be responsible for any costs incurred to discover or correct any deficiencies of any type present in the property; physically, financially, and/or legally. In the case of limited partnerships or syndication

offerings or stock offerings in the property, Client agrees that in case of lawsuit (brought by lender, partner, or part owner in any form of ownership, tenant, or any other party), any and all awards, settlements of any type in such suit, regardless of outcome, Client will hold appraiser completely harmless in any such action.

16. Any projections, forecasts, etc. regarding future patterns of income and/or expenses, prices/values, etc. represent that analyst's best estimate of investor anticipations with respect to these items, based on information available at the date of appraisal or analysis. Such information includes forecasts /projections published by recognized sources such as economists, financial publications, investor surveys, etc. Economic trends can affect future behavior of income, expenses, values, etc. Change in these items caused by future occurrences could result in values different from those established in this report. We cannot accept responsibility for economic variables in the future which could not have been known or anticipated at the data of analysis (inflation rates, economic upswings or downturns, fiscal policy changes, etc.).

17. The Americans with Disabilities Act (ADA) became law effective January 26, 1992. I have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal the property is not in compliance with one or more of the requirements of the act. If so, this fact could have a negative effect upon the value of the property. Since I have no direct evidence relating to this issue, I did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.

18. Acceptance of, and/or use of, this appraisal report by Client or any third party constitute acceptance of the above conditions. APPRAISER LIABILITY EXTENDS ONLY TO STATED CLIENT, NOT SUBSEQUENT PARTIES OR USERS, AND IS LIMITED TO THE FEE RECEIVED.

19. The estimated values contained within this appraisal report are subject to completion of plans and specifications.

**QUALIFICATIONS OF THE APPRAISER
STEVEN W. SANTE, MAI, SRA**

EDUCATION

1988-1995 B.S. Degree Business Indiana University at South Bend
Accounting Major

EMPLOYMENT HISTORY

9/91-Present Appraisal Services, Inc

APPRAISAL EDUCATION:

See Attached

PROFESSIONAL AFFILIATIONS & LICENSES

SRA (designation conferred 12/15/06)

MAI (designation conferred 1/30/13)

Certified General Appraiser IN & MI

Indiana Regional MLS

Northern Indiana/Southwest Michigan Chapter

Positions:

Treasurer 2002-2008

President 2008-2010

Appraisal Institute:

National Experience Reviewer 2007-2008

Milton Township (Cass County Michigan)

Tax Board of Review 2008-2014

Clerk 2014-2020

PAST & PRESENT CLIENTS:

University of Notre Dame, Mutual Bank, Teachers Credit Union, 1st State Bank, Indiana Community Bank, Lake City Bank, 1st Source Bank, Ontwa Township, City of South Haven, City of South Bend, Interra Credit Union, St. Joseph County Assessor, St. Joseph County Economic Development, Elkhart County, City of Elkhart, 1st State Bank



Education Transcript
Not an Official College Transcript
 Must send actual signed certificate of completion

March 2, 2023

Steven W. Sante, MAI, SRA
 Appraisal Services, Inc.
 814 East LaSalle Avenue
 South Bend, IN 46617

Account # 56862

This document may not be accepted by all licensing boards as verification of course completion.
 Please note that the hours reflected below may differ by state.
 Refer to the specific state matrix for actual state approved hours.

Program	Date	Location	Type	Status	Attendance	Hours Attend	Hours Exam
Rapid Response: Market Analysis in Volatile Markets	February 28, 2023	South Bend/Mishawaka MLS Office, South Bend, IN					
Business Practices and Ethics	June 1, 2022	3rd Floor Classroom, Indianapolis, IN	Hours		Attended	6.0	
2022-2023 7-Hour National USPAP Update Course	February 25, 2022	Elkhart County Board of REALTORS (ECBOR), Goshen, IN	Hours		Attended	7.0	
Appraiser's Guide to Expert Witnessing	November 3, 2021 - February 1, 2022	Appraisal Institute	Hours		Completed: November 3, 2021	7.0	
Getting It Right from the Start: A Workout Plan for Your Scope of Work	August 12, 2021		Hours		Attended	7 hours	
Fundamentals of Apartment Appraising	June 13 - September 11, 2020		Hours		Completed: June 14, 2020	7.0	
Small Hotel/Motel Valuation	June 14 - September 12, 2020		Hours		Completed: June 14, 2020	7.0	
2020-2021 7-Hour Equivalent USPAP Update Course	April 24 - July 23, 2020		Hours		Completed: April 24, 2020	7 hours	
Common Questions Asked by Residential Appraisers, Part 2	May 16, 2019	Elkhart County Board of REALTORS (ECBOR), Goshen, IN	Hours		Attended	7.0	
Small Hotel/Motel Valuation	June 15 - July 15, 2018		Hours		Completed: June 21, 2018	7.0	
Data Verification Methods	June 1 - July 1, 2018	On-Demand Online Education	Hours		Completed: June 20, 2018	5.0	



Education Transcript
Not an Official College Transcript
 Must send actual signed certificate of completion

March 2, 2023

Business Practices and Ethics	May 25, 2018	South Bend/Mishawaka MLS Office, South Bend, IN	Hours		Attended	7.0	
Analyzing Operating Expenses	February 1 - March 3, 2018	On-Demand Online Education	Hours		Completed: February 13, 2018	7.0	
Afternoon at the Track	May 22, 2017	Indianapolis Motor Speedway	Hours		Attended		
South Bend Cubs Baseball	June 16, 2016	Four Winds Field	Hours		Attended		
Afternoon At the Track	May 19, 2016	Indianapolis Motor Speedway	Hours		Attended		
MACOG GIS for Appraisers	March 3, 2016	Greater South Bend-Michawaka Association of Realto, South Bend, IN	Hours		Attended	2.0	
Michigan Laws and Rules	March 3, 2016	Greater South Bend-Michawaka Association of Realto, South Bend, IN	Hours		Attended	2.0	
AI Excel Diagnostic Examination		Exam	Hours	Pass	Attended, Exam Date: December 31, 2015		
7-Hour National USPAP Update Course	December 1, 2015	-, South Bend, IN	Hours		Attended	7.0	
Advanced Market Analysis and Highest & Best Use	October 26 - 30, 2015		Hours		Attended	32.0	
Advanced Market Analysis and Highest & Best Use - Online Component	September 28 - October 19, 2015	On-Line Seminar, Chicago, IL	Hours		Attended		
Business Practices and Ethics	October 5, 2015	Greater South Bend-Michawaka Association of Realto, South Bend, IN	Hours		Attended	7.0	
Supervisory Appraiser/Trainee Appraiser Course	March 20, 2015	Office Building - 2nd Floor Classroom, Indianapolis, IN	Hours	Pass	Attended, Exam Date: March 20, 2015	6.0	1.0



Education Transcript
Not an Official College Transcript
 Must send actual signed certificate of completion

March 2, 2023

Fundamentals of Separating Real Property, Personal Property, and Intangible Business Assets	May 29 - 30, 2014		Hours	Pass	Attended, Exam Date: May 30, 2014	14.0	1.0
7-Hour National USPAP Update Course	December 9, 2013		Hours		Attended	7.0	
Litigation Appraising: Specialized Topics and Applications	June 13 - 14, 2013	Four Points by Sheraton, Columbus, OH	Hours	Pass	Attended, Exam Date: June 14, 2013	15.0	1.0
Candidate for Designation Advisor Orientation	February 1 - March 3, 2013	On-Demand Online Education	Hours		Completed: February 11, 2013		
Appraising Convenience Stores	June 15 - July 15, 2012		Hours		Completed: July 6, 2012	7.0	
7-Hour National USPAP Update Course	January 13, 2012	South Bend / Mishawaka Board of Realtors, South Bend, IN	Hours		Attended	7.0	
Chapter Business/Dinner Meeting & Installation Banquet	November 9, 2011	South Bend, IN, South Bend, IN	Hours		Attended	2.0	
The Uniform Appraisal Dataset from Fannie Mae and Freddie Mac	May 23, 2011	S. Bend-Mishawaka Bd./Realtors, South Bend, IN	Hours		Attended	7.0	
Michigan Rules	May 10, 2011	South Bend, IN, South Bend, IN	Hours		Attended	2.0	
Rates and Ratios: Making Sense of GIMs, OARs, and DCF	May 10, 2011	South Bend / Mishawaka Board of Realtors, South Bend, IN	Hours		Attended	7.0	
Business Practices and Ethics	November 8, 2010	Quality Inn, South Bend, IN	Hours		Attended	7.0	
Evaluating Commercial Construction	September 23 - 24, 2010	Ramada Angola, Angola, IN	Hours		Attended	15.0	
Lawry's Dinner and Chicago Architecture Boat Cruise	August 20, 2010		Hours		Attended	2.0	
The Discounted Cash Flow Model: Concepts, Issues, and Applications	July 16, 2010	Quality Inn, South Bend, IN	Hours		Attended	5 hours	



Education Transcript
Not an Official College Transcript
 Must send actual signed certificate of completion

March 2, 2023

General Demonstration Report Writing	April 19, 2010	Education Resource, LLC, Indianapolis, IN	Hours		Attended	7.0	
Appraisal Review - General	March 12, 2010	Quality Inn, South Bend, IN	Hours		Attended	7.0	
7-Hour National USPAP Update Course	March 11, 2010	Quality Inn, South Bend, IN	Hours		Attended	7.0	
Michigan Rules	March 11, 2010	Quality Inn, South Bend, IN	Hours		Attended	2.0	
7-Hour National USPAP Update Course	May 21, 2009	Portofino Grill, La Porte, IN	Hours		Attended	7.0	
Report Writing and Valuation Analysis	May 4 - 9, 2009	Chicago Chapter Education Center, Chicago, IL	Hours	Pass	Attended, Exam Date: May 9, 2009	26.0	14.0
Advanced Sales Comparison & Cost Approaches	April 16 - 22, 2009	Chicago Chapter Education Center, Chicago, IL	Hours	Pass	Attended, Exam Date: April 22, 2009	36.0	4.0
Advanced Applications	January 21, 2009 - 21, 2010	Exam	Hours	Pass	Exam Date: February 10, 2009		4.0
Advanced Applications	January 15 - 21, 2009	Chicago Chapter Education Center, Chicago, IL	Hours		Attended	36.0	
General Appraiser Report Writing and Case Studies	October 27 - 30, 2008	Chicago Chapter Education Center, Chicago, IL	Hours	Pass	Attended, Exam Date: October 30, 2008	28.0	2.0
Partial Interest Valuation - Divided	September 18, 2008	Signature Inn, South Bend, IN	Hours		Attended	7.0	
General Appraiser Site Valuation and Cost Approach	July 21 - 24, 2008	Chicago Chapter Education Center, Chicago, IL	Hours	Pass	Attended, Exam Date: July 24, 2008	28.0	2.0
How To Write A Tax Appeal Appraisal	June 12, 2008	Elkhart, IN, elkhart, IN	Hours		Attended	4.0	
Real Estate Finance, Statistics, and Valuation Modeling	June 10 - 11, 2008	OSU - Fawcett Center for Tomorrow, Columbus, OH	Hours	Pass	Attended, Exam Date: June 11, 2008	14.0	1.0
Michigan Rules	May 15, 2008	South Bend, IN, South Bend, IN	Hours		Attended	2.0	



Education Transcript
Not an Official College Transcript
 Must send actual signed certificate of completion

March 2, 2023

General Appraiser Sales Comparison Approach	February 11 - 14, 2008	Indianapolis, IN, Indianapolis, IN	Hours	Pass	Attended, Exam Date: February 14, 2008	27.0	3.0
General Demonstration Report Writing	January 11, 2008	WCAI Chapter Offices, Milwaukee, WI	Hours		Attended	7.0	
General Appraiser Market Analysis and Highest & Best Use	October 22 - 25, 2007	Lancaster County Association of Realtors, Lancaster, PA	Hours	Pass	Attended, Exam Date: October 25, 2007	28.0	2.0
Experience Training Seminar	September 7, 2007	The Westin Michigan Hotel, Chicago, IL	Hours		Attended		
Advanced Income Capitalization	August 20 - 25, 2007	University of North Carolina at Greensboro, Greensboro, NC	Hours	Pass	Attended, Exam Date: August 25, 2007	36.0	4.0
Basic Income Capitalization	April 30 - May 5, 2007	University of North Carolina at Greensboro, Greensboro, NC	Hours	Pass	Attended, Exam Date: May 5, 2007	36.0	3.0
7-Hour National USPAP Update Course	March 16, 2007	LaSalle Bank, Troy, MI	Hours		Attended	7.0	
Highest & Best Use and Market Analysis	September 18 - 23, 2006	The Cafe at the Marriott Courtyard Hotel, Springfield, MO	Hours		Attended	36.0	
Business Practices and Ethics	March 17, 2006	S. Bend-Mishawaka Bd./Realtors, South Bend, IN	Hours	Pass	Attended, Exam Date: March 17, 2006	7.0	1.0
7-Hour National USPAP Update Course	March 21, 2005	Niles Inn & Conference Center, Niles, MI	Hours		Attended	7.0	
Appraising Manufactured Housing	February 3, 2005	Hilton Grand Rapids Airport, Grand Rapids, MI	Hours		Attended	7.0	
Avoiding Liability as a Residential Appraiser	October 20, 2004	Willowbrook Holiday Inn, Willowbrook, IL	Hours		Attended	7.0	
Advanced Residential Form & Narrative Report Writing	November 17 - 23, 2002	Chicago Chapter Education Center, Chicago, IL	Hours	Pass	Attended, Exam Date: November 23, 2002	20.0	20.0
Fundamentals of Relocation Appraising	October 22, 2001	S. Bend-Mishawaka Bd./Realtors, South Bend, IN	Hours		Attended	7.0	



Education Transcript
Not an Official College Transcript
 Must send actual signed certificate of completion

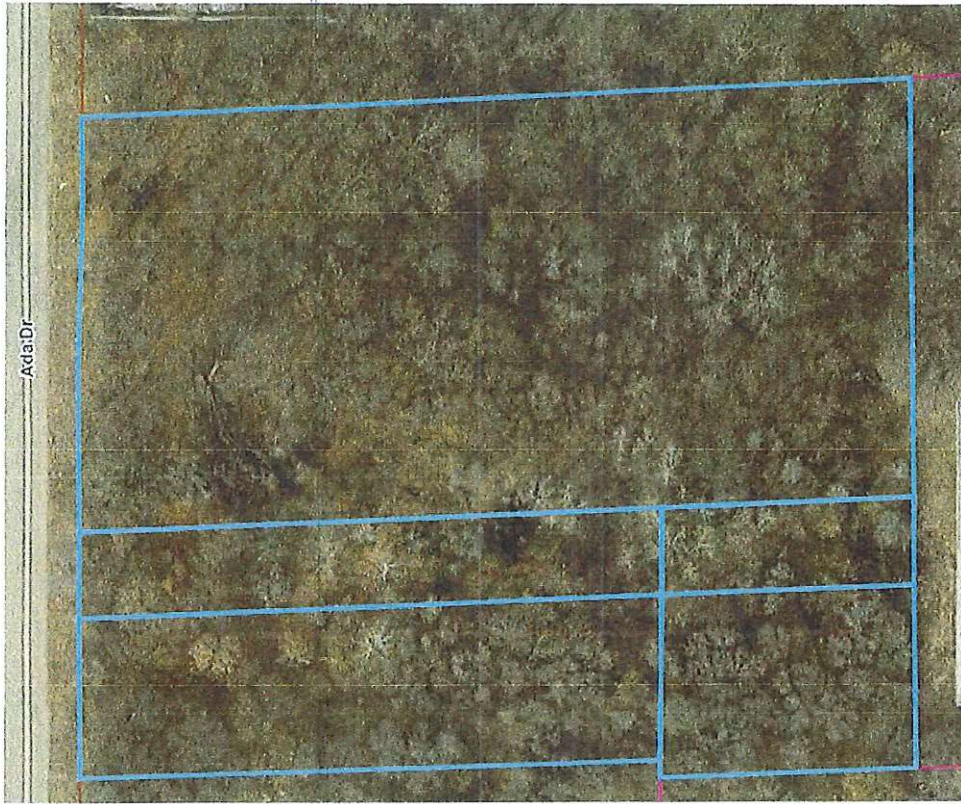
March 2, 2023

Appraising Manufactured Housing	November 17, 2000	Fetzer Center, Kalamazoo, MI	Hours		Attended	7.0	
Standards of Professional Practice, Part B	May 24, 2000	Management Education Center, Troy, MI	Hours	Pass	Attended, Exam Date: May 24, 2000	7.0	1.0
Standards of Professional Practice, Part A (USPAP)	May 22 - 23, 2000	Management Education Center-MSU, Troy, MI	Hours	Pass	Attended, Exam Date: May 23, 2000	15.0	1.0
Residential Demonstration Appraisal Report Writing Seminar	August 21 - 22, 1999	Hampton Inn & Suites, Chicago, IL	Hours		Attended	14.0	
FHA and the Appraisal Process	July 15, 1999	Wyndham NW, Itasca, IL	Hours		Attended	7.0	
Appraisal Review - Residential Properties	October 16, 1998	Ramada Inn, Elkhart, IN	Hours		Attended	7.0	
Sales Comparison Valuation of Small, Mixed-Use Properties	September 22 - 23, 1998	Ramada Inn, South Bend, IN	Hours		Attended	15.0	
Standards of Professional Practice, Part A (USPAP)	July 17 - 18, 1997	Milans Banquet, Valparaiso, IN	Hours	Pass	Attended, Exam Date: July 18, 1997	15.0	1.0
M & S Handbook Cost-Estimating, Residential	April 30, 1997	Ramada Inn, South Bend, IN	Hours		Attended	7.0	
Residential Case Study	November 14 - 20, 1993	Ramada Inn, Elkhart, IN	Hours	Pass	Attended, Exam Date: November 20, 1993	36.0	3.0
Advanced Income Capitalization	April 16 - May 8, 1993	Society Bank Building, South Bend, IN	Hours	Pass	Attended, Exam Date: May 8, 1993	36.0	4.0
Basic Income Capitalization	March 12 - 27, 1993	Ramada Inn, Elkhart, IN	Hours	Pass	Attended, Exam Date: March 27, 1993	36.0	3.0
Standards of Professional Practice, Part B	March 5 - 6, 1993	Ramada Inn, Elkhart, IN	Hours	Pass	Attended, Exam Date: March 6, 1993	10.0	1.0
Standards of Prof. Practice, Part A	October 3 - 4, 1991	Metro Indiana Board of Realtor, Indianapolis, IN	Hours	Pass	Attended, Exam Date: October 4, 1991	15.0	1.0
Introduction to Appraising Real Property	September 8 - 20, 1991	S. Bend-Mishawaka Bd./Realtors, South Bend, IN	Hours	Pass	Attended, Exam Date: September 20, 1991	45.0	6.0

Appraisal Report

Ludwig Miller
Industrial land

On
ADA Dr.
Elkhart, In.



AS OF
3/23/2023

Written
3/23/2023

Prepared

For

City Elkhart

Prepared by

Iverson C. Grove, MAI, SRA

803 Bower St.

Elkhart, In. 46514

3/23/2023

Re: Ludwig Miller land
Ada Dr.
Elkhart, in.

For: City of Elkhart
Attn: Adam Fann

Dear Adam

In accordance with your request, a real estate appraisal has been made on the above captioned property. My opinion of the market value of the fee simple interest, the effective date of this appraisal being 3/23/2023

THREE HUNDRED FOURTY THOUSAND ONE HUNDRED DOLLARS
\$347,100



Iverson C. Grove, MAI, SRA

Indiana Certified General Appraiser #CG 69100422

(Uniform Standards of Professional Appraisal Practice) USPAP SR 1-2

In developing a real property appraisal, an appraiser must:

a) identify the client or other intended users.

The client is identified as the City of Elkhart.

b) identify the intended use of the appraiser's opinion and conclusions:

This appraisal report is prepared in connection with community development

c) identify the purpose of the assignment, including the type and definition of the value to be developed and, if the value opinion to be developed is market value, ascertain whether the value is to be the most probable price:

(i) in terms of cash: or

(ii) in terms of financial arrangements equivalent to cash; or

(iii) in other precisely defined terms

(iv) if the opinion of value is based on non-market financing or financing with unusual conditions or incentives, the terms of such financing must be clearly identified and the appraiser's opinion of their contribution to or negative influence on the value must be developed by analysis of relevant market data.

DEFINITION OF MARKET VALUE

Market value is defined as the most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably, and assuming the price is not affected by undue stimulus.

Implicit in this definition is the consummation of a sale as of a specific date and the passing of title from seller to buyer under conditions whereby:

- a) Buyer and seller are typically motivated
- b) Both parties are well informed or well advised and both acting in what they consider their own best interest;
- c) A reasonable time is allowed for exposure in the open market;
- d) Payment is made in terms of cash in U.S. dollars, or in terms of financial arrangements comparable with the sale thereto, and;
- e) The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

OCC reg. 12 CFR 34 & NCUA regulation 722.2 (f), and sec. 225.62(g) of regulation Y of the Federal Reserve Board (12 C.F.R. 225.62 (g), FCA 614.4240 (l))

d) identify the effective date of the appraiser's opinions.

The effective date is 3/23/2023.

e) identify the characteristics of the property that are relevant to the purpose and intended use of the appraisal including

i) it's location and physical, legal and economic attributes:

These parcels are contiguous land zoned industrial and which are forested. These parcels could be assembled into one parcel. Municipal services are at the street.

ii) Property Interest being appraised: Fee simple

iii) Any personal property, trade fixtures, or intangible items that are not real property but are in the appraisal. None are identified

iv) Any known easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances, or other items of a similar nature; and: None are noted.

v) Whether the subject property is a fractional interest, physical segment or partial holding: Whole

f) identify any extraordinary assumptions necessary in the assignment:

None are noted

g) identify any hypothetical condition:

None are noted.

i) determine the scope of work necessary to produce credible assignment results in accordance with the SCOPE OF WORK RULE.

Public record was used. Government and private sources were consulted for comparable and Compliance data. Sales comparison was developed as the most applicable approach.

IDENTIFICATION

ADDRESS:

Not established on Ada Dr.
Elkhart, In.

TAX PARCEL #:

20-02-26-126-019.000-027
20-02-26-126-026.000-027
20-02-26-126-027.000-027
20-02-26-126-029.000-027
20-02-26-126-031.000-027



LEGAL DESCRIPTION

See PRCs

History of Ownership

This property has been held by Ludwig & Miller for more than ten years.

20-02-26-126-019,000-027
 General Information
 Parcel Number
 20-02-26-126-019,000-027
 Local Parcel Number
 02-26-126-019-027

Tax ID:
 02268
 Routing Number

Property Class 300
 Vacant Land

Year: 2022

Location Information
 County
 Elkhart
 Township
 OSOLO TOWNSHIP
 District 027 (Local 027)
 EC OSOLO
 School Corp 2305
 ELKHART COMMUNITY

Neighborhood 2737009-027
 2737009-Industrial-Acre-City Public
 Section/Plat

Location Address (1)
 ADA DRIVE
 ELKHART, IN 46514

Zoning
 Z001 Residential
 Subdivision

Lot

Market Model
 Industrial Market

Topography Flood Hazard
 Flood Hazard
 Public Utilities
 All ERA
 TIF
 Streets or Roads
 Paved
 Neighborhood Life Cycle Stage
 Static

Printed
 Friday, April 8, 2022
 Review Group 2018

LUDWIG & MILLER LLC
 Ownership
 LUDWIG & MILLER LLC
 PO BOX 1322
 ELKHART, IN 46515

ADA DRIVE
 300, Vacant Land

Date
 03/13/2018 LUDWIG & MILLER LL
 01/01/1900 LUDWIG INVESTMEN

Doc ID Code Book/Page Adj Sale Price VI
 01302 WD / \$0 I
 CO / \$0 I

DEED
 NORTH-LAND PARK 2ND SEC NO 50FT LOT A-41



Industrial

Valuation Records: Most Recent Values and the Subject's Change

Assessment Year	2022	2021	2020	2019	2018
Reason For Change	WIP	AA	AA	AA	AA
As Of Date	01/07/2022	01/01/2021	01/01/2020	04/09/2019	01/01/2018
Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
Equalization Factor	1.0000	1.0000	1.0000	1.0000	1.0000
Notice Required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land	\$800	\$800	\$800	\$600	\$800
Land Res (1)	\$0	\$0	\$0	\$0	\$0
Land Non Res (2)	\$0	\$0	\$0	\$0	\$0
Land Non Res (3)	\$800	\$800	\$800	\$600	\$800
Improvement	\$0	\$0	\$0	\$0	\$0
Imp Res (1)	\$0	\$0	\$0	\$0	\$0
Imp Non Res (2)	\$0	\$0	\$0	\$0	\$0
Imp Non Res (3)	\$0	\$0	\$0	\$0	\$0
Total	\$800	\$800	\$800	\$600	\$800
Total Res (1)	\$0	\$0	\$0	\$0	\$0
Total Non Res (2)	\$0	\$0	\$0	\$0	\$0
Total Non Res (3)	\$800	\$800	\$800	\$600	\$800

Land Pricing Soil	Act	Size	Rate	Adj.	Ext.	Res	Market	Value	Value
Type	Front.	Factor	Rate	Rate	Value	Elig	Factor		
3	0	0.390000	1.00	\$2,000	\$780	0%	1.0000	\$780	\$780

Land Data Standard Dept. Res. 100, Cl. 000, Base. Pot. Res. (Per. Val. Cr. 100, 300)	Calculated Acreage	Actual Frontage	Developer Discount	Parcel Acreage	81 Legal Drain NV	82 Public Roads NV	83 UT Towers NV	9 Homesite	91/92 Acres	Total Acres Farmland	Farmland Value	Measured Acreage	Avg Farmland Value/Acre	Value of Farmland	Classified Total	Farm / Classified Value	Homesite(s) Value	91/92 Value	Supp. Page Land Value	CAP 1 Value	CAP 2 Value	CAP 3 Value	Total Value
	0.39	0	<input type="checkbox"/>	0.39	0.00	0.00	0.00	0.00	0.39	0.00	\$0	0.00	0.0	\$0	\$0	\$0	\$0	\$800	\$0	\$0	\$800	\$800	

20-02-26-126-026.000-027
 General Information
 Parcel Number
 20-02-26-126-026.000-027
 Local Parcel Number
 02-26-126-026-027

Tax ID:
 0226B
 Routing Number

LUDWIG & MILLER LLC
 Owner
 LUDWIG & MILLER LLC
 PO BOX 1322
 ELKHART, IN 46515

ADA DRIVE
 Date
 03/13/2018
 01/01/1900

300, Vacant Land
 Doc ID Code Book/Page Adj Sale Price VII
 01302 WD / \$0 I
 CO / \$0 I

2737009-Industrial-Acre-Cit 1/2
 Notes

Property Class 300
 Vacant Land

Year: 2022
 Location Information
 County
 Elkhart

Township
 OSOLO TOWNSHIP
 District 027 (Local 027)
 EC OSOLO
 School Corp 2305
 ELKHART COMMUNITY

Neighborhood 2737009-027
 2737009-Industrial-Acre-City Public
 Section/Plat

Location Address (1)
 ADA DRIVE
 ELKHART, IN 46514

Zoning
 Z001 Residential
 Subdivision

Lot

Market Model
 Industrial Market

Topography
 Flood Hazard
 Public Utilities
 All ERA
 Streets or Roads
 Paved TIF
 Neighborhood Life Cycle Stage
 Static

Printed
 Friday, April 8, 2022
 Review Group 2018
 Collector 03/14/2018
 Data Source Aerial
 Angle

Appraiser



Assessment Year	Reason For Change	As Of Date	Valuation Method	Equalization Factor	Notice Required	Land	Land Res (1)	Land Non Res (2)	Land Non Res (3)	Improvement	Imp Res (1)	Imp Non Res (2)	Imp Non Res (3)	Total	Act Front.	Size Factor	Rate	Adj. Rate	Ext. Value	Inf. %	Elig %	Res Market Factor	Value
2022	WIP	01/07/2022	Indiana Cost Mod	1.0000		\$5,900	\$0	\$0	\$5,900	\$0	\$0	\$0	\$0	\$5,900	0	2.962000	1.00	\$2,000	\$5,924	0%	0%	1.0000	\$5,920
2021	AA	01/01/2021	Indiana Cost Mod	1.0000		\$5,900	\$0	\$0	\$5,900	\$0	\$0	\$0	\$0	\$5,900	0	2.962000	1.00	\$2,000	\$5,924	0%	0%	1.0000	\$5,920
2020	AA	01/01/2020	Indiana Cost Mod	1.0000		\$5,900	\$0	\$0	\$5,900	\$0	\$0	\$0	\$0	\$5,900	0	2.962000	1.00	\$2,000	\$5,924	0%	0%	1.0000	\$5,920
2019	AA	04/09/2019	Indiana Cost Mod	1.0000		\$4,600	\$0	\$0	\$4,600	\$0	\$0	\$0	\$0	\$4,600	0	2.962000	1.00	\$2,000	\$4,624	0%	0%	1.0000	\$4,620
2018	AA	01/01/2018	Indiana Cost Mod	1.0000		\$5,800	\$0	\$0	\$5,800	\$0	\$0	\$0	\$0	\$5,800	0	2.962000	1.00	\$2,000	\$5,824	0%	0%	1.0000	\$5,820

Valuation Records (Market Progress Values are Not Audited and are Subject to Change)

Land Pricing Soil Act
 Type Method ID Front.
 3 0 2.962000 1.00 \$2,000 \$5,924 0% 0% 1.0000 \$5,920

Land Type (Standard/Depth Res. 00 @ 100' Base Lot Res. 100 X 0 @ 100' X 0)

Calculated Acreage 2.96

Actual Frontage 0

Developer Discount

Parcel Acreage 2.96

81 Legal Drain NV 0.00

82 Public Roads NV 0.00

83 UT Towers NV 0.00

9 Homesite 0.00

91/92 Acres 2.96

Total Acres Farmland 0.00

Farmland Value \$0

Measured Acreage 0.00

Avg Farmland Value/Acre 0.0

Value of Farmland \$0

Classified Total \$0

Farm / Classified Value \$0

Homesite(s) Value \$0

91/92 Value \$5,900

Supp. Page Land Value \$0

CAP 1 Value \$0

CAP 2 Value \$5,900

CAP 3 Value \$5,900

Total Value \$5,900

20-02-26-126-027,000-027

Parcel Number
20-02-26-126-027,000-027
Local Parcel Number
02-26-126-027-027

Tax ID:
0226B
Routing Number

Property Class 300
Vacant Land
Year: 2022

Location Information
County
Elkhart
Township
OSOLO TOWNSHIP
District 027 (Local 027)
EC OSOLO
School Corp 2305
ELKHART COMMUNITY
Neighborhood 2737009-027
2737009-Industrial-Acre-City Public
Section/Plat

Location Address (1)
COOPER DRIVE
ELKHART, IN 46514

Zoning
Z001 Residential
Subdivision

Lot

Market Model
Industrial Market

Topography
Flood Hazard

Public Utilities
All
Streets or Roads
Paved
Neighborhood Life Cycle Stage
Static
Printed

Review Group 2018
Friday, April 8, 2022

LUDWIG & MILLER LLC

Ownership
LUDWIG & MILLER LLC
PO BOX 1322
ELKHART, IN 46515

Parcel
NORTHLAND PARK 2ND SEC N 50FT LOT 42 EX
E 200FT



Valuation Years (Month, Property Value, Annual Change Rate, and are subject to change)

Assessment Year	Reason For Change	2021	2020	2019	2018
2022	WIP	AA	AA	AA	AA
01/07/2022	As Of Date	01/01/2021	01/01/2020	04/09/2019	01/01/2018
Indiana Cost Mod	Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
1.0000	Equalization Factor	1.0000	1.0000	1.0000	1.0000
	Notice Required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$300	Land	\$300	\$300	\$300	\$300
\$0	Land Res (1)	\$0	\$0	\$0	\$0
\$0	Land Non Res (2)	\$0	\$0	\$0	\$0
\$300	Land Non Res (3)	\$300	\$300	\$300	\$300
\$0	Improvement	\$0	\$0	\$0	\$0
\$0	Imp Res (1)	\$0	\$0	\$0	\$0
\$0	Imp Non Res (2)	\$0	\$0	\$0	\$0
\$0	Imp Non Res (3)	\$0	\$0	\$0	\$0
\$300	Total	\$300	\$300	\$300	\$300
\$0	Total Res (1)	\$0	\$0	\$0	\$0
\$0	Total Non Res (2)	\$0	\$0	\$0	\$0
\$300	Total Non Res (3)	\$300	\$300	\$300	\$300

Land Pricing Soil	Act	Size	Factor	Rate	Adj.	Ext.	Res	Market	Value
3	Front.	0	0.172000	1.00	\$2,000	\$344	0%	0%	\$340
	Method ID								

Land Contributions	Value
Calculated Acreage	0.17
Actual Frontage	0
Developer Discount	<input type="checkbox"/>
Parcel Acreage	0.17
81 Legal Drain NV	0.00
82 Public Roads NV	0.00
83 UT Towers NV	0.00
9 Homesite	0.00
91/92 Acres	0.17
Total Acres Farmland	0.00
Farmland Value	\$0
Measured Acreage	0.00
Avg Farmland Value/Acre	0.0
Value of Farmland	\$0
Classified Total	\$0
Farm / Classified Value	\$0
Homesite(s) Value	\$0
91/92 Value	\$300
Supp. Page Land Value	\$0
CAP 1 Value	\$0
CAP 2 Value	\$0
CAP 3 Value	\$300
Total Value	\$300

COOPER DRIVE

Ownership
LUDWIG & MILLER LLC
LUDWIG & MILLER LLC
03/13/2018
01/01/1900

Owner
LUDWIG & MILLER LLC
LUDWIG INVESTMEN

Industrial

Valuation Years (Month, Property Value, Annual Change Rate, and are subject to change)

Assessment Year	Reason For Change	2021	2020	2019	2018
2022	WIP	AA	AA	AA	AA
01/07/2022	As Of Date	01/01/2021	01/01/2020	04/09/2019	01/01/2018
Indiana Cost Mod	Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
1.0000	Equalization Factor	1.0000	1.0000	1.0000	1.0000
	Notice Required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$300	Land	\$300	\$300	\$300	\$300
\$0	Land Res (1)	\$0	\$0	\$0	\$0
\$0	Land Non Res (2)	\$0	\$0	\$0	\$0
\$300	Land Non Res (3)	\$300	\$300	\$300	\$300
\$0	Improvement	\$0	\$0	\$0	\$0
\$0	Imp Res (1)	\$0	\$0	\$0	\$0
\$0	Imp Non Res (2)	\$0	\$0	\$0	\$0
\$0	Imp Non Res (3)	\$0	\$0	\$0	\$0
\$300	Total	\$300	\$300	\$300	\$300
\$0	Total Res (1)	\$0	\$0	\$0	\$0
\$0	Total Non Res (2)	\$0	\$0	\$0	\$0
\$300	Total Non Res (3)	\$300	\$300	\$300	\$300

Land Pricing Soil	Act	Size	Factor	Rate	Adj.	Ext.	Res	Market	Value
3	Front.	0	0.172000	1.00	\$2,000	\$344	0%	0%	\$340
	Method ID								

Land Contributions	Value
Calculated Acreage	0.17
Actual Frontage	0
Developer Discount	<input type="checkbox"/>
Parcel Acreage	0.17
81 Legal Drain NV	0.00
82 Public Roads NV	0.00
83 UT Towers NV	0.00
9 Homesite	0.00
91/92 Acres	0.17
Total Acres Farmland	0.00
Farmland Value	\$0
Measured Acreage	0.00
Avg Farmland Value/Acre	0.0
Value of Farmland	\$0
Classified Total	\$0
Farm / Classified Value	\$0
Homesite(s) Value	\$0
91/92 Value	\$300
Supp. Page Land Value	\$0
CAP 1 Value	\$0
CAP 2 Value	\$0
CAP 3 Value	\$300
Total Value	\$300

2737009-Industrial-Acre-Cit

Notes

300, Vacant Land

Ownership
LUDWIG & MILLER LLC
LUDWIG & MILLER LLC
03/13/2018
01/01/1900

Owner
LUDWIG & MILLER LLC
LUDWIG INVESTMEN

Industrial

Valuation Years (Month, Property Value, Annual Change Rate, and are subject to change)

Assessment Year	Reason For Change	2021	2020	2019	2018
2022	WIP	AA	AA	AA	AA
01/07/2022	As Of Date	01/01/2021	01/01/2020	04/09/2019	01/01/2018
Indiana Cost Mod	Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
1.0000	Equalization Factor	1.0000	1.0000	1.0000	1.0000
	Notice Required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$300	Land	\$300	\$300	\$300	\$300
\$0	Land Res (1)	\$0	\$0	\$0	\$0
\$0	Land Non Res (2)	\$0	\$0	\$0	\$0
\$300	Land Non Res (3)	\$300	\$300	\$300	\$300
\$0	Improvement	\$0	\$0	\$0	\$0
\$0	Imp Res (1)	\$0	\$0	\$0	\$0
\$0	Imp Non Res (2)	\$0	\$0	\$0	\$0
\$0	Imp Non Res (3)	\$0	\$0	\$0	\$0
\$300	Total	\$300	\$300	\$300	\$300
\$0	Total Res (1)	\$0	\$0	\$0	\$0
\$0	Total Non Res (2)	\$0	\$0	\$0	\$0
\$300	Total Non Res (3)	\$300	\$300	\$300	\$300

Land Pricing Soil	Act	Size	Factor	Rate	Adj.	Ext.	Res	Market	Value
3	Front.	0	0.172000	1.00	\$2,000	\$344	0%	0%	\$340
	Method ID								

Land Contributions	Value
Calculated Acreage	0.17
Actual Frontage	0
Developer Discount	<input type="checkbox"/>
Parcel Acreage	0.17
81 Legal Drain NV	0.00
82 Public Roads NV	0.00
83 UT Towers NV	0.00
9 Homesite	0.00
91/92 Acres	0.17
Total Acres Farmland	0.00
Farmland Value	\$0
Measured Acreage	0.00
Avg Farmland Value/Acre	0.0
Value of Farmland	\$0
Classified Total	\$0
Farm / Classified Value	\$0
Homesite(s) Value	\$0
91/92 Value	\$300
Supp. Page Land Value	\$0
CAP 1 Value	\$0
CAP 2 Value	\$0
CAP 3 Value	\$300
Total Value	\$300

Appraiser

Angie

Collector 03/14/2018

Data Source Aerial

2018

20-02-26-126-029.000-027

General Information
Parcel Number
20-02-26-126-029.000-027
Local Parcel Number
02-26-126-029-027
Tax ID:
0226B
Routing Number

Property Class 300
Vacant Land

Year: 2022

Location Information
County
Elkhart

Township
OSOLO TOWNSHIP

District 027 (Local 027)
EC OSOLO

School Corp 2305
ELKHART COMMUNITY

Neighborhood 2737009-027
2737009-Industrial-Acre-City Public

Section/Plat

Location Address (1)
COOPER DRIVE
ELKHART, IN 46514

Zoning
Z001 Residential
Subdivision

Lot

Market Model
Industrial Market

Topography
Flood Hazard

Public Utilities
All

Streets or Roads
Paved

Neighborhood Life Cycle Stage

Static
Printed

Review Group 2018
Friday, April 6, 2022

LUDWIG & MILLER LLLC

General Information
LUDWIG & MILLER LLLC
C/O NORTHLAND CORPORATION
PO BOX 1322
ELKHART, IN 46515

Legal
NORTHLAND PARK 2ND SEC LOTA-42 EX N 50 FT
EX E 200FT OF S 105 FT OF N 155FT EX E 75FT
OF S 289FT EX W 275FT OF S 289FT

Assessment Year
2022

Reason For Change
WIP

As Of Date
01/07/2022

Valuation Method
Indiana Cost Mod

Equalization Factor
1.0000

Notice Required

Land
\$700
Land Res (1)
\$0
Land Non Res (2)
\$0
Land Non Res (3)
\$700
Improvement
\$0
Imp Res (1)
\$0
Imp Non Res (2)
\$0
Imp Non Res (3)
\$0
Total
\$700
Total Res (1)
\$0
Total Non Res (2)
\$0
Total Non Res (3)
\$700

Land Pricing Soil
Type Method ID
3

COOPER DRIVE

General Information
Date
05/18/2018
05/18/2018
03/20/2018
01/01/1900

Owner
LUDWIG & MILLER LL
LUDWIG & MILLER LL
LUDWIG & MILLER LL
LUDWIG ALLAN J & D

Doc ID Code Book/Page Adj Sale Price V/I
02625 WD / \$0
02624 AF / \$0
01446 WD / \$0
CO / \$0

Assessment Year
2020

Reason For Change
AA

As Of Date
01/01/2020

Valuation Method
Indiana Cost Mod

Equalization Factor
1.0000

Notice Required

Land
\$700
Land Res (1)
\$0
Land Non Res (2)
\$0
Land Non Res (3)
\$700
Improvement
\$0
Imp Res (1)
\$0
Imp Non Res (2)
\$0
Imp Non Res (3)
\$0
Total
\$700
Total Res (1)
\$0
Total Non Res (2)
\$0
Total Non Res (3)
\$700

Land Pricing Soil
Type Method ID
3

300, Vacant Land

General Information
Date
05/18/2018
05/18/2018
03/20/2018
01/01/1900

Owner
LUDWIG & MILLER LL
LUDWIG & MILLER LL
LUDWIG & MILLER LL
LUDWIG ALLAN J & D

Doc ID Code Book/Page Adj Sale Price V/I
02625 WD / \$0
02624 AF / \$0
01446 WD / \$0
CO / \$0

Assessment Year
2020

Reason For Change
AA

As Of Date
01/01/2020

Valuation Method
Indiana Cost Mod

Equalization Factor
1.0000

Notice Required

Land
\$700
Land Res (1)
\$0
Land Non Res (2)
\$0
Land Non Res (3)
\$700
Improvement
\$0
Imp Res (1)
\$0
Imp Non Res (2)
\$0
Imp Non Res (3)
\$0
Total
\$700
Total Res (1)
\$0
Total Non Res (2)
\$0
Total Non Res (3)
\$700

Land Pricing Soil
Type Method ID
3

2737009-Industrial-Acre-Cit

General Information
Date
05/18/2018
05/18/2018
03/20/2018
01/01/1900

Owner
LUDWIG & MILLER LL
LUDWIG & MILLER LL
LUDWIG & MILLER LL
LUDWIG ALLAN J & D

Doc ID Code Book/Page Adj Sale Price V/I
02625 WD / \$0
02624 AF / \$0
01446 WD / \$0
CO / \$0

Assessment Year
2020

Reason For Change
AA

As Of Date
01/01/2020

Valuation Method
Indiana Cost Mod

Equalization Factor
1.0000

Notice Required

Land
\$700
Land Res (1)
\$0
Land Non Res (2)
\$0
Land Non Res (3)
\$700
Improvement
\$0
Imp Res (1)
\$0
Imp Non Res (2)
\$0
Imp Non Res (3)
\$0
Total
\$700
Total Res (1)
\$0
Total Non Res (2)
\$0
Total Non Res (3)
\$700

Land Pricing Soil
Type Method ID
3

Calculated Acreage
Actual Frontage
Developer Discount
Parcel Acreage
81 Legal Drain NV
82 Public Roads NV
83 UT Towers NV
9 Homesite
91/92 Acres
Total Acres Farmland
Farmland Value
Measured Acreage
Avg Farmland Value/Acre
Value of Farmland
Classified Total
Farm / Classified Value
Homesite(s) Value
91/92 Value
Supp. Page Land Value
CAP 1 Value
CAP 2 Value
CAP 3 Value
Total Value

0.36
0
0.36
0.00
0.00
0.00
0.00
0.00
0.36
0.00
\$0
0.00
0.00
\$0
\$0
\$0
\$0
\$0
\$700
\$0
\$0
\$700
\$700

Appraiser

Collector 03/14/2018

Data Source Aerial

Review Group 2018

20-02-26-126-031,000-027

General Information

Parcel Number
20-02-26-126-031,000-027
Local Parcel Number
02-26-126-031-027
Tax ID:

Routing Number

Property Class 300
Vacant Land

Year: 2022

Location Information

County
Elkhart
Township
OSOLO TOWNSHIP
District 027 (Local 027)
EC OSOLO
School Corp 2305
ELKHART COMMUNITY
Neighborhood 2737009-027
2737009-Industrial-Acre-City Public
Section/Plat

Location Address (1)
ADA DRIVE
ELKHART, IN 46514

Zoning
Z001 Residential
Subdivision

Lot

Market Model
Industrial Market

Characteristics

Topography Flood Hazard
Public Utilities ERA
All
Streets or Roads TIF
Paved
Neighborhood Life Cycle Stage
Static
Printed Friday, April 8, 2022

Review Group 2018

Data Source Aerial

Collector 03/14/2018

Angle

Appraiser

ADA DRIVE

300, Vacant Land

Owner
LUDWIG & MILLER LLC
LUDWIG & MILLER LLC
C/O NORTHLAND CORPORATION
PO BOX 1322
ELKHART, IN 46515
Date
05/18/2018
03/20/2018
01/01/1900
Doc ID
02625
01445
CO
Book/Page
Adj Sale Price
Sale Price
VII
\$0
\$0
\$0

4389FL
NORTHLAND PARK 2ND SEC EX N 50 FT EX S
289' LOT A-1



Industrial

Valuation Reason: Work in Progress, Value Sale Not Required, Value Sale Subject to Exchange

2022	2021	2020	2019	2018
WIP	AA	AA	AA	AA
01/07/2022	01/01/2021	01/01/2020	04/09/2019	01/01/2018
Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
1.0000	1.0000	1.0000	1.0000	1.0000
Notice Required				
Land	\$1,500	\$1,500	\$1,200	\$1,500
Land Res (1)	\$0	\$0	\$0	\$0
Land Non Res (2)	\$0	\$0	\$0	\$0
Land Non Res (3)	\$1,500	\$1,500	\$1,200	\$1,500
Improvement	\$0	\$0	\$0	\$0
Imp Res (1)	\$0	\$0	\$0	\$0
Imp Non Res (2)	\$0	\$0	\$0	\$0
Imp Non Res (3)	\$0	\$0	\$0	\$0
Total	\$1,500	\$1,500	\$1,200	\$1,500
Total Res (1)	\$0	\$0	\$0	\$0
Total Non Res (2)	\$0	\$0	\$0	\$0
Total Non Res (3)	\$1,500	\$1,500	\$1,200	\$1,500

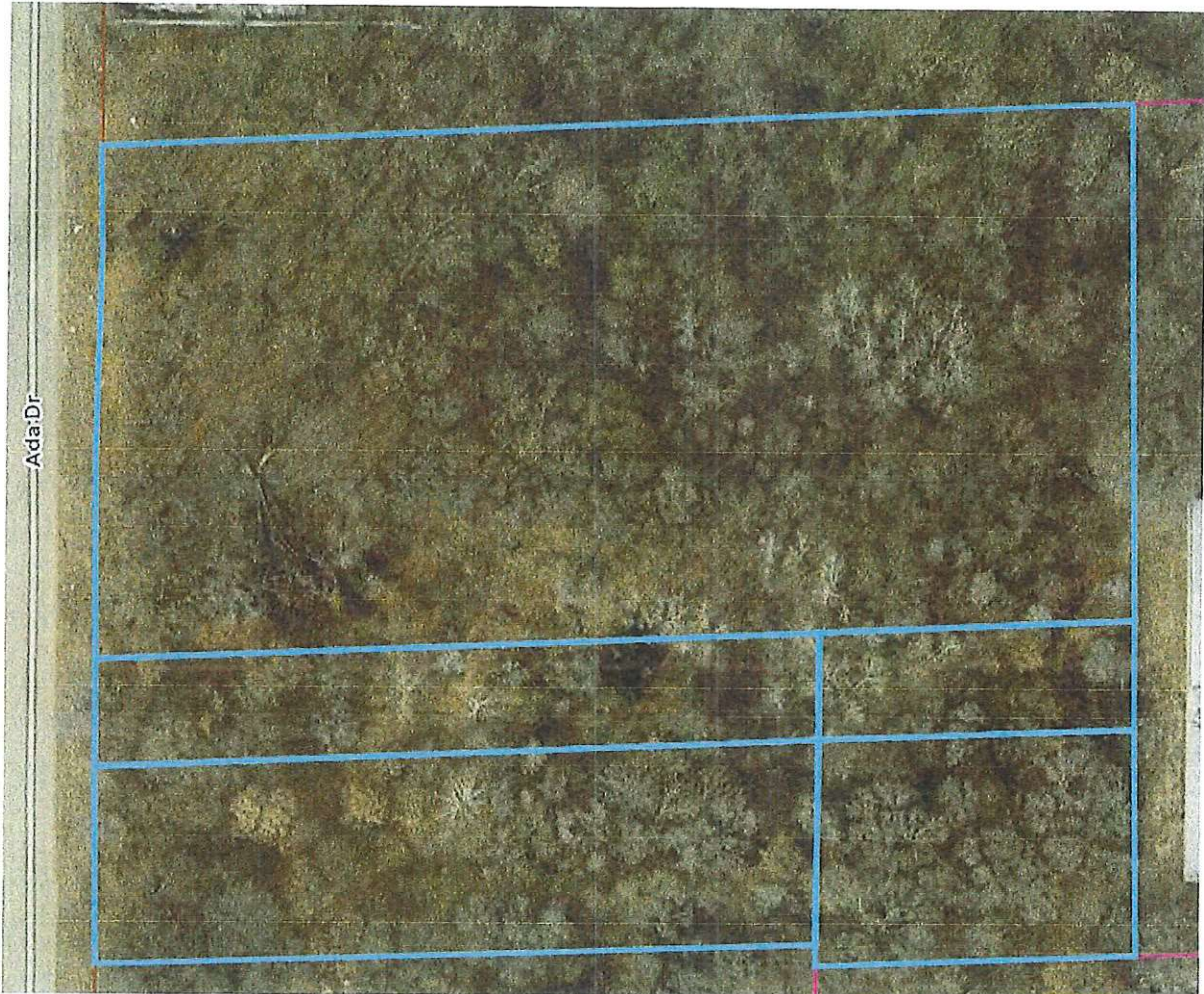
Land Pricing Soil	Act Front.	Size Factor	Rate	Adj. Rate	Ext. Value	Inf. %	Elig %	Res Market Factor	Value
3	0	0.740000	1.00	\$2,000	\$1,480	0%	0%	1.00000	\$1,480

Land Calculations	Value
Calculated Acreage	0.74
Actual Frontage	0
Developer Discount	0.74
Parcel Acreage	0.74
81 Legal Drain NV	0.00
82 Public Roads NV	0.00
83 UT Towers NV	0.00
9 Homesite	0.00
91/92 Acres	0.74
Total Acres Farmland	0.00
Farmland Value	\$0
Measured Acreage	0.00
Avg Farmland Value/Acre	0.0
Value of Farmland	\$0
Classified Total	\$0
Farm / Classified Value	\$0
Homesite(s) Value	\$0
91/92 Value	\$1,500
Supp. Page Land Value	\$0
CAP 1 Value	\$0
CAP 2 Value	\$0
CAP 3 Value	\$1,500
Total Value	\$1,500

SITE

This site includes five contiguous parcels totaling 4.628 acres. This land is zoned for industrial use and is surrounded by industrial use. The site is supported by municipal services. This parcel is fully wooded accounting for why the parcel has not heretofore been used for industrial expansion.

Page | 1



The highest and best use for this parcel is industrial development with an exposure time of less than one year based on supply demand imbalance.

SALES COMPARISON

The subject lies in an industrial area supported by municipal services in a market where available industrial land is scarce. Further, it is wooded. Searches for similar sales found four sales of such characteristics and actually, with the subject neighborhood or competing north side neighborhoods. These are summarized below with a location map on the following page.

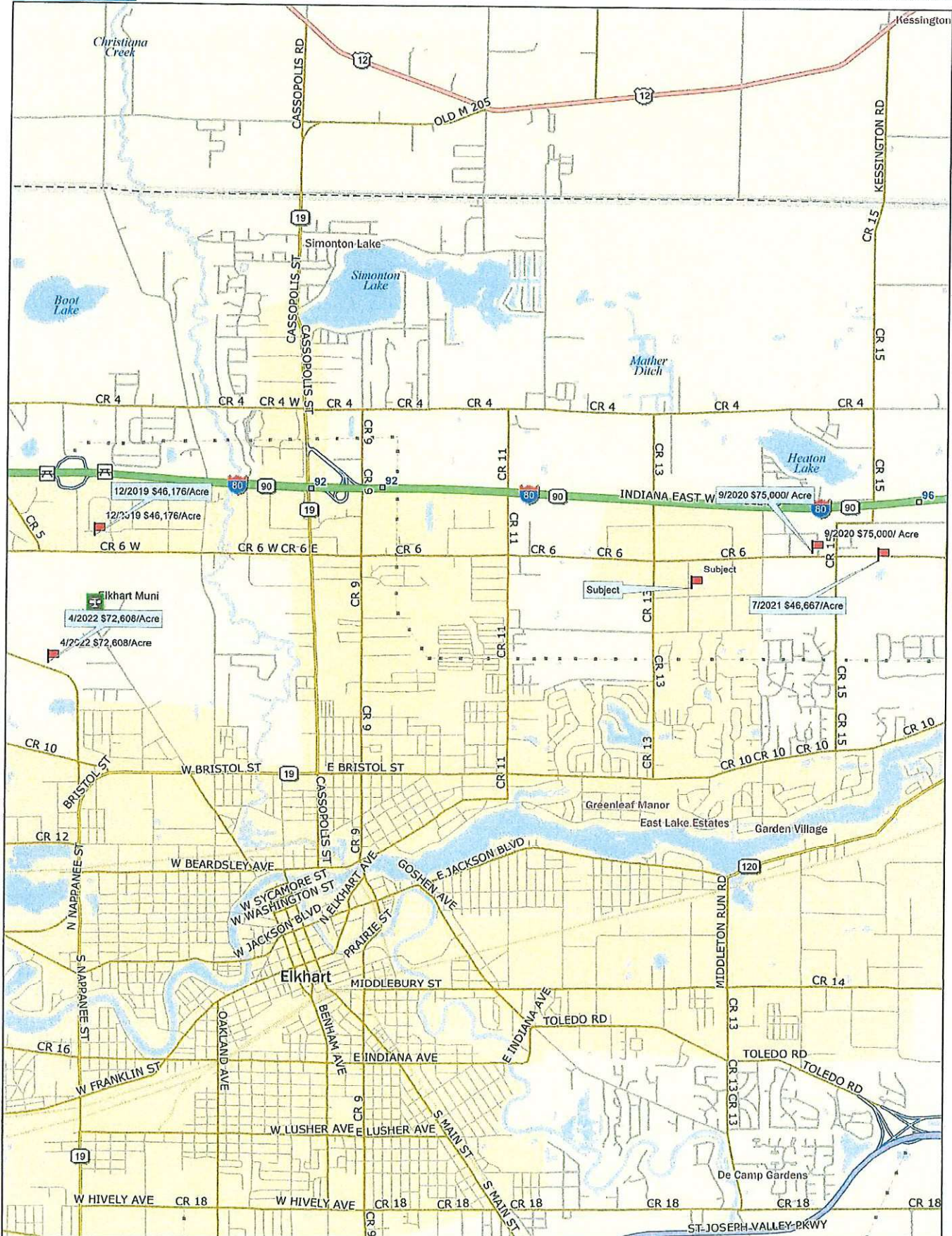
Tax parcel #	Date	Price	Size	\$/Acre
02-19-351-013	Dec-19	\$ 78,500	1.70	\$46,176
02-25-126-014	Jul-21	\$360,270	7.72	\$46,667
01-25-300-012	Apr-22	\$888,000	12.23	\$72,608
02-24-351-007	Sep-20	\$285,000	3.80	\$75,000

My analysis identifies the unit price at \$75,000 per acre.

$\$75,000 \times 4.628 \text{ acres} = \mathbf{\$347,100}$.

My opinion of the market value of the fee simple interest of the subject as of 3/23/2023 is \$347,100.

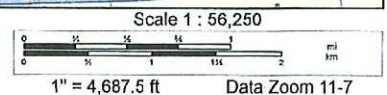
Written: 3/23/2023



Data use subject to license.

© DeLorme. DeLorme Street Atlas USA® 2014.

www.delorme.com



ASSUMPTIONS AND LIMITING CONDITIONS

The certification of the appraiser appearing in the appraisal report is subject to the following conditions and to such specific and limiting conditions as are set forth by the appraiser in the report.

- 1) The appraiser assumes no responsibility for matters of legal nature affecting the property appraisal or the title thereto, nor does the appraiser render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.
- 2) Any sketch in the report may show approximate dimensions and is included to assist the reader in visualizing the property. The appraiser has made no survey of the property.
- 3) The appraiser is not required to give testimony or appear in court because of having made the appraisal with reference to the property in question, unless arrangements have been previously made therefor.
- 4) Any distribution of the valuation in the report between land and improvements applies only under the existing program of utilization. The separate valuations of land and building must not be used in conjunction with any other appraisal and are invalid if so used.
- 5) The appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The appraiser assumes no responsibility for such conditions, or for engineering which might be required to discover such factors.
- 6) Information, estimates, and opinions furnished to the appraiser, and contained in this report, were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished to the appraiser can be assumed by the appraiser.
- 7) Disclosure of the contents of the appraisal report is governed by the Bylaws and regulations of the professional appraisal organization with which the appraiser is affiliated.
- 8) Neither all, nor any part of the content of the report, or copy thereof (including conclusions as to the property value, the identity of the appraiser, professional designations, reference to any professional appraisal organizations, or the firm with which the appraiser is connected), shall be used for any purposes by anyone but the client specified in the report, the borrower if appraisal fee paid by the same, the mortgagee or its successors and assigns, mortgage insurers, consultants, professional appraisal organizations, any state or federally approved financial institutions, any department, agency, or instrumentality of the United States or any State or the District of Columbia, without previous written consent of the appraiser; nor shall it be conveyed by anyone to the public through advertising, public relations, news sales, or other media, without the written consent and approval of the appraiser.
- 9) Of all appraisals, subject to satisfactory completion, repairs, or alterations, the appraisal report and value conclusions are contingent upon completion of the improvements in a workmanlike manner.
- 10) In this appraisal assignment, the existence of potentially hazardous material used in the construction or maintenance of the building, such as the presence of urea formaldehyde foam insulation, and/or existence of toxic waste, which may or may not be present on the property, has not been considered. The appraiser is not qualified to detect such substances. It is urged that the client retain an expert in this field if desired.

- 11) A legal description was not provided to the appraiser. The legal description in the report is assumed to be correct. We assume no responsibility for matters legal in character nor do we render any opinion as to the title, which is assumed to be good and marketable.
- 12) It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws, and that all zoning, building, and use regulations of all types have been complied with unless noncompliance is stated, defined and considered in the appraisal report. It is further assumed that all licenses, consents, permits, or legislative or administrative authority required by any local, state or federal and/or private entity or organization have been or can be obtained or renewed for any use considered in the value estimate.
- 13) Possession of this report, or a copy thereof, does not carry with it the right of publication, nor may it be used for any other than its intended use by anyone other than the client without the prior written consent of the appraiser or the client, and then only in its entirety. No change of any item in this report shall be made by anyone other than the appraiser and/or officer of the firm. The appraiser and firm shall have responsibility if any such change is made.
- 14) Any after-tax investment analysis and resulting measure of return on investment are intended to reflect only possible and general market considerations, whether used to estimate value or return on investment given a purchase price. Please note that the appraiser does not claim expertise in tax matters and advises client to seek competent tax advice.
- 15) The liability of the appraiser and the firm is limited to the client only and to the fee actually received by appraiser. Further, there is no accountability, obligation, or liability to any third party other than the client, the client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The appraiser is in no way to be responsible for any costs incurred to discover or correct any deficiencies of any type present in the property; physically, financially, and/or legally. In the case of limited partnerships or syndication offerings or stock offerings in property, client agrees that in case of a lawsuit (brought by lender, partner or part owner in any form of ownership, tenant or any other party), any and all awards, settlements of any type in such suit, regardless of outcome, client will hold appraiser completely harmless in any such action.
- 16) Any projections, forecasts, etc. regarding future patterns of income and/or expenses, prices/values, etc., represent the analyst's best estimates of investor anticipations with respect to these items, based on information available at the date of appraisal or analysis. Such information includes forecasts/projections published by recognized sources such as economists, financial publications, investor surveys, etc. Economic trends can affect future behavior of income, expenses, values, etc. Changes in these items caused by future occurrences could result in values different from those established in this report. We cannot accept responsibility for economic variables in the future which could not have been known or anticipated at the date of the analysis (inflation rates, economic upswings or downturns, fiscal policy changes, etc.).
- 17) The Americans with Disabilities Act (ADA) became effective January 26, 1992. I have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since I have no direct

evidence relating to this issue, I did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.

- 18) Acceptance of, and/or use of, this appraisal report by client or any third party constitutes acceptance of the above conditions. APPRAISER LIABILITY EXTENDS ONLY TO STATED CLIENT, NOT SUBSEQUENT PARTIES OR USERS, AND IS LIMITED TO FEE RECEIVED.
- 19) The estimated values contained within this appraisal report are subject to completion of plans and specifications if new construction.

QUALIFICATIONS OF IVERSON C. GROVE MAI, SRA

CONTACT

Address: 803 Bower St.
Elkhart, In. 46514
Phone: 574-295-9929
Email: iverson@datacruz.com.

EMPLOYMENT

1980 – 11/1983 Independent Residential appraiser
11/1983 – 9/1991 Appraisal Officer for Ameritust National Bank
FKA First National Bank Elkhart
Duties: Residential & Commercial Appraisals
Appraisal Quality Control (In. & Mi.)
Selection of Independent Appraisers
Environmental oversight

9/91 to present: Independent fee appraiser Nonresidential focus

LICENSES

Indiana Certified General Appraiser #CG69100422
Expires 6/30/2024

Indiana Instructor-Appraiser CE INST001401
Tax Appeal

EDUCATION

B.A. Goshen College 1972
Teacher Education Certificate level 5 University of Manitoba
Marshall Valuation Service (*repeated sections and times*)
Indiana Building Code 1 & 2 family workshop 1987 & 1989
Conservation Easements
Undivided Partial Interests
IAAO 300 Fundamentals of Mass appraisal
All classes relevant for SRA & MAI designations
CE complete for Appraisal Institute, State of Indiana
American Institute of Banking: RE Finance; Principals of banking

AFFILIATIONS

Appraisal Institute

SRA Conferred 11/1988

MAI Conferred 7/1996

Northern Indiana/ SW Michigan Chapter

Positions held: President: 1989, 1990, 2001, 2005, 2006

Director: 1984, 1985, 1991, 2002, 2007

National:

Residential Guidance Subcommittee:

Region V: 1991 – 1995

Chair: 1996, 1997

Residential Admissions Committee: 1996 – 1997

National Experience Reviewer: 1997 – 2004

National Experience Review panel: 2005- 2006

National General Experience Committee: 1998 – 2000

Indiana Farm Bureau Elkhart Co.

Past Affiliations:

National Association of Realtors

Indiana Association of Realtors

Elkhart Association of Realtors

Positions held: President, Vice President, Secretary, Treasurer, Director, Various committee chairs.

MEMBER ELKHART COUNTY PROPERTY TAX ASSESSMENT BOARD OF APPEALS

2001 – 2006

2007 – 2023 President.

Member Elkhart County Plan Policy Committee 2012/2014

TEACHING

Public Schools in Manitoba, Ca.

American Institute of Banking, South Bend Chapter

Underwriters Guide to Real Property Appraisal 1990, 1991

Contents included Title XI of FIRREA and USPAP

How to write an Appraisal for Tax Appeal: Indiana

REFERENCES

Duane Klein

First State Bank Middlebury
200 NIBCO Parkway
Elkhart, In.
574-295-3949

Michael Pianowski

Attorney
300 Riverwalk Dr.
Elkhart, In 46516
574-294-1499

Gavin Fisher

Assessor
574-361-2261
gfisher@equivaltax.com

Mark Noeldner

Consultant
574-360-9008
mdnoeldner@gmail.com

Gordon Lord

Attorney
Yoder Ainlay Ulmer & Buckingham
Goshen, In. 46526
574-533-7171
GLord@yaub.com

Brian Hoffer

Attorney
Kindig & Sloat
574-773-7996
BHoffer@KindigandSloat.com

Certification

I certify that, to the best of my knowledge and belief:

- The statements of fact are true and correct
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analysis, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the last three year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of the appraisal.
- My analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.
- As of the date of this report, I, have not completed the continuing education program for Designated members of the Appraisal Institute.
- The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of the Professional Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by it duly authorized representatives.

Date:

3/23/23


Iverson C. Grove, MAI, SRA

Indiana Certified General Appraiser CG-69100422

Iverson Grove

From: Fann, Adam <Adam.Fann@coei.org>
Sent: Thursday, March 16, 2023 8:12 AM
To: Iverson Grove (iverson@datacruz.com); Steve Sante
Subject: Congrats, more work for you.

Gentlemen,

I need costs on appraisals for the properties below.

20-02-26-126-026.000-027

20-02-26-126-019.000-027

20-02-26-126-027.000-027.

20-02-26-126-031.000-027

20-02-26-126-029.000-027

Thanks

Adam Fann
Assistant Director of Redevelopment
City of Elkhart
201 South Second Street
Elkhart, IN 46516-3112
O: (574) 294-5471, ext. 1019
M: (574) 369-9398

City of Elkhart
Board of Aviation Commissioners Meeting
March 29, 2023

The Board of Aviation Commissioners meeting was called to order by Commissioner Bruce Shreiner at 4:00pm on Wednesday, March 29, 2023 at the Elkhart Municipal Airport Administration Building, 1211 CR 6 W, Elkhart, Indiana 46514. Commissioners Shari Mellin & Tom Shoff were present via Webex. Commissioner Doug Thorne was absent. Also present were Andy Jones, Karen Shaw, Bruce Maclachlan, Kevin Davis, Paul Shaffer, Jeremy Yahwak, Ryan Sherwood, Josh Holt, Mike Haller, Eric Parcel, Marty King, Tim Sokol, and Randy Nielson. Councilman Dwight Fish was present via Webex.

Approval of Minutes:

Mr. Shoff made a MOTION to approve the minutes of the February 22, 2023 meeting. Mrs. Mellin SECONDED the motion. There being no further discussion, the motion PASSED unanimously.

Approval of Claims:

Mr. Shoff made a MOTION to approve claims as submitted for \$116,004.22. Mrs. Mellin SECONDED the motion. There being no further discussion, the motion PASSED unanimously.

Airport Manager's Report:

Andy advised that air traffic controller Aidan Alt has moved on. He will be starting in his home town of Willow Run, MI. as an ATC. We spent a few weeks interviewing full-time controller candidates. We extended an employment to one of those candidates, which was accepted. The new control tower radios are in the process of being installed. They are working out some technical difficulties with some interference with other equipment but it should be up and running by the end of the day. The Salute to Veterans & Airshows planning continues to go well. All permits have been submitted and are either pending or have been approved. The website is up and tickets are on sale. EFI is in the process of recruiting volunteers. On March 30 at 3pm, the Mayor will announce the event at a press conference.

New Business:

The first item of new business is the declaration of the airport van and Toro 4000 lawnmower as surplus. Josh Holt from Central Garage advised both these pieces of equipment have outlived their useful lives. Josh recommends sending these items to auction. Mr. Shoff made a MOTION to approve declaring both vehicles as surplus and disposing of them at the auction. Mrs. Mellin SECONDED the motion. There being no further discussion, the motion PASSED unanimously.

The next order of new business is the T-Hangar bid opening. Paul Shaffer with Butler, Fairman, & Seufert (BF&S) advised there was one (1) bid received from Yoder Construction for a total bid amount of \$2,016,648, with Alternate 1 at \$56,316 and Alternate 2 at \$87,431. Paul & Jeremy Yahwak with BF&S advised their estimates came to a total of \$1,630,000 with Alternate 1 at \$69,000 and Alternate 2 at \$84,000. They also checked all bid paperwork for accuracy and advised they request time to review this bid further. Mr. Shreiner thanked Yoder Construction for their bid. Mr. Shoff asked how this was advertised. Paul advised it was advertised in the Elkhart Truth and was sent to over 30 building contractor companies. Jeremy advised 10 contractors asked for bid plans and attended the pre-bid meeting. Mr. Shoff made a MOTION to take the bid under advisement and allow BF&S staff more time to review and to make their recommendations at the next board meeting. Mrs. Mellin SECONDED. There being no further discussion, the motion PASSED unanimously.

The last item of new business is reimbursement submission for AIP-39 pay request #5, T-Hangar construction & Taxilanes Design in the amount of \$33,955. Federal share of \$30,560. State share of \$1,697.75. Local share of \$1,697.25. Paul advised this is to make the BIL grant current, and gets

City of Elkhart
Board of Aviation Commissioners Meeting
March 29, 2023

everything ready for the next phase. Mr. Shoff made a MOTION to approve AIP-39 pay request #5. Mrs. Mellin SECONDED the motion. There being no further questions, the motion PASSED unanimously.

Privilege of the Floor:

Tim Sokol with the FAA's Safety Inspection Team advised that each year they award an aviation maintenance technician safety award and this year's winner of the State & Local award is Elkhart Municipal Airport's very own Marty King, with King Aero Aviation. Mr. Sokol further advised that the work Mr. King does makes the aviation community safer for everyone and is pleased to announce him as the winner of these two awards. Mr. Sokol also advised that the FAA Safety Team appreciates their collaboration with the Elkhart Airport Director who assisted them in achieving a rapid resolution to an off airport lighting issued that posed a potential hazard to pilots using runway 9/27. He also added that their working relationship with Indiana Flight Center has resulted in a safer airport. Marty King advised that it is an honor to have received this award and appreciates having his business based at Elkhart Municipal Airport.

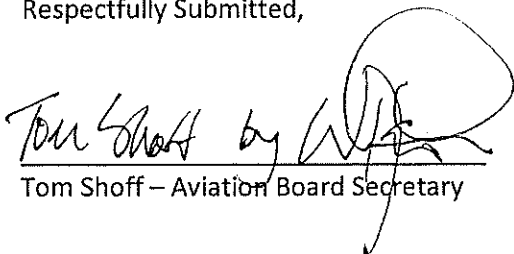
Mike Haller, chief Air Traffic Controller advised he wanted to thank the BOAC for approving the new radio system in the tower. It has a few bugs now, but will be worked out soon and will make a massive improvement for the air traffic communications between the tower and flight/ground crews.

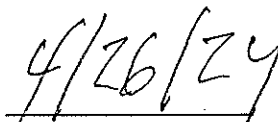
Adjournment:

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

Next regular BOAC meeting is scheduled for Wednesday, April 26, 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 SAFETY
Tuesday, April 11, 2023

Anthony Coleman called a regular meeting of the Board of Public Safety to order at 9:15 a.m., Tuesday, April 11, 2023. Clerk Nancy Wilson called the roll. Willie Brown and Anthony Coleman were present. Kara Boyles attended on WebEx. Robert Woods and Carol Loshbough were absent. All votes were roll call voice votes by the Clerk.

1. APPROVE AGENDA

On motion by Willie Brown, seconded by Kara Boyles and carried 3-0, the agenda was approved as presented.

2. MINUTES- Regular Meeting March 28, 2023

On motion by Willie Brown, seconded by Kara Boyles and carried 3-0, the minutes from March 28, 2023 were approved as presented.

3. POLICE

Assistant Chief Milanese was present.

4. FIRE

Chief Shaun Edgerton was present.

5. COMMUNICATIONS

Dustin McClain presented the March 2023 Month End Report. On motion by Willie Brown, seconded by Kara Boyles and carried 3-0, the report was accepted and placed on file.

6. OTHER PUBLIC SAFETY MATTERS

Purchase Used Ford Explorer for Police Department

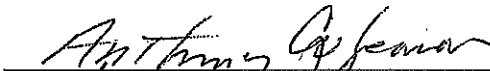
Josh Holt asked the Board to award the bid for Jordan for a Ford Explorer. On motion by Willie Brown, seconded by Kara Boyles and carried 3-0, the Board awarded the purchase of a Ford Explorer to Jordan for \$41,412.08.

Set Grievance Date: Firefighter Melvin Taylor

On motion by Willie Brown, seconded by Kara Boyles and carried 3-0, the Grievance for Firefighter Melvin Taylor on 4-25-23 at 9:00 a.m.

7. ADJOURNMENT

Anthony Coleman adjourned the Board of Public Safety meeting at 9:26 a.m.


Anthony Coleman, Member

Attest: 
Nancy Wilson, Clerk of the Board

BOARD OF PUBLIC SAFETY
Tuesday, April 25, 2023

Chairman Robert Woods called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, April 25, 2023. Clerk Nancy Wilson called the roll. Robert Woods, Carol Loshbough, Willie Brown and Anthony Coleman were present. Kara Boyles was absent.

1. SPECIAL PRESENTATION: MAYOR ROBERSON

Chief Kris Seymore came forward to introduce Mayor Roberson. Carol asked everyone to give Chief Seymore a standing ovation for all of the work he has done for the City of Elkhart. Mayor Roberson said we owe you a debt of gratitude, and congratulated him on his retirement.

Mayor Roberson called Assistant Chief Dan Milanese forward. He gave his promotional history. He was hired in July 2008 as a Patrolman, became a Corporal in March 2012, promoted to Investigator in 2014, promoted to Acting Sergeant of Services in 2016, promoted to Lieutenant in 2017, was promoted to Captain in July 2020, was promoted to Assistant Chief in October 2021, and Chief of Police effective April 28, 2023. Mayor Roberson swore Dan Milanese into the Office of Chief of Police of the City of Elkhart, Indiana.

Mayor Roberson called Captain Andrew Whitmyer forward. He gave his promotional history. He was hired in August 2006 and became 2nd Class Patrolman in August 2007. He was promoted to Corporal in August 2008, was promoted to Corporal in November 2009, Acting Detective August 2013, Acting Detective for ICE September 2014, Acting Sergeant March 2016, Acting Training Sergeant for Services February 2018, Detective Sergeant CID October 2019, Acting Lieutenant Professional Standards January 2021, Captain of Services October 2021, Captain of CID April 2022. He has just been promoted to the Assistant Chief of Police effective April 28, 2023. Mayor Roberson swore in Andrew Whitmyer to the Office of Assistant Chief of Police of the City of Elkhart, Indiana.

Mayor Roberson thanked the Board of Safety for their service to the City. We are blessed in the City to have Fire Department and Police Department leadership, and we look forward to the leadership continuing to provide the value and service to our community as we move forward.

2. APPROVE AGENDA

On motion by Carol Loshbough, seconded by Anthony Coleman and carried 4-0, the agenda was approved as presented.

3. MINUTES- Regular Meeting April 11, 2023

On motion by Carol Loshbough, seconded by Willie Brown and carried 4-0, the minutes from April 11, 2023 were approved as presented.

4. POLICE

Assistant Chief Milanese presented Policy 301 Chief's Review Board for approval. It was approved by City Legal and the FOP Union. Assistant Chief Milanese went over the changes with the Board. On motion by Carol Loshbough, seconded by Willie Brown and carried 4-0, the Board approved Policy 301 Chief's Review Board.

**Chairman Woods took a brief recess for photos.

5. BUILDING & CODE ENFORCEMENT

Tim Vistine presented their March Month End Report. On motion by Willie

BOARD OF PUBLIC SAFETY
Tuesday, April 25, 2023

Brown, seconded by Anthony Coleman and carried 3-0-1 abstention, the report was accepted and placed on file.

6. OTHER PUBLIC SAFETY MATTERS

Request Bid #23-01 5 Police Interceptors

Josh Holt asked the Board for permission to advertise Bid #23-01 for the purchase of 5 new Ford Police Interceptors. On motion by Carol Loshbough, seconded by Willie Brown and carried 4-0, the Board approved plans and granted permission to advertise Bid #23-01 5 Ford Police Interceptors.

Police & Fire Merit Commission Minutes

On motion by Carol Loshbough, seconded by Anthony Coleman and carried 4-0, The Police and Fire Merit Commission minutes were accepted and placed on file.

City of Elkhart Handbook Revisions

Attorney Maggie Marnocha presented the Handbook revisions to the Board for HR Director Wayne Belock. The final revision is done, but the first 3 pages with a greeting from Mayor Roberson will be replaced. On motion by Carol Loshbough, seconded by Anthony Coleman and carried 4-0, the handbook was approved with the final revisions.

7. IAFF Local Grievance Hearing: FF Melvin Thomas

On motion by Carol Loshbough, seconded by Anthony Coleman and carried 4-0, the Board re-scheduled the IAFF Grievance for Melvin Thomas to May 23, 2023 at 9:00 a.m. IAFF President Jason Gour the date of May 23, 2023 for the grievance hearing.

8. ADJOURNMENT

Robert Woods adjourned the Board of Public Safety meeting at 9:53 a.m.

Carol Loshbough Carol Loshbough Vice-Chairman
Robert Woods, Chairman

Attest: Nancy Wilson Nancy Wilson, Clerk of the Board

BOARD OF PUBLIC WORKS
Tuesday, April 18, 2023

President Mike Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, April 18, 2023. Clerk of the Board Nancy Wilson called the roll. Mike Machlan, Rose Rivera, Ronnie Davis and Chad Crabtree attended in person. Jamie Arce was absent. Audio was not available at the beginning of the meeting. It starts at the approval of the Claims and Allowance Docket.

1. Approve Agenda

A motion was made by Chad Crabtree and seconded by Ron Davis to approve the agenda. On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the agenda was amended by removing the opening of Bid #23-05 and the PSA with DLZ for Fire Station #5, and adding the approval of the March 30, 2023 Minutes. The amended agenda carried 4-0.

2. Mayor for the Day

The Mayor introduced Brook Mock, the Mayor for the day. She spoke to the Board, and spent the morning touring City Departments. Brook was very interested in learning about the Park Department, and places she can fish with her grandparents in Elkhart.

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 \$4,519,353.45, consisting of 28 pages as prepared on April 12, 2023 at 11:02 a.m.

4. Minutes Regular Meeting April 4, 2023 and Special Meeting March 30, 2023

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved the minutes from March 30 and April 4, 2023.

5. Tabled Item

Award Quote #23-09 Property Maintenance Services

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Award of Quote 23-09 was removed from the table for consideration.

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board awarded Quote #23-06 to Frankenberger Lawn Service LLC as the lowest, responsive, and responsible quote with a contact price of \$1,960.00.

6. Engineering

(A.) Right of Way

Request Quote #23-10 2031 Anna Drive Stormwater Pipe Placement Project

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0 the Board granted permission to quote 2031 Anna Drive Stormwater Pipe Placement Project Quote #23-10.

Award Bid #23-06 2023 Street Department Curb Ramp Project

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board awarded the 2023 Street Department Curb Ramp Project Bid #23-06 to Site Works Services, LLC, who was the lowest, responsive and responsible bidder with a Contract price of \$162,013.50.

(B.) Utility

Partial Payment #54 to Donohue & Associates, Inc. Elkhart WWTP Capacity Upgrades Phase 2

On motion by Chas Crabtree, seconded by Rose Rivera and carried 4-0 the

BOARD OF PUBLIC WORKS
Tuesday, April 18, 2023

Board approved partial payment request #54 in the amount of \$96,316.00 to Donohue & Associates, Inc. from the allocated SRF Loan for Professional Services on the Elkhart WWTP Capacity Upgrades Phase 2 project.

(C.) Summary

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board ratified the following permits:

Sewer Assessment Application:

Hannah Halsey
118 Superior Blvd
Elkhart, IN. 46516
Property: 118 Superior Blvd
Paid \$5155.0

Water Assessment Application

Carlos Alvarado
231 Dinehart
Elkhart, IN 46517
Property: 521 W. Herrold
Paid \$1572.00

Ability Center Inc.
28423 Old US 33 W.
Elkhart, IN. 46514
Property: 28423 Old US. 33 W.
Paid \$3366.00

Revocable Permits: #6554, Owner: Comcast Cable
Property: 2730 and 2734 Hawthorne St, Elkhart, IN.
46516
Permit Holder: BSM Groups on Behalf of QC
Communications
Description: Proposed New Poles

Release of Bond: #5054, Contractor: Homeowner, Jose A. Terrones
Property: 2727 Hawthorne St.
\$600.00 bond

#5068, Contractor: J&J Home Builders, LLC
Property: 720 Hope Ave
\$600.00 bond

6. Utilities

(A.) Administration

Water Utility MRO for March 2023

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

CSO Operational Plan Update

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the

BOARD OF PUBLIC WORKS

Tuesday, April 18, 2023

Board approved the CSO Operational Plan Update as presented.

(B.) Aquatics

2022 Aquatic Community Monitoring Report

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board accepted and placed on file the 2022 Aquatic Community Monitoring Report as presented by Daragh Deegan.

(C.) Pretreatment

Permit Violation: Lippert Components Plant 83 Permit #92-05

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board found Lippert Components in Violation of Permit #92-05 Violation for Lippert Components Plant 83 and assessed a penalty of \$100.00. Steve Brown explained the Violation. Lippert was not present.

7. New Business

Request to Purchase Ford Explorer for Police Department

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board granted permission to purchase a Ford Explorer for the Police Department in an amount not to exceed \$45,982.64.

Economic Development Partnership Grant for The Greater Elkhart Chamber of Commerce

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved an Economic Development Grant for The Greater Elkhart Chamber of Commerce in the amount of \$50,000.00.

Paycor Talent Agreement

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved an Agreement with Paycor, Inc. for Talent and Career Management.

Employee Handbook

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved the updated City of Elkhart Employee Handbook. Maggie Marnocha, Attorney for Human Resources, explained the changes to the Board.

2023 Horton Group Contract and Addendum

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved a modified continuation of the Broker Contact with the Horton Group.

Addendum to the CivicPlus Master Agreement

On motion by Chad Crabtree, seconded by Rose Rivera and carried 4-0, the Board approved the Contract between the City of Elkhart and CivicPlus for the installation of the Permitting, Code Enforcement, Planning and Zoning, and Business Licensing Modules in an amount not to exceed \$58,100.00, for the first year and \$35,700.00 for the subsequent years.

Request for Proposals Station 4 Lavatory

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved a request to issue proposals for the Elkhart Fire Department Station 4 Lavatory.

8. Use & Event Permits

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

BOARD OF PUBLIC WORKS

Tuesday, April 18, 2023

- Rio's Rainbow Ride-2-6/17 ESS,EFD, Special Exception from Noise Ordinance, Parade & Public Assembly
- Elkhart Farmers Market 5/6-10/14- Picnic Tables, Public Assembly, Plaza Sign
- Memorial Day Parade "All Gave Some and Some Gave All" 5/29- Civic Plaza, ESS, Stage, PA System, Temporary Street Closures, Plaza Sign, Parade & Public Assembly, Special Exception from Noise Ordinance
- Walk to End Alzheimer's 9/10- Central Green Park, Public Assembly, ESS, Special Exception from Noise Ordinance, Plaza Sign
- River Oaks in Elkhart Grand Opening Block Party 5/29- ESS, EMS, EPD, Plaza Sign, Special Exception from Noise, Public Assembly
- Elkhart Indian Motorcycles 2023 Events-Special Exception from Noise Ordinance
- Lake City Skiers Ski Show 6/10- Public Assembly at Martin's Landing, Special Exception from Noise, Plaza Sign
- National Day of Prayer 5/4- Central Green Stage, Special Exception from Noise Ordinance, Public Assembly, Plaza Sign
- March for Jesus 5/6- Civic Plaza (starting point), Public Assembly, Plaza Sign, Special Exception from Noise,
- Day Family Graduation 6/10- Special Exception from Noise Ordinance, Temporary Street Closure
- Bike Night 7/8- Central Green Stage, Civic Plaza, Fencing, ESS, EPD, EMS, Temporary Street Closure, Public Assembly, Special Exception from Noise, Bridge Banners, Plaza Sign
- Church Community Services 55th Anniversary Celebration 7/15- City Plaza, Temporary Street Closure, Public Assembly, Special Exception from Noise, Electric. Plaza Sign
- Rio's Rainbow Zumba on the Plaza 4/29- City Plaza, Electric, Plaza Sign, Special Exception from Noise
- Father & Family Fest 5/20- Special Exception from Noise
- Rhapsody Arts & Music Festival 6/9-6/10- Island Park, Stage, Fencing, ESS, EMS, Event Trailer, P/A System, Golf Cars, EPD, Water, Electric, Plaza Sign, Bridge Banners (Johnson and Main) Special Exception from Noise, Public Assembly
- Summer Chill 6/16,7/21,8/18,9/15- NIBCO Park, Stage, Fencing, Special Exception from Noise, Public Assembly, Plaza Sign
- A Taste of Excellence 6/3- Roosevelt Park, Special Exception from Noise Ordinance
- Southern Midwest Festival 5/13- Roosevelt Park, EMS, EPD, Temporary Street Closure, Public Assembly, Special Exception from Noise,

BOARD OF PUBLIC WORKS
Tuesday, April 18, 2023

9. Adjournment

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board, the Board of Works adjourned at 9:54 a.m.

Michael C. Machlan Michael C. Machlan, President

Attest: Nancy Wilson Nancy Wilson, Clerk of the Board



**HUMAN RELATIONS COMMISSION
REGULAR SESSION Minutes
Thursday, March 23, 2023**

LOCATION: 201 South Second St., Annex Conference Room

Members Present: Dana Irving
Mary Jo Weyrick
Crystal Welsh
Patty Gorostieta (via Webex)

Members Absent: Brent Curry

Staff Present: Dana Donald
Rose Rivera
Mary Kaczka

Chairperson Irving called the meeting to order at 4:46 p.m.

Approval of Agenda

Chairperson Irving asked for a motion to approve the agenda. A motion was made and seconded (Welsh/Weyrick) to approve the agenda. All ayes motion carried.

Approval of Minutes

Chairperson Irving asked for a motion to approve the minutes from the February 23, 2023 meeting. A motion was made and seconded (Welsh/Irving) to approve the minutes. All ayes motion carried.

New Business

Fair Housing Cases:

ELK2204 H. F.S.:

Staff asked if there were any questions. No questions. Chairperson Irving asked for a motion on the case. Commissioner Welsh made a motion to issue a cause finding. A motion was made and seconded (Welsh/Weyrick). All ayes motion carried.

Other Business

Dana Donald stated that the Youth Poster Contest was successful. The awards were presented at the March 20th Council meeting and three of the six winners attended. Ms. Donald mailed one winners items to his house and met up with the other two winners at the Elkhart Art Depot (Elkhart Freshman Academy on Blazer Boulevard) to give them their awards. Pictures are on the City website in the Fair Housing section. The Elkhart Board of Realtors are excited about partnering again next year.

Chairperson's Remarks

Chairperson Irving stated that the contest came out nice and the children were very excited. Commissioner Welsh asked if the council meeting had other people there. Chairperson Irving stated that other people came and there was a swearing in of a new Council person. Attorney Rivera stated that she viewed the poster contest online and she was very moved and happy so see that the contest brought a change in atmosphere.

Privilege of the Floor


Adjournment


There being no further business, a motion was made and seconded (Weyrick/Welsh) to adjourn at 4:49 pm.

All ayes motion carried.

ATTEST


Dana Donald, Staff
Human Relations Commission


Dana Irving, Chairperson
Human Relations Commission


Mary Jo Weyrick

LERNER THEATRE BOARD
Wednesday, April 12, 2023

President Gary Boyn called the Regular Meeting of the Lerner Theatre Board to order at 10:00 a.m. on Wednesday, April 12, 2023. The Clerk of the Board, Nancy Wilson called the roll. Gary Boyn, Diana Lawson, Jamie Arce and Dina Harris attended in-person. Carrie Berghoff attended on WebEx. Dallas Bergl and Ashley Martin were absent.

1. AGENDA

On motion by Dina Harris, seconded by Jamie Arce and carried 5-0, the agenda was approved as presented.

2. MINUTES: Regular Meeting March 8, 2023

On motion by Diana Lawson, seconded by Jamie Arce and carried 5-0, the Board approved the minutes from March 8, 2023.

3. TREASURER'S REPORT

Financials-February 28, 2023

Michelle Adams of Kruggel, Lawton and Co. attended the meeting on WebEx. The February 28, 2023 financial report was submitted to the Board for review. Total operational expenses of \$271,309 were covered by a City contribution of \$224,344 (83%) and a Lerner contribution of \$46,965 (17%). This compared with 2022 City's contribution of 100%. The net income from Theatre operations only (shown as Gross Profit) at the end of the period was \$43,576 which was a decrease of \$13,676 from 2022. The YTD net loss for all Lerner operations (including City expenses) at the end of the period was (\$65,410) which was a decrease of \$232,942 from the net income on last year's statement of \$167,532. On budgeted City Operational Expenses alone we were under-budget by \$29,067 year to date. On motion by Dina Harris, seconded by Jamie Arce and carried 5-0, the February 28, 2023 financials were approved as presented

Claims

On motion by Jamie Arce, seconded by Diana Lawson and carried 5-0, the Board approved the claims and allowance docket totaling \$28,398.47 as listed on the register consisting of 4 pages as prepared on April 6, 2023 at 10:42 a.m.

4. CRYSTAL BALLROOM CATERING

Kurt Janowsky attended and said March was a very good month, the best March they have ever had in the Crystal Ballroom. The calendar looks strong.

5. GENERAL MANAGER'S REPORT

The General Managers report has been inserted in the minutes as presented.

GENERAL MANAGER REPORT PREPARED BY: MICHELLE FRANK

Activity (April-June)	As % of 90 days	
45 Events	50%	Activity in theatre
22 Ticketed Events	22%	Ticketed events
11 Non-Ticketed Events	12%	Non-Ticketed events
12 Rehearsal Dates	13%	Rehearsal Space

Compare to 2022 Board Report Ticketed Events: 24

Compare to 2022 Board Report Non-Ticketed Events +Rehearsals: 24

LERNER THEATRE BOARD
 Wednesday, April 12, 2023

- Lerner on the Lawn programming for 2023 is now completed and fully contracted with the artists. Below are the dates, times and artists that will performing for the 2023 season of Lerner on the Lawn:

Date	Artist	Website	Genre
Thursday, May 25, 2023	Gizzeae	https://www.gizzeae.com/	Reggae
Thursday, June 29, 2023	The Menus	https://themenus.org/	Classic Rock
Thursday, July 27, 2023	Dave Bennett	https://www.davebennett.com/	Jazz/Blues
Thursday, August 31, 2023	Mi Gente Live	https://www.migentelive.com/	Latin Pop
Thursday, September 28, 2023	Hooked Like Helen	https://www.hookedlikehelen.com/	Alternative Pop
Thursday, October 26, 2023	90's Fool House	https://www.foolhouseband.com/	90's Review

- We were excited to host our first silent movie at the end of May. Clark Wilson returned on our 1924 Kimball Organ and gave another fantastic performance for roughly 150 patrons in attendance. There are three other silent films yet this year. We are also finalizing discussions for our Lunchtime concerts with Celia Weiss, which was delayed due the HVAC install.
- On March 23, we hosted our first sold out show of 2023, for Tim Hawkins. This is the second time we've hosted a sold out Tim Hawkins show and it was an enjoyable night by all.
- At the March meeting, I provided a list of employees and their positions in the board packet at the request of City Council liaison, Brian Thomas. As we've maneuvered promotions internally within the staff and worked through staffing transitions, please find below staffing directory for full-time staffing:
 - Michelle Frank, General Manager
 - Sarah Macer, Director of Events (formerly Operations Manager)
 - Andrew Kreider, Operations Manager (formerly Technical Director)
 - Sara Hicks, Office Manager
 - Tristin Tubbs, Box Office Manager
 - Brandi Foster, Box Office Assistant (new)
 - Deen Tuggle, Technical Director (formerly Assistant Technical Coordinator)
 - Makayla Smith, Assistant Technical Coordinator
 - Sonny Lisi, Media Specialist
 - Dan Gould, Facilities Coordinator
 - Daniel Reecer, Lerner Services Coordinator
 - Craig Gibson, Artistic Coordinator
- Lastly, we are looking forward to hosting two public engagement sessions on The Lerner Theatre stage about an exciting transformative amphitheater in discussions for Downtown Elkhart. The meetings will take place on Tuesday, April 25th at 5:30pm and Wednesday, April 26th at 9:00am in The Lerner Theatre.

LERNER THEATRE BOARD
Wednesday, April 12, 2023



DIRECTOR OF EVENTS – FORMERLY OPERATIONS MANAGER
PREPARED BY: SARAH MACER

Accomplished in March:

- I have hired 2 new ushers and am waiting to hear back from the City as to the other candidates.
- I have updated all of the usual: Google Calendar, Show Manager, and the Lerner Show Folders. The March Facility Occupancy numbers have been sent off and I have passed of the information to Andrew as the new Operations Manager. He will be sending off the April numbers. Andrew and I both are working on updating Prism with the information we receive as we get it for shows.
- March was busy! I'm working on more FOH Advances, floor plans and communicating with promoters so once again the events will go on without a hitch! Get excited for April!

Goals for April:

Training:

Now that Andrew is in my previous position of Operations, I'm working on training Andrew on everything! Or mostly everything. I've already handed over a few of the tasks but with both of us going on vacation back-to-back this month will be a little chaotic training wise. I'm also working on the schedules for ushers and floor managers, making sure those in new positions are trained for the upcoming months!

Prism:

I'm working on training Andrew on some of the details of Prism. I would like to incorporate more information on contract details and closing items to streamline the

LERNER THEATRE BOARD
Wednesday, April 12, 2023

whole process but know this will take time.

Standard Operating Procedures:

As I'm working on training Andrew, I'm still updating the current SOPs and am adding more details to various tasks. Closing out shows will be a big one and I want to make sure Andrew, Michelle and I are

BOX OFFICE REPORT PREPARED BY: SARA HICKS, OFFICE MANAGER

Box Office Notes to Close March 2023:

- Tristin Tubbs hired a new Box Office Assistant, Brandi Foster. Brandi started in the building at the end of the second week of March. It is hoped that she will take on some of the tasks that are difficult to accomplish during the rush of new event planning/event management, as well as support part time Box Office Staff with working some shifts during Box Office hours or during On Sales for new events.
- Tristin went on FMLA on #/27/23. During her absence, I will be directly supervising the Box Office.

Goals for April 2023

- Train Brandi on all pertinent software and files that need to be worked in for the Box Office.

LERNER THEATRE BOARD
 Wednesday, April 12, 2023

Date	Time	Event Name	On Sale Date	Sold	Net Revenue	Hist. Fee	Total Revenue
3/3/2023	8:00 PM	MJ Live	9/29/2022	56	\$2,191.90	\$168.00	\$2,359.90
3/10/2023	7:30 PM	Premier Arts Season Tickets 2023 - 5 Show (2 Subscription Options - Premier and Premier PLUS)	1/1/2023	5	\$668.00	\$15.00	\$683.00
3/10/2023	7:30 PM	Director's Circle (Add-on for Premier Arts Subscriptions)	1/1/2023	8	\$4,000.00	\$24.00	\$4,024.00
3/10/2023	7:30 PM	The Drowsy Chaperons (3/10/23 - 3/12/23 - 3 performances)	1/1/2023	365	\$7,631.00	\$1,095.00	\$8,726.00
3/13/2023	7:00 PM	Killer Queen - A Tribute to Queen	10/12/2022	119	\$7,184.50	\$357.00	\$7,541.50
3/18/2023	3:00 PM	Schoolhouse Rock Live! (All-Youth Production)	1/1/2023	422	\$7,555.00	\$1,266.00	\$8,821.00
3/23/2023	7:00 PM	Tim Hawkins Live in Concert	12/15/2022	256	\$11,369.25	\$768.00	\$12,137.25
3/26/2023	4:00 PM	Elkhart County Symphony - 75th Anniversary Jubilee Celebration	8/15/2022	233	\$2,730.00	\$699.00	\$3,429.00
3/30/2023	7:00 PM	Kimball Organ: Spite Marriage	3/15/2023	90	\$1,178.50	\$270.00	\$1,448.50
4/22/2023	2:00 PM	7th Annual Year in Dance	3/27/2023	697	\$16,549.00	\$2,091.00	\$18,640.00
4/27/2023	7:30 PM	Cirque International	3/2/2023	240	\$12,923.00	\$720.00	\$13,643.00
4/29/2023	3:00 PM	Stunt Dog Experience	1/19/2023	61	\$2,223.25	\$183.00	\$2,406.25
5/5/2023	7:30 PM	9 to 5 the Musical (5/5/23 - 5/7/23 - 3 performances)	1/1/2023	105	\$3,113.00	\$315.00	\$3,428.00
5/12/2023	7:30 PM	Oaklawns Got Talent (700 comps)	2/21/2023	70	\$799.00	\$210.00	\$1,009.00
5/14/2023	4:00 PM	Elkhart County Symphony - Music of our Home, Elkhart County	8/15/2022	6	\$228.00	\$18.00	\$246.00
5/18/2023	6:00 PM	Thought Leadership: Celebrating Women and Girls: Passion, Prowess, Power (free event)	2/17/2023	11	\$0.00	\$0.00	\$0.00
5/19/2023	8:00 PM	Direct from Sweden: The Music of ABBA	12/8/2022	55	\$2,523.80	\$165.00	\$2,688.80
5/25/2023	7:00 PM	Kimball Organ: Laurel & Hardy	3/15/2023	6	\$260.50	\$18.00	\$278.50
6/16/2023	8:00 PM	Los Huracanes del Norte: A Otro Nivel Tour	3/23/2023	103	\$8,417.00	\$309.00	\$8,726.00
7/21/2023	7:30 PM	Disney's Beauty and the Beast (7/21/23 - 7/23/23 - 3 adult performances, 1 youth performance)	1/1/2023	101	\$2,303.00	\$303.00	\$2,606.00
9/8/2023	7:30 PM	Always... Patsy Cline (9/8/23 - 9/17/23 - 6 performances (2 weekends at a surprise location))	1/1/2023	6	\$390.00	\$18.00	\$408.00
9/14/2023	7:00 PM	Kimball Organ: Zorro	3/15/2023	6	\$258.00	\$18.00	\$276.00
10/13/2023	7:30 PM	The Wizard of Oz (10/13/23 - 10/15/23 - 3 performances)	1/1/2023	51	\$1,499.25	\$153.00	\$1,652.25
10/28/2023	8:00 PM	EagleMania - The World's Greatest Eagles Tribute Band	1/27/2023	34	\$1,685.90	\$102.00	\$1,787.90
11/19/2023	3:00 PM	Kimball Organ: Kid Brother	3/15/2023	4	\$229.00	\$12.00	\$241.00
12/15/2023	7:30 PM	A Lerner Christmas (12/15/23 - 12/17/23 - 3 performances)	1/1/2023	17	\$663.00	\$51.00	\$714.00

Total Ticket Revenue	\$107,920.85
----------------------	--------------

OPERATIONS MANAGER – FORMERLY TECHNICAL THEATRE MANAGER
 PREPARED BY: ANDREW KREIDER

Overview:

March was a busy month with shows on stage. Highlights included two weeks of Premier Arts shows, plus a statewide tourism conference using all the spaces in the building. The tourism conference reminded me of how well this building can work for a mid-sized conference. The number of rooms, flexible AV capability, downtown location, and on-site catering make us an attractive option for organizers looking for a venue for a few hundred people. I would love to see us host another conference of this type.

Accomplished in March:

- Upgrade of existing door security keypads
- Installation of new security cameras.
- Finalizing HVAC system with contractors.

LERNER THEATRE BOARD
Wednesday, April 12, 2023

Upcoming tasks:

- Adding new keypads for dressing rooms and stairway doors from stage to house.
- Continuing security camera installation
- Reorganizing of downstairs network room to add a separate rack for door keypad system.

TECHNICAL COORDINATOR – FORMERLY ASSISTANT TECHNICAL COORDINATOR
PREPARED BY: DEEN TUGGLE

Overview:

Oh what a month! March started out with MJ Live which I was able to beautifully and artistically provide lighting design for. Right after that, we moved into Premier Arts' Drowsy Chaperone. I spent the week running the sound board for them and providing a very nicely mixed show. We then moved straight into Killer Queen in which we assisted with their set-up and then integration into our systems and lighting. It was one heck of a rocking good time! We then, once again, moved straight into another week of Premier Arts' School House Rock, in which I, once again, provided stellar sound operating services for. During that week, the sands of time shifted very quickly and some of us took on more responsibilities. I'm in charge now? Woah! With my new hat on, we moved into three days of Indiana Tourism Conference. They were incredibly amazing to work with and it went off without a hitch. The tech department received numerous compliments on how easy we were to work with compared to past conferences they have held. Right after that, we moved into Tim Hawkins where I wore multiple hats and helped them get set-up with our sound equipment, providing lighting design, as well as technical direction. To round out the month, we held the Elkhart Symphony's 75th Anniversary concert. We then finish the month out with a lovely silent movie. It's been a bit of a crazy and hectic whirlwind of a month, but we are moving onwards and upwards.

Accomplished in March:

- Took over Lerner Tech Department as new Technical Coordinator.
- Provided technical support for numerous shows.
- Began working on organizing the department.

Upcoming tasks:

- - Learn all of the Tech Director position information.
- - Hire staff.
- - Provide stellar customer service.

LERNER THEATRE BOARD
Wednesday, April 12, 2023

ASSISTANT TECHNICAL COORDINATOR PREPARED BY: MAKAYLA SMITH

Overview:

As we're wrapping up an extremely busy March, I'm enjoying taking the time to feel very accomplished in what I've been able to do. Taking on some new tasks with our website and creating new graphics have been a part of some cross-training I've been able to do. I'm feeling very proud of myself! March was super busy between learning new things and all the shows we had come through. We started out very strong with the lovely people from MJ Live, then transitioning into two weeks of premier arts! We had "The Drowsy Chaperone" the first week and "School House Rock Live" the second, with of course, a pause for Killer Queen between the two. The next week started strong with the Indiana Tourism Conference and Tim Hawkins right after. I wrapped up our events this month by trying my hand at being a floor manager for the Elkhart Symphony and am so excited to keep the cross-training up and learn more! While March was a great month, I'm ready for a slightly slower April to prepare for all the exciting things to come.

Done in March

- Got a good number of cameras added to our system.
- Took on more tasks to complete.
- Felt very accomplished after March!

Goals for April

- Transition into accomplishing more cross-training goals.
- Further my knowledge for our web back-end.
- Enjoy some important meetings and events for the future of the Lerner!

FACILITIES MANAGER
PREPARED BY: DAN GOULD

We didn't have a lot of events in March, but the shows we had were huge. Killer Queen showed how a tribute band should perform a tribute. It is my opinion; they are the best tribute band touring the country right now. It was indeed a pleasure to have them performing on our stage. Their act is second to none. Then the comedian Tim Hawkins showed that a family friendly show can make you laugh right out of your seat, not to mention two great performances by Premier Arts, The Drowsy Chaperone and School House Rock. Then the Elkhart County Symphony started their 75th Anniversary celebration with an inspiring concert. After the concert I heard a large number of patrons declaring it was the best performance they had seen by the Symphony. After you have worked at the Lerner for a while. You get used to great performances by local performers. I am learning more and more; this county has no shortage of talent.

As usual, in between events we were busy catching up with the building maintenance. I have learned that maintaining an old historic building is like painting the Golden Gate Bridge. You start at one end. Repair and repaint everything, until

LERNER THEATRE BOARD
Wednesday, April 12, 2023

you get to the other end. Then start over. Every year there seems to be a new surprise. This year it was our ninety-nine-year-old fire escape. We had the fire escape inspected in March. Due to its age, I was expecting some major repairs to be discovered. But through the years it has held up extremely well. The engineers that performed the inspection found two minor cracks in the railing and a couple of missing bolts. The cracks have already been repaired, and we have started researching what size and type of bolts need to be replaced. This will be a priority until it is resolved. When we weren't repairing, we were repainting. When we began repainting after the first of the year, we started on all the areas our patrons see such as the lobbies, hallways, and the Cittadine Room. Next will be the restrooms and offices along with all the incidental damage that seems to never end. We are also ready to start an experiment in areas that are only used by employees and performers. We have purchased Fluorescent LED tubes to be used instead of regular fluorescent tubes. The technology in Fluorescent LED lighting has advanced in leaps and bounds in the last two years, lowering the price and reducing the amount of labor required to convert the fluorescent fixture to LED. We have done similar experiments with some of our halogen fixtures and all but two of our emergency light fixtures are now LED. I am hoping to get the last two converted this month. Our past experiments have shown significant energy savings, along with reduced labor costs. Saving time and money has always been one of my goals no matter where I work or what I do.

April is looking like a slow month for performances at the Lerner. We have the Municipal Band on the 16th, a dance recital on the 22nd, then at the end of the month, we have Cirque International and the Stunt Dog Show. With fewer events on the schedule, that will give us more time to continue our work maintaining this beautiful building. We are hoping for warmer weather to set in soon. We are chomping at the bit to get outside and start our exterior cleaning and maintenance. The first will be our Main St. windows and doors, followed by Franklin St. These have not been cleaned since October and it shows. I am hoping to acquire some new window washing equipment that will enable us to clean a little later into fall and start a little earlier in the spring. There have been huge jumps in industrial cleaning technology and we are hoping to capitalize on those advancements. Since COVID arrived and changed every aspect of our lives, we have experienced the same difficulties hiring the help we need, as everyone else. I have learned that acquiring and utilizing more efficient tools and equipment helps to continue the level of service we feel is necessary in a venue like the Lerner Theater with the amount of help we have available. The goal of being the top concert and event venue in Michiana has been the goal of The Lerner since before I started working here. I have no doubt it will continue long after I am gone. Thank you for the opportunity to care for such an important icon to this community.

LERNER SERVICES COORDINATOR PREPARED BY: DANIEL REECER

We had a lively March this year at the Lerner Theatre. We saw a rousing performance of The Drowsy Chaperone, Killer Queen slayed on a Monday night, and we packed in for Tim Hawkins. Those are just naming a few of the wonderful events held on our stage. We also had a tourism conference over several days and

LERNER THEATRE BOARD
Wednesday, April 12, 2023

multiple Crystal Ballroom hosted functions. Cleaning was the all-consuming focus during these event periods and with a little extra help we were able to polish some brass railings as well. Next up, April is looking a little slim on the scheduling. We will use the upcoming free time to paint offices and continue polishing brass. Hopefully Spring is actually here to stay and we'll be able to wash our windows soon.

Accomplished:

- Busy March
- Polish Brass Railing

Upcoming:

- Painting Office Spaces
- Washing Windows

6. NEW BUSINESS

Johnson Controls Planned Service Agreement, Wagner-Meinert, LLC 2023 Biannual HVAC Planned Maintenance Proposal, American Loop Services, LLC Loop Driver

On motion by Dina Harris, seconded by Jamie Arce and carried 4-0, the Board approved Johnson Controls Planned Service Agreement, Wagner-Meinert, LLC 2023 Biannual HVAC Planned Maintenance Proposal, and the American Loop Services, LLC Loop Driver.

7. ADJOURNMENT

On motion by Dina Harris seconded by Jamie Arce and carried 4-0, the Lerner Theatre Governing Board was adjourned at 10:22 a.m.

 Gary Boyn, President

Attest:  Nancy Wilson, Clerk of the Board

original

PLAN COMMISSION
-MINUTES-

Monday, April 3, 2023 - Commenced at 1:45 P.M. & adjourned at 3:27 P.M.
City Council Chambers – Municipal Building



Elkhart City Plan Commission was called to order by Tory Irwin at 1:45 P.M.

MEMBERS PRESENT

Dave Osborne
Ron Davis
Tory Irwin
Mark Datema
Aaron Mishler
Diana Lawson

MEMBERS ABSENT

Dan Boecher

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director for Planning- In person

LEGAL DEPARTMENT

Maggie Marnocha, Corporation Counsel- In person

TECHNOLOGY STAFF

John Balog

RECORDING SECRETARY

Kayla Jewell

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

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

APPROVAL OF PROOFS OF PUBLICATION

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

OLD BUSINESS

None

NEW BUSINESS

**23-SUB-03 PETITIONER IS BRENDA, DENNIS II & BARBARA PRICE
PROPERTY IS LOCATED AT VL 1600 BLOCK OF OSOLO RD**

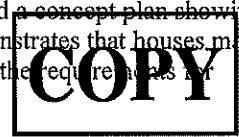
Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Osolo Ridge,' a twelve (12)-lot subdivision; a part of the Northwest Quarter of Section 34, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana. The existing zoning is R-2, One-Family Dwelling District.

STAFF ANALYSIS

The Petitioners own an undeveloped parcel comprising approximately 11 acres (including right-of-way) that also includes a wetland. The petition seeks to establish a 12-lot major subdivision for the purposes of developing each parcel with a single family residence.

The wetland was delineated by the environmental consulting firm Envirollogic in November of 2022. The wetland is approximately 4.6 acres in area, extends through the center of the site and onto the property in the south. There is a small pond in the northwest section of the wetland. The Zoning Ordinance under Section 22.3.A requires that buildings be located a minimum of 75 feet from the edge of a wetland more than an acre in area. There are some specific requirements for documenting wetlands under Section 22.2.A.2 such as a certified copy and a copy of documentation submitted to IDEM and/or the Corps of Engineers; staff recommends adding this as a condition to be completed prior to approval of the final plat.

The petitioner has noted a 75' setback from the edge of the wetland on the subdivision, and has provided a concept plan showing potential location of houses within the proposed subdivision. While conceptual in nature, the plan demonstrates that houses may be placed on each lot in a way that meets current zoning requirements. The provided plan otherwise meets the requirements for subdivisions in the R-2 zoning district.



The project has not been submitted yet to the city's Technical Review process, but will be required to do so and pass prior to construction.

STAFF RECOMMENDATION

The Staff recommends approval a Preliminary Plat for a subdivision to be known as 'Osolo Ridge,' a twelve (12)-lot subdivision; a part of the Northwest Quarter of Section 34, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, based on the following findings of fact:

1. The lots meet the minimum lot area requirements for the R-2, One-Family Dwelling District;
2. The proposed request results in the creation of twelve (12) additional lots as defined by the Zoning and Subdivision Ordinance.

The proposed subdivision will not compromise any existing development

CONDITIONS

1. The approval is preliminary only. The applicant must submit the required application materials for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.
2. Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.
3. Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.
4. The project must be reviewed and approved through the City's Technical Review process prior to the submission of the final plat to the Plat Committee.
5. The petitioner shall submit documentation on the wetland delineation as outlined under Section 22.2.A.2 in the Zoning Ordinance prior to submission of the final plat to the Plat Committee.

Eric Trotter states there were 96 letters mailed, 14 returned not in favor and one not in favor with comments. Comments were as follows read by Eric Trotter off of the letters: "Our property on Manchester backs up to the proposed development. We have owned our home for 33 years. We were informed upon purchase that the property behind us could not be developed as it was a wetlands area. Our biggest concern is the welfare of a large colony of deer that life in the area behind our homes. They are in our yards almost daily. We are concerned they need home space as well. My husband and I truthfully also have concerns about housing development directly behind our home. This is a quiet, peaceful neighborhood. We did not want that property developed. Autumn Ridge and Zach Street are narrow and the street is congested and to add a subdivision with the entrance on Autumn Ridge would be ridiculous. Who would want to live in a forest that is swamping and overwhelmed with wild life. We were informed by the City of Elkhart public utilities land is being requested for a subdivision as designated as a wetland between the Autumn Ridge Lane, the retention pond, our property and the island pond located in section 34 where there is a myriad of wildlife. We do not need any more people living in this area. Many of the folks that reside or rent in Autumn Ridge think they are above the law." (Trotter states it is very small print) "This area is the wetland. Problem with flooding. Traffic impact to ecology, Autumn Ridge is narrow. High water table." (I'm summarizing) "A very long list of comments for you." Trotter states he will make them available, should any of the members like to read them. "This is a small quiet neighborhood with narrow streets. The added traffic from 12 additional houses in dangerous for the children. The wooded area was the selling point to us when we purchased. We enjoy the peace and quiet and wildlife. Traffic; flooding, and deer. My water table. Water... same. This is a wooded area in the City limits. Deer and raccoons are in the vicinity. We do not need 12 houses in the small

area. Increased traffic. Quiet neighborhood, low traffic, nature. Decrease the nature's current paths that they enjoy. We do not need further development." Next, the same as before.

Irwin asks if there are questions from the Commission.

COPY

Mishler inquires if there were any returned in favor. Trotter responds by saying no. Mishler asks if the land is a designated wetland or if it has any designations. Trotter responds by saying that the survey that the Commission has, the developers agent has contracted with a 3rd party to delineate the wetland that has been delineated and that all of the homes are outside of the delineated wetland and at this time appeared to meet the 75 foot setback from the edge of the delineated wetland. Trotter states that as staff, we were obligated to recommend approval because the submittal meets the requirements found in the zoning ordinance, the subdivision ordinance. Mishler inquires that while it's not in a wetland it is 75 foot adjacent to. Trotter acknowledges. Datema inquires to what impacts there could be ecologically even if it follows a 75 foot allowance. Trotter explains the stormwater collection for the street is in a separate area saying that is even separated from the wetlands that have been delineated. Trotter also states that from the City's perspective, there should not be any disturbance in the delineated wetland area. Saying also that the only areas they would be doing construction in would be outside of that area. Osborne asks where lot number 2 is and asks if lot 1 and 2 are buildable and says he is not seeing where the road comes in. Trotter responds that lot 1, off of Osolo Road is buildable and lot 2 is the wetland. Osborne inquires as to how far back the property lines will go and if they will go through the wetland and why is it included in the property line asking also if they can build back there. Trotter responds no and states the petitioner can respond to those questions.

Irwin calls petitioner forward.

Terry Lang, from the Wightman Company, 715 South Michigan Street, South Bend, Indiana, representing the contingent purchasers of the property. Lang states the property is zoned residential and the purchasers have had a wetlands specialist go out to the site, delineate the location of which the field crew established the 75 foot setback requirement that the City requires and is shown on the map. Lang states the positioning of the lots comply with the typical home to fit on each of the lots. Lang states that the southwest corner of Lot 2 is a buildable lot. Lang mentions that the wetlands area is being divided among all of the lots and owned by the individual lot owners. Lang states that the area set aside as wetland represents almost 50% of the properties and that when Autumn Ridge was developed, a stub street with utilities was left available for this piece to be developed in the future. Lang says they are connecting at that location with the stormwater also being managed outside of the wetlands area. Lange mentions that the wetlands area will still provide a habitat area for the deer, raccoons and critters that live there. Lang states that the developer is there if there are specific questions about the homes that will be built and that they have complied with the City of Elkhart design standards. Osborne inquires if there is any fencing around this property anywhere now. Lange responds that there is some existing, but owners will not be able to put fencing on the wetland area when it is developed. Irwin mentions that he sees where the wetland is delineated and the 75 foot setback, mentioning that the 75 foot setback appears to have fences already in the wetland. Lang replies he cannot answer for existing placement. Mishler asks for the public record, and states that it is rare that when it rains, water goes straight down into the ground, and that it generally tends to go from higher to lower and asks if this development, being that it will have stormwater, take water away from the naturally occurring water that is going down towards the wetland causing it to dry. Lang responds that a portion of the water along the roadway and front yard area will be directed to the retention area and the areas at the rear, as well as, the back will continue to feed water into the wetland to keep it a live wetland. Mishler asks if they cannot say that there would be no impact on the wetland from the development. Lange responds that they are required by ordinance to keep the roadway water out of the area. Mishler asks what the proposed cost is for the housing. Mike West, Green Development Ventures, 2186 East Center Avenue, Portage, Michigan, responds in regards to the homes and says that they will be two story and ranch product. West states the homes will be from 1440 – 2200 square feet, with the value of the homes-upwards of \$300,000. West states the ten lots that come off of the east side of the property, off the Autumn Ridge side, will be nice wooded lots to back up to the wetland area and the impact will be minimal with staying out of the wetlands and the 75 foot setback. West states that there will be some clearance for the cul-de-sac but the majority of the site will remain untouched.

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

Deborah Piaro, 1928 Autumn Ridge Lane, Elkhart, Indiana, says she has a question in regards to the wetlands, and that there was a large population of wildlife back there and it's always been a big draw for her, saying what about all these homes with all these lawns and all the chemical run off that could severely impact the wetland and affect the wildlife that will be pushed into a much smaller area than they are used to. Piaro says another concern is the traffic and there is a narrow road and that the construction traffic alone is going to do further damage to the road and that the road has already has huge fissures across it-24 of them. Piaro says the cul-de-sac at the end of their road will come off, is just a spider web and also the road has not been maintained by the City and it's going to be further damaged by all the heavy construction traffic coming in and out for the duration of the development-stating that those are some of the main concerns. Piaro states that the reason why they are not in favor of it, is the impact on the wetland and the quietness of the neighborhood and that it's only a quarter mile road and it will be impacted with a lot more cars than 12, because currently there are a

lot of homes already on the street that have 3 and 4 vehicles, so there will be a lot more traffic on a very short road and people never comply with the 20 mile per hour speed limit. Irwin thanks Piaro lets her know to feel free to drop off the form with Eric Trotter.

Lynn Allison, 3 Manchester Lane, Elkhart, Indiana speaks to say she wrote one of the disagree letters and says she and her husband are directly behind lot number 11 and says they've owned their home for 33 years and were told, not by an expert, but that that the wetland area would not be developed. Lynn says she is a wildlife lover and they love the deer. Lynn says they have deer in their yard every day in the front and backyard and 6-8 at a time. Lynn says they feed the deer and that her main concern is the wildlife and where is it that they are going to go. Lynn says they are going to be pushed closer to the pond and she understands that, but wonders why they are squeezing the homes right up to their back yard and asks why can't they bring the homes more toward the center of the property. Lynn says they are not welcoming a subdivision right behind their home.

June Keyser, 1922 Autumn Ridge Rd, Elkhart, Indiana says she lives on the corner of Autumn Ridge and Osolo Road, says the only way to get back into the area is to drive through Autumn Ridge Lane, and is concerned about the wildlife. Keyser says she has never been back in that area and says she is concerned about the trucks, and concerned about the wildlife. Keyser says it is going to take a while to build 12 homes back there and there's going to be a lot of noise and trucks and stuff. Keyser says she doesn't want it there and that it is just another way for someone to make money.

Nate Roll, 220 East Bristol St, Elkhart, Indiana says he owns 2 lots on California Court which are within 300 feet of the subdivision. Roll says that he is in favor of it and that he thinks they have met everything they needed done with the City as the City has given their approval too obviously with conditions and says that right now we need more development in the City of Elkhart because there are housing shortages everywhere and says that he just thinks it is a good idea.

Tom Allison, 3 Manchester Lane, Elkhart, Indiana says that about 15 years ago, the property owned by Mr. Price had gained the use of some equipment in trade from someone else and he came in and knocked down a lot of the trees clearing the property as he was going to put in a ball diamond for his daughter. Allison says his intent was to build a retirement home on the pond and assuming that Mr. Price has passed way that that this plan has come about as a result of that as it appears by the drawing and he wouldn't have been able to build on the pond anyways because of the wetlands setback. Allison continues by saying this is not a welcome change in plans for them and that he wants the record to show that he is opposed to the subdivision behind them.

Irwin closes the public portion of the meeting.

Irwin asks if any commissioners have any further comments or questions.

Datema says that one of the residents mentioned the fertilizer run off, and asks for them to speak on that in any regard asking if we are talking about zero percent effect on the wetland and asks what is the speculation, as far as what impact would those new homes have on the wetland if they did fertilize their yards. Lang responds by saying the person who asked the question about the fertilizer lives along the street where if they fertilize their yards, it drains onto our property as it currently exists. Lang continues by saying that they will not be adding anything more. Lang says with the 6 homes on one side and 2 homes on the other, that aren't currently coming in from the subdivisions to the North and to the South onto the wetland that is located on our piece, mentioning also that the developers are very conscious of the wildlife and will use that as an advertising tool for the nature in the area and also be conscious of where the wetland 75 feet away boundary will be. Lang also says that 75 feet away from the wetlands will create a buffer for any fertilizer or stormwater runoff from the rears of homes to go into the ground. Lang says it will be 1/3 of an impact for the 12 homes on traffic concerns. Datema questions about the cracks in the street. Lang responds by referring the question to the Board of Public Works regarding maintenance stating the streets in the subdivision will meet City standards. Datema mentions there are more logical places for this and would not be in favor of it and that the tone of the neighbors is not in favor and opposed to it and disagrees with the zero impact of fertilizer. Lang responds by saying there will be less impact than the homes that are currently there-mentioning also there was no 75 foot setback. Datema disagrees with Lang by saying what is already there is there, anything additional will be more. Osborne asks about the cul-de-sac at the end of Autumn Ridge Lane and says it already had an area set aside for road access to the property. Lang responds by saying there is a platted roadway access to this property. Osborne responds stating the people in Autumn Ridge had some idea that this was going to be developed down the road. Lang responds with the fact that they were aware with them receiving a copy of the plan when they bought their lot. Osborne asks if the owners of Autumn Ridge will be compensated. Lang responds by saying the roadway is a dedicated right of way that is City owned property that they will be putting in the street to meet the City standards and access will be coming in that direction. Mishler acknowledges and states there is a fair amount of folks who have written and came in person to express their concern and or support for this, but states he wants to remind the folks that today's meeting is not the end all be all and that they only send a recommendation to the plat committee who have the final say and that regardless of what happens today, this is not the end of the discussion. Mishler continues by saying he has concerns about the wetland and the wildlife and building \$300,000 homes next to a swamp to which he says he understands we are in a housing crisis and we do need additional homes and this plan does due diligence on setbacks and the requirements for it, but says another thing to consider as this process moves forward is more engagement with the neighbors who have come here today and also expressed their concern

through writing to alleviate their fears, to kind of bring them into the process because they will be your neighbors he says. Mishler continues by saying if this does go through, they deserve to be a part of the process. Trotter approaches the microphone to say that he wants to clarify the process. Trotter says this is the public hearing, so this body will make the recommendation to approve or deny the subdivision as requested. Trotter also says if the recommendation of this board is to approve this subdivision, the administrative part is the plat committee. Trotter states that they make sure the subdivision has been properly depicted with conditions that have been placed on the plat and anything along that line which is more the administrative process, but today is the yes or no for this request, so this is the only public hearing for this request. Irwin requests Mr. Lang approach the podium. Irwin states he has a few questions for points of clarification and that he appreciates that the developer has gone to great lengths to preserve the wetland and that this is not the 1st or only development in the State of Indiana to be adjacent to a wetland or even within a wetland. Irwin inquires if a wetland can be relocated. Lang responds by describing wetland banking where you can purchase wetland or create wetland at another location but that is not the intent in this case. Irwin states that the developer has gone to great lengths to preserve the wetlands and not move it to a different location. Irwin says that this plan does the best it could to provide for development while not impacting the exigent wetland, but any landowner could go in there and deem it necessary to actually move the wetland offsite to an entirely different location if they so chose. Lang responds that he doubts if that will happen as it is extremely expensive to do that, but if somebody wanted to claim 10 more feet behind them they could purchase or create wetlands at another location but that it is extremely expensive. Irwin inquires about the road that was envisioned when Autumn Ridge went in with their dedicated plat going to this parcel, and that if the developer chose to install a new road would that be more or less impactful to the existing wetland and due to the comments today, the traffic will share the Autumn Ridge Lane. Irwin continues asking if the developer would choose to install another access to Osolo road, would that be more or less impactful to the wetland. Lang responds by saying it would be a huge impact on the wetland to have another roadway go through there.

COPY

Irwin asks if the developer would like to speak.

Mike West, Green Development Ventures, says that he would just like to comment on the wetlands themselves and what they will do as far as plat restrictions is also identify the wetland restrictions that are encumbering some of the lots that were addressed. West states there are 10 homes that will be located along the cul-de-sac bulb and then another 2 on Osolo Ridge and that out of the 12, 7 or 8 have some wetland on the property and those restrictions will be memorialized in the plat restrictions. West also states that the 6 homes to the North already have activities that are within the 75 foot buffer because the ordinance wasn't in place at that time, so this development is more sensitive to the wetlands because they are abiding by that ordinance that requires not only to stay out of the wetlands, but to stay 75 foot back and none of their activities will be in that 75 foot buffer between the homes and the wetlands. .

Irwin calls for a motion.

Osborne makes motion to approve with the conditions set; Second by Davis. Motion is rejected.

Osborne-Yes
Mishler-No
Davis-Yes
Datema-No
Lawson-No
Irwin-Yes

**23-PUDA-02 PETITIONER IS K2 HOLDINGS LLC
PROPERTY IS LOCATED AT 2705 COUNTY ROAD 15**

Per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the K2 Detailed Planned Unit Development District, Ordinance 12-21 approved by the Elkhart County Commissioners and Ordinance 5600 approved by the Common Council of the City of Elkhart. The proposed amendment would revise the allowed uses to include "Components Assembly" and "Warehousing and Distribution."

STAFF ANALYSIS

The petitioner owns an 8.1-acre property located at the southwest intersection of County Road 15 North and County Road 6 East. The PUD was established while under the jurisdiction of Elkhart County under Ordinance PC 12-21, which established the following limitations on its use:

1. That the only permitted land uses are specified by this Ordinance as follows:
 - a. Sales of Boat, RV, and Car as demonstrated on the Site Plan Support Drawing.
 - b. Boat, RV, and Car display as demonstrated on the Site Plan Support Drawing
 - c. Indoor car, boat and RV storage as demonstrated on the Site Plan Support Drawing
 - d. Vehicles wash area as demonstrated on the Site Plan Support Drawing

- e. A maximum of 26 vehicles permitted as outside storage and shall be under cover as demonstrated on the Site Plan Support Drawing.
2. That the following land uses be prohibited:
 - a. All uses specified in the M-1, B-3, B-2, B-1 and R-4 zoning district unless permitted by the adopted PUD Ordinance.
 - b. No temporary, short or long-term occupancy of RV's (i.e. no overnight residing).
 - c. The use of this real estate as a vehicle assembly or transfer yard, including vehicle chassis or the finished product, boats, RV's or cars



The property was annexed in 2015 and developed in 2017. That same year the PUD was amended under city Ordinance 5600 which modified PC12-21 “to allow 6,800 square feet in the existing building to be used as a meeting hall/banquet facility, and to also allow for indoor lease space for a small recreational vehicle show, lease space for a small trade show, and for vendor new product roll out events.”

While sections of County Road 6 have been established as an industrial corridor, this specific parcel is adjacent to a school and has single family residential across the street. As a result the property was planned and built with specific limits on its use to prevent impacts on adjacent properties.

In December of 2022 staff noted that the facility was being used as a manufacturing facility, with outside storage occurring fronting on County Road 15. Since the use and the storage exceeded what was allowed by ordinance, staff reached out to the owner and found that Bennington Marine, whose headquarters are to the northwest on Decio Drive, had established a component assembly and warehousing operation there. The owner’s representatives stated that there had been a loss of revenue in the establishment since the COVID lockdowns and had looked to an alternative tenant.

Additionally, the tenant installed a mobile office which would not be permitted as a permanent structure. When staff inquired about the structure, they were informed that it was a temporary office building while Bennington’s headquarters expanded and would be removed by June.

The petitioner wishes to have Bennington as a long-term tenant, and therefore is requesting an amendment to the PUD to allow the use to continue. They propose to limit the outside storage to the side and rear yards, and are now proposing to make a mobile structure permanent.

Staff has concerns about the request, given that it runs directly contrary to the initial, approved plans for the property, and its close proximity to the school and single family residential across the street, and the use of a mobile structure runs counter to what is allowed by ordinance. If the plan commission and council approve of the plan, staff recommends the following conditions be placed upon the approval.

1. Outside storage shall be allowed only in the rear yard, and shall not extend northward of the northern extreme or southward of the southern extreme of the building.
2. All outside storage shall be screened so that it is not visible from adjacent properties or roadways. Proposed screening shall be approved by city staff prior to installation. Screening may be considered in tandem with that required under condition 3, subject to staff approval.
3. Along the southern property line, the fifty (50) foot buffer shall be maintained in perpetuity, and a screen shall be installed in accordance with **Section 18.7.F.1**.
4. Mobile and modular buildings shall not be allowed as permanent structures on the site.
5. Additional landscaping shall be installed between the parking lot and County Road 6, with a canopy tree interval of at least one tree per thirty (30) linear feet.
6. The use of the property for Components Assembly and Warehousing and Distribution, and for outside storage, shall expire on April 1, 2025; the requirements regarding landscaping shall remain in place in perpetuity.

STAFF RECOMMENDATION

The Staff recommends **approval** of the major amendment to the Planned Unit Development, only with conditions, based on the following findings of fact:

1. The Comprehensive Plan is anticipated to call for this area to be developed with commercial or mixed uses. Due to economic concerns, the proposed use is compatible with mixed uses as a temporary use but is not the best long-term use of the property.
2. The proposed uses should not impact the other permitted uses approved for this PUD since the use of the building could revert to its original planned use. The proposed use should not negatively impact surrounding properties as a temporary and mitigated use, but is not the best long-term use of the property.

3. The proposed use is compatible with other activity already permitted by the planned unit development because it is the only property in this PUD.

CONDITIONS

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

1. Outside storage shall be allowed only in the rear yard, and shall not extend northward of the northern extreme or southward of the southern extreme of the building.
2. All outside storage shall be screened so that it is not visible from adjacent properties or roadways. Proposed screening shall be approved by city staff prior to installation. Screening may be considered in tandem with that required under condition 3, subject to staff approval.
3. Along the southern property line, the fifty (50) foot buffer shall be maintained in perpetuity, and a screen shall be installed in accordance with **Section 18.7.F.1.**
4. Mobile and modular buildings shall not be allowed as permanent structures on the site.
5. Additional landscaping shall be installed between the parking lot and County Road 6, with a canopy tree interval of at least one tree per thirty (30) linear feet.
6. The use of the property for Components Assembly and Warehousing and Distribution, and for outside storage, shall expire on April 1, 2025; the requirements regarding landscaping shall remain in place in perpetuity.

Trotter states there were 15 letters mailed.

Irwin asks if there are questions from the Commission.

Irwin calls petitioner forward.

Deborah Hughes, Surveying and Mapping, LLC, representing the owner K2 Holdings, thanks Eric Trotter for the staff report and says she would like to focus on the conditions; the outside storage in the rear yard and that the staff report includes an aerial photo of the property. Hughes says with an area patched, that would be the outside storage area and that is acceptable to the owner and the lessee and for number 2 all outside storage should be screened so it is not visible from the adjacent properties. Hughes says that there is an area of the property that has a screening fence that was originally for outside storage and the owner and lessee are willing to install an additional fence that would be along the north edge of pavement that's at the north building façade so that there would be a visual screen between the materials that are stored in the paved parking lot. Hughes says there would be a plan submitted that would be approved by the staff that is also a part of the report that they would like to see. Hughes talks about number 3-the south property line and the 50 foot buffer should be maintained and that on the site plan submitted with the petition, there is a 50 foot pavement setback between the south property line and the south edge of the pavement there is a strip of trees and vegetation between the property and the school along with a retention basin so there will be no problem maintaining that 50 foot setback. Hughes says elsewhere in the report, it asks for some additional landscaping, but the tree line along the school is dense like a screen making it hard to see the school so they didn't see a need for additional landscaping. Hughes says the mobile and modular building was never meant to be permanent and that Bennington has an office addition under construction at their facility on County Road 6 and Marina Drive that you can see if you drive by that location and should be completed late in the summer. Hughes continues by saying they would like to request that the mobile units be allowed to stay until December 31st just in the event of construction delays which would prohibit those people in the mobile offices from moving back into the Marina Drive completed construction. Hughes says that is the only reason the mobile office is there because of the construction at their office. Hughes mentions that the boat business has not changed and it is continuing to grow and operate at full speed ahead and at 100% capacity. Hughes says that for number 5 the additional landscape between the parking lot and CR 6 with a canopy tree every 30 feet and that the owner is willing to do that as well. Hughes says the use of the property for component, warehousing and distribution expire April 1st 2025 in accordance with the lease, so no problem. Hughes says concerning number 4 that the condition is not necessary because the office structures are only temporary and the petitioner and owner are willing to comply. Hughes says she would be happy to tell more about the story of the property, but they did the original design when it was built in the county in 2012, but wanted to just focus on the conditions and where the owner stands with regard to the City's staff report.

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

Lowell Miller, 2708 County Road 15, Elkhart, Indiana says he was going to start out by complaining because when the facilities were first established he and the neighbors had talked with the previous owner Mr. Price who he says has since passed away noting regards, and they were all for the building being put up and the progress and that they were to use it for recreational type things, but now for the last year there is a manufacturer that has only shoved it in their face. Miller says this has been done with no regards to the property owners, or the traffic situation which has affected the elementary school right next door. Miller says the mobile home offices have

been put there without regards to the neighbors and that they feel like they are being buffalo'd into the building being put up and then says they just turn around and do whatever they want with it. Miller says they just take their time before bringing anything before the board here to allow the residents and himself who says he is a 60 year veteran resident in that neighborhood who has watched everything. Miller also says that from County Road 6 being a dirt road to being a 4 lane highway, he has watched it all of his lifetime and that he is not opposed to new things going on, but would like to be kept in the loop and would like some kind of say in what is going on with his property. Miller says he has owned the home he is in for 20 years and had been a resident across from these facilities for 35 years even to say that he and Mr. Price sat down and talked man to man and that went a long way with him and he says he is appalled by the way they are trying to develop and do things at the facilities now. Miller also says that a county police officer has made residence at the facilities and has been there for the last 2 production days, but there's a school next door and if there is something going on, if somebody a disgruntled employee or whatever, that is putting the whole school system and kids at risk. Miller says he wonders why no one has let them know what is going on in the neighborhood. Miller says he is here with one of the neighbors but he is here primarily as a representative of the neighbors and he has talked to them all, addressed their concerns, and that the neighbors have kind of elected him to come up and be the representative primarily because of his disability being home and able to make these meetings without disrupting an employment check. Miller says that putting up the fences and all that stuff is not going to stop the truck traffic, vehicle traffic, or the extra automotive traffic from the employees coming in and out. Millers says it will not stop the trash debris blowing around the neighborhood over onto the school lot or all of the things that he witnesses every day. Miller continues by saying he picks up extra trash out of his yard every day from the facility and that it is not what he signed up for when he moved there 35 years ago and says that he is sorry and that not all the complaints he has received and that if he offended anybody he's just a good old boy, trying to live in the county that has not been developed into the City and pushing them out. Michael Miller, 2708 Miller Street, says that he lives directly across from the property and says originally when it was built, they were told it was going to be used as a recreational space and the majority of the traffic would be on the weekends, not interfering with school pick up and drop off times. Michael Miller says there have been numerous times the line of traffic for pick up or drop off will extend all the way from the school to the North to the intersection of County Road 6 and County Road 15, so the county went through at that time and put in an additional turn lane to handle the issue. Michael Miller says that with this facility across the road, there have been numerous times there are semis and other vehicles, trucks and trailers trying to get in or out. Michael Miller says there is a walking path along the County Road that runs right along there on the same side of the road and that property is all within school waking distance for elementary school kids and there have been numerous times he has seen close calls of traffic going in and out of the facility and kids shorter than the podium. Michael Miller continues saying that it's more about making sure everybody is okay with this and if they are going to be going over and doing heavier commercial in this facility, they need to provide a commercial entrance and suggests off County Road 6. Michael Miller says the fact of having or considering a lot of commercial traffic up and down County Road 15 while being a no-thru truck route. Miller also says he has a concern with the lights on their building and there are security cameras on the building to catch anyone trespassing or any issues that may occur and also that Bennington has a security agent that drives around the building at all times of the night and morning shining in the front of all of their houses across the road and that there is no light barrier or anything of that nature that was put up because the primary use was supposed to be on weekends and during normal 8-5 hours on the weekends. Micheal Miller says the security personnel has been driving around all times in the night and that he actually works for the railroad so he comes and goes as well at all times in the night and says there have been numerous times that the security will just sit and just shine the front of the house for ten to fifteen minutes and just sit there and watch him and at the time he doesn't have his blinds closed they can look into his living room. Micheal Miller also states that Bennington has the availability of the cameras and technology that are in the building and wonders why they need to have the additional security personnel, driving around waking up the neighborhood at all hours, honking their horn then filling out paperwork disrupting the neighborhood and waking up the dogs and then the whole neighborhood gets awakened. Michael Miller says that he is not against what they are doing, but they need to go through and take consideration of the residents that are directly across the road from there and the school. He also says that the facility has recently put up a no turn around sign in their drive because they've been fighting with the school traffic. Michael Miller says these are all of the things that he would like the plan commission to take into consideration upon approving this and that fact that they've been doing this for over a year without regard for including anyone. Chad Minsel, 2712 County Road 15, says his house is directly across the street from their drive and that its not the best thing to look at, but is a nice building and he says that their biggest complaint definitely is the trash and debris that they have seen. Minsel says he doesn't want it to become an eyesore and to look south out and see the skids or trash and the biggest thing is they are picking up trash year round. Minsel says they will be setting out dumpsters and as their business picks up that will cause more trash to blow over and he says he doesn't know what they can do but maybe they that they can pick up trash at the end of the day so the neighbors aren't responsible for the plastic and bags and trash that blow over to them. Minsel says it is a nice building even though they didn't want it to go up in the field that was there. Minsel says he bought his house in 2000. Minsel says it is just the trash.

Irwin closes the public portion of the meeting.

Irwin asks if there are questions from the Commission.

Mishler comments that one of the issues brought forth, the concerns about the traffic and the nearby school, is a valid concern and that it is one of our jobs to keep our children safe. Mishler says the gentleman had an idea regarding access from County Road 6 and says

he doesn't know if that has ever been discussed to potentially alleviate that situation as well as he mentions the trash concern sounding like an internal thing. Mishler says that these people deserve to have their property and not have things blowing across it which is a code violation in the City to have trash on your property and says we can't have companies causing code violations on constituents here. Mishler states it is similar to going back to what we discussed last time and he says he thinks it is important for developers and companies coming forward to planning to make sure that discussions are had with nearby residents about their concerns because it sounds like this is something that could have been potentially alleviated easier then having to address it here with the nearby residents. Mishler continues saying that is more of a statement. Hughes says let her just say that County Road 6 access was not allowed by the county due to the volume of traffic so they considered the access to County Road 15 to be preferable and this property was developed in Elkhart County in 2012, and says so now that's the way it is and says it doesn't mean it couldn't be changed, but there are restrictions on that frontage to allow a direct access at this point. Datema says his concern mirrors Mishler's, and that he does pick up a kid at that school and he says traffic wise, you can't refute that ongoing issue. Mishler says that he is not opposed to approving this, but his concerns are the traffic being addressed, either by the company or the City in some way and that at a systemic level that will alleviate some of that and also the trash. Mishler talks about the fencing and systemic issues being addressed and moving forward. Hughes says that the owner has made an effort to deal with the trash issue, saying the dumpster for lightweight materials disposed in the manufacturing process, and they did install a cover to make it less likely for things to blow out of there and they also have a plan to look around the site, especially on the County Road 15 frontage and removal of the trash on site. Hughes says that on a daily basis and part of regular maintenance and the day that she happened to be out there for her site visit, the frontage on County Road 15 was clean and across the street was clean also, so it could be that there have been specific problems in the past due to trash, but she says the lessee has made an effort to address those and she encouraged the adjacent owners to contact the lessee property manager directly if there is a concern to that they can be a good neighbor saying this is a quiet operation and has a no fumes or odor. Hughes says that in 2012 the owner of this property actually installed a longer right turn lane for the school so that there's even more ability for the school traffic to get off the through lane and it was a very short right turn lane at that point where this property was developed, so they did put it in all the way along the County Road 15 frontage and in addition, the owner, Mr. Price, donated the land for the bike lane that is there. Hughes says that the county came and said that they would really like to have the bike lane and Mr. Price said to go ahead and put it on his property, so he was as one of the owners very interested in working with the neighbors and being a good neighbor. Hughes says his widow is also willing and interested in being a good neighbor and that they had a lessee come in who was using the photo studio and need some extra space and they came to an agreement saying that Mr. Price had passed so some of the knowledge about the restrictions on the property had passed with him and were not passed onto his widow ending up with a lease agreement knowing even less about the history. Hughes says so some miscommunication and lack of accountability toward maintaining those standards that were in place all along, but there's a desire to do the right thing here today. Datema inquires regarding access off County Road 6 asking if that access seen previously was not an option but asks if it can be worked through at this point. Hughes responds by saying, no that it was a non-access easement which means that there is no access allowed on County Road 6, being that it is a 4 lane road with some high speed traffic it was considered to be less safe. Hughes says that County Road 15 was considered to be safer to come in and out with the traffic and there are restrictions on how close to an intersection you can be, so the driveway they have is as far south as possible. Hughes also says that County Road 15 would be a platting exercise and the City would have to really want an access point on County Road 6 for that to happen and that it was a safety decision when it was made. Lawson says that she appreciates that the owners want to be good neighbors, but suggests that maybe they step that up a bit and have more of a priority related to the trash which sounds like an internal issue and that as well in terms of the lights which are very offensive and creating issues that she understands the light on the buildings, but as a mobile security there is some way to not shine lights into their neighbor's homes which the homeowners can address internally and continue to be good neighbors. Hughes says that with her today, is Kim Price from K2 representing the owner Rob Dunlop from J A Wagner who was the original builder and also Perry Richards who is the director of operations for Bennington. Hughes says she would like to give Perry Richards a chance to discuss the security guard issue and the trash issue. Perry Richards, Bennington, 2805 Decio Drive, says he has been there for 16 months and at Bennington their intent is to try and value themselves on being a steward for the county. Richards says that the South Bend office has dumpsters with automated lids and they have a 5S program that they have implemented for organizing and sorting, basically cleaning each area, going around the campus cleaning the debris and trash. Richards says that one thing he can do is give the residents his business card and if there is any trash or debris to give him a call and he can get ahold of the employees at the facility and the plant managers will have them step up the cleaning and the organization of the area. Richard continues by saying as far the security goes, he has no problem getting ahold of them and telling them when they monitor or go through that East facility and ask that headlights are shining westward away from the residents. Richards says they do need patrolling of those facilities even though they have cameras because there is still vandalism cameras do not catch but the security can. Richards says he will contact the security and let them know the do's and the dont's when they are at that property, as he would not like someone sitting in the parking lot shining headlights into his house anytime and mentions that he would also be irritated by that so he will address those concerns and have those resolved. Mishler thanks Richards for his comments and willingness to work with the neighbors and give them his card. Mishler also says that Richards mentioned about the dumpsters having a lid and asks if they would consider some potential fencing around them as an additional layer to keep stuff from flying out. Richards responds by saying they do have fencing with privacy slats around the 30 yard dumpsters. Richards says they just left the gate open and never had the lid, so if they throw in shrink wrap and Styrofoam, that stuff is easily blown by the wind, but with the automatic lid the lid is closed on the dumpster. Richards offers to keep the gate closed, and only when not being use, to dump debris and also to keep some of the portable dumpsters in the back of the facility as well. Davis says if they do

the things he said, just keep them closed and monitor it the neighbors will be happier. Richards responds by saying they are not there to cause a problem with the neighbors and they are there to be good stewards for the community. Richards says they don't know what they don't know and this is good to learn these things and they will do their best to make everyone happy. Irwin speaks to Trotter, mentioning he does not know the full history, if this is in the City, and if there is an active restrictive easement along County Road 6, asks could the city vacate it. Trotter responds that it could and it would be a process of coming back to this body to request that that access easement restriction be amended with this body, the plat restriction. Irwin asks if the Council wanted to add restrictions to this approval like moving the driveway or a fence along the eastern parking lot to prevent the lighting and the trash blowing and is that something that the Council could do. Trotter responds by saying the Council could add the condition related to the fence for additional screening and to contain, but says because it is a platted restriction on the plat, it would have to come back to this body and then go back to them if that is something that they would want to do. Irwin responds by saying he does know that there is merit with the traffic, and he says he doesn't know why the county would have put this on County Road 15 and not County Road 6. Mishler says it is wonderful that businesses are stepping up to reach out to the community and that he mentioned code and zoning earlier and that also applies to companies and businesses as well and if that is a continuing issue with trash and debris from a company, not only on their own property, but impacting others then that would be something that could be potentially referred to code as well. Mishler says we all don't want to see that happen and that he is glad they are able to come together and talk about this and hopefully come together and find a solution. Mishler advises, after the vote, that for the people who came to speak about this that it will go in front of the regular Common Council and there will be a period for public comment then as well if they would like to voice their concerns there as well.

Irwin calls for a motion.

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

Davis-Yes
Datema-No
Mishler-Yes
Lawson-Yes
Osborne-Yes
Irwin-Yes

**23-PUDA-03 PETITIONER IS SEAHAWK CORPORATION
PROPERTY IS LOCATED AT VL WINDSOR AVE**

Per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Windsor Crossing Planned Unit Development District, Ordinances 3701 and 5169, approved by the Common Council of the City of Elkhart. The proposed amendment would add "Hotel" to the list of permitted uses for the parcel at the northwest corner of Windsor Avenue and Johnson Street, which was previously designated as allowing only M-1 uses.

STAFF ANALYSIS

The petitioner owns a 2.4-acre property located at the northwest intersection of Windsor Avenue and Johnson Street (parcel 20-02-20-426-043.000-027). The property also front on Coast Court. It is a part of the Windsor Crossing Planned Unit Development, which comprises approximately 60.5 acres and was mixed use in nature, allowing commercial (B-3), industrial (M-1) and residential (R-1) within its boundaries.

Since its original establishment, most of the properties have been developed with commercial uses, with the exception of 3002 Coast Court, which was in the M-1 section and has been developed as a light industrial building. The property to the immediate south has remained vacant, and is also in the M-1 section of the PUD.

The current owner wishes to amend the permitted uses on this parcel only to allow for a 122-room extended stay hotel. The conceptual site plan provided by the potential developer shows the primary egress on Windsor Avenue, with a secondary egress on Coast Court, and no access on Johnson St.

Staff believes the proposed use to be compatible with its environment. It would not pose a negative impact to its industrial and commercial neighbors, and would be separated from the low-density single family residences across Johnson St., with a potential 50' setback on its eastern side.

Should this request be approved, it would only add the specific use – hotel – the list of permitted uses on this parcel, and would be less intense than many uses allowed in the M-1. Staff has reviewed the preliminary site plan and believes it to be viable. When the final site plan is completed, it would have to be approved by the Plan Commission prior to construction.

STAFF RECOMMENDATION

The Staff recommends **approval** of the major amendment to the Planned Unit Development based on the following findings of fact:

1. The Comprehensive Plan calls for this area to be developed with mixed uses. The proposed uses are compatible with mixed 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 – B-3 (commercial) and M-1 (light industrial).

COPY

CONDITIONS

None

Trotter states there were 14 letters mailed, 0 returned.

Irwin asks if there are questions from the Commission.

Irwin calls petitioner forward.

Mike Doyle, via webex, Holiday Properties, 1 Walker Avenue, Clarendon Hills, Illinois, says they are under contract to purchase the parcel and they have been working closely with the current owner and the planning departments to work on the plan for this hotel. Doyle asks if it is okay to share a screen with slides on what they are looking to do sharing a photo of what the project might look like if its okay. (Doyle shares screen) Doyle says he wanted to talk a little bit about what they are looking to do, their company and his colleagues. Doyle says to Steve and Ryan that they will talk about their relationship and what the site plan here will look like. Doyle says that their company, Holiday Properties, is headquartered in South Bend and a 75 year old company. Doyle says they have developed over five million square feet of property throughout the U.S. and is very familiar with the health care in the surrounding area and what they are talking about today is a hotel product. Doyle says they own and operate 25 hotels in 6 different states around the country, St Mary's in South Bend, the Hilton Garden in South Bend and the Hampton Inn in Mishawaka. and they tend to be really long term owners of the properties they develop. Doyle also says that they know how they build and operate and know that they are not folks who are going to come in and build something and then turn around and sell it and says they are in it for the long run so they want to make sure they are doing everything the right way and working with local communities. Doyle says this is a 2.4 acre parcel in Windsor Crossing and they are proposing a 122 suites hotel where each of the rooms will be a sleep with a kitchen in each room with access coming off of Windsor and there will be 128 parking stalls. Doyle says that they did a deep dive into the comprehensive plan and wanted to make sure that they were complying with the rules and ordinances that went into adjusting this PUD and that it is very consistent with the other things in the area. Doyle says this is near other hotels, restaurants and very close to the toll road, making it an easy hotel to get to for travelers who are looking to stop in for an hour or 2 and he says they feel like this is a value and a good use for it in the Windsor Crossing planned unit development district. Steve Laird, 2459 Madiera Dr, Valparaiso, Indiana says the Suites brand was founded by Jack DeBoer and is considered the founder of extended stay, the Residence Inn in the 70's, Summerfield Suites and Candlewood Suites noting there are 230 operational hotels in 75 various states of entitlement construction all across the country and they are planning to have over 400 Suite hotels by 2025. Laird says that they currently own and operate 13 WoodSpring Suites primarily in the Chicagoland, in Indiana and into the mid-Atlantic. Laird says that WoodSpring Suites are all 122 room, all suite hotels and that means everyone has a full kitchen at 2 burner stove, full sized storage and a microwave. Laird says that these are geared toward extended stay travelers, with amenities that transient guests would expect with the typical clientele including business travelers, medical staffing, traveling nurses and a demographic they have can go for construction education, people visiting family, people transitioning, transitioning homeowners, people moving into the area or in-between homes. Laird says those are their target clientele. Ryan Kelly, Holiday Properties, 6370 Ameriplex Drive, Portage, Indiana says, architecturally speaking, it is a 4 story facility at 12,000 square feet per floor with over 48,000 feet total square footage. Kelly says the structure includes multiple roof planes and the perimeter walls have the bump outs and recesses to add some interest in break up with the façade and then from material wise, around the entire 1st floor of the perimeter, they use a stone veneer with the ends and the center portions of the building going up 3 stories with the stone veneer. Kelly says the second predominant material on the building is a cement, more exciting cedar wood grain look to add to appeal with the roof structure architectural dimensional with asphalt shingles for the roof and the color scheme for the buildings are neutral. Kelly says they do not use a brand mandated blue as an accent color. Kelly says the other feature, which will be facing Windsor, is the front entrance that is a really nice exposed senior cedar frame cannot be posted beam construction. Kelly says that the hotel is on the corner and it's fronting Windsor Avenue with access on Windsor Avenue with the building positioned on the western half of the site with the setback off Johnson Street 50 feet and a secondary access off of Coast Court. Kelly says this is to preserve there along Johnson Street keeping people on our side as they are looking for parking also providing access for trash removal service

and fire apparatus and events. Kelly says to touch on site lighting fixtures for everything, LED lighting with cut off fixtures so it will prevent off site glare or bleed over past their property lines.

COPY

Irwin asks for any questions from the Commission.

Mishler says we continue to have a housing crisis in our community and one of the reasons that ~~sometimes does~~ happen in communities is long term rentals from AirBNB's and things like that and this has the potential to not completely alleviate that, but help act as a wedge against it in some ways. Mishler also says that the developer seems to do a good job as far as setbacks and reaching out to members of the community and thanks the developer for their due diligence. Irwin says this will need to go to tech review and that the City is probably going to want to see the sidewalk or multi- use path along the right of way. Trotter says that they have already been in discussion with the developer.

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

Irwin closes the public portion of the meeting.

Irwin calls for a motion.

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


- Mishler-Yes
- Davis-Yes
- Datema-Yes
- Lawson-Yes
- Osborne-Yes
- Irwin-Yes


Staff Items

Maggie Marnocha, Assistant City Attorney and the attorney for the Plan Commission says she just wanted to remind the commission with the denial of 23-SUB-03 that they do need written findings along with the denial setting forth the reason which should explain what about the plan does not comply with the standards found in the subdivision ordinance. Irwin asks who will draft that. Marnocha says she would be happy to draft that and that it would need to be signed by the secretary of the Plan Commission but that she needs some guidance from the Plan Commission as far as what does not comply with the ordinance. Irwin asks if the Plan Commission could reconsider it. Mishler responds by saying no due to the fact that there was no winning side and it was a 3/3 tie and that if it was 4 then under Roberts rules of order, there could be a vote of reconsideration if someone changed their mind, but that cannot be done with a tie vote. Irwin asks Marnocha if she could look into this. Marnocha responds by saying she will look into this because even though it was a tie there still was a winning side inquiring if that is right asking if it was denied and advises she will review the subdivision ordinance.

ADJOURNMENT

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


Tory Irwin, President


Dave Osborne, Vice-President