AGENDA

April 16, 2012

Meetings of Standing Committees
Council Conference Room
6:45 P.M.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00 P.M.

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Previous Regular Meeting

Minutes from the April 2, 2012 meeting (Page 3)

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendations from their April 10, 2012 meeting. (Page 8)

Presenting certificates of appreciation from citizens for the accountability of government.

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

R2012-09 - Use Variance to allow a duplex - 201 & 203 Indiana. (Page 12)

R2012-10 - 2011 Tax Abatement Compliance Reports. (Page 15)

9. Ordinances on Second Reading

P. O. No. 2012-06 - Annex and Zone PUD - North side of Douglas Rd., East of Fir Rd. - Annexation #1 (Vote) (Assigned to Land Use Planning Committee) (Page 36)

P. O. No. 2012-07 - Annex and Zone PUD - North side of Douglas Rd., East of Fir Rd. - Annexation #2 (Vote) (Assigned to Land Use Planning Committee)
(Page 46)

P. O. No. 2012-08 - Annex and Zone PUD - North side of Douglas Rd., East of Fir Rd. - Annexation #3 Vote (Assigned To Land Use Planning Committee) (Page 56)

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

P. O. No. 2012-03 - Rezone from R-1 to C-6 for a Commercial Office Building – SE corner of Jefferson Blvd. and Main St. (Assigned to Land Use Planning Committee) (Page 67)

12. New Business

Change Meeting Date to May 14th

13. Adjournment

At this time I know of no other business to come before the Council.
Deborah S. Block, IAMC, MMC, City Clerk

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
April 2, 2012

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday April 2, 2012 at 7:00 p.m. The meeting was called to order by President John Roggeman; and all were asked to stand for the Pledge of Allegiance.

City Clerk Debbie Block's roll call showed the following:
Dale "Woody" Emmons 1st District Councilman – Absent
Mike Bellovich 2nd District Councilman – Present
John Reisdorf 3rd District Councilman – Absent
Marsha McClure 4th District Councilman – Absent
Michael Compton 5th District Councilman – Present
Ronald Banicki 6th District Councilman – Present
John Roggeman Councilman At Large – Present
Matt Mammolenti, Councilman At Large – Absent
Dan Bilancio, Councilman at Large – Present
A quorum was obtained.

Others present; Mary Ellen Hazen Chief Deputy I, Linda Dotson, Chief Deputy II, and Council Attorney Mike Trippel absent.

The minutes from the March 19, 2012 meeting were approved as received from the Clerk's Office.

Clerk Block presented the following Appeals to the Council, who referred them to the Board of Zoning Appeals for their recommendation

APPEAL 2012-09 Use Variance for 201 and 203 Indiana
For a duplex.

Clerk Block read **PROPOSED ORDINANCE 2012-02** opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-02

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA ADOPTING THE AMERICANS WITH DISABILITIES ACT SELF-EVALUATION AND TRANSIITION PLAN
(Mishawaka ADA Self Evaluation and Transition Plan – American with Disabilities Act)
Assigned to Public health and Safety Committee

Mr. Compton reported the Public Health and Safety Committee recommended this proposed ordinance should be adopted and moved for acceptance of same, upon a second by Mr. Banicki, the motion carried.

Mr. West said a public meeting of the Public Health and Safety Committee was held on March 27th to obtain public input and review, there were no attendees. He said a representative from DLZ gave a 40 minute presentation, in summary the total cost of all renovations would be approximately $3.5 million with a time frame of 30 years for implementation of all facets.

Question was called for at 7:07 p.m. on **PROPOSED ORDINANCE NO. 2012-02 Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).
Yes: Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Roggeman.
Absent: Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mrs. McClure.

Clerk Block read **PROPOSED ORDINANCE NO. 2012-03** opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-03

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA
(Rezone from R-1 to C-6 for a Commercial Office Building –
SE corner of Jefferson Blvd and Main Street)
(Assigned to Land use Planning committee)

Clerk Block read a letter from the petitioner requesting a postponement of this proposed ordinance until the April 16, 2012 Council Meeting. **Motion: Action:** Postpone, **Moved by** Mr. Compton, **Seconded by** Mr. Banicki.

Clerk Block read **PROPOSED ORDINANCE NO. 2012-04** opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-04

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA
(Vacate Right Of Way in the area of E. Jefferson and N. Main Street. The first east/west alley south of Jefferson Blvd and portion of Stanley Street)

Mr. Banicki reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same, upon a second by Mr. Compton the motion carried.

Mike Danch, Danch Harner and Associates 1643 Commerce Drive said he was requesting an alley vacation of the first east/west alley south of Jefferson Boulevard, measuring approximately 60 feet deep by 14 feet wide, and a portion of Stanley Street measuring approximately 55 feet deep by 50 feet wide.

Question was called for at 7:12 p.m. on **PROPOSED ORDINANCE NO. 2012-04 Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).**
Yes: Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Roggeman.
Absent: Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, and Mrs. McClure.

Clerk Block read **PROPOSED ORDININACE NO. 2012-05** opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-05

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA
(Rezone from C-1 Commercial to R-1 Residential 2321 N Main Street)

Mr. Banicki reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same, upon a second by Mr. Compton the motion carried.

Mike Danch, Danch Harner & Associates, Inc., 1643 Commerce Drive, South Bend said he was representing Mishawaka Redevelopment regarding rezoning the property located at 2321 North Main Street. He said the property was vacant and presently zoned at C-1, their request was to rezone it to R-1 Residential for the purpose of allowing the adjacent property owners to increase the size of their yard area by 40 feet so they can build a garage. Mr. Danch stated a drainage easement would run across that area and the owners were aware of that.

Question called for at 7:16 on **PROPOSED ORDINANCE NO. 2012-05 Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).
Yes: Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Roggeman.
Absent: Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, and Mrs. McClure.

Clerk Block read **PROPOSED ORDINANCE NO. 2012-06** it for public hearing.

PROPOSED ORDINANCE NO. 2012-06

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA AND PROVIDING ZONING CALSSIFICATION THEREFORE
(Annex and Zone PUD – north side of Douglas Rd, East of Fir Road Annexation #1)

President Roggeman opened the public hearing on this annexation and stated there would be no vote at this meeting.

Bernard Feeney Land Surveyor of Lang Feeney & Associates, Inc., 715 south Michigan Street, South Bend, said Larry and Becky Penn owners of the three following ordinances located on the North Side of Douglas Road, East of Fir Road were requesting to annex and rezone this property. He said this was the first of the three annexation requests: 250 acres at the North East Corner of Fire and Douglas Road all the way to Capital Avenue and stops short of Cleveland Road. He said this was the Penn Farm that has been in their family for many years and they have been working with the Planning department in how this property could be developed into the city, for a number of years. Mr. Feeney said they were willing to comply with all the City of Mishawaka regulations and comprehensive plan.

Mr. Banicki asked if this development would affect the golf course. Mr. Feeney said it would not. Mr. Banicki also stated he was concerned about any development contaminating Juday Creek. Mr. Feeney said there would be no businesses in this development that would create any type of contamination do to the zoning classifications that would be implemented, they would be looking at higher end uses. Mr. Banicki stated then there would be no auto uses with fuel. Mr. Feeney said correct that was not the intent. Mr. Banicki asked if there would be an entrance from Capital Avenue. Mr. Feeney stated no there would not be. Mr. Banicki asked about the infrastructure and Mr. Feeney said that would be the responsibility of the developer. Mr. Banicki said there would be no cost to the city. Mr. Feeney said that was correct.

Mr. Bellovich asked if it would be C-5 zoning in all three of these request. Ken Prince, City Planner stated it would be C-5 neighborhood and commercial there would be no C-4 or C-3 zoning.

Mr. Compton inquired about the property located at the south east corner. Mr. Feeney said that was a farm and it would remain in that location.

Mr. Roggeman stated this was a summation of all three annexations and closed the public hear at 7:28 p.m.

Clerk Block read **PROPOSED ORDINANCE NO. 2012-07** opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-07

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA AND PROVIDING ZONING CALSSIFICATION THEREFORE
(Annex and Zone PUD – north side of Douglas Rd, East of Fir Road Annexation #2)

Public hearing was heard regarding this proposal during the public hearing of **PROPOSED ORDINANCE NO. 2012-06.**

Clerk Block read **PROPOSED ORDINANCE NO. 2012-08** opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-08

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA AND PROVIDING ZONING CALSSIFICATION THEREFORE
(Annex and Zone PUD – north side of Douglas Rd, East of Fir Road Annexation #3)

Public hearing was heard regarding this proposal during the public hearing of **PROPOSED ORDINANCE NO. 2012-06.**

NEW BUSINESS

Mr. Bilancio said he was speaking on behalf of Mr. Reisdorf and Mr. Mammolenti in announcing their Twin Branch Neighborhood Watch meeting on April 18, 2012. Mr. Bilancio stated he would be the speaker and his topic was on house numbers being put up on every building and how to call 911.

There being no further business to come before the Council, President Roggeman adjourned the meeting at 7:30 p.m.

Deborah S. Block, ________________/s/	John J. Roggeman /s/
Deborah S. Block, IAMC, MMC	John J. Roggeman
City Clerk	Presiding Officer

City of Mishawaka

DAVID A. WOOD, MAYOR **DEPARTMENT OF CITY PLANNING**

April 11, 2012

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
April 10, 2012, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above referenced date at which time the following Use Variance was considered:

APPEAL #12-09 An appeal submitted by South Bend Real Estate 4 LLC requesting a Use Variance for **201 and 203 Indiana Avenue** to allow a duplex on R-1 Single Family Residential zoned property.

The Board, with a vote of 4-0, recommended approval.

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Dan Estes

City Hall, 600 East Third Street, Mishawaka, IN 46544-2241 (574) 258-1625 FAX (574) 968-6999
E-mail planning @ Mishawaka.in.gov

STAFF REPORT

Location: 201-203 Indiana Avenue Date: April 10, 2012

Appeal: 12 09 Prepared By: PS

GENERAL INFORMATION

Applicant:	South Bend Real Estate 4 LLC/ Dan Estes
Status:	Property Owner/ Member
Request:	Use Variance to Permit Two Unit in R-1 District
Zoning Classification:	R-1 Single Family Residential District
Lot Size:	54379.24 SF / .13 acre
Applicable Regulations:	Section 137-165 R-1 Uses Section 137-42 (4) Board of Zoning Appeals Use Variance

SPECIAL INFORMATION

Area Development Pattern:	North:	R-1 Single Family Residential
	South:	R-1 Single Family Residential
	East:	R-1 Single Family Residential / Parking Lot for Mishawaka High School
	West:	R-1 Single Family Residential
Thoroughfare:	Indiana Avenue	
School District:	Mishawaka School City	
Township:	Penn	
Public Utilities:	Available	
Comprehensive Plan:	Low Density Residential	

ANALYSIS

The Appellant, who purchased the property in February, 2012, is requesting to bring an existing duplex into conformance with the zoning ordinance. The property is located on the 200 block of Indiana Avenue, south of Homewood, north of Lincolnway East, and across the street from the Mishawaka High School parking lot.

The property is zoned R-1 Single Family Residential. The Appellant has indicated the desire to reestablish the duplex at 201-203 Indiana Avenue. The dwelling was constructed as a duplex in 1909 per the Penn Township Assessor records. The rooms of both units are mirror copies of each other and the basement is also split.

The surrounding neighborhood is comprised of single-family dwellings and the Mishawaka High School campus is located to the east.

The new owner has substantially improved the exterior appearance of the property and rehabbed the interior. Even though Building permits were secured there were no red flags regarding the use because the Building Department doesn't consider the zoning and the footprint of the building was not changing at which point Planning would request an Improvement Location Permit and zoning is checked. The rear deck that was recently constructed was not declared at the time building permits were pulled; therefore, the owner shall secure an Improvement Location Permit and a Building Permit.

The property has been vacant and deteriorating since 2007. ***Section 137-71 Abandonment of Nonconforming Structures, Uses and Lots*** states that if a lawful nonconforming structure, use, or lot is abandoned or discontinued for a continuous period of six months or more, subsequent use of that structure or lot shall be in conformity with the provisions of this chapter.

The new owner had three options with the property; (1) convert the building to a single family residence; petition to rezone the property to R-2 Two Family Residential; or apply for a Use Variance to permit the two units.

The property carried a zoning of "A" residence according to the 1931 zoning map. Single Family and Two-Family dwellings were permitted uses at that time.

Staff is amending the request for the non-conforming parking situation at the site. Single-family, two-family or duplex dwellings require two off-street parking spaces per unit. In this case four on-site parking spaces would be required. Being that there is no alley to access the rear yard for paved parking, and there is not enough square feet available in the front yard area to add paved spaces, Staff supports a developmental variance.

Pertinent City Departments reviewed and approved the request without comment.

RECOMMENDATION

The Staff recommends in favor Appeal 12-09 to allow the continuance of a duplex and non-conforming off-street parking at 201-203 Indiana Avenue based on the following Findings of Fact:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the existing structure was legally non-conforming until the time it became vacant for more than six months. All required permits will be secured and codes adhered to;

2. The use and value of the area adjacent to the property included in the variance will not have an adverse impact on the surrounding neighborhood because the duplex use had existed from 1909 to 2007. The property is now being restored to its original design, will increase property values in the neighborhood, and will no longer continue to deteriorate;

3. The need for the variance arises from some condition peculiar to the property involved in that the structure was constructed in 1909, prior to the establishment of the Zoning Ordinance and without off street parking;

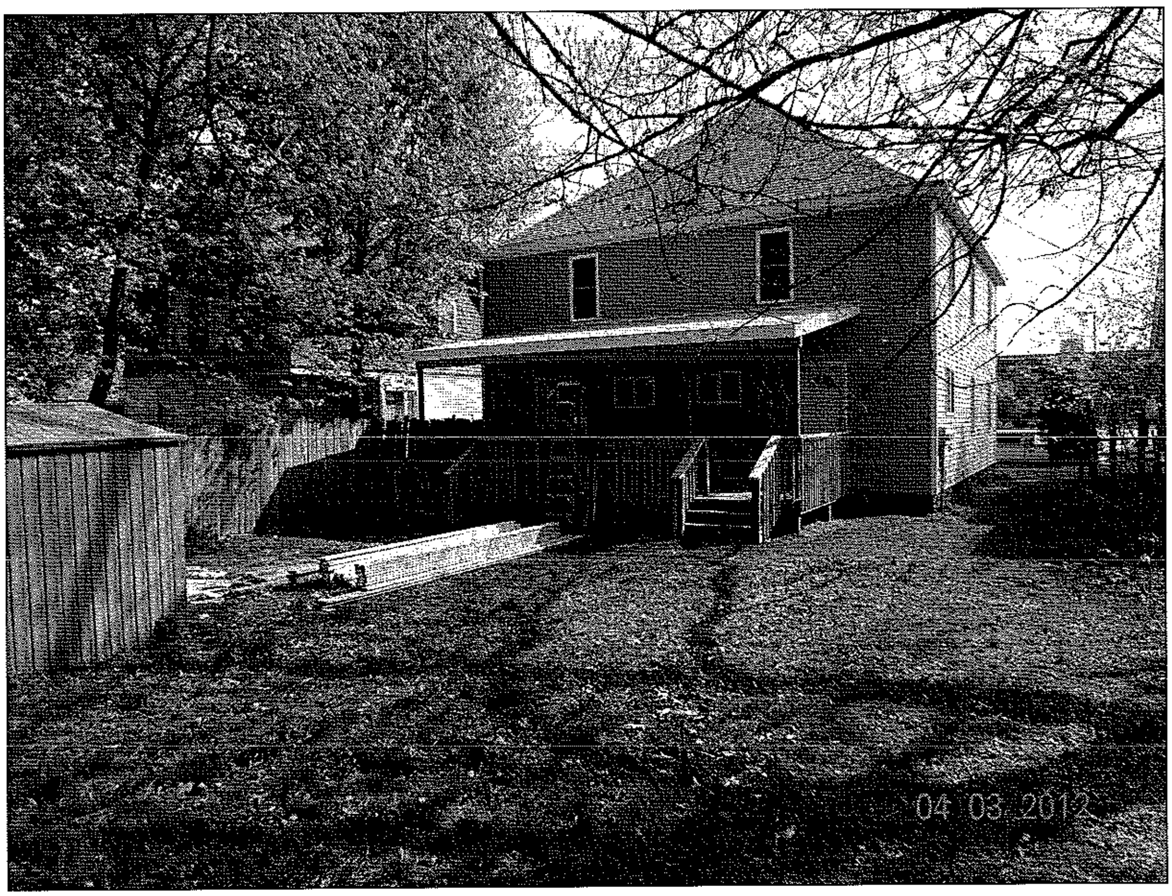
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because of the existing non-conforming parking situation will continue to exist regardless of the use of the structure; and

5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the area has been identified low density residential.

ATTACHMENTS

Photographs, Appeal, Aerial, Location Map

201-203 INDIANA AVENUE



REAR YARD – NEW DECK ADDED

RECEIVED
MAR 21 2012
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

AP 12-09

RECEIVED
DEBORAH S. BLOCK, MMC
MAR 28 2012
CITY CLERK
MISHAWAKA, IN

To: Board of Zoning Appeals
Department of City Planning
City Hall, 600 East Third Street
Room 201
Mishawaka, IN

From: South Bend Real Estate 4 LLC
Dan Estes, member
2917 Mishawaka Avenue
South Bend, IN 46615
1-574-232-2313 (office)
1-866-748-5005 (fax)
apamichiana@gmail.com (email)

Date: 21 March 2012

Subject: Use Variance for 201 and 203 Indiana

To Whom It May Concern:

The property commonly known as 201 and 203 Indiana was originally designed and built as a duplex. The rooms in both addresses are a mirror copy of each other and the basement is split. Sometime between the time the property was built and now, there has been a zoning modification and this built duplex does not meet the current R-1 zoning. And, since the property has been vacant for over six (6) months it is no longer grand fathered making the current duplex in violation of Section 137-165 (permitted usage).

South Bend Real Estate 4 LLC purchased this property on 24 February 2012. Prior to purchasing this property, we had talked with the City of Mishawaka Code Enforcement group on multiple occasions to discuss with them issues associated with this property and to discuss our plan to remedy. Additionally, prior to purchasing this property we obtained a building permit from the Building Department to re-hab this property.

If during any of these conversations or prior to obtaining our building permit, had Code Enforcement or the Building Department informed us there were any issues with zoning we would not have purchased the property or required the seller to obtain a use variance prior to our purchase.

However, we have purchased the property and are respectfully requesting a R-1 use variance to match the property's as built duplex design so that the work in our approved building permit may be completed.

1. Property Information:

Property Address	**Legal Descripiton**	**Township**
201 and 203 Indiana Mishawaka, IN 46544	Lot 5 J J Engeldrums 1st	Penn Township

Tax ID
016-1037-1586

2. The strict adherence to the Ordinance will create an unusual hardship in that it will cost my company about $50,000. I have an agreement with South Bend Real Estate 4 LLC that any monies that my company may earn are directly tied to rent income, overall costs and time.

This property as a duplex will rent for $1500 - $1600 per month. However as a single family residence it will likely rent for under $1,000. This difference in rent along with the other performance measures will cost my company about $50,000 in losses and unrealized potential income used to keep my company solvent.

3. This property was originally designed and built as a duplex and as such its restoration to this type of property will not be injurious to the public health, safety, morals or general welfare of the community? In fact restoration to its original design, will add back to the original character of the neighborhood.

4. Since the variance is to restore the property back to its original design, the value of the surrounding properties will not be negatively effected. In fact, the property values will be increased because this property will no longer be an eye sore or a safety concern.

5. As to whether granting this variance will substantially interfere with the Mishawaka 2000 Comprehensive Plan I don't think so. What I can say is that I live in an area where many properties have been tore down and rebuilt. The term for these new properties are McMansions.

The Village Council has admitted that when they created their vision that they under-estimated the amount of neighborhood character that would be lost by not maintaining designs consistent with the original property usage.

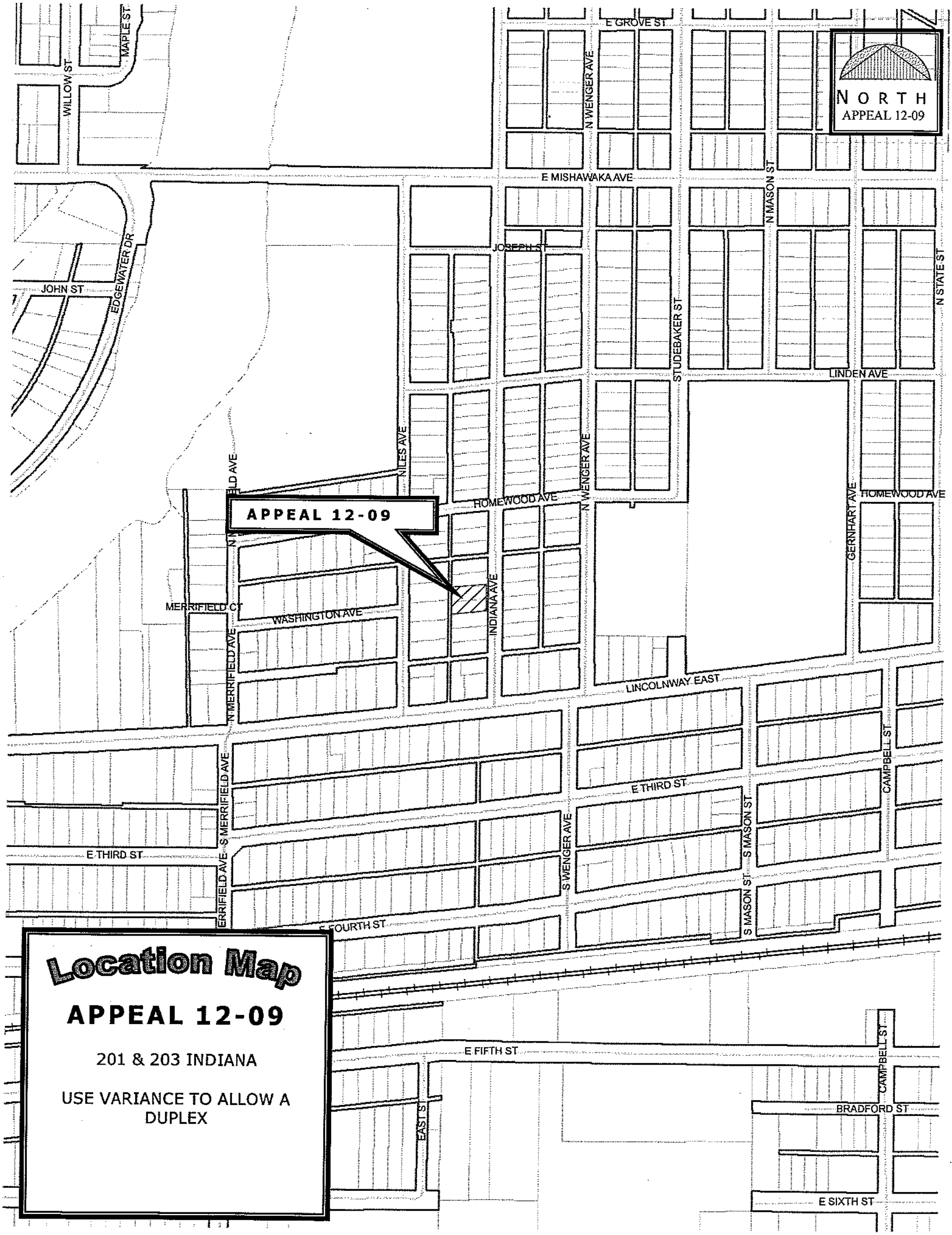
Again, I'm unsure if restoring this property to its original as built design will interfere with the Comprehensive Plan but I do know that it will restore part of the original character of the neighborhood. I hope this positive neighborhood contribution more then outweighs any potential plan interference.

Thank you in advance for your considering this variance to restore 201 and 203 Indiana to its originally designed and as built usage.

Sincerely,

– member

Dan Estes, member
South Bend Real Estate 4 LLC


Location Map
APPEAL 12-09
201 & 203 INDIANA
USE VARIANCE TO ALLOW A DUPLEX
NORTH
APPEAL 12-09
APPEAL 12-09
E GROVE ST
MAPLE ST
WILLOW ST
N WENGER AVE
E MISHAWAKA AVE
N MASON ST
JOSEPH ST
JOHN ST
EDGEWATER DR
STUDEBAKER ST
N STATE ST
LINDEN AVE
NILES AVE
HOMEWOOD AVE
HOMEWOOD AVE
GERNHART AVE
MERRIFIELD CT
WASHINGTON AVE
INDIANA AVE
N MERRIFIELD AVE
LINCOLNWAY EAST
E THIRD ST
E THIRD ST
S MERRIFIELD AVE
S WENGER AVE
S MASON ST
CAMPBELL ST
E FOURTH ST
E FIFTH ST
EAST ST
BRADFORD ST
E SIXTH ST

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR **DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

April 12, 2012

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 3rd District City Council
Mrs. Marsha McClure, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Dan Bilancio, At-Large City Council
Mr. Matt Mammolenti, At-Large City Council
Mr. John Roggeman, At-Large City Council
Mrs. Deborah Block, City Clerk

RECEIVED
DEBORAH S. BLOCK MMC
APR 12 2012
CITY CLERK
MISHAWAKA, IN

Re: Resolution for 2011 Tax Abatement Compliance Reports

Dear Council Members and Clerk:

Property owners who have applied for and been granted a tax abatement for either real or personal property on or after July 1, 1991, must file a report with the Mishawaka Common Council and the St. Joseph County Auditor's Office reporting the extent to which there has been compliance with the goals set forth in the Statement of Benefits filed at the time of the action granting the aforesaid abatement. Please note the Department of Local Government Finance requires one compliance form per project, thus there are separate compliance forms for Real Estate (CF-1/Real Property) and Personal Property (CF-1/PP). There are four active tax abatements in the City of Mishawaka that required reporting for calendar year 2011. All companies have responded to our request to complete the Compliance with Statement of Benefits form. CF-1 forms/responses have been attached to this letter for your use and reference. In short, each of the four abatements have either met their goals or have continued to show improvement, and in staff's opinion should be considered in substantial compliance.

As you are aware, the CF-1 Compliance Forms for Real Estate and Personal Property are due to the County Auditor's Office by May 15th of each year. A copy of the history of the City's tax abatements from 1986 to present has been attached for your use. This summary identifies the current and recently closed abatements and is a good reference tool.

Staff has reviewed the information submitted by all companies. The abatements are listed by the age/date of approval of the abatement oldest to newest-

- **Nyloncraft Inc.-** This abatement was approved by the Council in December of 2007. The current employment is listed at 315, which is 75 below the estimated 390 jobs envisioned to be created and retained at the time. The positive is that this is 12 more jobs than the 303 that were reported in 2011. For reference, total employment for Nyloncraft was listed at 200 in 2009. Similar to what staff reported last year, it appears that Nyloncraft has "weathered the storm". Again, it is positive that the company is still open, located within Mishawaka, and has added employees. All of these represent the company's efforts to comply with the original SB-1 for the site, and indicates substantial compliance.

City Hall ◦ 600 East Third Street ◦ Mishawaka IN ◦ 46544-2241
Community Development ◦ Redevelopment ◦ Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning ◦ Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999
E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

- **BD Mishawaka Development LLC** (the St. Joseph Regional Medical Center Office Building)- It is important to note that this building, although connected to the hospital, is not owned by the hospital. Reporting for the LLC continues to be performed by BremnerDuke, the firm that developed the Medical Office building. Similar to last year, the building continues to be leased up and still contains vacant floors. As a result, the total expected hiring has not occurred. The total number of employees envisioned on the SB-1 was 370 with a total estimated payroll of $10,555,000. To date 327 employees occupy the building with a total payroll of $17,664,293.45. In 2011, 243 employees were located in this facility with a payroll of $13,076,444. This is an increase of 85 employees and close to 4.6 million dollars in payroll over the past year. Given that both the improvements have been completed as committed, and that hiring continues to improve with the overall payroll exceeding expectations, staff feels that this abatement should be considered in substantial compliance.

- **Long Term Care Investments, LLC** This abatement was approved in June of 2009. 120 jobs were estimated as part of the original SB-1. At the time of last years CF-1, 67 jobs had been filled as part of the ramp up in fully occupying the facility. On this year's CF-1, employment is listed at 137, or 17 more jobs than were originally committed. Although the annual payroll is listed at $3,743,158, which is below the $4,071,600 committed, they have indicated that additional employees, and subsequently payroll, will be added "as the census increases". Staff has not followed up to determine what kind of space is left at the facility because of the significant progress between last year and this year. As indicated, all of the 18 million dollar investment as proposed has occurred. Given that both the improvements have been completed as committed, and that hiring continues to improve with the overall payroll growing substantially, staff feels that this abatement should be considered in substantial compliance for 2011.

- **Jamil Packaging Corporation-** Last year, Jamil was reporting on an abatement received in May of 2008. This one has expired and no longer requires a CF-1 submission. The CF-1 attached is for the abatement approved in 2011 for the addition of a specialty folder gluer. The total employment is up to 80 jobs, 7 more than last year, and 1 over the projected total of 79. Given that both the improvements and hiring were completed as committed, this abatement is in substantial compliance.

This information has been forwarded at this time to afford the Council time to review the relevant information. Although this has been prepared and will be presented at your April 16th meeting, the Council has the option of continuing this resolution to your first meeting in May without jeopardizing the compliance review which is required to be received by the Auditor no later than May 15th. If additional information is desired, or if the Council would like to review any individual abatement by committee, please contact me at your earliest convenience so that I can arrange for the necessary participants to attend.

Thank you. Please contact me if you have any questions.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor

City Hall ◦ 600 East Third Street ◦ Mishawaka IN ◦ 46544-2241
Community Development ◦ Redevelopment ◦ Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning ◦ Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999
E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

RESOLUTION NO. R-12- 10

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A REPORT OF COMPLIANCE WITH STATEMENT OF BENEFITS FOR CERTAIN PROPERTY OWNERS

WHEREAS, property owners who have applied for and been granted a tax abatement for either real or personal property on and after July 1, 1991, must file a report with the Mishawaka Common Council and the County Auditor reporting the extent to which there has been compliance with the goals set forth in the Statement of Benefits filed at the time of the action granting the aforesaid abatement, and

WHEREAS, four (4) recipients of four (4) tax abatements have been found to be subject to this requirement, and each have submitted the proper reports, which have been reviewed and found to be in order.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Mishawaka, Indiana:

1. That the "Compliance with Statement of Benefits" reports submitted by the following companies are found to be in order:

    - **Nyloncraft, Inc.**
    - **BD SJRMC Mishawaka Development, LLC**
    - **Long Term Care Investments, LLC**
    - **Jamil Packaging Corporation**

2. That the aforesaid property owners are hereby found to be in substantial compliance, and

3. That the President of the Mishawaka Common Council is hereby authorized to approve the aforementioned reports.

RECEIVED
S. BLOCK MMC
APR 12 2012
CITY CLERK
MISHAWAKA, IN

ADOPTED by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, on this ________ day of ____________, 2012.

____

John Roggeman, President

ATTEST:

____

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this ______ day of _________________, 2012.

____

Deborah S. Block, City Clerk

APPROVED AND SIGNED by me on this _______day of _____________, 2012 at ______o'clock, _____.m.

____

David A. Wood, Mayor

HISTORY OF ALL TAX ABATEMENTS 1986-CURRENT

	Name	Common Council Approval Date	No. of Years Real Estate	No. of Years Machinery	No. of Retained Jobs (Proposed)	No. of New Jobs (Proposed)	No. of Retained Jobs (Actual)	No. of New Jobs (Actual)	Date of Latest CF1 Found	Capital Investment	Abated Through Collect CF-1s	Pay	Abatement Complete
1	Patrick Industries	October 20, 1986	10 Years			52			(-)	$ 8,622,845.00	1997	1998	YES
2	Former Baby Place	June 7, 1988	6 Years	0	0	38.5			(-)	$ 2,000,000.00	1995	1996	YES
3	Wheelabrator Area	December 19, 1988	10 Years		338	246			(-)	$ 2,500,000.00	1999	2000	YES
4	National - Standard	February 21, 1989	6 Years	5 Years	15	180			(-)	$ 10,100,000.00	1995	1996	YES
5	Thermoplastics Phase I	November 20, 1989	6 Years	5 Years	151	13			(-)	$ 2,500,000.00	1995	1996	YES
6	Thermoplastics Phase II	November 20, 1989	3 Years	5 Years	155	20			(-)	$ 3,200,000.00	1993	1994	YES
7	Contech Division I	July 2, 1990	6 Years			75			(-)	$ 10,962,483.00	1996	1997	YES
8	Hilti Steel	September 13, 1990	0	5 Years	n/a	14			(-)	$ 578,000.00	1996	1997	YES
9	Penz Products Inc.	September 24, 1990	3	0	76	10			(-)	$ 475,000.00	1994	1995	YES
10	Dodge Reliance Electrical I	January 7, 1991	0	5 Years	10	15			(-)	$ 1,050,000.00	1996	1997	YES
11	Janco Products, Inc.	May 6, 1991		5 Years	10	20			(-)	$ 220,000.00	1996	1997	YES
12	Thermoplastics Phase III	November 4, 1991	0	5 Years	150	19	150	51	Feb-93	$ 2,750,000.00	1996	1997	YES
13	National Steel Corporation	December 16, 1991	10 Years		250	130	250	32	Mar-01	$ 10,346,394.00	2002	2003	YES
14	Maron Products, Inc.	February 3, 1992	0	5 Years	38	10	41	11	Feb-95	$ 610,794.00	1998	1999	YES
15	Dodge Reliance Electrical II	July 6, 1992	0	5 Years	300+	0	300+	0	Mar-96	$ 3,000,000.00	1998	1999	YES
16	Thermoplastic Phase IV	October 19, 1992	6 Years		210	50	210	148	Mar-98	$ 6,812,832.00	1999	2000	YES
17	Contech Division II	April 19, 1993		5 Years	10		15	108	Mar-99	$ 1,206,461.00	1999	2000	YES
18	Dana/Ristance Corp./Standard Motor Produ	January 3, 1994	10 Years		80	60	42	88	Mar-05	$ 6,067,253.00	2004	2005	YES
19	United Limo	September 6, 1994	6 Years		77	8	77	8	Jan-01	$ 1,262,200.00	2001	2002	YES
20	Dearborn Crane	December 5, 1994	10 Years	5 Years	26	4	26	7	May-99	$ 612,841.00	2005	2006	YES
21	Scott Brass II	December 18, 1995	10 Years		73	31	73	13	Mar-06, Apr-01	$ 11,934,000.00	2006	2007	YES
22	Federal Window (Fedor)	December 18, 1995	6 Years	5 Years	8	8	8	26	Apr-02, Mar-01	$ 1,018,181.00	2002	2003	YES
23	Maron Products, Inc. II	December 18, 1995		5 Years	6	4	2	8	Apr-01	$ 250,000.00	2001	2002	YES
24	Quality Dining	April 15, 1996	10 Years		73	109	73	70	Mar-06	$ 5,087,402.00	2006	2007	YES
25	Baycote Metal Finishing	January 6, 1997	6 Years	5 Years	70	15	79	7	Jul-00	$ 1,800,000.00	2003	2004	YES
26	Krizman International	January 6, 1997	6 Years		225	20	225	20	Jul-00	$ 1,500,000.00	2003	2004	YES
27	Troyer	March 3, 1997	3 Years		60	40		0	(-)	$ 1,100,000.00	2001	2002	YES
28	Nyloncraft Incorporated	May 19, 1997	6 Years	5 Years	378	40	341	58	Feb-02	$ 7,598,531.00	2004	2005	YES
29	Ristance Corporation	October 20, 1997	6 Years	5 Years	139	18		0	(-)	$ 3,600,000.00	2004	2005	YES
30	DeWald Manufac. Inc./Power Gear/Enginee	October 20, 1997	6 Years	5 Years	62	15	62	40	Mar-05	$ 1,842,833.00	2004	2005	YES
31	Thermoplastic Phase V	December 1, 1997	6 Years	5 Years	299	70	299	19	Mar-00	$ 3,181,310.00	2003	2004	YES
32	Atchison/Dodge	December 1, 1999		5 Years	325	50	230		Mar-05	$ 2,000,000.00	2006	2007	YES
33	Sampson Fiberglass	March 6, 2000	3 Years		15	20	15	5	Feb-01	$ 375,000.00	2004	2005	YES
34	RMG Foundry LLC	March 6, 2000		5 Years	325	50	202	0	Feb-06	$ 2,000,000.00	2006	2007	YES
35	WF Associates (AMG Byrkit Facility)	November 19, 2001	10 Years		285	15	234	0	Apr-11	$ 2,650,000.00	2011	2012	YES
36	Nyloncraft Incorporated	March 20, 2003		5 Years	396	16	320	9	May-09	$ 1,168,064.00	2009	2010	YES
37	Nyloncraft Incorporated	November 6, 2003		5 Years	405	13	329	27	May-09	$ 2,730,304.00	2009	2010	YES
38	Plastimatics Arts Corporation	August 18, 2004		3 Years	31	4	31	16	May-06	$ 1,450,290.00	2007	2008	YES
39	Ironwood Enterprises, LLC	September 6, 2005	5 Years		14	49	27	34	May-09	$ 6,000,000.00	2010	2011	YES
40	Daman Products Company	October 17, 2005		3 Years	95	6	82	23	Feb-07	$ 1,118,980.00	2007	2008	YES
41	Culture Systems, Inc.	December 18, 2006	3 Years	3 Years	12	7	12	2	May-09	$ 1,200,000.00	2009	2010	YES
42	Patrick Industries (Metals Div)	June 19, 2006	5 Years	5 Years	172	26			Apr-10	$ 4,600,000.00	2011	2012	YES
43	Jamil Packaging Corporation	August 21, 2006		3 Years	51	5	51	5	May-10	$ 1,250,000.00	2010	2011	YES
44	Nyloncraft Incorporated	December 6, 2007		5 Years	340	50	291	12	Apr-11	$ 2,185,000.00	2013	2014	NO
45	BD Mishawaka Development LLC	February 4, 2008	10 Years		0	370	0	243	Apr-11	$ 46,000,000.00	2018	2019	NO
46	Jamil Packaging Corporation	May 1, 2008		3 Years	64	5	62	11	Apr-11	$ 1,650,000.00	2011	2012	YES
47	Long Term Care Investments, LLC	June 1, 2009	3 Years		0	120	0	67	4/1/2011	$ 18,000,000.00	2012	2013	NO
48	Jamil Packaging Corporation	16-May-11		3 Years	0	0	73	6	N/A	900,000	2014	2015	NO
49	North American Composites (NAC)		3 Years	3 Years	0.0	10.0	0.0	10.0	N/A	$1,241,000	2015	2016	NO

NYLONCRAFT, INC.

SPECIALIST IN ENGINEERED THERMOPLASTIC PRODUCTS

Plant Location: *616 West McKinley Avenue, Mishawaka, Indiana 46545*
Telephone: (574) 256-1521

April 5, 2012

Mr. Kenneth B. Prince, City Planner
Department of Community and Economic Development
City Hall
600 East Third Street
Mishawaka, Indiana 46544

Re: Tax Abatement

Dear Mr. Prince:

Enclosed please find our completed Form CF-1, Compliance with Statement of Benefits, in accordance with State requirements.

Should you have any questions regarding the enclosure, please do not hesitate to contact me.

Sincerely,

Don Dames
Vice President of Finance, C.F.O., and Treasurer

cc: Mr. Peter H. Mullen
St. Joseph County Auditor

COMPLIANCE WITH STATEMENT OF BENEFITS
PERSONAL PROPERTY

State Form 51765 (R / 1-06)
Prescribed by the Department of Local Government Finance

FORM CF-1 / PP

INSTRUCTIONS:
1. *Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between March 1, and May 15, of each year, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between March 1, and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-1).*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Nyloncraft, Inc.

Address of taxpayer *(number and street, city, state, and ZIP code)*: 616 W. McKinley Avenue, Mishawaka, IN 46545

Name of contact person: Don Dames, CFO

Telephone number: (574) 256-1521

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

Name of designating body: Mishawaka Common Council

Resolution number: R2007-33 & R2007-35

Location of property: 616 W. McKinley Avenue, Mishawaka

County: St. Joesph

DLGF taxing district number: 710010023

Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired.

Various equipment as detailed on attachment to form SB-1

Estimated starting date *(month, day, year)*: 11/01/2007

Estimated completion date *(month, day, year)*: 12/31/2009

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	340.00	315
Salaries	11,774,880.00	12,962,000.00
Number of employees retained	340.00	291
Salaries	11,774,880.00	12,122,000.00
Number of additional employees	50.00	24
Salaries	1,133,823.00	840,000.00

SECTION 4 — COST AND VALUES

	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project	18,118,357.00	4,596,830.00					414,714.00	107,010.00
Plus: Values of proposed project	2,085,501.00	819,695.00					100,000.00	65,000.00
Less: Values of any property being replaced	-25,000.00	-3,750.00					0.00	0.00
Net values upon completion of project	20,178,858.00	5,412,775.00					514,714.00	172,010.00
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project	18,118,357.00	4,596,830.00					414,714.00	107,010.00
Plus: Values of proposed project	410,153.00	187,452.00					0.00	0.00
Less: Values of any property being replaced	-8,000.00	-1,200.00					0.00	0.00
Net values upon completion of project	18,520,510.00	4,783,082.00					414,714.00	107,010.00

NOTE: The **COST** of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (d).

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*
Fred Ashinder	Controller	04/05/2012

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991.

INSTRUCTIONS: (IC 6-1.1-12-5.9)

1. *This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.*
2. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
3. *If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the Township Assessor and the County Auditor.*
4. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits.*
5. *If the designating body determines that the property owner has **NOT** made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the County Auditor; and (3) the Township Assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ____________________

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member		Date signed (*month, day, year*)
Attested by:	Designating body	

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

Time of hearing ☐ AM ☐ PM	Date of hearing (*month, day, year*)	Location of hearing

HEARING RESULTS (*to be completed after the hearing*)

☐ Approved ☐ Denied (*see instruction 5 above*)

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member		Date signed (*month, day, year*)
Attested by:	Designating body	

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

Duke
REALTY CORPORATION

March 29, 2012

Mr. Kenneth B. Prince
City of Mishawaka Department of Community and Economic Development
600 East Third St.
Mishawaka, IN 46544

Re: Compliance with Statement of Benefits form (CF-1) for Real Property located at 611 E. Douglas Rd., Mishawaka, IN

Dear Mr. Prince,

Enclosed, please find the Compliance with Statement of Benefits form (CF-1) for Real Estate Improvements located at 611 E. Douglas Rd and commonly known as SJRMC Medical Office Building. If you have any questions, please don't hesitate to contact me by phone at (317) 808-6922 or by email at ryan.rothacker@dukerealty.com.

Sincerely,

Ryan Rothacker
Vice President, Asset Management
Duke Realty Corporation

Cc: Keith Konkoli

510 East 96th Street
Suite 250
Indianapolis, IN 46240
www.bremnerduke.com

APPLICATION FOR DEDUCTION FROM ASSESSED VALUATION OF STRUCTURES IN ECONOMIC REVITALIZATION AREAS (ERA)

State Form 18379 (R10 / 10-08)
Prescribed by the Department of Local Government Finance

20 11 PAY 20 12
FORM 322 / RE

INSTRUCTIONS:

1. *This form is to be filed in person or by mail with the Auditor of the county in which the property is located before May 10 of the year in which addition to assessed valuation (or new assessment) is made, or not later than thirty (30) days after mailing date of notice of assessment (Form 11) if such notice is not given before April 10 of that year (IC 6-1.1-12.1-5).*
2. *Copy of Form 11 must be attached.*
3. *A property owner may not receive this deduction for the same property or improvements for which a deduction is obtained under either IC 6-1.1-12-18, IC 6-1.1-12-22 or IC 6-1.1-12-28.5 (IC 6-1.1-12.1-6).*
4. *A copy of the statement of benefits (Form SB-1 / Real Property) must be attached to this application.*
5. *The compliance with statement of benefits (Form CF-1 / Real Property) must be filed with this application and the designating body (IC 6-1.1-12.1-5.1).*
6. *A copy of the resolution must be attached to this application.*
7. *Please see IC 6-1.1-12.1 for further instructions.*
8. *Taxpayer completes Sections I, II and III below.*
9. *If property located in an economic revitalization area is also located in an allocation area as defined in IC 36-7-14-39 or IC 36-7-15.1-26, an application for the property tax deduction may not be approved unless the Commission that designated the allocation area adopts a resolution approving the application (IC 6-1.1-12.1-2(k)).*
10. *Except for ERA's designated before December 31, 1987, a deduction for redevelopment or rehabilitation is not authorized for the following facilities (IC 6-1.1-12.1-3).*
    - *a. Private or commercial golf course*
    - *b. Country club*
    - *c. Massage parlor*
    - *d. Tennis court*
    - *e. Skating facility, including roller skating, skateboarding or ice skating*
    - *f. Racquet sport facility (including handball or racquet ball court)*
    - *g. Hot tub facility*
    - *h. Suntan facility*
    - *i. Racetrack*
    - *j. Any facility, the primary purpose of which is (a) Retail food and beverage service; (b) Automobile sales or service; or (c) other retail; (unless the facility is located in an economic development-target area established under IC 6-1.1-12.1-7).*
    - *k. Residential, unless the facility is a multi-family facility that contains at least 20% of the units available for use by low and moderate income individuals or unless the facility is located in an economic development target area established under IC 6-1.1-12.1-7, or the area is designated as a residentially distressed area which is required to meet conditions as cited in IC 6-1.1-12.1-2 (c) (1 & 2).*
    - *l. Package liquor store [see IC 6-1.1-12.1 - 3(e)(12)]*

SECTION I - DESCRIPTION OF PROPERTY

The owner hereby applies to the County Auditor for a deduction pursuant to IC 6-1.1-12.1-5 beginning with the assessment date March 1, 20 11 .

County	Township	DLGF taxing district number	Key number
St. Joseph	Penn	71-022	71-04-34-101-006.000-022

Name of owner
BD SJRMC Edison Lakes, LLC

Property address (*number and street, city, state, and ZIP code*)
611 E. Douglas Rd., Mishawaka, IN 46545 **incorrectly shown as 425 E. Douglas Rd. on Tax bill

Legal description from Form 11	Date of Form 11 (*month, day, year*)
Lot 1 St. Joseph Medical Edison Lakes Sub Ex SW Portion in Mish Clay NP # 10627 10-27-05	

Type of structure	Use of structure
Medical Office Building	Physician Office Space

Governing body that approved ERA designation	Resolution number
Common Council of the City of Mishawaka	R2008-02

Date ERA designation approved (*must be before March 1*)
February 4, 2008

SECTION II - VERIFICATION OF OWNER OR REPRESENTATIVE

Signature of owner or representative (*I hereby certify that the representations on this application are true*)	Date signed (*month, day, year*)
	3/30/12

Address (*number and street, city, state, and ZIP code*)
600 E. 96th St., Suite 250, Indianapolis, IN 46240

SECTION III - STRUCTURES			AUDITOR'S USE
A. Rehabilitation structure	1. Assessed valuation AFTER rehabilitation	$	
	2. Assessed valuation at 100% of TTV BEFORE rehabilitation	$	
	3. INCREASE in assessed valuation	$	
	4. Assessed valuation eligible for deduction	$	
B. New structure	1. Assessed valuation	$ 21,110,200.00	
	2. Assessed valuation eligible for deduction	$ 21,110,200.00	

SECTION IV - VERIFICATION OF ASSESSING OFFICIAL

I verify that the above described structure was assessed and the owner was notified on ____________ with the effective date of the assessment being March 1, 20 ____ and that the assessed valuations in Section III are correct.

Signature of Assessing Official	Township	Date (*month, day, year*)

CONTINUED ON THE REVERSE SIDE

SECTION V - FOR AREAS NOT RESIDENTIALLY DISTRESSED
PERCENTAGES AND AMOUNTS OF DEDUCTIONS

YEAR OF DEDUCTION / PERCENTAGE / AMOUNT OF DEDUCTION *

(1) For deductions allowed over a 1 year period:

1st ______ pay ______ 100% $ ______

(2) For deductions allowed over a two (2) year period:

1st ______ pay ______ 100% $ ______
2nd ______ pay ______ 50% $ ______

(3) For deductions allowed over a three (3) year period:

1st ______ pay ______ 100% $ ______
2nd ______ pay ______ 66% $ ______
3rd ______ pay ______ 33% $ ______

(4) For deductions allowed over a four (4) year period:

1st ______ pay ______ 100% $ ______
2nd ______ pay ______ 75% $ ______
3rd ______ pay ______ 50% $ ______
4th ______ pay ______ 25% $ ______

(5) For deductions allowed over a five (5) year period:

1st ______ pay ______ 100% $ ______
2nd ______ pay ______ 80% $ ______
3rd ______ pay ______ 60% $ ______
4th ______ pay ______ 40% $ ______
5th ______ pay ______ 20% $ ______

(6) For deductions allowed over a six (6) year period:

1st ______ pay ______ 100% $ ______
2nd ______ pay ______ 85% $ ______
3rd ______ pay ______ 66% $ ______
4th ______ pay ______ 50% $ ______
5th ______ pay ______ 34% $ ______
6th ______ pay ______ 17% $ ______

(7) For deductions allowed over a seven (7) year period:

1st ______ pay ______ 100% $ ______
2nd ______ pay ______ 85% $ ______
3rd ______ pay ______ 71% $ ______
4th ______ pay ______ 57% $ ______
5th ______ pay ______ 43% $ ______
6th ______ pay ______ 29% $ ______
7th ______ pay ______ 14% $ ______

YEAR OF DEDUCTION / PERCENTAGE / AMOUNT OF DEDUCTION *

(8) For deductions allowed over a eight (8) year period:

1st ______ pay ______ 100% $ ______
2nd ______ pay ______ 88% $ ______
3rd ______ pay ______ 75% $ ______
4th ______ pay ______ 63% $ ______
5th ______ pay ______ 50% $ ______
6th ______ pay ______ 38% $ ______
7th ______ pay ______ 25% $ ______
8th ______ pay ______ 13% $ ______

(9) For deductions allowed over a nine (9) year period:

1st ______ pay ______ 100% $ ______
2nd ______ pay ______ 88% $ ______
3rd ______ pay ______ 77% $ ______
4th ______ pay ______ 66% $ ______
5th ______ pay ______ 55% $ ______
6th ______ pay ______ 44% $ ______
7th ______ pay ______ 33% $ ______
8th ______ pay ______ 22% $ ______
9th ______ pay ______ 11% $ ______

(10) For deductions allowed over a ten (10) year period:

1st ______ pay ______ 100% $ ______
2nd ______ pay ______ 95% $ ______
3rd ______ pay ______ 80% $ ______
4th ______ pay ______ 65% $ ______
5th ______ pay ______ 50% $ ______
6th ______ pay ______ 40% $ ______
7th ______ pay ______ 30% $ ______
8th ______ pay ______ 20% $ ______
9th ______ pay ______ 10% $ ______
10th ______ pay ______ 5% $ ______

* If a general reassessment of real property occurs within the deduction period, the amount of the deduction shall be adjusted to reflect the percentage increase or decrease in assessed valuation. If an appeal of an assessment is approved that results in a reduction of the assessed value, the deduction amount shall be adjusted to reflect the percentage decrease that resulted from the appeal. (IC 6-1.1-12.1-4 (b))

SECTION VI - FOR RESIDENTIALLY DISTRESSED AREAS *(AS DEFINED BY IC 6-1.1-12.1-2b-d)*
AMOUNT OF DEDUCTION

TYPE OF DWELLING	DEDUCTION IS THE LESSER OF: [IC 6-1.1-12.1-4.1(b)]	DEDUCTION IS ALLOWED FOR A FIVE (5) YEAR PERIOD WHICH INCLUDES YEARS:
☐ One (1) family dwelling	Assessed value (after rehabilitation or redevelopment) $______ or $74,880 AV	______ pay ______ through ______ pay ______
☐ Two (2) family dwelling	Assessed value (after rehabilitation or redevelopment) $______ or $106,080 AV	______ pay ______ through ______ pay ______
☐ Three (3) unit multifamily dwelling	Assessed value (after rehabilitation or redevelopment) $______ or $156,000 AV	______ pay ______ through ______ pay ______
☐ Four (4) unit multifamily dwelling	Assessed value (after rehabilitation or redevelopment) $______ or $199,680 AV	______ pay ______ through ______ pay ______

Assessed value limits for taxes due and payable prior to January 1, 2005 were $36,000, $51,000, $75,000, and $96,000 for one to four family dwellings respectively.

SECTION VII - APPROVAL OF COUNTY AUDITOR *(COMPLETE ONLY IF APPROVED)*

This application is approved in the amounts shown above.

Signature of County Auditor	Date signed *(month, day, year)*

NOTICE OF ASSESSMENT OF LAND AND STRUCTURES - FORM 11 R/A - C/I

State Form 21366 (R10 / 12-10)   State Form 45650 (R9 / 12-10)
Prescribed by Department of Local Government Finance

This notice indicates the assessed value of your property. Information on the valuation of your property and a copy of the property record card can be obtained from the Assessing Official at the telephone number and addresses below.
Notice to the taxpayer of the Opportunity to Appeal (IC 6-1.1-15-1):
If a taxpayer does not agree with the action of the assessing official giving this notice, the County Property Tax Assessment Board of Appeals will review that action if you file a notice in writing with the Township Assessor (if any) or the County Assessor within forty-five (45) days of the mailing of this notice. This written notice should include the name of the taxpayer, the address of the property, the key number or the parcel number of the property, the address of the taxpayer (if different from the property address), and the telephone number of the taxpayer. An appeal of this assessed value requires evidence relevant to the value of the taxpayer's property as of the assessment date.

Name and address of property owner	Legal description / Parcel / Property address
BD SJRMC EDISON LAKES LLC See Trans Notes 611 E Douglas Rd Mishawaka, IN 46545	Legal description: BUILDING ON LEASED GROUND (BEING LOT 1 ST JOSEPH Parcel or ID number: 71-04-34-101-006.000-022 Property address: 611 E Douglas RD

PREVIOUS ASSESSMENT		NEW ASSESSMENT EFFECTIVE March 01, 2011	
LAND	0	LAND	0
STRUCTURES	8,552,900	STRUCTURES	21,110,200
TOTAL	8,552,900	TOTAL	21,110,200

Reason for revision of assessment 54 ANNUAL ADJUSTMENT

COPY

If the change in assessment is due to a new home, you should be aware that there are many property tax benefits or deductions available. Please see INDIANA PROPERTY TAX BENEFITS (State Form 51781) available on the DLGF website, www.IN.gov/dlgf. If the real property is reassessed because it has been rehabilitated, you may be eligible for rehabilitation deductions - see Forms 322A or Form 322/RE. If the non-residential real property is reassessed because it has been rehabilitated, you may be eligible for rehabilitation deductions - see Form 322A. Other non-residential construction may be eligible for deductions see Forms 322/RE & Form 322/VBD.

County	Township	Date of notice
St. Joseph	Penn	03/02/2012

Assessing Official	Telephone number
Michael Castellon	(574) 256-6204

Address (number and street, city, state, ZIP code)
227 W Jefferson Blvd, So Bend, IN 46601

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS
State Form 51767 (R / 1-06)
Prescribed by the Department of Local Government Finance

FORM SB-1 / RE

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)*
2. *Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, BEFORE a deduction may be approved.*
3. *To obtain a deduction, Form 322 ERA, Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor.*
4. *Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1/RE annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.1(b))*
5. *The schedules established under IC 6-1.1-12.1-4(d) effective July 1, 2000, apply to any statement of benefits filed on or after July 1, 2000. The schedules effective prior to July 1, 2000, shall continue to apply to those statement of benefits filed before July 1, 2000.*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: BD SJRMC Mishawaka Development, LLC	
Address of taxpayer (number and street, city, state, and ZIP code): 510 E. 96th. Street, Suite 250, PO Box 40509, Indpls, IN 46240	
Name of contact person: David P. Durm	Telephone number: (317) 808-6449

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: See Application		Resolution number:	
Location of property: Douglas Rd.Mishawaka, IN	County: St. Joseph	DLGF taxing district number:	
Description of real property improvements, redevelopment, or rehabilitation. (use additional sheets if necessary): Exhibit A (See Attached)		ESTIMATED Start Date: 6/1/07	Completion Date: 10/1/08

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
See attached					

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	See Attached	
Plus estimated values of proposed project		
Less values of any property being replaced		
Net estimated values upon completion of project		

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (*pounds*) ________ Estimated hazardous waste converted (*pounds*) ________

Other benefits:

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed (month, day, year)
[signature]	Auth Rep	4/19/07

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this Economic Revitalization Area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed ____________ calendar years * *(see below)*. The date this designation expires is ______________________________.

B. The type of deduction that is allowed in the designated area is limited to:
   1. Redevelopment or rehabilitation of real estate improvements; ☐ Yes ☐ No
   2. Residentially distressed areas ☐ Yes ☐ No

C. The amount of deduction applicable for redevelopment or rehabilitation is limited to $ ________________ cost with an assessed value of $ ________________.

D. Other limitations or conditions *(specify)*____

E. The deduction for redevelopment or rehabilitation is allowed for ______________________________ years* *(see below)*.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above. (IC 6-1.1-12-3(b))

Approved: *(signature and title of authorized member)*	Telephone number ( )	Date signed *(month, day, year)*
Attested by:	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.

For residentially distressed areas, the deduction period may not exceed five (5) years. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years. For ERAs after June 30, 2000, the deduction period may not exceed ten (10) years. An area designated as an urban development area pursuant to an application filed after December 31, 1978, and prior to January 1, 1986, are entitled to a ten (10) year deduction.

COMPLIANCE WITH STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51766 (R2 / 1-07)
Prescribed by the Department of Local Government Finance

20 11 PAY 20 12

FORM CF-1 / Real Property

PRIVACY NOTICE
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):
☑ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Eligible vacant building (IC 6-1.1-12.1-4.8)

INSTRUCTIONS:
1. *This form does not apply to property located in a residentially distressed area. (IC 6-1.1-12.1-2 (b))*
2. *Property owners must file this form with the County Auditor and the Designating Body for their review regarding the compliance of the project with the Statement of Benefits (SB-1 / Real Property).*
3. *This form must accompany the initial deduction application that is filed with the County Auditor.*
4. *Property owners whose Statement of Benefits was approved after June 30, 1991, must file an updated form with the County Auditor and the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.1)*
5. *The updated form must be filed annually by May 15, or by the due date for the real property owner's personal property return that is filed in the township where the project is located, whichever is later. (IC 6-1.1-12.1-5.1 (b))*
6. *With the approval of the Designating Body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1 / Real Property).*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: BD SJRMC Edison Lakes, LLC

Address of taxpayer (*number and street, city, state, and ZIP code*): c/o Duke Realty Limited Partnership, 600 E. 96th Street, Suite 100, Indianapolis, IN 46240

Name of contact person: Ryan Rothacker

Telephone number: (317) 808-6922

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

Name of designating body: Common Council of the City of Mishawaka Indiana

Resolution number: R 2008-02

Location of property: 611 E. Douglas Rd., Mishawaka, IN 46545

County: St. Joseph

DLGF taxing district number:

Description of real property improvements: Construction of a 205,573 sf medical office building & all parking as required. Building is connected to Saint Joseph Regional Medical Center Hospital

Estimated starting date (*month, day, year*): 02/11/2008

Estimated completion date (*month, day, year*): 08/01/2009

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	0	327
Salaries	0.00	17,664,293.45
Number of employees retained	0	
Salaries	0.00	
Number of additional employees	370	
Salaries	10,555,000.00	

SECTION 4 — COST AND VALUES

COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values before project		
Plus: Values of proposed project	46,000,000.00	
Less: Values of any property being replaced		
Net values upon completion of project	46,000,000.00	
ACTUAL	COST	ASSESSED VALUE
Values before project		
Plus: Values of proposed project	37,347,665.00	21,110,200.00
Less: Values of any property being replaced		
Net values upon completion of project	44,000,000.00	

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed (*month, day, year*)
[signature]	VP, Asset Management	3/30/12

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991

INSTRUCTIONS: (IC 6-1.1-12-5.1)

1. *This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.*
2. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
3. *If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. A copy of the notice will be sent to the County Auditor.*
4. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits.*
5. *If the designating body determines that the property owner has **NOT** made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner and (2) the County Auditor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ______________________________

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member	Date signed (*month, day, year*)

Attested by:	Designating body

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

Time of hearing ☐ AM ☐ PM	Date of hearing (*month, day, year*)	Location of hearing

HEARING RESULTS (*to be completed after the hearing*)

☐ Approved ☐ Denied (*see instruction 5 above*)

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member	Date signed (*month, day, year*)

Attested by:	Designating body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

SOPKO, NUSSBAUM, INABNIT & KACZMAREK
ATTORNEYS AT LAW
5TH FLOOR - PLAZA BUILDING
210 S. MICHIGAN STREET - P.O. BOX 300
SOUTH BEND, INDIANA 46624
TELEPHONE (574) 234-3000
FACSIMILE (574) 234-4220
E-MAIL ADDRESS: SNI@SNI-LAW.COM

RICHARD A. NUSSBAUM, II*
BRENT E. INABNIT**
MATTHEW R. KACZMAREK
JOSHUA A. VISSER
KEVIN E. WARREN
NICHOLAS J. DERDA

*ALSO ADMITTED IN MICHIGAN
**ALSO ADMITTED IN ILLINOIS

OF COUNSEL
THOMAS C. SOPKO
RONALD J. JAICOMO

April 5, 2012
(Via Hand Delivery)

APR 05 2012

Ken Prince, Director
Planning and Development Department
City of Mishawaka
600 East 3rd Street
Mishawaka, Indiana 46544

St. Joseph County Auditor
County-City Building, 2nd Floor
227 West Jefferson Boulevard
South Bend, Indiana 46601

Re: Long Term Care Investments, LLC Compliance with Statement of Benefits

Dear Mr. Prince and Auditor:

Enclosed please find Long Term Care Investments, LLC's Compliance with Statement of Benefits Real Estate Improvements Form CF-1. Please contact me should you have any questions or if you need any additional information.

Very truly yours,

Brent E. Inabnit/NJD

Brent E. Inabnit
brenti@sni-law.com

BEI:jh
Enclosures
cc: Long Term Care Investments, LLC (w/enclosure)

P:\WP51\DOC\LongTerm\PrinceLtr.wpd

COMPLIANCE WITH STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS
State Form 51766 (R2 / 1-07)
Prescribed by the Department of Local Government Finance

APR 2012 FILED AUDITOR St. Joseph County INDIANA

20____ PAY 20____
FORM CF-1 / Real Property

PRIVACY NOTICE
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):
☑ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Eligible vacant building (IC 6-1.1-12.1-4.8)

INSTRUCTIONS:
1. *This form does not apply to property located in a residentially distressed area. (IC 6-1.1-12.1-2 (b))*
2. *Property owners must file this form with the County Auditor and the Designating Body for their review regarding the compliance of the project with the Statement of Benefits (SB-1 / Real Property).*
3. *This form must accompany the initial deduction application that is filed with the County Auditor.*
4. *Property owners whose Statement of Benefits was approved after June 30, 1991, must file an updated form with the County Auditor and the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.1)*
5. *The updated form must be filed annually by May 15, or by the due date for the real property owner's personal property return that is filed in the township where the project is located, whichever is later. (IC 6-1.1-12.1-5.1 (b))*
6. *With the approval of the Designating Body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1 / Real Property).*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Long Term Care Investments, LLC	
Address of taxpayer (number and street, city, state, and ZIP code): 50601 Hedgewood Court, Granger, IN 46530	
Name of contact person: Dr. Ahmed Latief	Telephone number: (574) 243-0884

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

Name of designating body: City of Mishawaka Common Council		Resolution number: R2009 -12 and 13
Location of property: 1420 E. Douglas Road	County: St. Joseph	DLGF taxing district number: 30
Description of real property improvements: Construction of a skilled care nursing home facility		Estimated starting date (month, day, year): 08/15/2009
		Estimated completion date (month, day, year): 11/30/2010

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	0	137
Salaries	0.00	3,743,158.00
Number of employees retained	0	137
Salaries	0.00	3,743,158.00
Number of additional employees	120	*See Below
Salaries	4,071,600.00	*See Below

SECTION 4 — COST AND VALUES

COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values before project	229,600.00	115,900.00
Plus: Values of proposed project	18,000,000.00	
Less: Values of any property being replaced	229,600.00	
Net values upon completion of project	18,000,000.00	
ACTUAL	COST	ASSESSED VALUE
Values before project	229,600.00	115,900.00
Plus: Values of proposed project	18,000,000.00	
Less: Values of any property being replaced	229,600.00	
Net values upon completion of project	18,000,000.00	4,674,300.00

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted	0	0
Amount of hazardous waste converted	0	0
Other benefits:	0	0

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed (month, day, year)
[signature]	[signature]	4/5/12

*Additional employees to be added as census increases

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991

INSTRUCTIONS: (IC 6-1.1-12-5.1)

1. *This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.*
2. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
3. *If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. A copy of the notice will be sent to the County Auditor.*
4. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits.*
5. *If the designating body determines that the property owner has **NOT** made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner and (2) the County Auditor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ______________________________

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member	Date signed (*month, day, year*)
Attested by:	Designating body

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

Time of hearing ☐ AM ☐ PM	Date of hearing (*month, day, year*)	Location of hearing

HEARING RESULTS (*to be completed after the hearing*)

☐ Approved ☐ Denied (*see instruction 5 above*)

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member	Date signed (*month, day, year*)
Attested by:	Designating body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

COMPLIANCE WITH STATEMENT OF BENEFITS
PERSONAL PROPERTY

State Form 51765 (R / 1-06)
Prescribed by the Department of Local Government Finance

INSTRUCTIONS:
1. *Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between March 1, and May 15, of each year, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between March 1, and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-1).*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer JAMIL PACKAGING CORPORATION	
Address of taxpayer *(number and street, city, state, and ZIP code)* 1420 INDUSTRIAL DRIVE MISHAWAKA, IN 46544	
Name of contact person DAVID A. DIROLL	Telephone number (574) 256-2600

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

Name of designating body CITY OF MISHAWAKA COMMON COUNCIL		Resolution number R 2011-08
Location of property 1420 INDUSTRIAL DRIVE MISHAWAKA, IN 46544	County ST. JOSEPH	DLGF taxing district number 71022
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. EXPERTFOLD 300 A-4 SPECIALTY FOLDER GLUER		Estimated starting date *(month, day, year)* Estimated completion date *(month, day, year)* 07/15/2011

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	73.00	80
Salaries	2,706,000.00	3,006,600.00
Number of employees retained	73.00	73
Salaries	2,706,000.00	2,924,300.00
Number of additional employees 7 NEW HIRES 07/05/11 TO 10/12/11	6.00	7
Salaries	180,000.00	82,300.00

SECTION 4 — COST AND VALUES

	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project	5,158,748.00							
Plus: Values of proposed project	900,000.00							
Less: Values of any property being replaced	350,531.00							
Net values upon completion of project	5,708,217.00							
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project	5,158,748.00							
Plus: Values of proposed project	846,673.16							
Less: Values of any property being replaced	350,531.00							
Net values upon completion of project	5,654,890.16							

NOTE: The **COST** of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (d).

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*
David A Diroll	PRESIDENT President	3-28-12

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991.

INSTRUCTIONS: (IC 6-1.1-12-5.9)

1. *This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.*
2. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
3. *If the property owner is found* ***NOT*** *to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the Township Assessor and the County Auditor.*
4. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits.*
5. *If the designating body determines that the property owner has* ***NOT*** *made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the County Auditor; and (3) the Township Assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ______________________________

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member	Date signed (*month, day, year*)

Attested by:	Designating body

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

Time of hearing ☐ AM ☐ PM	Date of hearing (*month, day, year*)	Location of hearing

HEARING RESULTS (*to be completed after the hearing*)

☐ Approved ☐ Denied (*see instruction 5 above*)

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member	Date signed (*month, day, year*)

Attested by:	Designating body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

RECEIVED
[illegible] S. BLOCK, MMC

MAR 15 2012

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION #11-28

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2012-06

ORDINANCE NO. ________

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

A parcel of land being a part of the Southeast Quarter of Section 27 and a part of the Southwest Quarter of Section 26, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County, Indiana and being more particularly described as follows:

Commencing at the Southwest corner of said Section 26 (the same being also the Northwest corner of Section 35, in said Township and Range); thence South along the West line of said Section 35, a distance of 35 feet to the South right of way line of Douglas Road and the place of beginning for this description; thence West along said South right-of-way line, a distance of 260.19 feet more or less to a point on an East line of a parcel of land annexed into the City of Mishawaka, Indiana, by Ordinance Number 5286 adopted by said City on December 7, 2010; thence for the next four courses along said City boundary line, the first course being North 98.61 feet to a point on a North right-of-way line of Douglas Road; thence West, along said North right-of-way line, a distance of 78.96 feet; thence North a distance of 63.67 feet to a point on said North right-of-way line; thence West, along said North right-of-way line, a distance of 198.96 feet to said North right-of-way line's intersection with the centerline of Juday Creek; thence Northwesterly, along said Juday Creek centerline, a distance of 715.21 feet to an angle point; thence Northeasterly a distance of 697.43 feet to a point; thence South 1002.34 feet more or less to a point on said South right-of-way line of Douglas Road; thence West, along said South right-of-way line, a distance of 428.43 feet to the place of beginning containing 16.23 acres more or less. Subject to the legal rights of public highways.

Proposed Ordinance No. 12-06

Ordinance No. __________

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of S-2 Planned Unit Development to allow for the construction of a mixed use commercial development including uses identified in the C-1 General Commercial, C-5 Neighborhood Commercial, C-7 Restaurant Oriented Commercial, and C-8 High Density Suburban Commercial Districts, subject to the following conditions:

Uses:

1. Outside sale display for loose items shall be prohibited unless specifically approved by the Planning Commission as part of a final planned unit development site plan submission.
2. Off-premise signs/billboards shall be prohibited.

Traffic Impact:

1. The following general conditions shall apply. More specifics and refinements shall be made with each planned unit development plan submission following the completion of a Traffic Impact Study. All traffic/transportation improvements required for the completion of this project shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering. Improvements shall be based on but not limited to a Traffic Impact Study provided by the applicant and reviewed/approved by the City Director of Engineering. The City Director of Engineering reserves the right to review and comment upon PUD or Site Plan submittal regarding access-drive, right-of-way improvements, and donation of right-of-way for these improvements.

2. Phasing of improvements, including internal collector drives associated with this project shall be as determined by the City Director of Engineering.

3. The number and or type of curb cuts on all proposed drives shall limited based on Traffic Impact Study and as determined appropriate by the City Director of Engineering.

Internal Road connections:

1. Private collector road connections shall be provided through the site and connected to adjacent properties as conceptually depicted on the planned unit development site plan. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval. The applicant shall meet with the adjacent property owners to coordinate the exact connection locations between property. The exact location of these connection points shall be subject to review and approval by the City and shall generally be based on the information received from the required traffic impact study.

2. A hierarchy of the internal vehicular road network shall be provided. Turning lanes within the site are a necessity. Internal stacking and turning movements at intersections shall be provided and protected accordingly. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.

3. At a minimum, internal sidewalks shall be provided throughout the development connecting parcels and adjacent roadways. This walk shall connect to any sidewalk that may be provided along Douglas Road. Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.

4. Internal access connections shall be provided to all adjacent parcels of land.

Stormwater Run-off/Utilities:

1. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering.

2. Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.

3. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

4. A master improvement plan shall be provided for all proposed improvements and impacts to the existing floodplain and Juday Creek drainage corridor. This plan shall be submitted to all applicable entities including but not limited to the St. Joseph County Surveyor and the St. Joseph County River Basin Commission. This plan shall be submitted and approved by the City prior to completing any work in the regulatory floodplain, or within 100' of the bank of Juday Creek.

Lighting:

1. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.

2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.

3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 250 acre site) and to otherwise further the intent of this chapter as follows. All freestanding signs shall otherwise be designed as per the applicable City requirements:

   a. The applicant shall coordinate with the other undeveloped properties so that the entre area contains development signage on Douglas Road. If agreed to in writing by all affected landowners, development signage shall be allowed as follows. Two development signs per entry with a maximum sign display area shall be limited to 150 square feet per sign. Each sign may not exceed 15' in height and shall include a masonry base. Animated/Electronic Reader boards shall be prohibited for these signs.

b. Each outlot/development parcel may also be permitted one freestanding sign. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 100 lineal feet.

2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.

3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

Building Limitations/Architecture:

1. All proposed commercial buildings shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended. Materials and colors shall be varied to provide architectural interest.

2. For all commercial development parcels- there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25'building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.

3. The maximum building height for any commercial building within the development shall be 60'

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.

3. A 3-foot high earth mounding shall be provided along public road right-of-way and internal collector drives. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district.

4. Sidewalks and utilities may be provided within required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green

area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.

5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.

6. All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.

Phasing:

1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Existing Conditions – The subject parcel is located adjacent to Capital Avenue and Douglas Road, two highly traveled corridors. Douglas Road is a major through road off of Capital Avenue to significant commercial development. Commercial projects have been approved for the area around the Fir Road and Douglas Road intersection.

2. Character of Buildings in Area – The area is predominantly undeveloped. The single family homes in the area will likely be redeveloped as commercial over time given the character and development potential of the property. The character of many of the buildings on the north side of the City are commercial.

3. The Most Desirable/Highest and Best Use – Because of the parcel's location and the significant commercial development on the north side of the City and along Douglas Road combined with the proximity of Capital Avenue makes the most desirable use for the majority of property a heavy mix of intensive commercial and professional office uses.

4. Conservation of Property Values – The proposed zoning will not be injurious to property values in the surrounding area, because the vast majority of adjacent property remains undeveloped. The extension of City infrastructure to service this development along Douglas Road will actually add value to adjacent properties.

5. Comprehensive Plan – This specific property was not a part in the City of Mishawaka Comprehensive Plan. However, the petition is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan. The continued change and expansion of the commercial areas of the City are

commensurate to the City's status as a regional area of commerce. The substantial residential growth that occurred in the unincorporated County (the unincorporated area of Granger) also contributes to the need/demand for services that are proposed in this development.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of __________________, 2012, at ______ o'clock ___.M.

____
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ______ day of _________________, 2012, at ______ o'clock _____.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of ________________, 2012, at _______o'clock ______.M.

____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 03 2011

CITY CLERK
MISHAWAKA, IN

October 26, 2011

TO THE:

Honorable Members of the Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

Re: Petition for Annexation and Zoning Classification

The undersigned, Larry & Becky Penn, respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

see attached

Petitioners own One Hundred (100%) percent of the above described parcel of land which is located on the North side of Douglas Road, East of Fir Road in Harris Township, St. Joseph County, City of Mishawaka, State of Indiana and that the Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a zoning classification of P. U. D. Planned Urban Development classification desired. Petitioners further state they intend to utilize said land for business/commercial and residential.

Accompanying this petition is a drawing, to scale, showing the above described vacant parcel of real estate.

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a zoning classification of P. U. D. Planned Urban Development.

Larry J. Penn
Larry J. Penn

Becky L. Penn
Becky L. Penn

postponed

Contact Person:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841

RECEIVED
OCT 26 2011
Pet 11-28
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

(1)

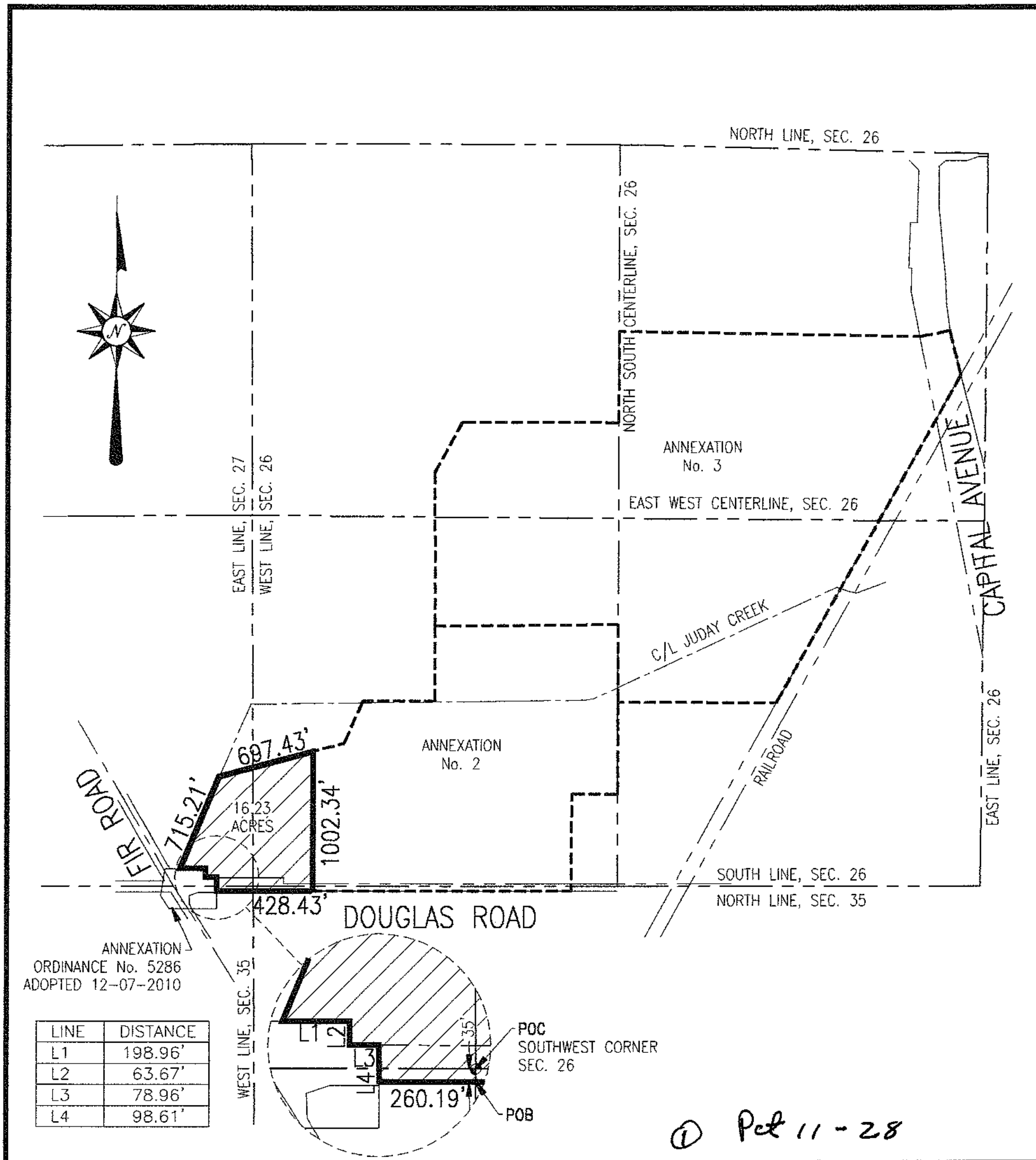
PennAnnexPetition.doc

Annexation No. 1

Legal Description:
A parcel of land being a part of the Southeast Quarter of Section 27 and a part of the Southwest Quarter of Section 26, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County, Indiana and being more particularly described as follows:
Commencing at the Southwest corner of said Section 26 (the same being also the Northwest corner of Section 35, in said Township and Range); thence South along the West line of said Section 35, a distance of 35 feet to the South right of way line of Douglas Road and the place of beginning for this description; thence West along said South right-of-way line, a distance of 260.19 feet more or less to a point on an East line of a parcel of land annexed into the City of Mishawaka, Indiana by Ordinance Number 5286 adopted by said City on December 7, 2010; thence for the next four courses along said City boundary line, the first course being North 98.61 feet to a point on a North right-of-way line of Douglas Road; thence West, along said North right-of-way line, a distance of 78.96 feet; thence North a distance of 63.67 feet to a point on said North right-of-way line; thence West, along said North right-of-way line, a distance of 198.96 feet to said North right-of-way line's intersection with the centerline of Juday Creek; thence Northwesterly, along said Juday Creek centerline, a distance of 715.21 feet to an angle point; thence Northeasterly a distance of 697.43 feet to a point; thence South 1002.34 feet more or less to a point on said South right-of-way line of Douglas Road; thence West, along said South right-of-way line, a distance of 428.43 feet to the place of beginning containing 16.23 acres more or less.

Subject to the legal rights of public highways.

Pet 11-28 #1



LINE	DISTANCE
L1	198.96'
L2	63.67'
L3	78.96'
L4	98.61'

① Pet 11-28

ANNEXATION 1

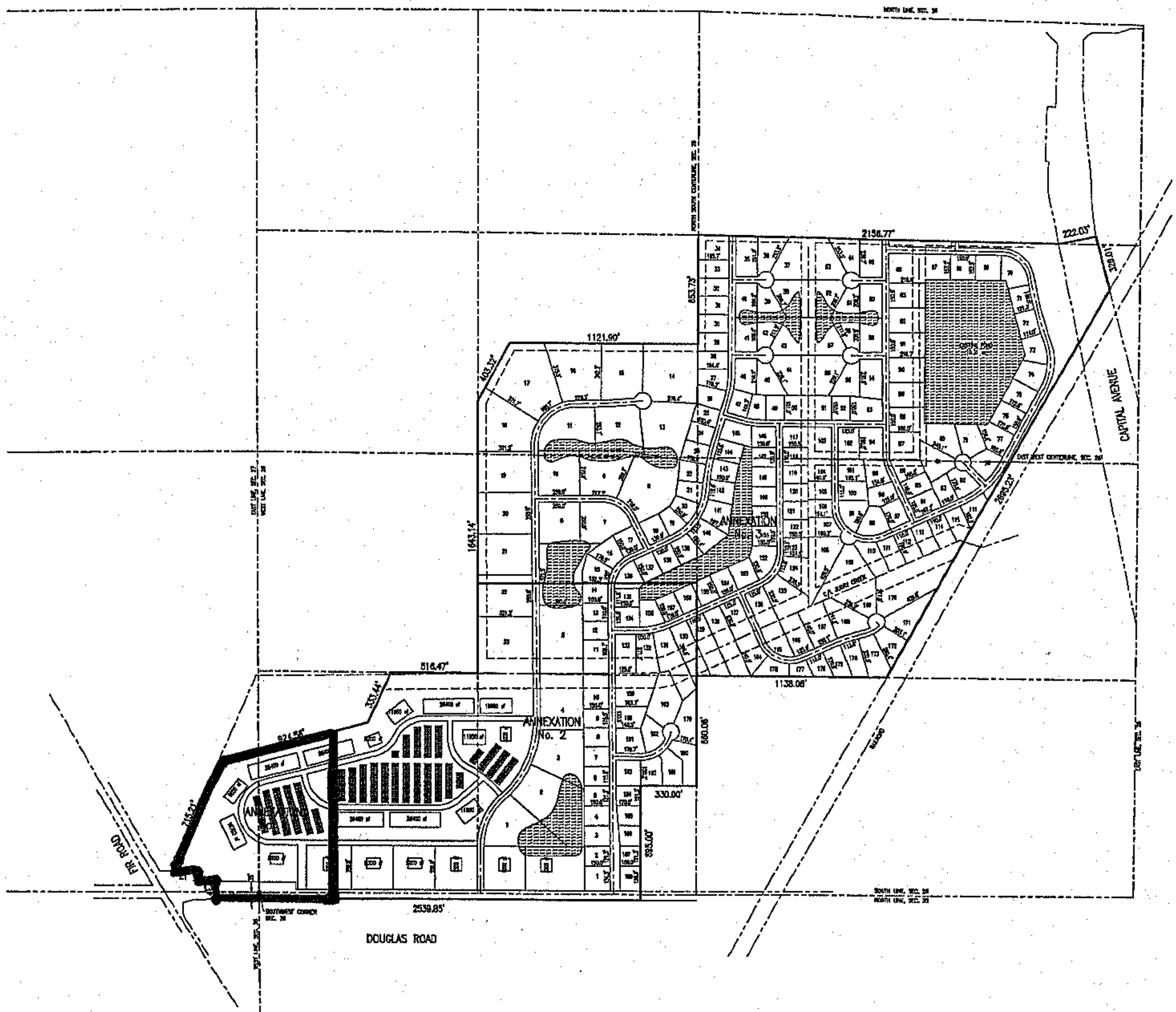
SITE PLAN FOR VOLUNTARY ANNEXATION
INTO THE CITY OF MISHAWAKA
FOR
LARRY & BECKY PENN

Lang, Feeney & Associates, Inc.
Land Surveyors, Construction Engineers & Soil Scientists
715 South Michigan Street
South Bend, Indiana 46601
Phone 574-233-1841 Fax 574-674-0374

File Name	Drawn By	Scale
PennAnnexation	BKG	1" = 1000'

Date	Rev. Date	Drawing No.
10-26-11	-	25091

SITE PLAN FOR VOLUNTARY ANNEXATION
INTO THE CITY OF MISHAWAKA
FOR
LARRY & BECKY PENN



0' 300' 600' 900'
SCALE: 1" = 300'

LINE	DISTANCE
L1	198.96'
L2	63.67'
L3	25.35'
L4	98.61'

Long, Feeney & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46601
Phone (574) 233-1841

Land Surveyors • Soil Scientists

Scale 1" = 300'	Drawn BKD
Date 11-02-11	Job Name PennAnnexation
Rev. –	Job No. 122-61
Rev. –	

Pet 11-28

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 15 2012

CITY CLERK
MISHAWAKA, IN

PETITION #11-29

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2012-07

ORDINANCE NO. __________

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

A parcel of land being a part of the Southwest Quarter of Section 26, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Southwest corner of said Section 26 (the same being also the Northwest corner of Section 35, in said Township and Range); thence South along the West line of said Section 35, a distance of 35 feet to the south right of way line of Douglas Road; thence East along said South right-of-way line, a distance of 428.43 feet to the place of beginning for this description; thence North 1002.34 feet to a point; thence Northeasterly a distance of 227.13 feet to an angle point; thence Northeasterly a distance of 333.44 feet more or less to the North line of the Southwest Quarter of said Southwest Quarter of said Section 26; thence East, along said North line of said Quarter, Quarter Section, a distance of 516.47 feet to the Northeast corner of said Quarter, Quarter Section; thence North along the West line of the Northeast Quarter of said Southwest Quarter, a distance of 537.91 feet to a point; thence East, a distance of 1301.9 feet more or less to a point on the North-South centerline of said Section 26; thence South, along said North-South centerline, a distance of 555.23 feet, more or less to the Northeast corner of the Southeast Quarter of said Southwest Quarter of Section 26; thence continuing South, along said North-South centerline, a distance of 660.06 feet; thence West 330 feet; thence South 695 feet more or less to a point on said South right-of-way line of said Douglas Road; thence West, along said South right-of-way line of Douglas Road a distance of 1851.23 feet to the place of beginning containing 77.11 acres more or less. Subject to the legal rights of public highways.

Proposed Ordinance No. 2012-07

Ordinance No. ___________

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of S-2 Planned Unit Development to allow for the construction of a mixed use commercial development including uses identified in the C-1 General Commercial, C-5 Neighborhood Commercial, C-7 Restaurant Oriented Commercial, and C-8 High Density Suburban Commercial Districts, and C-6 Linear Office Commercial districts, subject to the following conditions:

Uses:

1. Outside sale display for loose items shall be prohibited unless specifically approved by the Planning Commission as part of a final planned unit development site plan submission.
2. Off-premise signs/billboards shall be prohibited.

Traffic Impact:

1. The following general conditions shall apply. More specifics and refinements shall be made with each planned unit development plan submission following the completion of a Traffic Impact Study. All traffic/transportation improvements required for the completion of this project shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering. Improvements shall be based on but not limited to a Traffic Impact Study provided by the applicant and reviewed/approved by the City Director of Engineering. The City Director of Engineering reserves the right to review and comment upon PUD or Site Plan submittal regarding access-drive, right-of-way improvements, and donation of right-of-way for these improvements.
2. Phasing of improvements, including internal collector drives associated with this project shall be as determined by the City Director of Engineering.
3. The number and or type of curb cuts on all proposed drives shall limited based on Traffic Impact Study and as determined appropriate by the City Director of Engineering.

Internal Road connections:

1. Private collector road connections shall be provided through the site and connected to adjacent properties as conceptually depicted on the planned unit development site plan. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval. The applicant shall meet with the adjacent property owners to coordinate the exact connection locations between property. The exact location of these connection points shall be subject to review and approval by the City and shall generally be based on the information received from the required traffic impact study.

2. A hierarchy of the internal vehicular road network shall be provided. Turning lanes within the site are a necessity. Internal stacking and turning movements at intersections shall be provided and protected accordingly. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.

3. At a minimum, internal sidewalks shall be provided throughout the development connecting parcels and adjacent roadways. This walk shall connect to any sidewalk that may be provided along Douglas Road. Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.

4. Internal access connections shall be provided to all adjacent parcels of land.

Stormwater Run-off/Utilities:

1. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering.

2. Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.

3. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

4. A master improvement plan shall be provided for all proposed improvements and impacts to the existing floodplain and Juday Creek drainage corridor. This plan shall be submitted to all applicable entities including but not limited to the St. Joseph County Surveyor and the St. Joseph County River Basin Commission. This plan shall be submitted and approved by the City prior to completing any work in the regulatory floodplain, or within 100' of the bank of Juday Creek.

Lighting:

1. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.

2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.

3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 250 acre site) and to otherwise further the intent of this chapter as follows. All freestanding signs shall otherwise be designed as per the applicable City requirements:

   a. The applicant shall coordinate with the other undeveloped properties so that the entre area contains development signage on Douglas Road. If agreed to in writing by all affected landowners, development signage shall be allowed as follows. Two development signs per entry with a maximum sign display area shall be limited to 150 square feet per sign. Each sign may not exceed 15' in height and shall include a masonry base. Animated/Electronic Reader boards shall be prohibited for these signs.

b. Each outlot/development parcel may also be permitted one freestanding sign. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 100 lineal feet.

2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.

3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

Building Limitations/Architecture:

1. All proposed commercial buildings shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended. Materials and colors shall be varied to provide architectural interest.

2. For all commercial development parcels- there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25'building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.

3. The maximum building height for any commercial building within the development shall be 60'

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.

3. A 3-foot high earth mounding shall be provided along public road right-of-way and internal collector drives. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district.

4. Sidewalks and utilities may be provided within required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green

area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.

5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.

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1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Existing Conditions – The subject parcel is located adjacent to Capital Avenue and Douglas Road, two highly traveled corridors. Douglas Road is a major through road off of Capital Avenue to significant commercial development. Commercial projects have been approved for the area around the Fir Road and Douglas Road intersection.

2. Character of Buildings in Area – The area is predominantly undeveloped. The single family homes in the area will likely be redeveloped as commercial over time given the character and development potential of the property. The character of many of the buildings on the north side of the City are commercial.

3. The Most Desirable/Highest and Best Use – Because of the parcel's location and the significant commercial development on the north side of the City and along Douglas Road combined with the proximity of Capital Avenue makes the most desirable use for the majority of property a heavy mix of intensive commercial and professional office uses.

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5. Comprehensive Plan – This specific property was not a part in the City of Mishawaka Comprehensive Plan. However, the petition is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan. The continued change and expansion of the commercial areas of the City are

Proposed Ordinance No. 2012-07

Ordinance No. ___________

commensurate to the City's status as a regional area of commerce. The substantial residential growth that occurred in the unincorporated County (the unincorporated area of Granger) also contributes to the need/demand for services that are proposed in this development.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this ___ day of __________________, 2012, at ______ o'clock ___.M.

____
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ______ day of _________________, 2012, at ______ o'clock ______.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of ________________, 2012, at _______o'clock ______.M.

____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 03 2011

CITY CLERK
MISHAWAKA, IN

October 26, 2011

TO THE:

Honorable Members of the Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

Re: Petition for Annexation and Zoning Classification

The undersigned, Larry & Becky Penn, respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

see attached

Petitioners own One Hundred (100%) percent of the above described parcel of land which is located on the North side of Douglas Road, East of Fir Road in Harris Township, St. Joseph County, City of Mishawaka, State of Indiana and that the Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a zoning classification of P. U. D. Planned Urban Development classification desired. Petitioners further state they intend to utilize said land for business/commercial and residential.

Accompanying this petition is a drawing, to scale, showing the above described vacant parcel of real estate.

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a zoning classification of P. U. D. Planned Urban Development.

Larry J. Penn
Larry J. Penn

Becky L. Penn
Becky L. Penn

postponed

Contact Person:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841

RECEIVED
OCT 26 2011 (2)
Pet 11-29
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

PennAnnexPetition.doc

Annexation No. 2

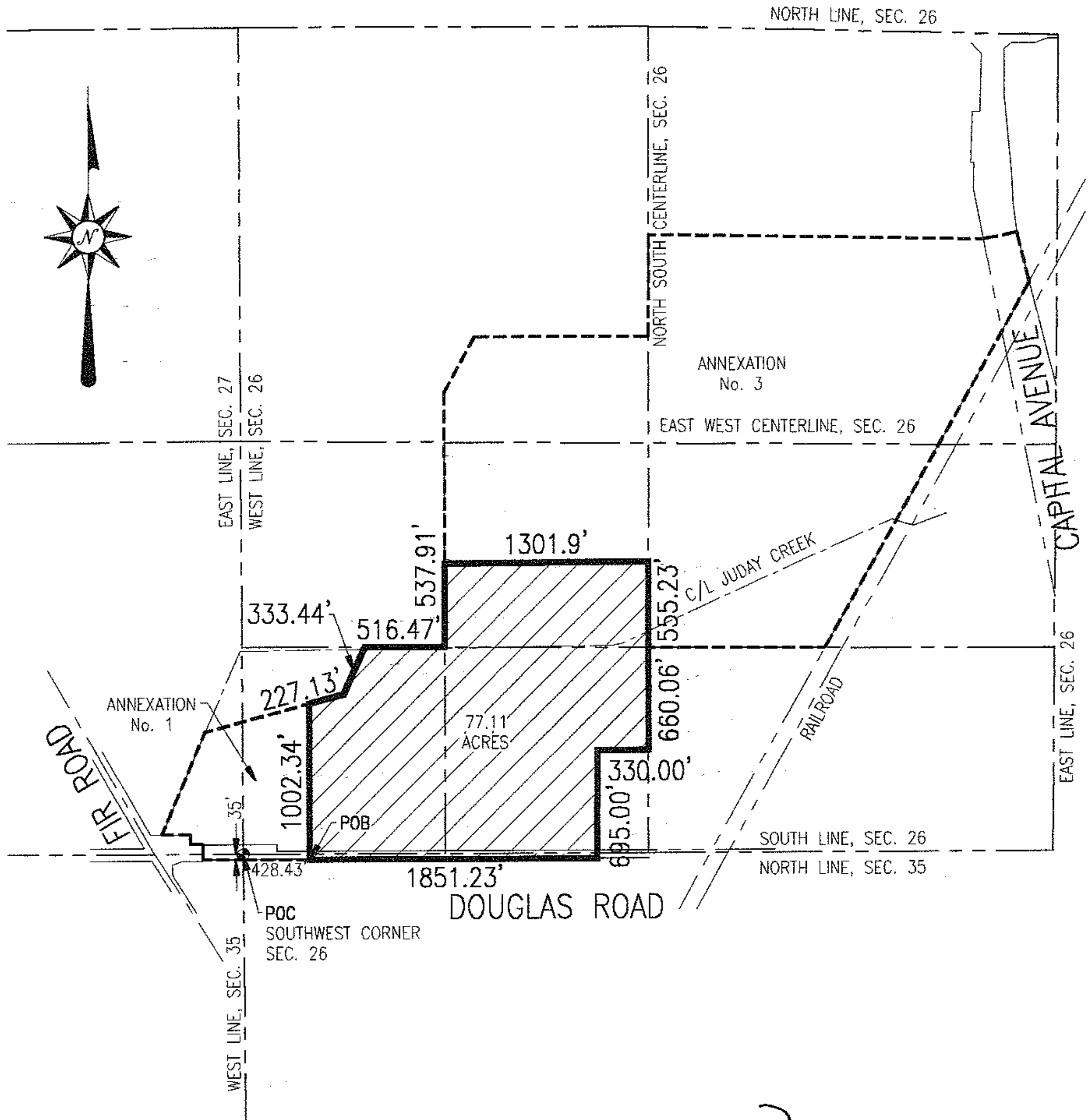
Legal Description:
A parcel of land being a part of the Southwest Quarter of Section 26, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County, Indiana and being more particularly described as follows:

Commencing at the Southwest corner of said Section 26 (the same being also the Northwest corner of Section 35, in said Township and Range); thence South along the West line of said Section 35, a distance of 35 feet to the South right of way line of Douglas Road; thence East along said South right-of-way line, a distance of 428.43 feet to the place of beginning for this description; thence North 1002.34 feet to a point; thence Northeasterly a distance of 227.13 feet to an angle point; thence Northeasterly a distance of 333.44 feet more or less to the North line of the Southwest Quarter of said Southwest Quarter of said Section 26; thence East, along said North line of said Quarter, Quarter Section, a distance of 516.47 feet to the Northeast corner of said Quarter, Quarter Section; thence North along the West line of the Northeast Quarter of said Southwest Quarter, a distance of 537.91 feet to a point; thence East, a distance of 1301.9 feet more or less to a point on the North-South centerline of said Section 26; thence South, along said North-South centerline, a distance of 555.23 feet, more or less to the Northeast corner of the Southeast Quarter of said Southwest Quarter of Section 26; thence continuing South, along said North-South centerline, a distance of 660.06 feet; thence West 330 feet; thence South 695 feet more or less to a point on said South right-of-way line of said Douglas Road; thence West, along said South right-of-way line of Douglas Road a distance of 1851.23 feet to the place of beginning containing 77.11 acres more or less.

Subject to the legal rights of public highways.

2

Pet 11-29



Ref 11-29

ANNEXATION 2

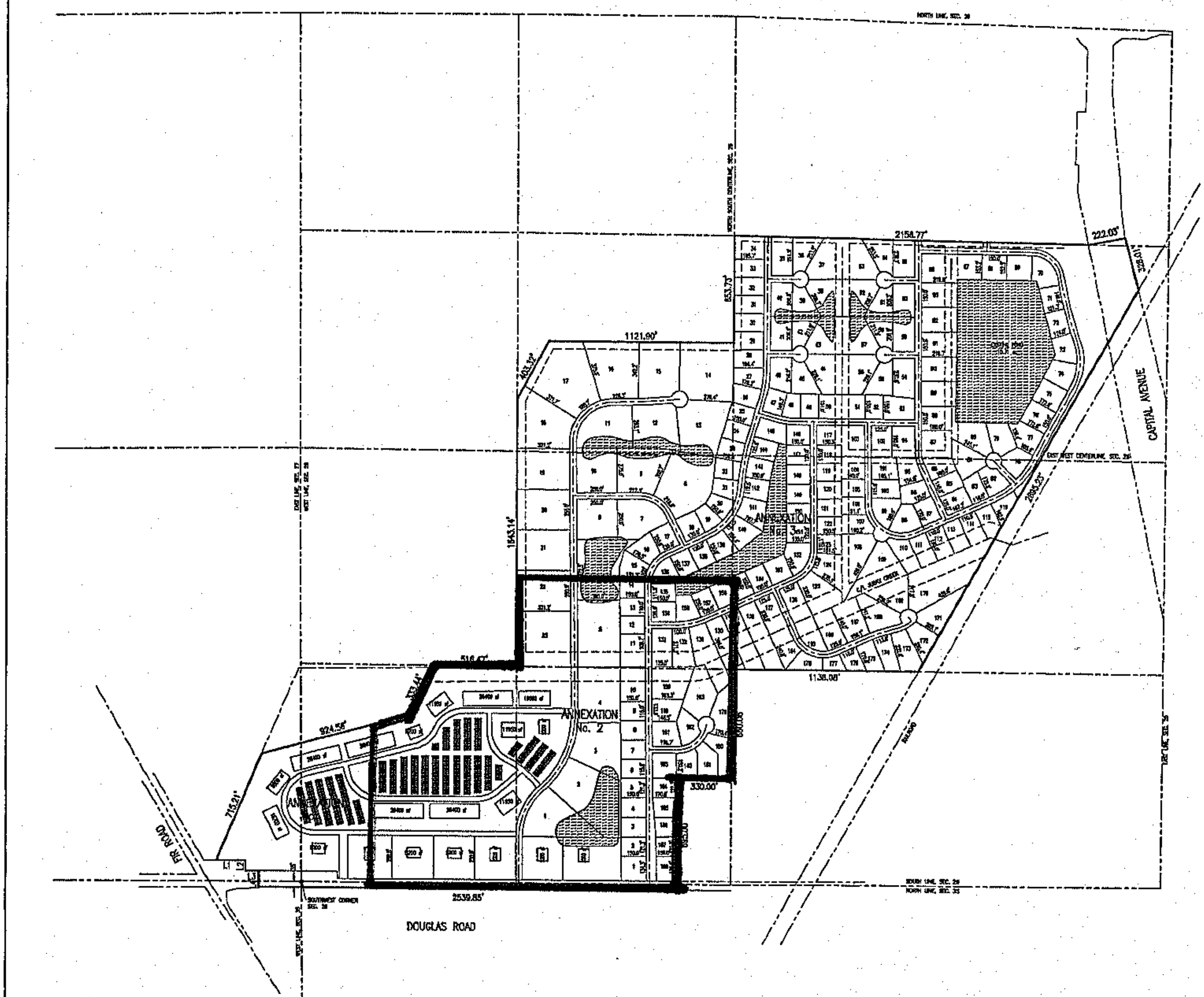
SITE PLAN FOR VOLUNTARY ANNEXATION
INTO THE CITY OF MISHAWAKA
FOR
LARRY & BECKY PENN

Lang, Feeney & Associates, Inc.
Land Surveyors, Construction Engineers & Soil Scientists
715 South Michigan Street
South Bend, Indiana 46601
Phone 574-233-1841 Fax 574-674-0374

File Name	Drawn By	Scale
PennAnnexation	BKG	1" = 1000'

Date	Rev. Date	Drawing No.
10-26-11	–	25091

SITE PLAN FOR VOLUNTARY ANNEXATION
INTO THE CITY OF MISHAWAKA
FOR
LARRY & BECKY PENN



LINE	DISTANCE
L1	196.96'
L2	63.47'
L3	75.95'
L4	96.61'

Lang, Feeney & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46601
Phone (574) 233-1841

Land Surveyors • Soil Scientists

Scale 1" = 300'	Drawn BKG
Date 11-02-11	Job Name PennAnnexation
Rev. -	Job No. 122-61
Rev. -	

Pet 11-29

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 15 2012

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION #11-30

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2012-08

ORDINANCE NO. _________

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

A parcel of land being a part of Section 26, Township 38 North, Range 3 East, Harris Township, St. Joseph County, Indiana and being more particularly described as follows:

Commencing at the Southwest corner of said Section 26 (the same being also the Northwest corner of Section 35, in said Township and Range); thence South along the West line of said Section 35, a distance of 35 feet to the South right of way line of Douglas Road; thence East along said South right-of-way line, a distance of 428.43 feet; thence North 1002.34 feet to a point; thence Northeasterly a distance of 227.13 feet to an angle point; thence Northeasterly a distance of 333.44 feet more or less to the North line of the Southwest Quarter of said Southwest Quarter of said Section 26; thence East, along said North line of said Quarter, Quarter Section, a distance of 516.47 feet to the Northeast corner of said Quarter, Quarter Section; thence North along the West line of the Northeast Quarter of said Southwest Quarter, a distance of 537.91 feet to the point of beginning for this description; thence continuing North along said West line and the West line of the Southwest Quarter of the Northwest Quarter of said Section 26, a distance of 1105.23 feet to an angle point; thence Northeasterly a distance of 403.32 feet; thence East 1121.90 feet more or less to a point on the North-South centerline of said Section 26; thence North along said centerline a distance of 653.73 feet more or less to the North line of the Southwest Quarter of the Northeast Quarter of said Section 26; thence East along said North line and the North line of the Southeast Quarter of said Northeast Quarter of Section 26, a distance of 2156.77 feet to a point on the Westerly right-of-way line of Capital Avenue; thence Northeasterly a distance of 222.03 feet more or

Proposed Ordinance No. 2012-08

Ordinance No. __________

less to the Easterly right-of-way line of said Capital Avenue; thence Southeasterly along said Easterly right-of-way line a distance of 328.01 feet more or less to the Northwesterly right-of-way line of the Grand Trunk Railroad; thence Southwesterly along said Northwesterly right-of-way line, a distance of 2695.23 feet more or less to the South line of the Northwest Quarter of the Southeast Quarter of said Section 26; thence West along said South line a distance of 1138.08 feet more or less to said North-South centerline of said Section 26; thence North along said North-South centerline, a distance of 555.23 feet; thence West, a distance of 1301.90 feet more or less to a point on the West line of the Northeast Quarter of said Southwest Quarter that is 537.91 feet more or less North of the Southwest corner of said Northeast Quarter of the Southwest Quarter, said point being the place of beginning for this description and containing 156.28 acres more or less. Subject to the legal rights of public highways.

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of S-2 Planned Unit Development to allow for the construction of a mixed use commercial development including uses identified in the C-1 General Commercial, C-5 Neighborhood Commercial, C-6 Linear Office Commercial, and R-1 Single Family Residential districts, subject to the following conditions:

Uses:

1. Outside sale display for loose items shall be prohibited unless specifically approved by the Planning Commission as part of a final planned unit development site plan submission.
2. Off-premise signs/billboards shall be prohibited.

Traffic Impact:

1. The following general conditions shall apply. More specifics and refinements shall be made with each planned unit development plan submission following the completion of a Traffic Impact Study. All traffic/transportation improvements required for the completion of this project shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering. Improvements shall be based on but not limited to a Traffic Impact Study provided by the applicant and reviewed/approved by the City Director of Engineering. The City Director of Engineering reserves the right to review and comment upon PUD or Site Plan submittal regarding access-drive, right-of-way improvements, and donation of right-of-way for these improvements.

2. Phasing of improvements, including internal collector drives associated with this project shall be as determined by the City Director of Engineering.

3. The number and or type of curb cuts on all proposed drives shall limited based on Traffic Impact Study and as determined appropriate by the City Director of Engineering.

Internal Road connections:

1. Private collector road connections shall be provided through the site and connected to adjacent properties as conceptually depicted on the planned unit

development site plan. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval. The applicant shall meet with the adjacent property owners to coordinate the exact connection locations between property. The exact location of these connection points shall be subject to review and approval by the City and shall generally be based on the information received from the required traffic impact study.

2. A hierarchy of the internal vehicular road network shall be provided. Turning lanes within the site are a necessity. Internal stacking and turning movements at intersections shall be provided and protected accordingly. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.

3. At a minimum, internal sidewalks shall be provided throughout the development connecting parcels and adjacent roadways. This walk shall connect to any sidewalk that may be provided along Douglas Road. Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.

4. Internal access connections shall be provided to all adjacent parcels of land.

Stormwater Run-off/Utilities:

1. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering.

2. Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.

3. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

4. A master improvement plan shall be provided for all proposed improvements and impacts to the existing floodplain and Juday Creek drainage corridor. This plan shall be submitted to all applicable entities including but not limited to the St. Joseph County Surveyor and the St. Joseph County River Basin Commission. This plan shall be submitted and approved by the City prior to completing any work in the regulatory floodplain, or within 100' of the bank of Juday Creek.

Lighting:

1. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.

2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.

3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 250 acre site) and to otherwise further the intent of this chapter as follows. All freestanding signs shall otherwise be designed as per the applicable City requirements:

   a. The applicant shall coordinate with the other undeveloped properties so that the entre area contains development signage on Douglas Road. If agreed to in writing by all affected landowners, development signage shall be allowed as follows. Two development signs per entry with a maximum sign display area shall be limited to 150 square feet per sign. Each sign may not exceed 15' in height and shall include a masonry base. Animated/Electronic Reader boards shall be prohibited for these signs.

   b. Each outlot/development parcel may also be permitted one freestanding sign. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 100 lineal feet.

2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.

3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

Building Limitations/Architecture:

1. All proposed commercial buildings shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended. Materials and colors shall be varied to provide architectural interest.

2. For all commercial development parcels- there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25'building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.

3. The maximum building height for any commercial building within the development shall be 60'

Proposed Ordinance No. 2012-08

Ordinance No. __________

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.

3. A 3-foot high earth mounding shall be provided along public road right-of-way and internal collector drives. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district.

4. Sidewalks and utilities may be provided within required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.

5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.

6. All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.

Phasing:

1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.

<u>Section 2.</u> The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Existing Conditions – The subject parcel is located adjacent to Capital Avenue and Douglas Road, two highly traveled corridors. Douglas Road is a major through road off of Capital Avenue to significant commercial development. Commercial projects have been approved for the area around the Fir Road and Douglas Road intersection.

2. Character of Buildings in Area – The area is predominantly undeveloped. The single family homes in the area will likely be redeveloped as commercial over time given the character and development potential of the property. The character of many of the buildings on the north side of the City are commercial.

3. The Most Desirable/Highest and Best Use – Because of the parcel's location and the significant commercial development on the north side of the City and along Douglas Road combined with the proximity of Capital Avenue makes the most desirable use for the majority of property a heavy mix of intensive commercial and professional office uses.

4. Conservation of Property Values – The proposed zoning will not be injurious to property values in the surrounding area, because the vast majority of adjacent property remains undeveloped. The extension of City infrastructure to service this development along Douglas Road will actually add value to adjacent properties.

5. Comprehensive Plan – This specific property was not a part in the City of Mishawaka Comprehensive Plan. However, the petition is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan. The continued change and expansion of the commercial areas of the City are commensurate to the City's status as a regional area of commerce. The substantial residential growth that occurred in the unincorporated County (the unincorporated area of Granger) also contributes to the need/demand for services that are proposed in this development.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this ___ day of ________________, 2012, at ______ o'clock ___.M.

____
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ______ day of ________________, 2012, at ______ o'clock _____.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No. 2012-08

Ordinance No. ___________

APPROVED by me this ______ day of ________________, 2012, at _______o'clock ______.M.

____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 03 2011

CITY CLERK
MISHAWAKA, IN

October 26, 2011

TO THE:

Honorable Members of the Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

Re: Petition for Annexation and Zoning Classification

The undersigned, Larry & Becky Penn, respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

see attached

Petitioners own One Hundred (100%) percent of the above described parcel of land which is located on the North side of Douglas Road, East of Fir Road in Harris Township, St. Joseph County, City of Mishawaka, State of Indiana and that the Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a zoning classification of P. U. D. Planned Urban Development classification desired. Petitioners further state they intend to utilize said land for business/commercial and residential.

Accompanying this petition is a drawing, to scale, showing the above described vacant parcel of real estate.

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a zoning classification of P. U. D. Planned Urban Development.

Larry J Penn
Larry J. Penn

Becky L. Penn
Becky L. Penn

Contact Person:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841

postponed

RECEIVED
OCT 26 2011 5
Pet 11-30
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

PennAnnexPetition.doc

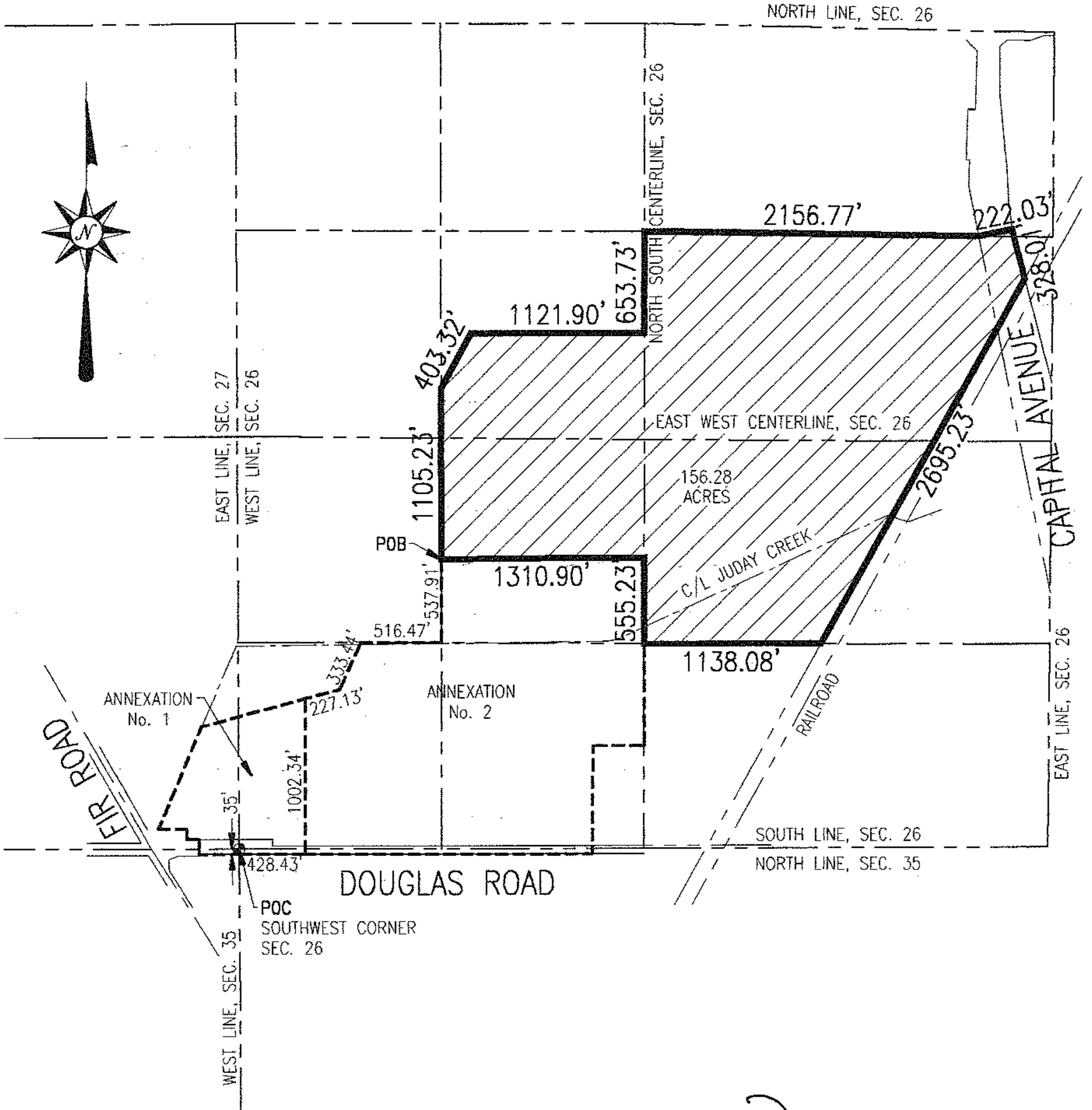
Annexation No. 3

Legal Description:
A parcel of land being a part of Section 26, Township 38 North, Range 3 East, Harris Township, St. Joseph County, Indiana and being more particularly described as follows:

Commencing at the Southwest corner of said Section 26 (the same being also the Northwest corner of Section 35, in said Township and Range); thence South along the West line of said Section 35, a distance of 35 feet to the South right of way line of Douglas Road; thence East along said South right-of-way line, a distance of 428.43 feet; thence North 1002.34 feet to a point; thence Northeasterly a distance of 227.13 feet to an angle point; thence Northeasterly a distance of 333.44 feet more or less to the North line of the Southwest Quarter of said Southwest Quarter of said Section 26; thence East, along said North line of said Quarter, Quarter Section, a distance of 516.47 feet to the Northeast corner of said Quarter, Quarter Section; thence North along the West line of the Northeast Quarter of said Southwest Quarter, a distance of 537.91 feet to the point of beginning for this description; thence continuing North along said West line and the West line of the Southwest Quarter of the Northwest Quarter of said Section 26, a distance of 1105.23 feet to an angle point; thence Northeasterly a distance of 403.32 feet; thence East 1121.90 feet more or less to a point on the North-South centerline of said Section 26; thence North along said centerline a distance of 653.73 feet more or less to the North line of the Southwest Quarter of the Northeast Quarter of said Section 26; thence East along said North line and the North line of the Southeast Quarter of said Northeast Quarter of Section 26, a distance of 2156.77 feet to a point on the Westerly right-of-fway line of Capital Avenue; thence Northeasterly a distance of 222.03 feet more or less to the Easterly right-of-way line of said Capital Avenue; thence Southeasterly along said Easterly right-of-way line a distance of 328.01 feet more or less to the Northwesterly right-of-way line of the Grand Trunk Railroad; thence Southwesterly along said Northwesterly right-of-way line, a distance of 2695.23 feet more or less to the South line of the Northwest Quarter of the Southeast Quarter of said Section 26; thence West along said South line a distance of 1138.08 feet more or less to said North-South centerline of said Section 26; thence North along said North-South centerline, a distance of 555.23 feet; thence West, a distance of 1301.90 feet more or less to a point on the West line of the Northeast Quarter of said Southwest Quarter that is 537.91 feet more or less North of the Southwest corner of said Northeast Quarter of the Southwest Quarter, said point being the place of beginning for this decription and containing 156.28 acres more or less.

Subject to the legal rights of public highways.

Pet. 11-30
3



Pet 11-30

ANNEXATION 3

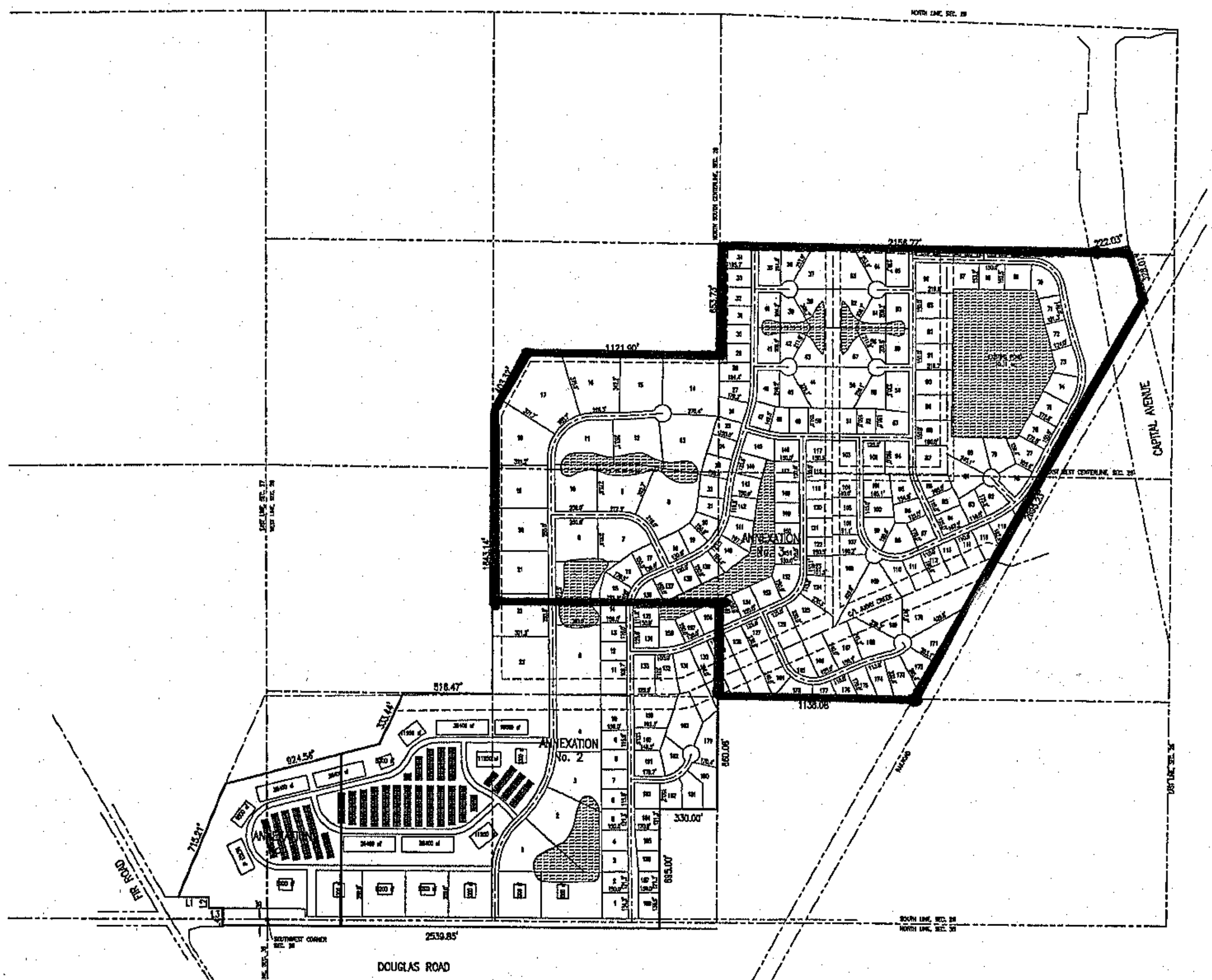
SITE PLAN FOR VOLUNTARY ANNEXATION
INTO THE CITY OF MISHAWAKA
FOR
LARRY & BECKY PENN

Lang, Feeney & Associates, Inc.
Land Surveyors, Construction Engineers & Soil Scientists
715 South Michigan Street
South Bend, Indiana 46601
Phone 574-233-1841 Fax 574-674-0374

File Name	Drawn By	Scale
PennAnnexation	BKG	1" = 1000'

Date	Rev. Date	Drawing No.
10-26-11	-	25091

SITE PLAN FOR VOLUNTARY ANNEXATION
INTO THE CITY OF MISHAWAKA
FOR
LARRY & BECKY PENN



LINE	DISTANCE
L1	198.95'
L2	43.07'
L3	78.98'
L4	98.61'

Long, Feeney & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46601
Phone (574) 233-1841
Land Surveyors • Soil Scientists

Scale 1" = 300'	Drawn BKC
Date 11-02-11	Job Name Penn/Annexation
Rev. –	Job No. 122-61
Rev. –	

Pet 11-30

PETITION 12-04

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2012-03

ORDINANCE NO. ______

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

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

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTERLINE INTERSECTION OF MAIN STREET AND JEFFERSON BOULEVARD; THENCE EAST ALONG THE CENTERLINE OF JEFFERSON BLVD. A DISTANCE OF 76.55 FEET MORE OR LESS; THENCE S 00°00'34" E A DISTANCE OF 41.58 FEET MORE OR LESS TO THE POINT OF BEGINNING; THENCE S. 44°45'20" W. A DISTANCE OF 23.89 FEET MORE OR LESS; THENCE S. 00°01'34" E. A DISTANCE OF 269.00 FEET MORE OR LESS; THENCE EAST A DISTANCE OF 55.17 FEET MORE OR LESS; THENCE NORTH A DISTANCE OF 26.02 FEET MORE OR LESS; THENCE WEST A DISTANCE OF 4.35 FEET MORE OR LESS; THENCE NORTH A DISTANCE OF 103.00 FEET MORE OR LESS; THENCE N. 08°52'10" E. A DISTANCE OF 56.52 FEET MORE OR LESS; THENCE N. 06°22'54" E. A DISTANCE OF 45.15 FEET MORE OR LESS; THENCE NORTH 44.18 FEET MORE OR LESS; THENCE N. 46°51'36" W. A DISTANCE OF 17.63 FEET MORE OR LESS; THENCE WEST 34.99 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 0.37 ACRES MORE OR LESS.

COMMON ADDRESS: Southeast Corner of Jefferson Boulevard and Main Street

which real estate is now classified as R-1 Single Family Residential District shall hereafter be within and a part of that District known as C-6 Linear Office Commercial District and designated in "The Zoning Ordinance of 1966" as amended.

Proposed Ordinance No: ____________________

Ordinance No: ____________________________

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Given the property's close proximity R-1 zoned property, the C-6 zoning would be compatible with the surrounding residential properties by providing opportunity for residential development or light office uses.

2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, staff feels that the most desirable use for this property is the C-6 Linear Office use.

3. Because the parcel is located adjacent to residential properties and along a heavily traveled corridor, the C-6 zoning classification would be compatible or desirable. The rezoning to C-6 Linear Office is a desirable use for this property;

4. C-6 Linear Office classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood by providing a sensible buffer between the heavily traveled Main Street and the residential properties to the east.

5. The proposed C-6 Linear Office Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial uses along Main Street, and the existing residential uses located within the area.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this ______________day of ____________________, 2012, at __________ o'clock ___.M.

____
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this __________ day of ___________________, 2012, at __________ o'clock ____.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: ______________________

Ordinance No: ______________________________

APPROVED by me this ________ day of __________________, 2012, at _______________o'clock ____.M.

____
David A. Wood, Mayor

Date: February 8, 2012

Pet 12-04

To the: Honorable Members of the Common Council of the
City of Mishawaka, Indiana:

RE: Mishawaka Redevelopment Commission
Petition for Rezoning:

The undersigned respectfully show that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

LEGAL DESCRIPTION

THAT PART OF THE SOUTHEAST QUARTER OF SECTION

Also commonly known as the southeast corner of Jefferson Blvd. & Main Street, Mishawaka, Indiana 46544.

The above described parcel of land is presently Zoned: "R-1" Single Family Residential District.

Petitioners' desire said real estate to be Rezoned to the "C-6" Commercial District Classification. The purpose of the Rezoning is to allow for a commercial office building to be developed for the site.

Wherefore, the Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate Ordinance be enacted Rezoning the above described parcel of real estate located in the City of Mishawaka.

Ken Prince
City Planner
Mishawaka, Indiana 46545
(574) 258-1625

CONTACT PERSON:
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
(574) 234-4003.

PETITIONERS:

MISHAWAKA COMMUNITY DEVELOPMENT
600 EAST THIRD STREET
MISHAWAKA, INDIANA 46544

LAND SURVEYOR:

DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, INDIANA 46628
(574) 234-4003.

REZONING REQUEST:

THE PURPOSE OF THE REZONING IS TO REZONE THE PROPERTY FROM THE "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT CLASSIFICATION TO THE "C-6" COMMERCIAL DISTRICT CLASSIFICATION. THIS REZONING WILL ALLOW FOR A COMMERCIAL OFFICE BUILDING TO BE DEVELOPED FOR THE SITE.

LEGAL DESCRIPTION

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTERLINE INTERSECTION OF MAIN STREET & JEFFERSON BLVD.; THENCE EAST ALONG THE CENTERLINE OF JEFFERSON BLVD. A DISTANCE OF 76.55 FEET MORE OR LESS; THENCE S. 00°-00'-34" E. A DISTANCE OF 41.58 FEET MORE OR LESS TO THE POINT OF BEGINNING; THENCE S. 44°-45'-20" W. A DISTANCE OF 23.89 FEET MORE OR LESS; THENCE S. 00°- 01'-34" E. A DISTANCE OF 269.00 FEET MORE OR LESS; THENCE EAST A DISTANCE OF 55.17 FEET MORE OR LESS; THENCE NORTH A DISTANCE OF 26.02 FEET MORE OR LESS; THENCE WEST A DISTANCE OF 4.35 FEET MORE OR LESS; THENCE NORTH A DISTANCE OF 103.00 FEET MORE OR LESS; THENCE N. 08°-52'-10" E. A DISTANCE OF 56.52 FEET MORE OR LESS; THENCE N. 06°-22'-54" E. A DISTANCE OF 45.15 FEET MORE OR LESS; THENCE NORTH 44.18 FEET MORE OR LESS; THENCE N. 46°-51'-36" W. A DISTANCE OF 17.63 FEET MORE OR LESS; THENCE WEST 34.99 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 0.37 ACRES MORE OR LESS.

ALSO COMMONLY KNOWN AS THE SOUTHEAST CORNER OF JEFFERSON BLVD. & MAIN STREET, MISHAWAKA, INDIANA 46544.

TABULATED SITE DATA

1). ACREAGE OF SITE: .37 AC.

2). PROPOSED LAND USE:
A. 2,715 SQUARE FOOT OFFICE BUILDING

3). PARKING RATIO REQUIRED BY ORDINANCE FOR "C-6" COMMERCIAL
A. 4 SPACES PER 1,000 SQ. FT. OF GROSS FLOOR AREA
PARKING SPACES REQUIRED FOR A 2,715 SQ. FT. OFFICE BUILDING = 11
PARKING SPACES PROVIDED...= 16

4). PROPOSED LAND COVERAGE:

	SQUARE FOOTAGE	% OF SITE
A. BUILDINGS..	2,715.00	17.00
B. PARKING, SIDEWALK, AND DRIVES.........	7,582.88	48.00
C. OPEN SPACE..	5,665.52	35.00
	15,963.40	100.00

5). SURFACE RUN-OFF AND DRAINAGE TO BE HANDLED THROUGH THE USE OF A COMBINATION OF DRYWELLS AND FRENCH DRAIN SYSTEM LOCATED ON SITE.

6). OFFICE BUILDING IS 1 (ONE) STORY.

7). OFFICE BUILDING WILL BE CONNECTED TO MISHAWAKA UTILITIES.

8). DRAINAGE CAPACITY WILL BE BASED ON AMOUNT REQUIRED TO BE HELD ON-SITE BY THE CITY OF MISHAWAKA ENGINEERING DEPARTMENT.

9). ALL PARKING SPACES ARE TO BE 9'x 20', EXCEPT HANDICAP WHICH WILL MEET THE LATEST A.D.A. STANDARDS. BUILDING ENTRANCES WILL HAVE A RAMPED SIDEWALK FROM PARKING AREA FOR HANDICAP ACCESSIBILITY.

10). DRIVEWAY OPENINGS SHALL BE REQUIRED TO MEET THE LATEST CITY OF MISHAWAKA STANDARDS.

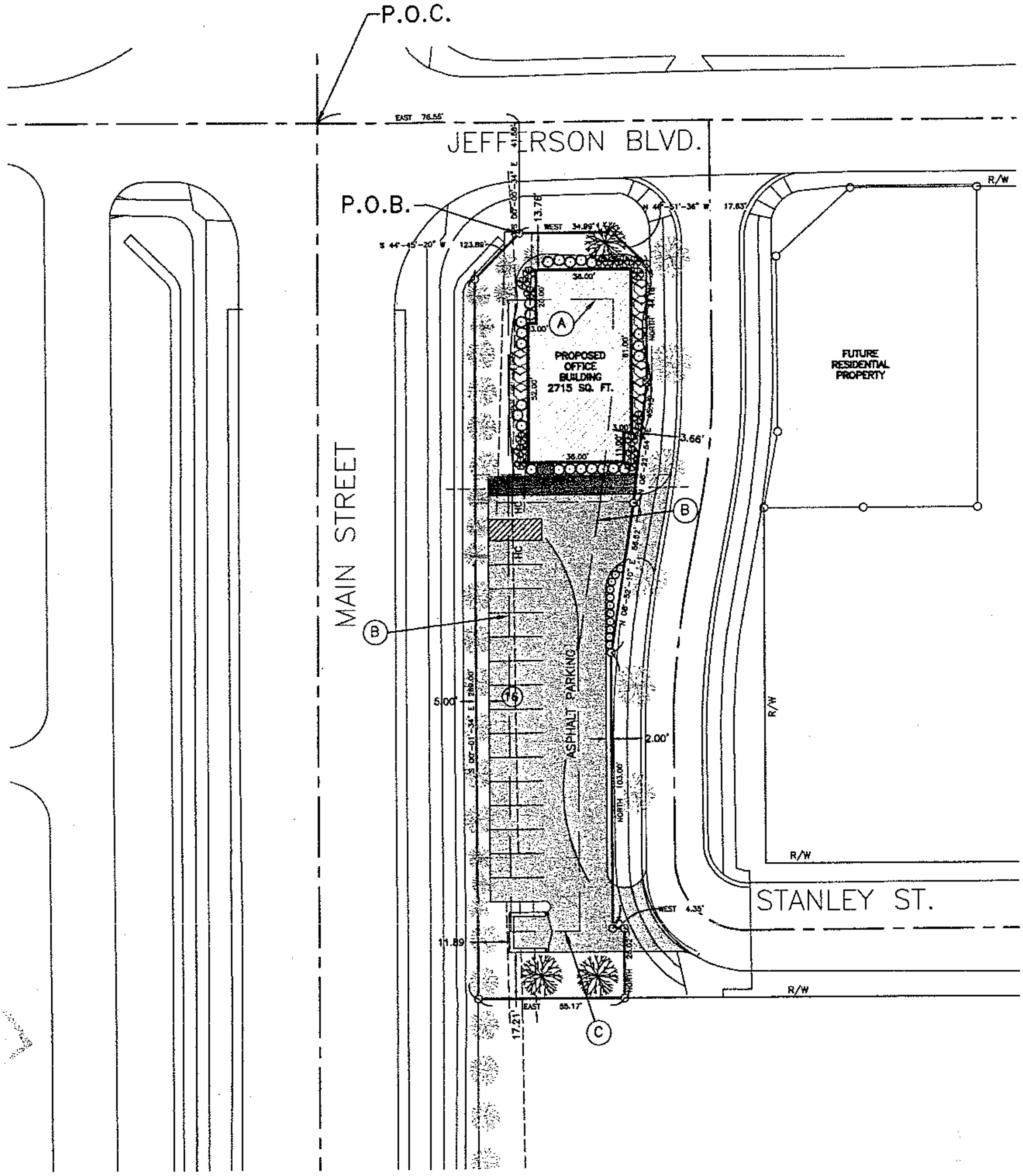
11). ALL SIGNS SHALL CONFORM TO THE LATEST CITY OF MISHAWAKA ZONING STANDARDS.

12). ALL EXTERIOR LIGHTING SHALL MEET THE LATEST CITY OF MISHAWAKA STANDARDS.

PRELIMINARY SITE PLAN

PART OF THE SOUTHEAST QUARTER OF SECTION 9, T. 37 N., R. 3 E.
CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

Pet 12-04



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REZONING REQUEST:

THE PURPOSE OF THE REZONING IS TO REZONE THE PROPERTY FROM THE "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT CLASSIFICATION TO THE "C-6" COMMERCIAL DISTRICT CLASSIFICATION. THIS REZONING WILL ALLOW FOR THE CONSTRUCTION OF A 2,715 SQ. FT., SINGLE STORY OFFICE BUILDING.

LEGEND:

(A) 25' FRONT-YARD SETBACK

(B) 12.50' EXTERIOR SIDE-YARD SETBACK

(C) 25' REAR-YARD SETBACK

EXISTING LANDSCAPE MATERIAL

MICHAEL J. ... REGISTE...

STAFF REPORT

Location: Vacant land southeast corner of Jefferson Blvd and Main Street Date: March 13, 2012

PET: 12 04 Prepared By: GGS

GENERAL INFORMATION

Applicant:	City of Mishawaka Redevelopment Commission
Status:	Property Owners
Request:	To rezone property from R-1 Single Family Residential to C-6 Linear Office Commercial
Zoning Classification:	R-1 Single Family Residential -Existing
Lot Size:	Approximately 0.37 acres
Applicable Regulations:	Sec. 137-40 Plan Commission Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern:	North:	R-1 Single Family Residential
	South:	R-1 Single Family Residential
	East:	R-1 Single Family Residential
	West:	S-1 Open Space
Thoroughfare:	N Main Street, East Jefferson Blvd, and Stanley Street	
School District:	School City of Mishawaka	
Township:	Penn	
Public Utilities:	All utilities are available to the site	
Comprehensive Plan:	General Commercial	

ANALYSIS

The petitioner, City of Mishawaka Redevelopment Commission, is requesting to rezone property from R-1 Single-Family Residential to C-6 Linear Office Commercial. The property to be rezoned is approximately 0.37 acres of vacant land located between Main Street, East Jefferson Blvd, and Stanley Street. This property was created as a result of the Main Street underpass improvements and the realignment of Stanley Street.

The property is currently owned by the City and zoned R-1 Single Family Residential. The City is requesting this property to be rezoned to C-6 Linear Office Commercial in order to market the property for potential buyers. The C-6 zoning classification would limit commercial development to only office use. The office use would create a sensible buffer between Main Street and the existing residential uses to the east. The C-6 zoning classification would also allow the property to be utilized for single-family residential development, should the City and/or a non-profit entity such as Habitat for Humanity desire to construct new homes on the property as part of established homebuyer programs.

Given the narrow width of the lot, the City has also requested several variances from the Board of Zoning Appeals to allow for the development of potential office use. Although there is no current proposal to construct an office building on the lot, the City developed a 'hypothetical' site plan to determine how an office building would be developed on the site and what developmental variances would be needed. Performing this rezoning and obtaining these variances now will allow the City the ability to market the property for future development, while saving the potential buyer/developer 3-4 months in time to make the property buildable for a non-residential development.

The requested variances are as follows:

1. A Variance from the required 25 feet front building setback along Jefferson Blvd. (north property line), to a minimum of 10 feet for a proposed building.

2. A Variance from the required 5 feet side building setback along Stanley Street (east property line), to a minimum of 2 feet for a proposed building.

3. A Variance from the required 10 feet off street parking setback along a public road right-of-way (east property line), to a minimum of 2 feet for a proposed parking lot.

4. A Variance from the required 10 feet off-street parking setback along a public road right-of-way (west property line-Main Street ROW), to a minimum of 5 feet for a proposed parking lot.

5. A Variance from the required parking lot landscape screen of a minimum height of 36 inches along an minimum of 75 percent of the linear distance of the parking area, to a parking lot landscape screen of a minimum height of 36 inches along a minimum of 26 percent of the linear distance of the parking area

RECOMMENDATION

The Planning Department recommends approval of Petition 12-4 to rezone 0.37 acres located at the southeast corner of Main Street and East Jefferson Blvd from R-1 Single Family Residential District to C-6 Linear Office Commercial. This recommendation is based upon the following findings of fact:

1. Given the property's close proximity R-1 zoned property, the C-6 zoning would be compatible with the surrounding residential properties by providing opportunity for residential development or light office uses.

2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, staff feels that the most desirable use for this property is the C-6 Linear Office use.

3. Because the parcel is located adjacent to residential properties and along a heavily traveled corridor, the C-6 zoning classification would be compatible or desirable. The rezoning to C-6 Linear Office is a desirable use for this property;

4. C-6 Linear Office classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood by providing a sensible buffer between the heavily traveled Main Street and the residential properties to the east.

5. The proposed C-6 Linear Office Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial uses along Main Street, and the existing residential uses located within the area.

ATTACHMENTS

Photographs, Petition, Preliminary Site Plan

Looking south onto property between Jefferson, Main Street, and Stanley

From: Ken Prince
Sent: Friday, March 23, 2012 3:50 PM
To: Deb Block; Mary Ellen Hazen; DL-COUNCIL
Cc: David A. Wood; Gary West; Mike Danch; Jeff Ballard
Subject: Rezoning Petition 2012-03 SE Corner Jefferson Blvd. and Main Street

Good afternoon,

Please consider this e-mail as a written request for a continuance for the second reading of the above referenced ordinance. Currently, it is scheduled to be heard on Monday April 2nd. We would like it to be heard at the next regularly scheduled Common Council meeting on Monday April 16th.

Our understanding is that Councilman Compton is meeting with some of the most impacted neighbors to discuss what limitations or standards might be addressed as part of the approval process that would still allow the property to be marketed for office uses which we believe to be one of the most suitable uses for the property.

This request has been made understanding that it may take some time for Councilman Compton to receive feedback. We also understand that this is an item of interest and there are likely only going to be five Council members at the first meeting in April. The proposed rezoning is part of a lengthy disposal process with no imminent construction plans, and will not be adversely impacted by a short delay.

That being said, we do desire to move along the other ordinances involving City properties at the first meeting in April assuming there are no objections.

Thank you for your consideration. Have a good weekend.

Ken

Kenneth B. Prince, ASLA, AICP
City Planner

CITY OF MISHAWAKA
BUILDING -COMMUNITY DEVELOPMENT - PLANNING
600 EAST THIRD STREET
MISHAWAKA, IN 46544

PHONE- (574) 258-1625
FAX- (574) 968-6999
E-MAIL- kprince@mishawaka.in.gov