

AGENDA

May 21, 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**

Approval of the Minutes of the Regular Meeting of May 14, 2012 (Page 3)

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendations from their May 9, 2012 meeting. (Page 7)

A letter from the City Plan Commission regarding recommendations from their May 9, 2012 meeting. (Page 10)

Historic Preservation Commission Awards

- 6. Report of Special Committee**
- 7. Ordinances on First Reading**

PO NO 2012-09 Vacation of Public Right of Way madison St West of Pine St and alley North of Madison (Hospice)
(Page 25)

PO NO 2012-10 Annex s-2 PUD Mixed Use Medical and Commercial Development - NW corner of Capital Ave and
the Indiana Toll Rd approximately 28.29 acres (Page 32)

8. Resolutions

R2012-13 Use Variance to allow Commercial Tire and Fleet Service on an I-1 Light Industrial Zoned property -
2356 N Home St - Zolman Tire (Page 42)

R2012-14 Fiscal Plan for Annexation #1 - North Side of Douglas Rd, East of Fir Rd (Page 45)

R2012-15 Fiscal Plan for Annexation #2 - North side of Souglas Rd, East of Fir Rd (Page 134)

R2012-16 Fiscal Plan for Annexation #3 - North Side of Douglas Rd, East of Fir Rd (Page 136)

- 9. Ordinances on Second Reading**
- 10. Privilege of the Floor - Non-Agenda Items**
- 11. Unfinished Business**

PO NO 2012-06 Annex and Zone PUD - North Side of Douglas Rd, East of fir Rd - Annexation #1 (Assigned to Land Use Planning Committee) (Petitioner Requesting Amendment) VOTE (Page 139)

PO NO 2012-07 Annex and Zone PUD - North Side of Douglas Rd, East of Fir Rd - Annexation #2 (Assigned to Land Use Planning Committee) (Petitioner Requesting Amendment) VOTE (Page 145)

PO NO 2012-08 Annex and Zone - PUD North Side of Douglas Rd, East of Fir Rd - Annexation #3 (Assigned to Land Use Planning Committee) (Petitioner Requesting Amendment) VOTE (Page 151)

12. New Business

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
May 14, 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 May 14, 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.

Clerk Block's roll call showed the following:

Dale "Woody" Emmons 1st District Councilman – Present

Mike Bellovich 2nd District Councilman – Present

John Reisdorf 3rd District Councilman – Present

Marsha McClure 4th District Councilman – Present

Michael Compton 5th District Councilman – Present

Ronald Banicki 6th District Councilman – Present

John Roggeman Councilman At Large – Present

Matt Mammolenti, Councilman At Large – Present

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.

The minutes from the April 16, 2012 meeting were approved as received from the Clerk's Office.

Clerk Block presented the following Appeal and Petitions to the Council, who referred them to the Board of Zoning Appeals and Plan Commission for their recommendation

APPEAL 2012-12	Use Variance to allow Commercial Tire and Fleet Service on an I-1 Light Industrial zoned Property – 2356 N Home St – Zolman Tire
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PETITION NO.2012-07	Vacation of Public Right-of-Way Madison St. West of Pine St. and Alley North of Madison St.
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PEITION NO. 2012-09	Annex S-2 PUD Mixed Use Medical and Commercial Development – NW Corner of Capital Ave. and the Indiana Toll Road approximately 28.29 acres
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Clerk Block read a letter from Lang Feeney requesting postponement of the 3 annexations.

Clerk Block read **RESOLUTION NO. 2012-11** opening it for public hearing.

RESOLUTION NO. 2012-11

A RESOLUTION OF THE COMMON COUNCIL OF

THE CITY OF MISHAWAKA, INDIANA
APPROVING AN AGREEMENT RE-ESTABLISHING
THE ST. JOSEPH COUNTY HOUSING CONSORTIUM
AND AUTHORIZING THE EXECUTION THEREOF
(Re-establishing the St. Joseph county Housing Consortium)

Dave Thomas, Redevelopment Director said this Resolution would approve the re-establishment of the St. Joseph County Housing Consortium. He said the Housing Consortium is a cooperative effort between Mishawaka, South Bend, and St. Joseph County. Mr. Thomas said they work with the Federal Government housing programs administered by the United States Department of Housing and Urban Development (HUD). He said the city has annually received \$200,000.00 per year in HOME FUNDS through the Consortium to be used for housing assistance activities in the community.

Mr. Thomas said in recent years the City Of Mishawaka has used this funding for its First Time Homebuyers Program and to subsidize the building of homes through Habitat for Humanity of St. Joseph County. He went on to say the funded amount has been reduced for 2012 due to cuts in Federal Funding to the Consortium. Mr. Thomas said he believes the city's participation in the Consortium has a positive benefit to the community and would like to see that relationship continue.

Mr. Emmons asked what the amount of our funding would be. Mr. Thomas said the administrations amount would be \$11,250 for the First Time Home Buyers. Mr. Emmons asked if there was a list of people wanting these homes. Mr. Thomas said he has 4 on his list and received a new application to be processed just recently. Mr. Emmons asked about the time line. Mr. Thomas stated they have enough funds to build four homes.

Mrs. McClure asked if the \$137, 932.00 would be the down payment. Mr. Thomas said yes.

Mr. Roggeman asked what the amount was decreased by. Mr. Thomas said 2011 they had \$237,000.00

Mr. Roggeman congratulated Mr. Thomas on his new position as Redevelopment Director and complemented him on a job well done.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).

Yes: Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. McClure.

Chief Deputy Clerk Hazen read **RESOLUTION NO. 2012-12** opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-12

A RESOLUTION APPROVING APPOINTMENTS TO
THE HISTORIC PRESERVATION COMMISSION
OF THE CITY OF MISHAWAKA, INDIANA
(Approving Appointments to the Historic Preservation Commission)

Ken Prince City Planner stated subject to the Council's approval the Mayor has appointed as voting members of the Mishawaka Historic Preservation Commission through December 31, 2013

- Dave Vollrath
- Judy Gray
- Michael Bultinck
- Tony Obringer
- Richard Barnette

Commission through 2014

- David Eisen

Commission through 2015

- John Gleissner

The Advisory Board through December 31, 2013

- Cynthia Harington

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. McClure.

NEW BUSINESS

Dave Wood, Mayor invited everyone to the open meeting in City Hall at 6:00 p.m. on Wednesday May 16, 2012 regarding CSO Phase G of Milburn Boulevard for input and comments.

Mayor Wood also announced May 13th through May 19th was Fallen Officer Week the dedication would be held at the Mishawaka Police Station Fallen Officer site at 11:00 a.m. May 17t at 11:00 a.m. at the police station Fallen Officer Week

Mayor Wood displayed the award the city received for Excellence in Construction for 2011, Award for Excavation – Municipal Mishawaka Main Street – Phase 3 from the Mishawaka Area Construction Industry Advancement Fund.

New Business

Mr. Emmons said as a reminder his monthly meeting would be at St. Bavo, 7:00 p.m., Mr. Hixenbaugh would be the speaker discuss Mary Gibbard Pool what Mishawaka School City could possibly do to help.

Mr. Compton reminded everyone of the neighborhood watch meeting June 6th Wednesday at 7 p.m. at John Young Jr. High School. He said Fire Chief Dale Freeman would be there with the new ambulance.

Mr. Reisdorf said there would be a neighborhood watch meeting at Twin Branch meeting Wednesday night at 7:00 p.m. May 16, 2012

There being no further business to come before the Council, President Roggeman adjourned the meeting at 7:18 p.m.

Deborah S. Block, _____/s/
Deborah S. Block, IAMC, MMC
City Clerk

☐ ☐ John J. Roggeman _____/s/
John J. Roggeman
Presiding Officer



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

May 16, 2012

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
May 9, 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 #12-14 An appeal submitted by Zolman Tire, Inc., requesting a Use Variance for **2356 North Home Street** to allow commercial tire and fleet service on an I-1 Light Industrial Zoned property.

The Board, with a vote of 4-0, recommended approval subject to the following conditions:

1. An Administrative Site Plan shall be submitted for review and approval consistent with the schematic drawings provided. Proposed Phase 1 improvements shall be completed by the end of 2012.
2. Proposed Phase 2 improvements shall be completed concurrent with the next significant planned capital improvement project for the building/property.
3. Improvements to the site/within the building shall include an oil separator and any other improvements/modifications as may be directed by the Department of Engineering.

Respectfully,

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Nathan Zolman

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 17 2012

CITY CLERK
MISHAWAKA, IN

STAFF REPORT

Location: 2356 North Home Street

Date: May 9, 2012

Appeal: 12 14

Prepared By: KBP

GENERAL INFORMATION

Applicant: Zolman Tire Inc.

Status: Property Owner

Request: Use variance to allow for commercial tire and fleet service on an I-1 Light Industrial Zoned property.

Zoning Classification: I-1 Light Industrial

Lot Size: 3.1 acres +/-

Applicable Regulations: Section 137-42 (4) Use Variance

SPECIAL INFORMATION

Area Development Pattern: North: I-1 Light Industrial
South: I-1 Light Industrial, Zolman Tire
East: Unincorporated St. Joseph County
West: I-1 Light Industrial

Thoroughfare: North Home Street

School District: Penn-Harris-Madison

Township: Penn

Public Utilities: All utilities are available to the site

Comprehensive Plan: Industrial

ANALYSIS

The applicant, Zolman Tire Inc. desires a use variance to allow for commercial tire and fleet service on an I-1 Light Industrial Zoned property. This includes the maintenance and repair of heavy equipment vehicles such as tractor trailers/semi trucks. The attached floor plan of the building illustrates the service bays envisioned in the remodeled building.

The building was vacant prior to being purchased by the applicant. In their appeal the applicant indicated that they wish to remodel the building because their commercial tire and fleet department has outgrown its current location. The existing Home street location is approximately 10,000 square feet. If approved, this building when remodeled will provide an additional 26,000 square feet. A floor plan has been provided identifying the bays and how vehicles will be arranged while being worked on in the building.

A use variance is required because of the conversion in use of the building. Heavy truck or heavy trailer sales or service is only permitted by right in the I-2 Heavy Industrial Zoning District. Since the I-2 District also permits outside storage and other questionable uses for the site, staff recommended that the

applicant file a use variance instead of a rezoning for the property. Currently the building can be used to warehouse tire inventory, but cannot be used for repair or service.

Given the significant investment in the proposed, the applicant has requested that the required paving of the site occur in phases rather than be accomplished all at once. The applicant has submitted a plan identifying accomplishing this work in phases to spread out the cost. To comply with the intent of the erosion control ordinance the applicant is proposing to pave the front (west) portion of the site and construct expand retention areas by the end of 2012. The Phase 2 portion for the remainder of the site has been proposed to be completed between 2017 and 2019.

Although staff agrees with the potential phasing of the project, seven years out is too long relative to the improvements required and have suggested a completion date within 3 years (end of 2015). If approved, staff has also requested that an official administrative site plan be prepared and submitted for the proposed improvements.

RECOMMENDATION

The Staff recommends in favor of Appeal 12-14 to allow for commercial tire and fleet service on an I-1 Light Industrial Zoned property subject to the following conditions:

1. An administrative site plan shall be submitted for review and approval consistent with the schematic drawings provided. Proposed Phase 1 improvements shall be completed by the end of 2012.
2. Proposed phase 2 improvements shall be completed concurrent with the next significant planned capital improvement project for the building/property.
3. Improvements to the site/within the building shall include an oil separator and any other improvements/modifications as may be directed by the Department of Engineering.

This recommendation is 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 all state and local codes will be adhered to;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the historic use of the property has industrial. Since the building was recently vacant and is being purchased with the intent of renovating it for the proposed use, the proposed investment will likely have a positive impact on surrounding properties.
3. The need for the variance does arise from a condition peculiar to the property involved because the property is zoned I-1 light industrial, which does not allow the intended use, which will be entirely within an enclosed building, noting that Home Street already carries significant amounts of truck traffic.
4. The strict application of the terms of this chapter constitutes an unnecessary hardship if applied to this property in that the surrounding uses are predominantly commercial with a significant amount of truck usage, unlike other light industrial areas that are tucked into residential neighborhoods.
5. Granting of this variance will not compromise the integrity of the *Mishawaka 2000 Comprehensive Plan* which indicates Industrial usage for this area.

ATTACHMENTS

Photographs, Appeal, Concept Site Plan, Location Map



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

May 16, 2012

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
May 9, 2012, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

PETITION #12-07 A request submitted by the Foundation for the Center for Hospice and Palliative Care, Inc. requesting to vacate a portion of Madison Street and north alleys.

The Commission, with a vote of 6-0, recommended approval.

PETITION #12-09 A request submitted by Memorial Health Systems to annex and zone approximately 28.29 acres located near the northwest corner of Capital Avenue and Toll Road to S-2 Planned Unit Development to allow uses within the C-1 General Commercial district.

The Commission, with a vote of 6-0, recommended approval subject to the attached conditions:

Pursuant to I.C. 36-7-4-605 the Mishawaka City Plan Commission hereby certifies to the Mishawaka Common Council the attached proposed ordinances regarding the above matters.

Respectfully,

Kari Myers, Administrative Planner
Secretary, Plan Commission

cc: Chris Chockley
Brad Mosness

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 17 2012

CITY CLERK
MISHAWAKA, IN

**PETITION #12-09
WALKER PARCEL ANNEXATION
CONDITIONS OF APPROVAL**

Staff recommends in favor of Petition # 12-09 to annex and establish zoning for a 28.29 Acre property to allow for the construction of a mixed use commercial development including all C-1 General Commercial uses and permitting developmental standards that allow for buildings to be a maximum of 70' within 500 feet of the Indiana Toll Road, subject to the following conditions:

Uses:

1. Permitted uses shall be limited to those uses identified in the C-1 (General Commercial) and C-2 (Shopping Center Commercial) zoning districts based on City of Mishawaka Zoning classification defined and in effect on the date of approval by the Mishawaka Common Council.
2. 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.
3. 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 proposed roadway connecting The Indiana Toll Road interchange at Capital Avenue and Fir Road shall be designed and constructed to an Edison Lakes Boulevard standard . This shall require the commitment from the developer to create an association responsible for the perpetual maintenance of the median. This requirement for an Edison Lakes standard may be phased, modified, and/or reduced by the Planning Commission as part of any final planned unit development site plan submission should the use of Tax Increment Financing be restricted for the site.
2. Phasing of improvements, including internal collector drives associated with this project shall be as determined by the City Director of Engineering in coordination with other applicable jurisdictions.
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, as may be determined necessary as part of future submissions, 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 properties. 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 by the State along Capital Avenue and SR 23. A sidewalk connection shall also be made to Fir 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, including those previously developed at the south west corner of the intersection of State Road 23 and Capital Avenue.

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.

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 30+ 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 entire area contains development signage on Fir Road, SR 23, and Capital Avenue. If agreed to in writing by all affected landowners, development signage shall be allowed at these three intersections 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 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 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. A minimum 25' building setback from the Indiana Toll Road right-of-way shall be provided.
3. The maximum building height for the site shall be 70' within 500' of the right-of-way of the Indiana Toll Road. The remainder of the site shall be limited to a maximum of 48'

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.
2. For large shopping areas where shopping carts are utilized, Cart corral's shall be provided. Corral's shall be identified and removed from total number of parking spaces provided. Curbed landscape islands shall be provided to break up large pavement areas as determined by the Planning Commission as part of the review of any planned unit development site plan.

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.

STAFF REPORT

Location: Portion of Madison Street West of Pine Street and alleys

Date: May 9, 2012

PET: 12 07

Prepared By: GGS

GENERAL INFORMATION

Applicant: Foundation for the Center for Hospice and Palliative Care, Inc.
Status: Adjacent property owners
Request: To vacate alley
Zoning Classification: Public right-of-way
Lot Size: Public right-of-way
Applicable Regulations: IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern: North: C-3 City Center Commercial & S-1 Open Space
South: C-3 City Center Commercial
East: R-1 Single Family Residential
West: C-3 City Center Commercial

Thoroughfare: Madison Street & Pine Street
School District: School City of Mishawaka
Township: Penn
Public Utilities: Public Right-of-Way
Comprehensive Plan: Residential

ANALYSIS

The petitioner, Foundation for the Center for Hospice and Palliative Care, Inc., is requesting to vacate a portion of Madison Street and alleys north of Madison Street. The portion of Madison Street to be vacated is located just west of Pine Street. Alleys to be vacated are located north of Madison Street at the southwest corner of the Pine Street and Fish Ladder Lane intersection. The purpose of the proposed alley vacation is to allow for future development of the Foundation for the Center for Hospice and Palliative Care's campus. The existing Madison Street right-of-way requested for vacation will require the establishment of the exclusive sewer easement for the full width of the original right-of-way along the length of the sewer route that extends into the current park property.

RECOMMENDATION

The Staff recommends in favor of Petition 12-07 to allow for the vacation of portion of Madison Street west of Pine Street and alleys southwest of Pine Street and Fish Ladder Lane. This recommendation is based upon the following findings of fact:

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

ATTACHMENTS

Photographs, Right-of-Way vacation petition



View looking onto Madison Street to be vacated



View looking onto alleys to be vacated (covered with landscaping)

STAFF REPORT

General Location: Property bounded by the Indiana Toll-Road and Capital Avenue, SR 331
Petition #12-09 Walker Parcel Annexation

Date: May 9, 2012

Prepared By: KBP

GENERAL INFORMATION

Applicants: Memorial Health Systems

Status: Property Owners

Request: To annex, establish zoning, and approve a preliminary planned unit development site plan to allow for the construction of a mixed use commercial development including all C-1 General Commercial uses and permitting developmental standards that allow for hotels to be a maximum of 70' within 500 feet of the Indiana Toll Road

Existing Zoning: Unincorporated St. Joseph County (Single Family Residential)

Proposed Zoning: S-2 Planned Unit Development

Lot Size: 28.29 Acres +/-

Applicable Regulations: Section 137-671 to 137-679 S-2 Planned Unit Development District
Section 137-41 Amendments to the Zoning Map
Indiana Code 36-4-3 2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development, undeveloped
South: Indiana Toll Road (Farm Field located in unincorporated St. Joseph County located south of Toll Road)
East: Capital Avenue/Toll Road interchange
West: S-2 Planned Unit Development, undeveloped

Thoroughfare: Capital Avenue

School District: Penn-Harris-Madison

Public Utilities: Public Utility capacity is available. Utilities can be extended to the site at the developers cost. Right now, sewer and water is over ½ mile from the site

Comprehensive Plan: Not specifically identified in the Mishawaka 2000 Comprehensive Plan. The Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka identifies this parcel as an area for Commercial Growth.

ANALYSIS

Proposal:

The applicant is proposing to annex, establish zoning, and approve a preliminary planned unit development site plan for a 28 Acre property to allow for the construction of mixed use commercial development including all C-1 General Commercial uses and permitting developmental standards that allow for hotels to be a maximum of 70' within 500 feet of the Indiana Toll Road. It is our understanding that the property owner Memorial Health Systems does not have any immediate construction plans and is merely viewing the annexation and zoning as the next logical step in the future marketing and development of the property.

As the Commission may recall, in 2008, the Golata property located immediately west of and adjacent to this property was annexed into the City. At that time, a hotel user was interested in the property. As such, provisions that allowed for a greater height adjacent to the Indiana Toll-Road were adopted as part of the approval of the PUD. Obviously, that development was not brought to fruition, but the development standards remained. When the former Bobick's driving range was annexed into the City (just west of the Golata property), staff requested that virtually identical development standards and provisions be adopted as part of the annexation.

The reason Memorial Health Systems has included the range of uses and hotel provisions in their petition was at staff's request. To our knowledge, no hotel has been proposed.

From a regulatory standpoint, the overall area, although currently broken up into parcels, is essentially one development area bordered by Capital Avenue, the Indiana Toll Road, Fir Road and State Road 23. As such, we felt that there is some benefit that a potential developer could acquire one or more parcels, or pieces of multiple parcels and would have identical developmental standards.

As stated in previous staff reports, If approved, the development of this parcel will likely take place over a long period of time or based on recent development patterns and the current slow commercial absorption rates. If Memorial Health Systems desired to construct a medical facility or campus, these uses would also be permitted by the requested zoning.

For comparison, the combined area of the Heritage Square and Toscana Park developments is about 65 acres. Right now, these developments are only a little over half complete. Heritage square was the first of the two developments submitted and was originally approved in 2004.

At this time, the applicants are only proposing to establish the range of permitted uses and basic development requirements of the planned unit development. If approved, a much more detailed preliminary planned unit development site plan would be submitted at a later date. The only exception to typical development standards being requested, as suggested by staff, is to increase the permitted height of the hotel to a maximum of seventy feet. In comparison to other hotels, this height request is similar to requests that have been previously granted for the Residence Inn located off of Park Place, as well as, the Hyatt Hotel located adjacent to the former Hooters building and Del Taco off of Day Road.

Two Development parcels have been identified on the conceptual planned unit development site plan. As currently identified, the only road connection to the property will be from the connector road that will ultimately connect Fir Road and Capital Avenue.

As stated previously, given the high profile nature of the parcel, the City has a desire to work with the property owner to create an Edison Lakes style boulevard entry into the City. The ability to carry this out will be dependent on the ability of the City to work within the constraints of Tax Increment Financing restrictions to pay for some of the improvements that would not be reasonable to place on the developer. The Edison Lakes boulevard standard requires a minimum of 120' of right-of-way to be donated to the City.

The property itself currently has immediate access to Capital Avenue. In addition, private easements over adjacent private property also provide connections to this property from Fir Road and State Road 23.

Zoning Change:

Staff feels that the evaluation of the zoning of this property for mixed use commercial is appropriate given the dramatic commercial growth of the north side of the City in recent years, the known proposed expansion of transportation corridors, and the general consistency of the site location with the policy of the Capital Avenue Comprehensive Plan to encourage commercial development on this parcel.

The demand for commercial growth on the north side of the City continues to be self-evident, despite vacancies from the recent recession. The City of Mishawaka continues to be a regional hub for commercial, office, and professional service developments that serve a much larger region.

Given the significant magnitude of the project, staff feels that there are numerous topics that are important to consider in the proposed annexation and establishment of zoning for this project. Once established, these requirements will provide readily discernable standards to which both the Planning Commission and staff will review in the future as part of subsequent final planned unit development site plan submissions. Please note, unlike a typical rezoning request, Planned Unit Development Districts allow "reasonable conditions" to be placed as part of the approval. The attached conditions are essentially identical to the Golata and former Bobicks properties previously annexed and zoned Planned Unit Development

RECOMMENDATION

Staff recommends in favor of Petition # 12-09 to annex and establish zoning for a 28.29 Acre property to allow for the construction of a mixed use commercial development including all C-1 General Commercial uses and permitting developmental standards that allow for buildings to be a maximum of 70' within 500 feet of the Indiana Toll Road, subject to the following conditions:

Uses:

1. Permitted uses shall be limited to those uses identified in the C-1 (General Commercial) and C-2 (Shopping Center Commercial) zoning districts based on City of Mishawaka Zoning classification defined and in effect on the date of approval by the Mishawaka Common Council.
2. 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.
3. 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 proposed roadway connecting The Indiana Toll Road interchange at Capital Avenue and Fir Road shall be designed and constructed to an Edison Lakes Boulevard standard. This shall require the commitment from the developer to create an association responsible for the perpetual maintenance of the median. This requirement for an Edison Lakes standard may be phased, modified, and/or reduced by the Planning Commission as part of any final planned unit development site plan submission should the use of Tax Increment Financing be restricted for the site.
2. Phasing of improvements, including internal collector drives associated with this project shall be as determined by the City Director of Engineering in coordination with other applicable jurisdictions.

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, as may be determined necessary as part of future submissions, 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 properties. 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 by the State along Capital Avenue and SR 23. A sidewalk connection shall also be made to Fir 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, including those previously developed at the south west corner of the intersection of State Road 23 and Capital Avenue.

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.

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 30+ 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 entire area contains development signage on Fir Road, SR 23, and Capital Avenue. If agreed to in writing by all affected landowners, development signage shall be allowed at these three intersections 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 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 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. A minimum 25' building setback from the Indiana Toll Road right-of-way shall be provided.
3. The maximum building height for the site shall be 70' within 500' of the right-of-way of the Indiana Toll Road. The remainder of the site shall be limited to a maximum of 48'

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.
2. For large shopping areas where shopping carts are utilized, Cart corral's shall be provided. Corral's shall be identified and removed from total number of parking spaces provided. Curbed landscape islands shall be provided to break up large pavement areas as determined by the Planning Commission as part of the review of any planned unit development site plan.

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.

This recommendation is based on the following findings of fact:

1. Existing Conditions- The subject parcel is located adjacent to Capital Avenue and the Indiana Toll Road, two limited access highways. Significant retail shopping areas have been proposed and developed on the north side of the City in reasonable proximity to the site. The site has been marketed and directed by multiple government entities to commercial oriented development for many years.
2. Character of Buildings in Area- The area is predominantly undeveloped. A scattering of commercial development has occurred in the area with a few remnant single family homes. The single family homes 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 parcels' location and the significant commercial development on the north side of the City, serving as a regional area of commerce, combined with the proximity of the Indiana Toll Road, Capital Avenue, and SR 23, makes the most desirable use for the property a heavy mix of intensive commercial and professional office and service 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 proposed extension of City infrastructure will actually add value to adjacent properties.
5. Comprehensive Plan- This specific property was guided as Commercial in the joint Comprehensive Plan Amendment prepared jointly by both St. Joseph County and the City of Mishawaka, 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.

ATTACHMENTS

Photographs of Site Area, Site Location Map, Aerial, Preliminary Planned Unit Development Petition,
Preliminary Planned Unit Development Site Plan



View from Capital Avenue looking west at the property owned by
Memorial Health Systems.

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 17 2012

PETITION #12-07

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2012-09

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 Foundation for the Center for Hospice and Palliative Care, Inc. and City of Mishawaka Redevelopment Commission has filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioners are the adjacent owners of all land that abuts the public right-of-way sought to be vacated;

WHEREAS, notice of the filing and petition and date of hearing on said petition has been given as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood;

WHEREAS, the public right-of-way sought to be vacated will not prevent access to any abutting lands by means of a public way;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the public's access to a church, school, or other public building or place;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the use of any public way, utility or place;

WHEREAS, the vacation of the public right-of-way does not conflict with the goals, objectives and policies of the Mishawaka Comprehensive Plan; and

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as 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:

(Madison Street Description) A part of the recorded plat of Riverside Addition to the City of Mishawaka, Indiana, the plat of which recorded in Plat Book 8, page 178 in the Office of the Recorder of St. Joseph County, Indiana, said Plat being located in the Northwest Quarter of Section 15, Township 37 North, Range 3 East, Penn

PROPOSED ORDINANCE NO. 2012-09

ORDINANCE NO. __

Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the southeast corner of Lot 5 in said subdivision; thence South 0 degrees 00 minutes East 60.05 feet along the projected east line of Lot 5 to the south right-of-way line of East Madison Street; thence North 77 degrees 41 minutes 06 seconds West 134.01 feet along said south right-of-way line to the west boundary of said subdivision; thence North 0 degrees 00 minutes 00 seconds West 59.73 feet along said west boundary of said subdivision to the southwest corner of Lot 3 of said subdivision, said corner being on the north right-of-way line of East Madison Street; thence South 77 degrees 49 minutes 04 seconds East 133.94 feet along said north right-of-way line to the point of beginning and containing 7,842 square feet, more or less.

ALSO: (North Alleyways Description) A part of the recorded plat of Riverside Addition to the City of Mishawaka, Indiana, the plat of which recorded in Plat Book 8, page 178, in the Office of the Recorder of St. Joseph County, Indiana, said Plat being located in the Northwest Quarter of Section 15, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the northeast corner of Lot 5 in said subdivision; thence North 77 degrees 49 minutes 04 seconds West 133.94 feet along the north line of Lot 5, Lot 4 and Lot 3 to the northwest corner of Lot 3 and being the west boundary line of said subdivision; thence North 0 degrees 00 minutes 00 seconds West 79.54 feet along said west boundary to the northwest corner of said subdivision; thence easterly 134.74 feet along a non-tangent curve to the right having a radius of 2,115.59 feet and subtended by a long chord having a bearing of North 76 degrees 22 minutes 35 seconds East and a length of 134.72 feet to the intersection of the north boundary of said subdivision with projected the west right-of-way line of Pine Street (Short Street per plat); thence South 00 degrees 00 minutes 00 seconds East 45.44 feet along the said projected west right-of-way line to the northeast corner of Lot 1 in said subdivision; thence North 77 degrees 40 minutes 58 seconds West 75.10 feet along the north line of said Lot; thence South 74 degrees 54 minutes 01 second West 45.11 feet along the northwest line of said Lot; thence South 0 degrees 00 minutes 00 seconds East 58.79 feet along the west line of Lot 1 and Lot 2 of said subdivision to the southwest corner of Lot 2; thence South 77 degrees 49 minutes 04 seconds East 119.62 feet along the south line of Lot 2 to the southeast corner of said Lot; thence South 0 degrees 00 minutes 00 seconds East 14.32 feet to the point of beginning and containing 5,557 square feet, more or less.

COMMONLY KNOWN AS: A portion of Madison Street and alleys north of Madison Street

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.

PROPOSED ORDINANCE NO. 2012-09

ORDINANCE NO. __

- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination.
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

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.

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

April 4, 2012

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

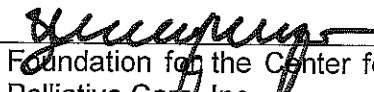
RE: PETITION FOR VACATION OF PUBLIC RIGHT OF WAY

The undersigned, Foundation for the Center for Hospice and Palliative Care, Inc., respectfully requests the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

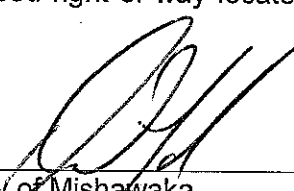
(Please see the attached sheet for legal description.)

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way.

Wherefore, the Petitioner(s) 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 vacated the above described right of way located in the City of Mishawaka.



Foundation for the Center for Hospice and
Palliative Care, Inc.
Lot 2 Riverside Addition



City of Mishawaka
Redevelopment Commission
Lot 1 Riverside Addition

Dave Thomas

Contact Person:

Wightman Petrie – Chris Chockley
412 S. Lafayette Blvd.
574-232-4388
574-232-4333

RECEIVED
DEBORAH S. BLOCK MMC

MAY 02 2012

CITY CLERK
MISHAWAKA, IN

Pet 12-07

(Madison Street Description)

A part of the recorded plat of Riverside Addition to the City of Mishawaka, Indiana , the plat of which recorded in Plat Book 8, page 178 in the Office of the Recorder of St. Joseph County, Indiana, said Plat being located in the Northwest Quarter of Section 15, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the southeast corner of Lot 5 in said subdivision; thence South 0 degrees 00 minutes 00 seconds East 60.05 feet along the projected east line of Lot 5 to the south right-of-way line of East Madison Street; thence North 77 degrees 41 minutes 06 seconds West 134.01 feet along said south right-of-way line to the west boundary of said subdivision; thence North 0 degrees 00 minutes 00 seconds West 59.73 feet along said west boundary of said subdivision to the southwest corner of Lot 3 of said subdivision, said corner being on the north right-of-way line of East Madison Street; thence South 77 degrees 49 minutes 04 seconds East 133.94 feet along said north right-of-way line to the point of beginning and containing 7,842 square feet, more or less.

ALSO:

(North Alleyways Description)

A part of the recorded plat of Riverside Addition to the City of Mishawaka, Indiana , the plat of which recorded in Plat Book 8, page 178 in the Office of the Recorder of St. Joseph County, Indiana, said Plat being located in the Northwest Quarter of Section 15, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the northeast corner of Lot 5 in said subdivision; thence North 77 degrees 49 minutes 04 seconds West 133.94 feet along the north line of Lot 5, Lot 4 and Lot 3 to the northwest corner of Lot 3 and being the west boundary line of said subdivision; thence North 0 degrees 00 minutes 00 seconds West 79.54 feet along said west boundary to the northwest corner of said subdivision; thence easterly 134.74 feet along a non-tangent curve to the right having a radius of 2,115.59 feet

Project: Mishawaka Hospice
Parcel: Vacation Legal Descriptions

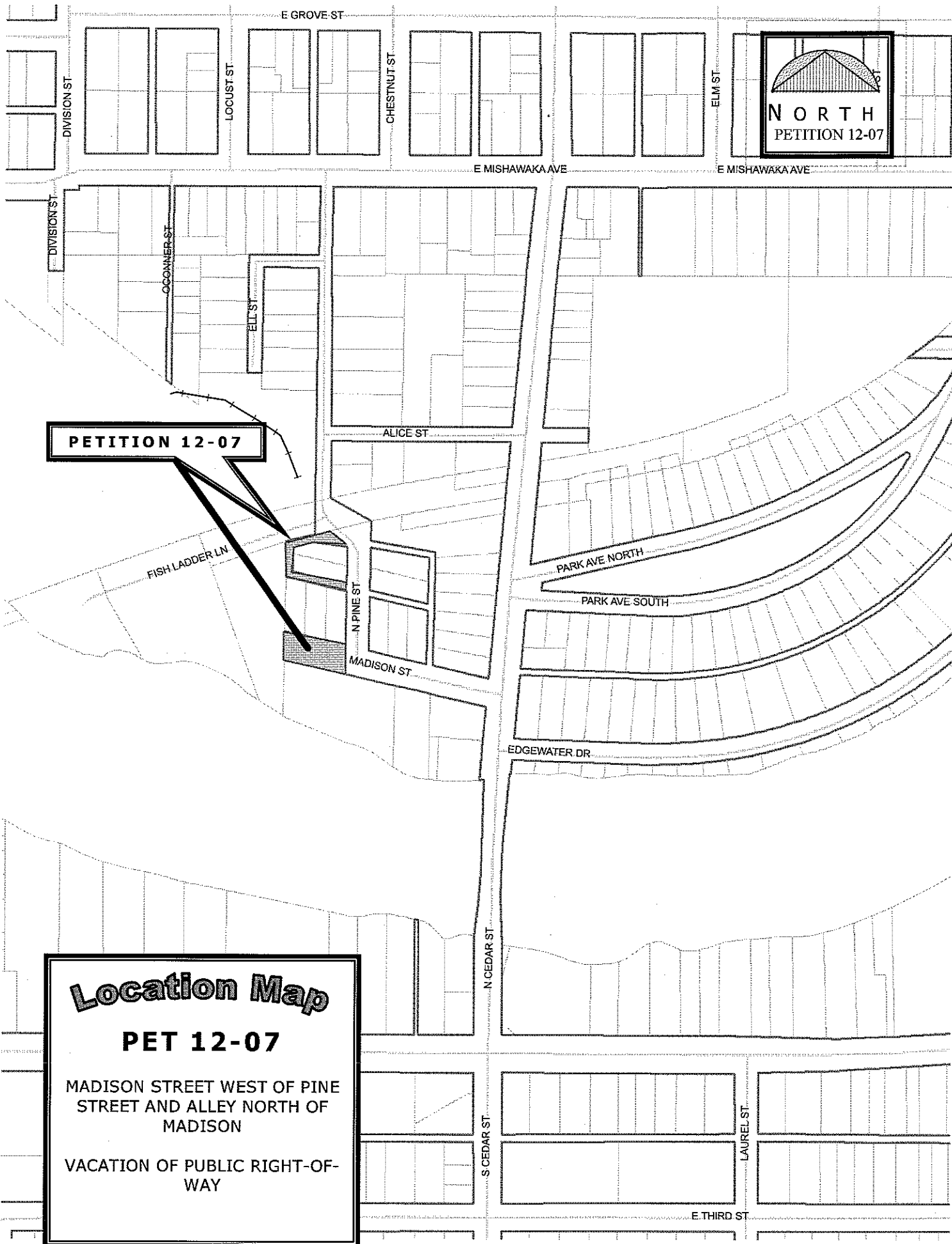
Sheet 2 of 2

and subtended by a long chord having a bearing of North 76 degrees 22 minutes 35 seconds East and a length of 134.72 feet to the intersection of the north boundary of said subdivision with projected the west right-of-way line of Pine Street (Short Street per plat); thence South 0 degrees 00 minutes 00 seconds East 45.44 feet along the said projected west right-of-way line to the northeast corner of Lot 1 in said subdivision; thence North 77 degrees 40 minutes 58 seconds West 75.10 feet along the north line of said Lot; thence South 74 degrees 54 minutes 01 second West 45.11 feet along the northwest line of said Lot; thence South 0 degrees 00 minutes 00 seconds East 58.79 feet along the west line of Lot 1 and Lot 2 of said subdivision to the southwest corner of Lot 2; thence South 77 degrees 49 minutes 04 seconds East 119.62 feet along the south line of Lot 2 to the southeast corner of said Lot; thence South 0 degrees 00 minutes 00 seconds East 14.32 feet to the point of beginning and containing 5,557 square feet, more or less.

Note: Basis of bearing for both descriptions is based upon an ALTA Land Title Survey Prepare by Wightman Petrie on August 9, 2011 (Job No. 2011-5069, Drawing No. SBC-139).

Prepared for: The City of Mishawaka
By: Jeffrey S. Barnes, PLS
Firm: Wightman Petrie, Inc.
Date: March 26, 2012
Job Number: 2011-5069

H:\2011 Projects\2011-5069\SUR\Vacation\Madison St-Alleys Vacation Lgl 03-26-2012.doc



Location Map

PET 12-07

MADISON STREET WEST OF PINE
STREET AND ALLEY NORTH OF
MADISON

VACATION OF PUBLIC RIGHT-OF-
WAY

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION #12-09

MAY 17 2012

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2012-10

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 PART OF THE EAST HALF OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00 DEGREES 32 MINUTES 57 SECONDS EAST ALONG THE CENTERLINE OF SAID SECTION 23, 2072.35 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 03 SECONDS EAST, 20.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF EVERGREEN ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 47 DEGREES 25 MINUTES 23 SECONDS EAST, 289.03 FEET; THENCE SOUTH 42 DEGREES 34 MINUTES 37 SECONDS EAST, 1415.96 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE INDIANA TOLL ROAD; THENCE SOUTH 51 DEGREES 30 MINUTES 12 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY, 1477.74 FEET TO THE EASTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE NORTH 00 DEGREES 25 MINUTES 24 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY, 1202.29 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 57 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY, 564.73 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED TRACT CONTAINING 28.29 ACRES, MORE OR LESS, AND SUBJECT TO ANY COVENANTS RESTRICTIONS, EASEMENTS, AND RIGHT-OF-WAY OF RECORD.

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

Proposed Ordinance No. 2012-10

Ordinance No. _____

Planned Unit Development to allow for the construction of a mixed use commercial development including all C-1 General Commercial uses and permitting developmental standards that allow for hotels to be a maximum of 70' within 500' of the Indiana Toll Road, subject to the following conditions:

Uses:

1. Permitted uses shall be limited to those uses identified in the C-1 (General Commercial) and C-2 (Shopping Center Commercial) zoning districts based on City of Mishawaka Zoning classification defined and in effect on the date of approval by the Mishawaka Common Council.
2. 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.
3. 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 proposed roadway connecting The Indiana Toll Road interchange at Capital Avenue and Fir Road shall be designed and constructed to an Edison Lakes Boulevard standard. This shall require the commitment from the developer to create an association responsible for the perpetual maintenance of the median. This requirement for an Edison Lakes standard may be phased, modified, and/or reduced by the Planning Commission as part of any final planned unit development site plan submission should the use of Tax Increment Financing be restricted for the site.
2. Phasing of improvements, including internal collector drives associated with this project shall be as determined by the City Director of Engineering in coordination with other applicable jurisdictions.
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, as may be determined necessary as part of future submissions, 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

Proposed Ordinance No. 2012-10

Ordinance No. _____

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 properties. 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 by the State along Capital Avenue and SR 23. A sidewalk connection shall also be made to Fir 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, including those previously developed at the south west corner of the intersection of State Road 23 and Capital Avenue.

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.

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:

Proposed Ordinance No. 2012-10

Ordinance No. _____

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 30+ 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 entire area contains development signage on Fir Road, SR 23, and Capital Avenue. If agreed to in writing by all affected landowners, development signage shall be allowed at these three intersections 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 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 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. A minimum 25' building setback from the Indiana Toll Road right-of-way shall be provided.
3. The maximum building height for the site shall be 70' within 500' of the right-of-way of the Indiana Toll Road. The remainder of the site shall be limited to a maximum of 48'

Parking/Landscaping:

Proposed Ordinance No. 2012-10

Ordinance No. _____

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.
2. For large shopping areas where shopping carts are utilized, Cart corral's shall be provided. Corral's shall be identified and removed from total number of parking spaces provided. Curbed landscape islands shall be provided to break up large pavement areas as determined by the Planning Commission as part of the review of any planned unit development site plan.
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 the Indiana Toll Road, two limited access highways. Significant retail shopping areas have been proposed and developed on the north side of the City in reasonable proximity to the site. The site has been marketed and directed by multiple government entities to commercial oriented development for many years.

Proposed Ordinance No. 2012-10

Ordinance No. _____

2. Character of Buildings in Area- The area is predominantly undeveloped. A scattering of commercial development has occurred in the area with a few remnant single family homes. The single family homes 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 is commercial.
3. The most desirable/highest and best use - Because of the parcels' location and the significant commercial development on the north side of the City, serving as a regional area of commerce, combined with the proximity of the Indiana Toll Road, Capital Avenue, and SR 23, makes the most desirable use for the property a heavy mix of intensive commercial and professional office and service 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 proposed extension of City infrastructure will actually add value to adjacent properties.
5. Comprehensive Plan - This specific property was guided as Commercial in the joint Comprehensive Plan Amendment prepared jointly by both St. Joseph County and the City of Mishawaka, 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.

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.

Proposed Ordinance No. 2012-10

Ordinance No. _____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2012, at
_____ o'clock _____ M.

David A. Wood, Mayor

DATE: April 18, 2012

APR 18 2012

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

P27 12-09

RE: **PETITION FOR ANNEXATION AND ZONING CLASSIFICATION**

The undersigned Memorial Health Systems respectfully show that they are the owner of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

A PART OF THE EAST HALF OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00 DEGREES 32 MINUTES 57 SECONDS EAST ALONG THE CENTERLINE OF SAID SECTION 23, 2072.35 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 03 SECONDS EAST, 20.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF EVERGREEN ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 47 DEGREES 25 MINUTES 23 SECONDS EAST, 289.03 FEET; THENCE SOUTH 42 DEGREES 34 MINUTES 37 SECONDS EAST, 1415.96 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE INDIANA TOLL ROAD; THENCE SOUTH 51 DEGREES 30 MINUTES 12 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY, 1477.74 FEET TO THE EASTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE NORTH 00 DEGREES 25 MINUTES 24 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY, 1202.29 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 57 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY, 564.73 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED TRACT CONTAINING 28.29 ACRES, MORE OR LESS, AND SUBJECT TO ANY COVENANTS RESTRICTIONS, EASEMENTS, AND RIGHT-OF-WAY OF RECORD.

RECEIVED
DEBORAH S. BLOCK MMC

MAY 02 2012

CITY CLERK
MISHAWAKA, IN

Petitioner owns One Hundred (100%) percent of the above described parcel of land, excluding the right-of-way of Capital Avenue, and is located within a part of the east half of Section 23, Township 38 North, Range 3 East, Harris Township, St. Joseph County, and that the Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with an "S-2" Planned Unit Development District zoning classification desired. Petitioner further states they intend to utilize said land for a mixed-use medical and commercial development.

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

Petitioner further shows 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.

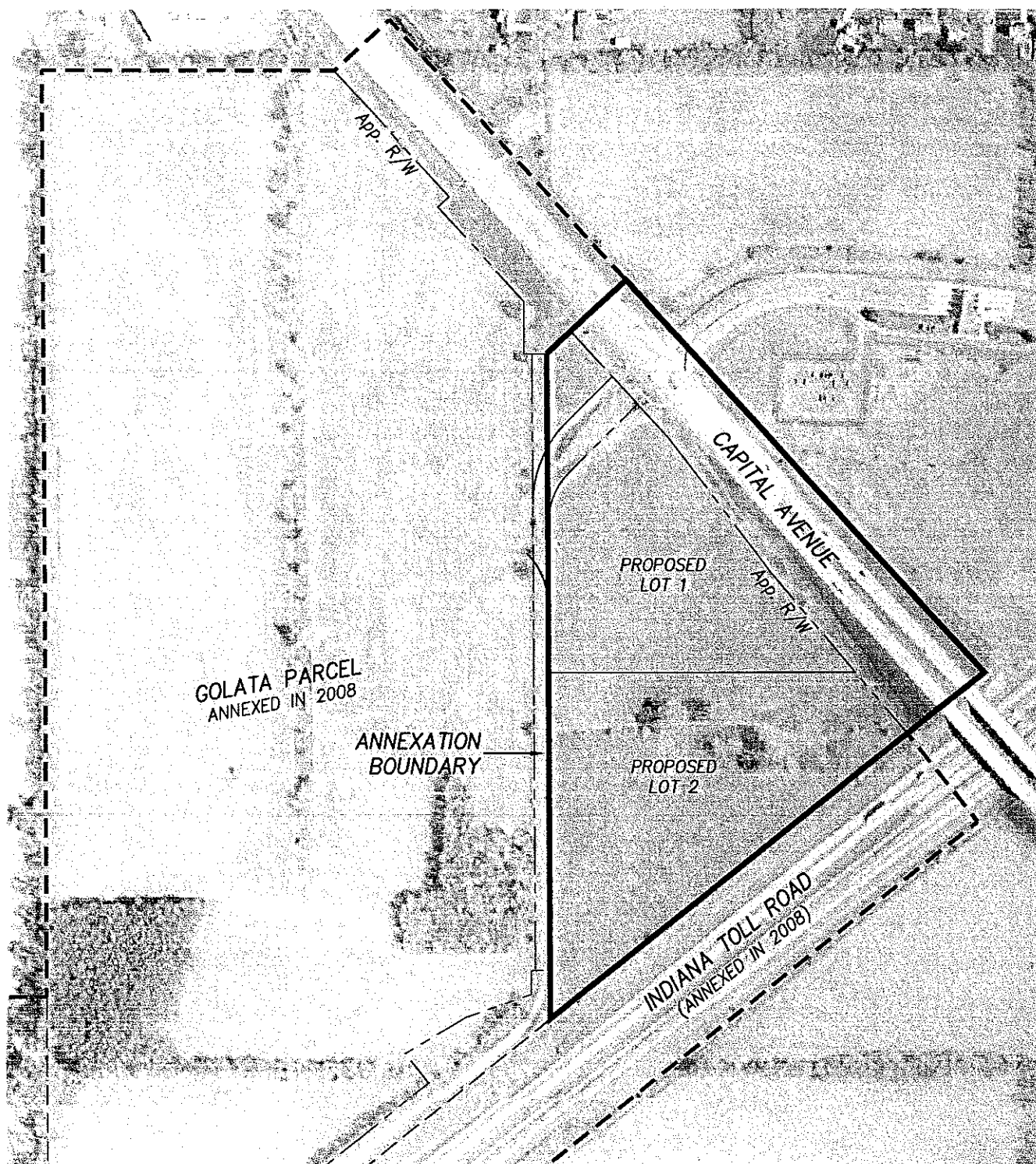
Wherefore, Petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with an "S-2" Planned Unit Development District zoning classification.



Jeff Costello, Vice President & CFO

CONTACT PERSON:

Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com



0 200 400
SCALE: 1" = 400'

WALKER PARCEL ANNEXATION

EAST HALF OF SECTION 23, TOWNSHIP 38 NORTH,
RANGE 3 EAST, HARRIS TOWNSHIP,
ST. JOSEPH COUNTY, INDIANA

ABONMARCHÉ
Confidence By Design

DATE: 04-18-12 ACI JOB #12-0249 SHT: 1 of 1
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Ret 12-09

APPEAL #12-14

RESOLUTION NO. 2012- 13

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

2356 North Home Street, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **2356 North Home Street, Mishawaka, Indiana**, more particularly known and described as follows:

A lot or parcel of land bounded by a line running as follows: Beginning 2641.1 feet East and 346.21 feet North of the Southwest corner of Section 2, Township 37 North, Range 3 East, which point is on the East line of Home Street; thence North 450 feet along said East line of Home Street; thence East 301 feet; thence South 450 feet to a point 343.2 feet North of the South line of said Section 2; thence West 301 feet to the place of beginning; EXCEPTING THEREFROM a strip of land 1 foot wide taken off the entire East side of said tract.

The Use Variance will allow for commercial tire and fleet service on an I-1 Light Industrial zoned property subject to the following conditions:

1. An Administrative Site Plan shall be submitted for review and approval consistent with the schematic drawings provided. Proposed Phase 1 improvements shall be completed by the end of 2012.
2. Proposed Phase 2 improvements shall be completed concurrent with the next significant planned capital improvement project for the building/property.

3. Improvements to the site/within the building shall include an oil separator and any other improvements/modifications as may be directed by the Department of Engineering.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the all state and local codes will be adhered to;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the historic use of the property has industrial. Since the building was recently vacant and is being purchased with the intent of renovating it for the proposed use, the proposed investment will likely have a positive impact on surrounding properties.
3. The need for the variance does arise from a condition peculiar to the property involved because the property is zoned I-1 light industrial, which does not allow the intended use, which will be entirely within an enclosed building, noting that Home Street already carries significant amounts of truck traffic.
4. The strict application of the terms of this chapter constitutes an unnecessary hardship if applied to this property in that the surrounding uses are predominantly commercial with a significant amount of truck usage, unlike other light industrial areas that are tucked into residential neighborhoods.
5. Granting of this variance will not compromise the integrity of the *Mishawaka 2000 Comprehensive Plan* which indicates Industrial usage for this area.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2012, at _____ o'clock ____ .m.

Presiding Officer

RESOLUTION #2012-
2356 North Home Street
Page 3 of 3
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

RESOLUTION NO. 2012-14

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTIES LOCATED AT:

Northeast of Douglas Road and Fir Road

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of City Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of City Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

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 683.97 feet to a point; thence South 998.87 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 415.43 feet to the place of beginning containing 16.1 acres more or less.

Subject to the legal rights of public highways.

Section II. Following the review of documents prepared by the Department of City Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

Section III. This Resolution shall be in full force and effect after its adoption by the Common Council and approval by the Mayor, as required by law.

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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

May 17, 2012

Mr. Dale Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 3rd District City Council
Mrs. Marsha G. 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 J. Roggeman, At Large City Council
Mrs. Deborah S. Block, City Clerk

Re: Fiscal Plans and approving resolutions for proposed ordinances to Annex and Zone property into the City of Mishawaka: Northeast of Douglas Road and Fir Road

Dear Council Members and Clerk:

Attached herewith for your review is a copy of the Fiscal Plans and approving resolutions prepared by the Department of City Planning in accordance with the requirements of the State of Indiana Code Section 36-4-3-3.1. This document provides basic information about the areas to be annexed, and describes how the City of Mishawaka will provide services to the area to be annexed.

As you may be aware, to prepare a fiscal plan, copies of the proposed request are forwarded to all applicable City Departments. The Departments are then asked what expenditures/costs will be entailed to service the area and if the request can be accommodated with the funds currently approved within the City Budget. In this case, given that the property is immediately adjacent to existing City limits, and that the developer is responsible for extending all utilities, no additional expenditures are anticipated at this time.

I will present a brief summary of the plan and be prepared to respond to questions at the Common Council meeting on May 21, 2012.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "KB Prince", is written over a horizontal line.

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241

Building Phone: (574) 258-1607 Fax: (574) 968-6999

Community Development • Redevelopment • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999

Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999



City of Mishawaka

Penn Annexations

*Property located northeast of
Douglas Road and Fir Road*

May, 2012

**Prepared by:
City of Mishawaka
Department of Building, City Planning &
Community Development
600 E. Third Street
Mishawaka, IN
46544-2241**

**Phone: (574) 258-1625
Fax: (574) 968-6999
E-mail: planning@mishawak.in.gov**

David A. Wood, Mayor



Mishawaka City Council

Dale Emmons
Mike Bellovich
John Reisdorf
Marsha G. McClure
Michael Compton
Ron Banicki
Dan Bilancio
Matt Mammolenti
John J. Roggeman

1st District
2nd District
3rd District
4th District
5th District
6th District
At Large
At Large
At Large

PENN ANNEXATIONS FISCAL PLAN

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Annexation Fiscal Plan

Parcel 1:

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 683.97 feet to a point; thence South 998.87 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 415.43 feet to the place of beginning containing 16.1 acres more or less. Subject to the legal rights of public highways.

Parcel 2:

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 415.43 feet to the place of beginning for this description; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 of said Southwest Quarter, a distance of 511.0 feet to a point; thence East, a distance of 1310.9 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 528.0 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 660.09 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 1864.23 feet to the place of beginning containing 76.7 acres more or less. Subject to the legal rights of public highways.

Parcel 3:

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 415.43 feet; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 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 1132.1 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 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 528.0 feet; thence West, a distance of 1310.9 feet more or less to a point on the West line of the Northeast Quarter of said Southwest Quarter that is 511.0 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 157.0 acres more or less. Subject to the legal rights of public highways.

TAB A- CITY OF MISHAWAKA **ANNEXATION POLICY**

CITY OF MISHAWAKA ANNEXATION POLICY

GENERAL POLICY

The City of Mishawaka recognizes that as the population of St. Joseph County grows and development trends change, there will be a continuous demand for infrastructure and urban services provided by cities such as Mishawaka. Infrastructure includes, but is not limited to, water, sanitary sewer, electric, and transportation. Urban services include, but are not limited to, police, fire, and emergency medical services. With a stable tax rate, low crime rate, outstanding public schools, and strong neighborhoods, the City of Mishawaka is a livable community where families and businesses desire to locate. The expansion of infrastructure and services combined with the desire of families and businesses to locate in Mishawaka has necessitated the City to create a policy on annexation.

It is the policy of the City of Mishawaka to encourage the growth of the City boundary in a compact and contiguous manner concurrently with the extension of infrastructure and services. Although exceptions will be considered for large industrial projects or proposals related to specific economic development efforts, the City recognizes that compact and contiguous growth promotes the cost-effective delivery of services.

The City of Mishawaka continues to promote the logical expansion of infrastructure into the unincorporated areas of the county contiguous to the City on request provided there is availability. The voluntary extension of infrastructure, such as water and sewer, requires the benefactor(s) of that infrastructure to waive or consent to future annexation at the time of connection. The extension of infrastructure does not automatically equate to the immediate annexation of property. To meet the statutory requirements for annexation, both infrastructure and urban services must be provided. As such, many unincorporated areas are currently provided with public rate-supported utilities by the City that will not be suitable for annexation in the foreseeable future. Thus, it is the policy of the City of Mishawaka that the initiation of annexation be undertaken only at a time when the City determines that both infrastructure and urban services can be provided for unincorporated area adjacent to the City. To consider annexation, infrastructure and urban services must be available to the proposed annexation area at a standard that is comparable to similar geographic and use areas that currently exist within the City of Mishawaka.

IMPACT OF ST. JOSEPH COUNTY GROWTH

The City of Mishawaka also recognizes the impact growth and development currently occurring in unincorporated St. Joseph County has on annexation efforts. There has been a trend in St. Joseph County to allow for development on septic and well systems sporadically throughout the county. As is currently the case in St. Joseph County, there are numerous examples of the problems associated with this type of sprawling development. Septic systems based on poor installation or lack of maintenance; contribute to the pollution of both surface and groundwater. Based on groundwater concerns, residents desire to connect to public water systems. Residents are also calling for urban services, rather than the rural services typically provided by county governments. Residential streets need to be plowed, and emergency response times for police, fire and emergency medical services frequently exceed the times typically expected of suburban development.

As the population of these areas increase, the demand/need for infrastructure and increased urban services will grow exponentially. Due to the sprawling nature of this development, the cost for providing infrastructure and urban services to the existing City of Mishawaka standard far exceeds the tax revenue generated by these areas. This point has been addressed within this annexation policy because of the past concerns expressed by some residents/property owners of these areas who have been historically opposed to annexation. These concerns, for the most part, are based in fear and do not reflect the reality of the practical constraints of annexation. For the record, the cost of providing services, based on the sprawled growth and statutory limitations, makes it both undesirable and not readily feasible for the City of Mishawaka to annex large non-contiguous developed areas.

This point has also been included to identify the reciprocal concern of the City relative to the sprawling growth within unincorporated St. Joseph County. Currently, the taxpayers within the City of Mishawaka pay City taxes to sustain infrastructure and a desired level of urban services. Furthermore, the taxpayers of the City of Mishawaka also pay county taxes that are used in part to provide similar services to county residents. Cities are wholly responsible for these services within their respective jurisdictional areas. These services include, but are not limited to, road maintenance, police patrols, and emergency medical services. These are services subsidized by general county tax dollars that the City of Mishawaka contributes to but does not receive the corresponding reciprocal benefit. The taxpayers of the county do not pay taxes that directly or indirectly support these services within the City. Based on the current division of general county funds, this equates to the City of Mishawaka financially subsidizing the sprawling growth of the county. Accordingly, the City of Mishawaka continues to seek a more equitable distribution of existing general county tax revenues. Furthermore, based on this existing inequity, it is an important objective of the City to work with county officials to ensure that there are not future increases in spending to address the problems associated with sprawling unincorporated development. The City also recognizes the need to develop fair cost-sharing practices to provide for regional services that does not adversely impact the residents of the City, while still providing for the needed/desired services in the unincorporated county.

Although the equitable distribution of tax dollars is an important concern, the City also recognizes that the problems associated with this sprawling unincorporated development also impacts the City of Mishawaka. The City is impacted by the limitations existing development has on future City growth, and the corresponding increased costs of extending infrastructure. As such, the City of Mishawaka will continue to work with the county in a cooperative effort, where possible, to address problems. However, it is only fair that the residents and property owners of a particular problem area caused by sprawling development should be the party wholly responsible for the costs of desired/needed infrastructure or services- not the tax payers of the City of Mishawaka.

STATUTORY LIMITATIONS

The City of Mishawaka also recognizes the burden placed on municipalities within St. Joseph County based on the statutory requirements on Municipal Annexation and Dis-annexation. The controlling legislation on annexation is established by the Indiana Code 36-4-3-series.

The statute also places minimum requirements on municipalities regarding providing services to proposed annexation areas, the timing of implementation, and contiguity requirements. The statute also requires that a fiscal plan be adopted showing how the costs associated with providing services will be paid. An estimated amount of time required for voluntary annexation is three to four months. The increased time required to process an annexation has placed a burden on real estate transactions and development on the fringe of the City. It is not uncommon to have annexation placed as a condition on the sale of property by the buyer. Annexation is typically requested because City services are desired or needed to serve the proposed project. This increased time frame when compared to the traditional rezoning process has the potential for directing appropriate contiguous growth away from the City due to the lack of suitable available property that can be developed in a short period of time.

IMPLEMENTATION OF POLICY

The stringent statutory requirements of annexation have necessitated the creation of a policy of the City of Mishawaka to evaluate the geographic boundary of each proposed voluntary annexation relative to the surrounding unincorporated properties. The purpose of this evaluation is to examine the proposed annexation area to the existing City limits relative to providing a compact and contiguous City boundary.

Annexation law significantly limits the ability of municipalities to annex property without the consent of the majority of property owners. Therefore, the City has deemed it necessary to review adjacent unincorporated properties that have not requested annexation at the time a voluntary annexation is proposed. Although this may ultimately necessitate the annexation of

property without the consent of a minority of the adjacent property owners, this policy provides for a means to expand the City boundary in a compact and contiguous manner that would otherwise not be possible based on statutory requirements.

A secondary purpose of this policy is to reduce the number of separate contiguous annexation petitions that are likely to be filed within a short period of time. The potential inclusion of additional property as part a proposed annexation petition will counteract the discouraging development influence of time limitations placed by the Indiana Code.

In the past, voluntary annexations without this policy have created a chaotic City boundary that promotes the inefficient delivery of services for both the City of Mishawaka and St. Joseph County. Chaotic refers only to the physical geographic location of the boundary. Common chaotic configurations include *saw-tooth shapes*, *islands*, and *adjacent pockets*. The attributes of these boundary configurations are described as follows:

A *saw-tooth boundary* refers to shape where contiguous properties located along a single roadway change municipal boundaries multiple times in a relative short distance. This situation creates difficulties in providing for the efficient delivery of services. Specifically, it is more difficult for the postal service, police, fire, and emergency medical providers to determine the physical limits of jurisdictions in the field. Under non-emergency circumstances, this situation is likely to result in inconveniences only. However, in emergency situations, confusion on boundary locations in the field has the potential to delay providing potentially life saving services, or could otherwise promote providing double coverage for the area limiting the ability of one provider to respond to other calls.

An *island* refers to unincorporated areas that are physically surrounded by the incorporated City. This situation provides for the inefficient delivery of services for both the City of Mishawaka and unincorporated St. Joseph County. Services such as trash removal, snow plowing, road maintenance, police, fire, and emergency medical services could all potentially require one service provider to travel through another service provider's jurisdictional area. This inherently inefficient situation potentially increases the costs of providing services for both jurisdictions.

Adjacent pockets refers to unincorporated area that is reasonably adjacent to the City and is currently served at least in part by City infrastructure. When the infrastructure was provided to these areas, these areas were typically located on the fringes of the City where other services were either not available or desired at the time. However, as the demand for growth and development continues, the demand for additional services also grows. Over time, pockets are also typically provided with some peripheral City services without expense. Emergency service providers within the City of Mishawaka and St. Joseph County have consistently worked together to provide reciprocal assistance in responding to calls when the other provider is either occupied or at a considerable distance, provided resources are available. Typically, due to the general location adjacent to the City and the increased ability of the City to provide services, these pocket areas will intermittently receive City emergency services.

Furthermore, pockets become obstacles to the future expansion of infrastructure and services. They are considered obstacles due to the contiguity requirements established by the Indiana Code for annexation. If these pockets are not annexed over time, the City is prevented from expanding. The annexation of these pocket areas not only allows for the continued growth of the City, but also provides for the efficient and equitable delivery of services.

SUMMARY

- It is the policy of the City of Mishawaka to encourage the growth of the City boundary in a compact and contiguous manner concurrently with the extension of infrastructure and services.
- It is the policy of the City of Mishawaka that the annexation be undertaken only at a time when the City determines that both infrastructure and urban services can be provided for unincorporated area adjacent to the City.

- To address existing sprawl and inequitable distribution of general county tax dollars, it is the policy of the City of Mishawaka that the residents and property owners of a particular problem area caused by sprawling development should be the party wholly responsible for the costs of desired/needed infrastructure or services- not the taxpayers of the City of Mishawaka.
- The stringent statutory requirements of annexation have necessitated the creation of a policy of the City of Mishawaka to evaluate the geographic boundary of each proposed voluntary annexation relative to the surrounding unincorporated properties to promote the efficient delivery of services and remove chaotic boundary configurations.

Annexation Fiscal Plan

Parcel 1:

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 683.97 feet to a point; thence South 998.87 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 415.43 feet to the place of beginning containing 16.1 acres more or less. Subject to the legal rights of public highways.

Parcel 2:

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 415.43 feet to the place of beginning for this description; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 feet to a point; thence East, a distance of 1310.9 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 528.0 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 660.09 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 1864.23 feet to the place of beginning containing 76.7 acres more or less. Subject to the legal rights of public highways.

Parcel 3:

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 415.43 feet; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 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 1132.1 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 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 528.0 feet; thence West, a distance of 1310.9 feet more or less to a point on the West line of the Northeast Quarter of said Southwest Quarter that is 511.0 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 157.0 acres more or less. Subject to the legal rights of public highways.

TAB B- BASIC DATA

BASIC DATA

A. LOCATION AND SIZE

The area proposed for annexation is illustrated on the following maps and shown on the accompanying aerials. This area is legally described as follows:

Parcel 1:

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 683.97 feet to a point; thence South 998.87 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 415.43 feet to the place of beginning containing 16.1 acres more or less. Subject to the legal rights of public highways.

Parcel 2:

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 415.43 feet to the place of beginning for this description; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 feet to a point; thence East, a distance of 1310.9 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 528.0 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 660.09 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 1864.23 feet to the place of beginning containing 76.7 acres more or less. Subject to the legal rights of public highways.

Parcel 3:

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 415.43 feet; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 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 1132.1 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 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 528.0 feet; thence West, a distance of 1310.9 feet more or less to a point on the West line of the Northeast Quarter of said Southwest Quarter that is 511.0 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 157.0 acres more or less. Subject to the legal rights of public highways.

Annexation Area

The property to be annexed is located northeast of Fir Road and Douglas Road. The entire property consists of agricultural land with the exception of a single-family residential home located along Douglas Road. Three separate annexations have been requested in order to include the entire 249.62 acre parcel of land. State statute requires that a certain percentage of linear feet of property to be annexed must be contiguous to existing property currently within the incorporated limits of a City. Because the linear feet of the area is too large to be included into one annexation, three separate annexations will need to be approved.

The first annexation is to annex 16.1 acres of land. This portion of land to be annexed is contiguous to existing property within the City of Mishawaka that is zoned C-1 General Commercial. The conceptual PUD site plan proposes potential uses limited to those identified in the C-1 General Commercial, C-5 Neighborhood Commercial, C-7 Restaurant Oriented Commercial, and C-8 High Density Suburban Commercial districts.

The second annexation is 76.7 acres. The petitioner has included uses identified in the C-1 General Commercial, C-5 Neighborhood Commercial, C-7 Restaurant Oriented Commercial, C-8 High Density Suburban Commercial, and C-6 Linear Office Commercial Districts.

The third petition annexation is 157 acres. Potential uses include those identified in the C-6 Linear Office Commercial and R-1 Single Family Residential districts

Contiguity with the Existing City Limits

The first parcel, Parcel 1, to annexed into the City is approximately 16.1 acres total. The perimeter of the annexation area measures approximately 3513.87 linear feet. Approximately 440.2 linear feet along the south are contiguous with the corporate boundary of the City of Mishawaka. The remainder of the perimeter is contiguous with St. Joseph County. The border of the contiguous area (440.2 linear feet) is 12.5% of the total perimeter area. This is in line with the 12.5% or (1/8) of the boundary that is required to be contiguous based on the determination requirements of the Indiana Code.

Following the annexation of Parcel 1, Parcel 2 will be annexed into the City. Parcel 2 is approximately 76.7 acres total. The perimeter of the annexation area measures approximately 7988.59 linear feet. Approximately 998.87 linear feet along the west are contiguous with the corporate boundary of the City of Mishawaka. The remainder of the perimeter is contiguous with St. Joseph County. The border of the contiguous area (998.87 linear feet) is 12.5% of the total perimeter area. This is in line with the 12.5% or (1/8) of the boundary that is required to be contiguous based on the determination requirements of the Indiana Code.

Following the annexation of Parcel 2, Parcel 3 will be annexed into the City. Parcel 3 is approximately 157 acres total. The perimeter of the annexation area measures approximately 11688.07 linear feet. Approximately 1838 linear feet along the southwest are contiguous with the corporate boundary of the City of Mishawaka. The remainder of the perimeter is contiguous with St. Joseph County. The border of the contiguous area (1866.13 linear feet) is 15.7% of the total perimeter area. This is in excess with the 12.5% or (1/8) of the boundary that is required to be contiguous based on the determination requirements of the Indiana Code.

B. TOPOGRAPHY AND EXISTING USE

The area is characterized as being relatively flat. The property consists of agricultural land and a single family residential home located at 14669 Douglas Rd.

C. LAND USE/CURRENT ZONING

The proposed area to be annexed is currently zoned Residential and Agricultural within St. Joseph County. If the Mishawaka Common Council approves the annexation request, the area will be rezoned to S-2 Planned Unit Development.

D. ASSESSMENT

The territory to be annexed consists of 3 parcels and public: The Land and Improvement Valuation verified by the St. Joseph County Assessor's Office in April 2012 are shown below:

Tax ID Number	Property Owner	Number of Acres	Land & Imp. Valuation
006-1011-013901	Larry & Becky Penn	1.300	\$33,700
006-1011-0140	Larry & Becky Penn	9.300	\$24,000
006-1011-0136	Larry & Becky Penn	22.50	\$548,500

E. CURRENT TAX RATE

The City's tax rate 2011 payable 2011 was \$1.8186 per \$100 of assessed valuation. For property owners in Harris Township, in which this proposed annexation is located, the total taxes will be \$3.8343 per \$100 of assessed valuation. Property owners in this area currently pay \$2.2019 per \$100 of assessed valuation. These rates are based on the best information available at the time this plan was prepared. Actual tax rates may vary.

Tax District	Existing Tax Rate	Tax Rate after Annexation
Harris Township	2.2019	3.8343

The City's tax rate has remained relatively stable over the years:

2011	\$1.8186
2010	\$1.6741
2009	\$1.6557
2008	\$1.5283
2007	\$1.3326
2006	\$1.3899
2005	\$1.3382
2004	\$1.3313
2003	\$1.2476
2002	\$1.8627
2001	\$5.5007 *
2000	\$5.2417

- Change in Tax Code

F. NEW ADDRESSES

If the proposed annexation is approved, the property will be zoned S-2 Planned Unit Development. The property will be developed in accordance with the requirements of the City of Mishawaka Zoning Ordinance. Addresses would be assigned by the City of Mishawaka Engineering Department.

G. DETERMINATION OF SERVICE STANDARDS AND COSTS

Each proposed annexation area of the City of Mishawaka is reviewed by each pertinent City department or agency that would ultimately be required to provide infrastructure and/or urban services to a given area. Departments were asked to evaluate the location, area, and existing conditions of this proposed annexation area relative to providing infrastructure and urban services at a standard that is identical to other areas of the City. In determining required services, departments reviewed the area relative to similar geographic and use areas that currently exist within the City of Mishawaka.

The standards for infrastructure and services provided by the City of Mishawaka, broken down by department, have been included within this document following Tab B. After establishing an understanding of the existing conditions, each department or agency was asked to identify any capital improvements required to serve the proposed

annexation area to meet existing city standards. Physical infrastructure such as streets, sewer, and water were identified as already being provided to a level that met City standards. It is the responsibility of the property owner/developer to bear any expense required to connect to existing City services. Given the location of the proposed annexation area, adjacent to the existing city limits, and, considering the relatively small size of the area, each department identified that non-infrastructure-related services could be provided to the proposed annexation area with no additional expenditures. Increased maintenance costs for non-rate supported services, were identified as minimal and well within the approved budgets for each department.

Given that no consequential additional expenditures are anticipated, the itemization of costs associated with providing each service is not possible relative to the annexation area. However, to document that funds have been approved and are available for the services identified, a copy of the approved year 2012 City budget has been attached to the Summary of Service Report for each applicable non-rate supported department. These budgets identify the costs for personnel, equipment, repairs, and other expenditures anticipated for the budget year. Budgets for any department are available for the review of the public upon request at City Hall.

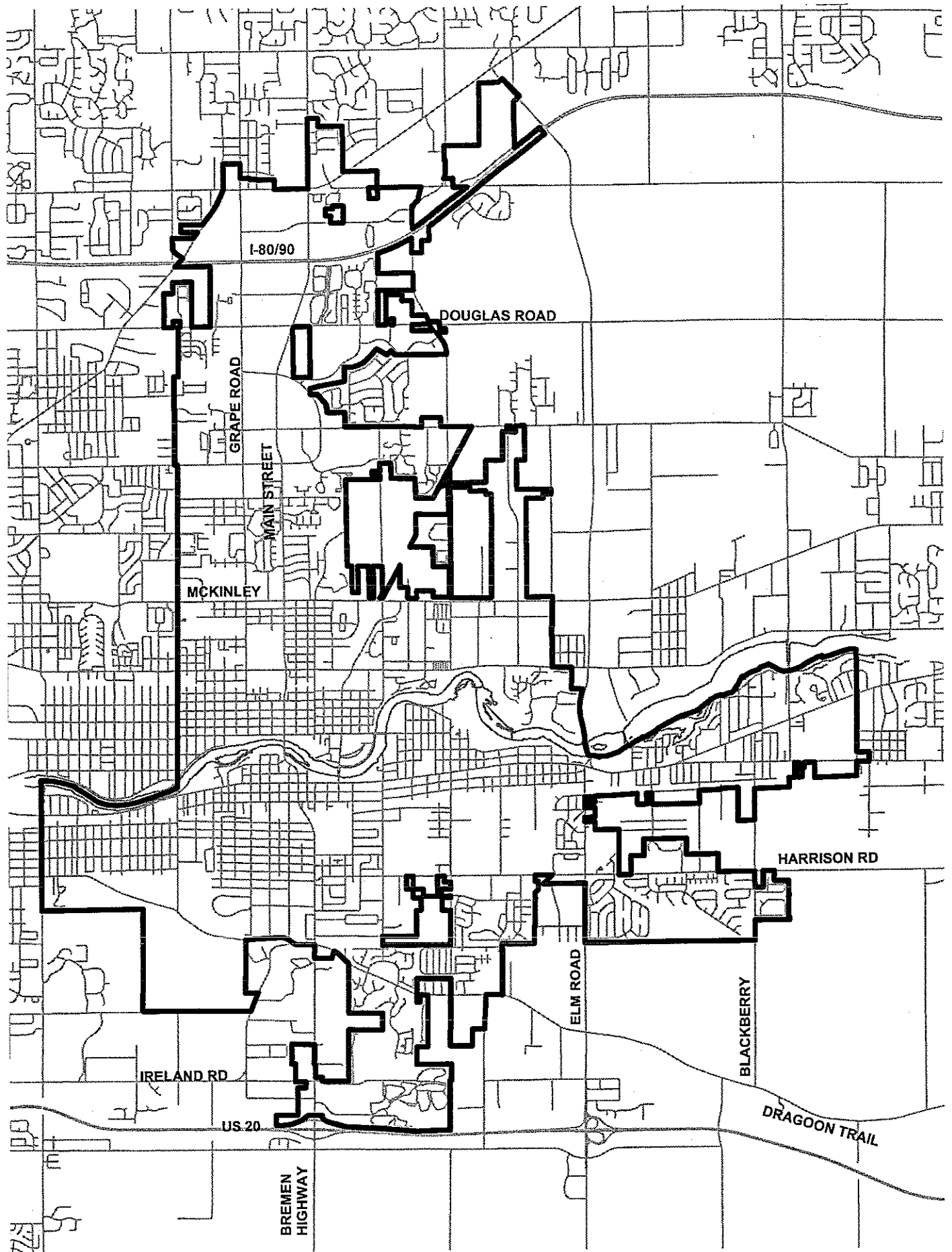
H. TERMS AND CONDITIONS

The City of Mishawaka will provide a level of basic services, including infrastructure and urban services, at a standard that is comparable to similar geographic and use areas that currently exist within the City of Mishawaka. The specific date of implementation of services has been identified within the description of specific services where applicable. Given the location of the proposed annexation area, the size of the area, and the presence of existing infrastructure, no capital expenditures are required to serve the proposed annexation area. Basic services, not otherwise specified, will be provided to the annexation area within one year of the effective date of the annexation as required by law. However, it is anticipated that the majority of basic services will be available immediately or at least in a timely manner.

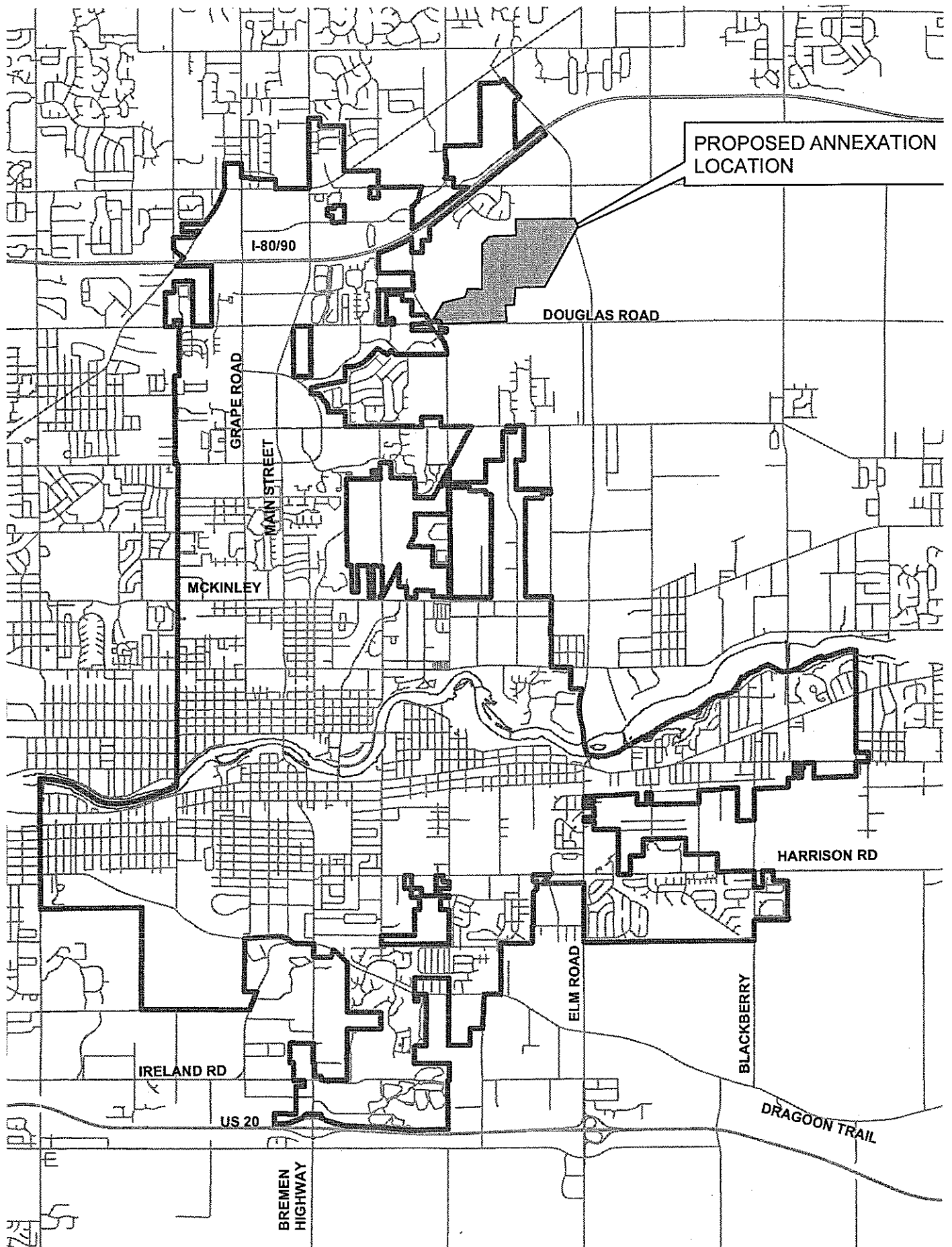
The effective date of annexation, if approved, will be thirty days from the date of approval of the annexation ordinance as required by law.

I. SPECIAL TERMS AND CONDITIONS

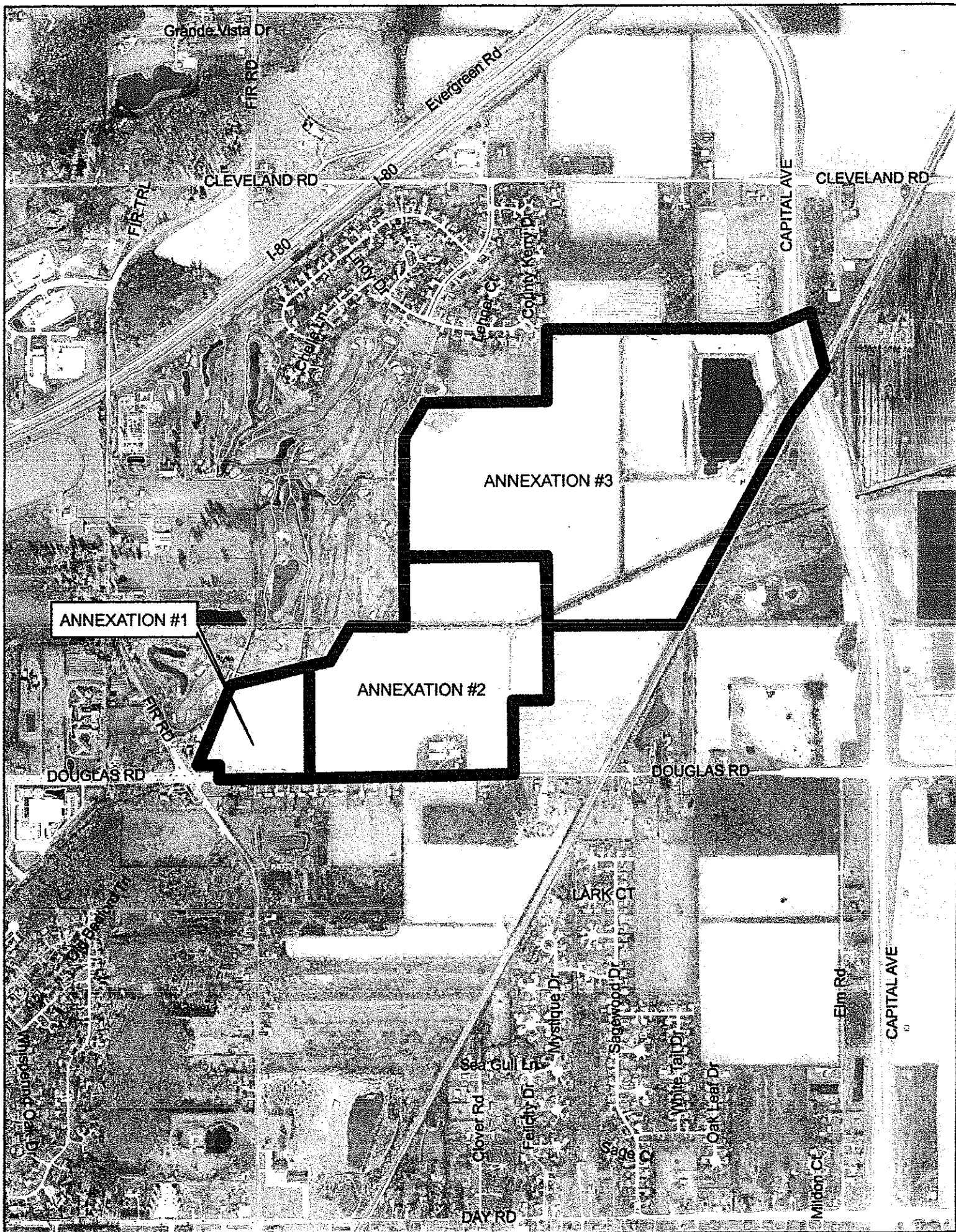
No special terms and conditions have been proposed in conjunction with the proposed annexation. No property tax abatements have been proposed in conjunction with this proposed annexation. All anticipated tax revenues generated by this proposed annexation will go to provide basic city services as identified herein. No impounding of tax revenues are anticipated to provide for specific improvements.



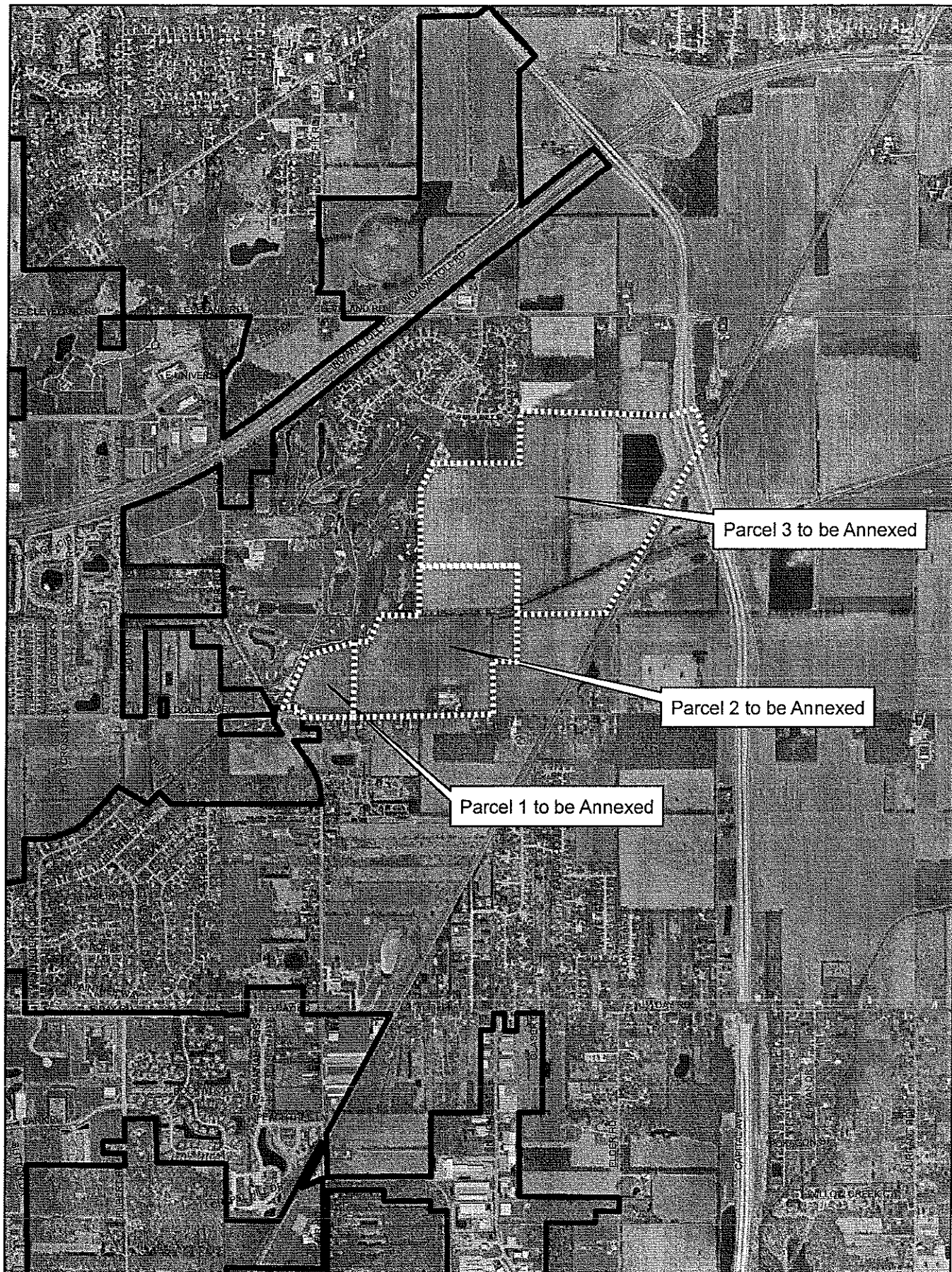
MAP OF EXISTING CITY LIMITS



MAP OF PROPOSED CITY LIMITS



LOCATION MAP



AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED



AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED

PROPOSED ANNEXATION PHOTOS



VIEW LOOKING ONTO LAND TO BE ANNEXED

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 #1

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:

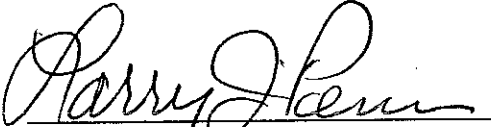
see attached

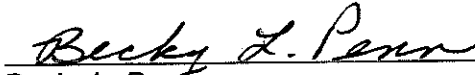
Petitioners own One Hundred (100%) percent of the above described parcel of land which is located on the North side of Douglas Road, East of Fir Road in Harris Township, St. Joseph County, City of Mishawaka, State of Indiana and that the Petitioners desire the same to be annexed to the City of Mishawaka, 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.

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


Becky L. Penn

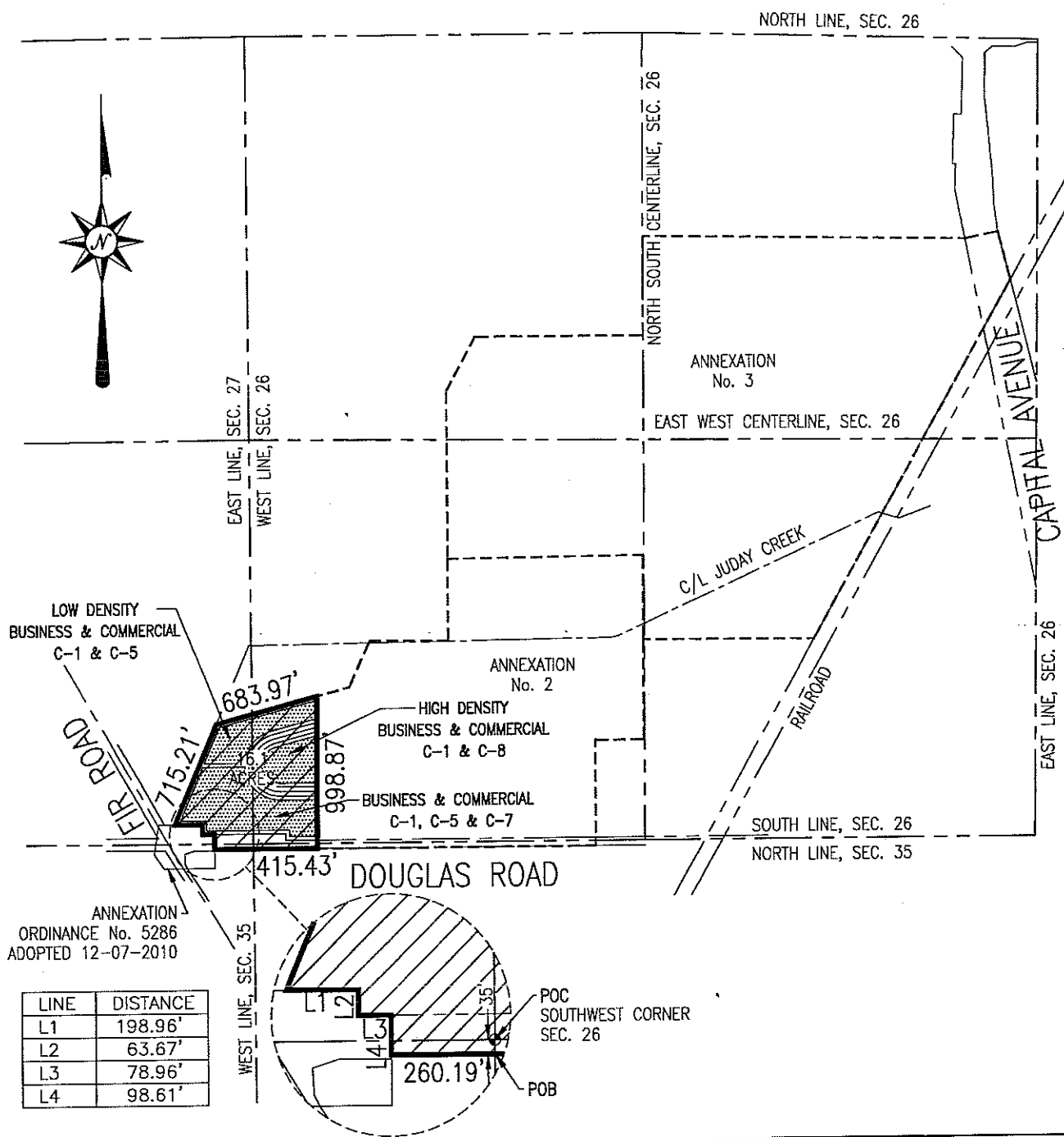
Contact Person:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841

Annexation No. 1

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 683.97 feet to a point; thence South 998.87 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 415.43 feet to the place of beginning containing 16.1 acres more or less.

Subject to the legal rights of public highways.



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

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 #2

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:

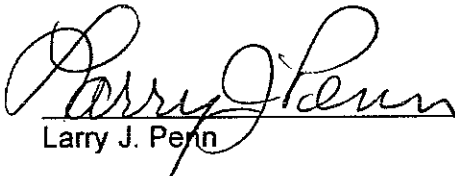
see attached

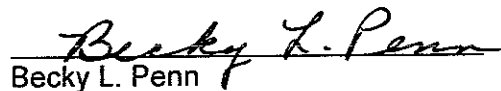
Petitioners own One Hundred (100%) percent of the above described parcel of land which is located on the North side of Douglas Road, East of Fir Road in Harris Township, St. Joseph County, City of Mishawaka, State of Indiana and that the Petitioners desire the same to be annexed to the City of Mishawaka, 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 Office.

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


Becky L. Penn

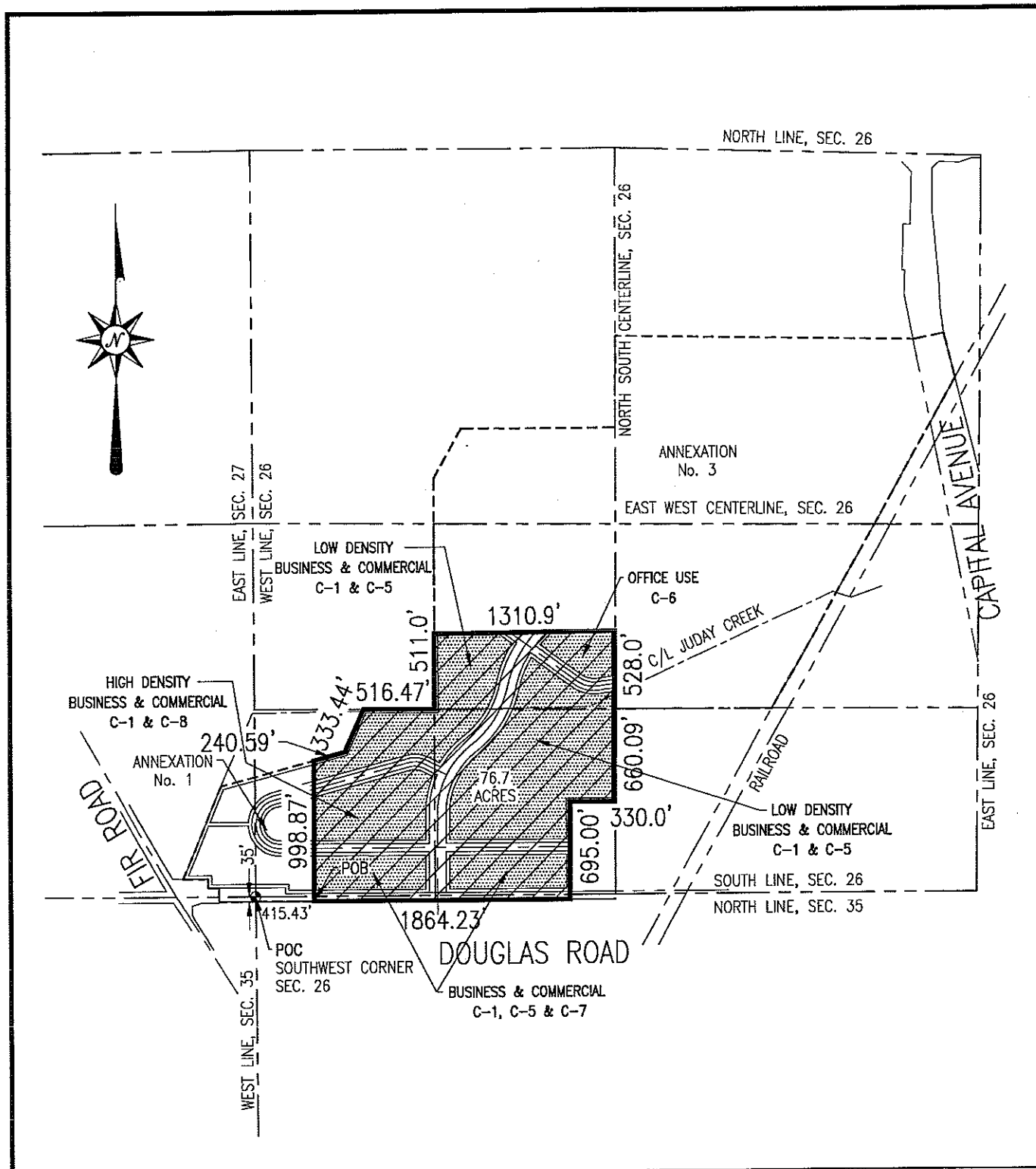
Contact Person:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841

Annexation No. 2

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 415.43 feet to the place of beginning for this description; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 feet to a point; thence East, a distance of 1310.9 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 528.0 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 660.09 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 1864.23 feet to the place of beginning containing 76.7 acres more or less.

Subject to the legal rights of public highways.



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

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 #3

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:

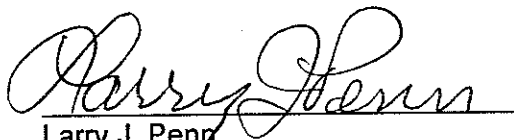
see attached

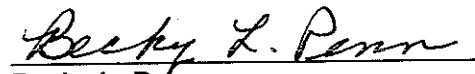
Petitioners own One Hundred (100%) percent of the above described parcel of land which is located on the North side of Douglas Road, East of Fir Road in Harris Township, St. Joseph County, City of Mishawaka, State of Indiana and that the Petitioners desire the same to be annexed to the City of Mishawaka, 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, Office & 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


Becky L. Penn

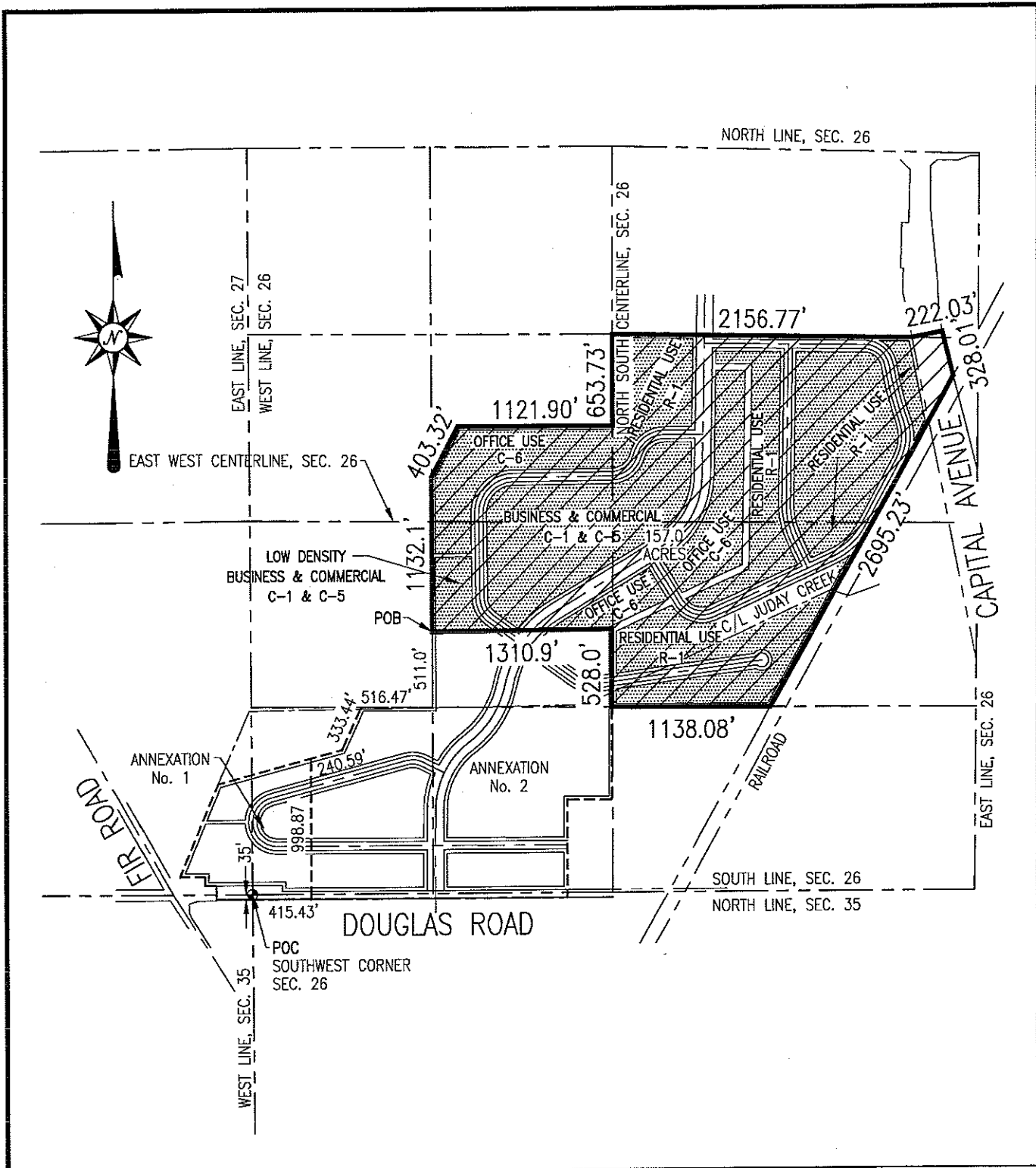
Contact Person:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841

Annexation No. 3

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 415.43 feet; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 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 1132.1 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 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 528.0 feet; thence West, a distance of 1310.9 feet more or less to a point on the West line of the Northeast Quarter of said Southwest Quarter that is 511.0 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 157.0 acres more or less.

Subject to the legal rights of public highways.



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

Annexation Fiscal Plan

Parcel 1:

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 683.97 feet to a point; thence South 998.87 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 415.43 feet to the place of beginning containing 16.1 acres more or less. Subject to the legal rights of public highways.

Parcel 2:

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 415.43 feet to the place of beginning for this description; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 feet to a point; thence East, a distance of 1310.9 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 528.0 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 660.09 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 1864.23 feet to the place of beginning containing 76.7 acres more or less. Subject to the legal rights of public highways.

Parcel 3:

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 415.43 feet; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 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 1132.1 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 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 528.0 feet; thence West, a distance of 1310.9 feet more or less to a point on the West line of the Northeast Quarter of said Southwest Quarter that is 511.0 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 157.0 acres more or less. Subject to the legal rights of public highways.

TAB C- SUMMARY OF SERVICES

SUMMARY OF SERVICES

The City of Mishawaka, known as the Princess City, was incorporated in 1833 with only a few hundred residents. Now, with an estimated population of more than 50,000 present-day Mishawaka is continuing to grow. From the bustling Grape Road corridor to the quiet paths of the Shiojiri Garden at Merrifield Park, the city offers residents a comforting sense of community where people like to live, work and raise families.

The backbone of any city is its services, and no unincorporated area of St. Joseph County can come close to matching the number and quality of services offered in the City of Mishawaka.

Some of the services provided are basic: electric, sewer, and water. Others, such as strong police and fire protection, efficient trash removal and access to parks and libraries, greatly improve the quality of life.

Sewer, water and electric services in the City are not paid by tax dollars; rather, Mishawaka Utilities services are all paid for through the low rates given to property owners.

Instead of dealing with septic systems, property owners can tap into lines provided by Mishawaka Utilities' Wastewater Division. The Division has a plant staffed 24 hours a day, and maintenance technicians are available at all times to respond to emergencies. The City's sewer insurance program provides sewer coverage for each single-family residential homeowner on the public sewer system for a small monthly fee, paid with the Mishawaka Utilities bill. With this program, the homeowner is protected from paying the cost of catastrophic sewer repairs outside the home. A \$40 million expansion of the wastewater treatment plant was completed in June 2008.

The City's water rates have traditionally been among the lowest in the state. The Water Division has recently completed a \$26 million capital improvement project that will further improve the city's water system. Improvements include adding a new well field, replacing water mains, and extending services to some areas that currently do not have water service.

Another service provided by Mishawaka Utilities is the distribution of electricity. Although Mishawaka Utilities does not generate or produce power, electricity is purchased at a wholesale rate and is distributed by Mishawaka Utilities.

But property owners get more out of being in the City of Mishawaka than just those basic services. Public safety is a priority in the City, with about 50 percent of the budget going toward fire, police and emergency medical services.

Mishawaka has a full-time Fire Department, with five stations. The Department maintains a Class 3 fire rating with the Insurance Services Office. The lower the rating, the lower a resident's homeowner's insurance will be. Additionally, the department's response time is excellent, and fire trucks arrive within three minutes to a call for 90 percent of the city.

The Mishawaka Police Department, with approximately 130 officers and employees, responds to critical incidents within three to five minutes. The Department offers many personal services. The personal service unit is divided into five entities; Community Relations Officers, a department training officers, and Street Crime Officers (SCU), DARE and School Resource Officers (SROs).

The City's EMS Department is a centralized system that responds to approximately 4,000 calls per year. The City, with its population of approximately 50,000, responds to about the same number of calls as the County ambulance service does, with its population of over 80,000 residents spread over a much larger area. The business of "saving lives" has a very narrow window of four to six minutes, so the quicker an ambulance can respond, the more likely a life will be saved.

The efficiency of the City's Street Department is unmatched when it comes to snow removal, compared to St. Joseph County. Like other services, the county cannot provide a similar level of service because resources are spread out over a much larger area. In the event of a windstorm that blows trees and limbs into the streets, the City usually can have streets reopened in less than an hour.

Access to leisure activities is readily available in the City of Mishawaka. Residents can use all 27 City parks. In addition, residents pay less for use of the Eberhart-Petro golf course than non-residents. Park rentals, for events such as weddings and receptions, are also less expensive for residents of the City.

Additionally, residents of the City of Mishawaka have access to all three branches of the Mishawaka-Penn-Harris Public Library. The Main Branch, on Church Street in downtown Mishawaka, and the Bittersweet Branch on the City's east side, and the Harris Branch on Elm Road in Granger.

Trash pick-up in the City is also inexpensive and efficient, with the monthly fee for single-family trash pickup at \$12.80. For senior citizens, the rate is \$10.44. The rates include the cost of recycling, which is picked up on the same day the trash.

With the exception of the trash removal, library use and Mishawaka Utilities services, the vehicle with which to pay for the rest of the city's services is through city property taxes. And the City of Mishawaka has a long history of having a low, stable tax rate – in fact, the rate has remained relatively stable for the past 10 years.

With its rich history, Mishawaka continues to prepare and grow for the future. New development within the City's Central Business District and the continued development of the city's commercial and industrial sectors guarantee its strength in the future. This growth allows the tax rates to remain low. With the low tax rate and the multitude of services provided, the City of Mishawaka is an excellent place to build homes, start businesses, and raise families.

SANITARY SEWER, TRANSPORTATION, AND DRAINAGE

Existing Sewer Infrastructure

The City installed an 18" gravity sanitary sewer as part of the reconfigured Douglas Road and Fir Road Intersection Improvement Project with the County. This project extended 18" gravity sanitary sewer main 736LF east of Fir Road as well as 12" gravity sanitary sewer main 318LF north and 636LF south of Douglas Road Intersection within the Fir Road right of way. At each of the manholes in Douglas Road a gravity sewer main was stubbed to the north and south and terminates just outside of pavement. The Owner/Developer will be required to extend gravity sanitary sewer main to serve the proposed development within the site. This sewer extension will discharge into an existing sanitary sewer system that is publicly maintained and ultimately discharges to the City of Mishawaka's Waste Water Treatment Plant.

Existing Road/Transportation Infrastructure

These parcels front Douglas Road east of the Fir Road intersection. The County obtained additional right-of-way for the County's road widening project that included two travel lanes in each direction and a center left turn lane between City Limits and Fir Road intersection. Douglas Road transitions to one lane in each direction east of the intersection with Fir Road. The Owner/developer will be required to provide right-of-way improvements to accommodate the size of the proposed development, i.e. deceleration lane or sharing access with adjacent parcels. Once the site plan is developed and reviewed in relation to adjacent parcels, the appropriate method of access will be determined, which may require additional right-of-way to be donated if a deceleration lane is necessary.

Existing Storm Sewer/Drainage Infrastructure

Regarding any new development or redevelopment within the annexation area, sites are required to retain the stormwater generated by the development on site at the rate of the 100-year return storm frequency. This requirement provides significant protection to both existing and proposed developments regarding the impact of stormwater run-off. Several different engineering methods are considered acceptable by the City of Mishawaka to calculate this requirement. The simplest method of calculation is using the one-line rational equation. However, the Rational Method, Curve Number Method, and Tr-55 Method are also acceptable and tend to be more advanced, taking into consideration the percolation rate of soil types and ratios of developed impervious surfaces. The choice of one method over another typically is due to factors of site size, soil type, and design preference.

In determining the required volume for stormwater storage, the development is divided into areas of pervious surface types; i.e. green space, and impervious hard surfaces, such as rooftops and pavement. The calculation takes into consideration the extensiveness of the development. The greater the quantity of hard surface, the more stormwater runoff that is generated, the greater the volume required to be managed on site. The management of stormwater can be through a drywell or series of drywells that are interconnected with perforated pipe and aggregate box or discharged to a basin or series of basins, or any combination thereof.

Specifically, the developer is required to bear all costs associated with stormwater management. Any proposed positive outlet to the nearby legal drains from any basin will require prior written approval of the St. Joseph County Drainage Board and the City of Mishawaka and limited to the undeveloped state. All land disturbing activities will require full compliance with the City's Erosion Control Ordinance.

Planned Capital Expenditures, Staff and Rates

If annexed, the City of Mishawaka Engineering, Street Department, and Sewer Department will be responsible for maintenance of public streets, storm sewers, or sanitary sewer systems within dedicated City right-of-way. Provided that the planned improvements of the adjacent roads and sewer infrastructure are constructed within the public right-of-way and meet our construction standards, they will be accepted by the Board of Public Works for perpetual maintenance.

Otherwise, any streets constructed and not meeting these requirements will remain privately maintained by the site owner. The City Departments do not require any additional funds than what is currently allocated within the present City budget. For general information, the repair and maintenance of sanitary sewers is supported by rates paid by its users. Otherwise, as a general percentage of City expenditures, approximately 15 cents of every dollar of the City budget is allocated for street and storm sewer expenditures.

Personal Service Programs

The Engineering Department works closely with the Mishawaka Utilities Sewer Maintenance Department regarding the maintenance of the City sewer system. We maintain construction records for all sanitary and storm sewers and providing technical and administrative assistance on sewer repairs and for the Sewer Lateral Insurance Program that was initiated in 1986.

Specifically, the Sewer Lateral Insurance Program covers each single-family residential homeowner on the public sewer system within the City of Mishawaka. For a \$1.50 monthly fee (included on homeowner's Mishawaka Utilities sewer bill), the homeowner is protected from paying catastrophic sanitary sewer repair costs for the portion of sewer lateral between the street right-of-way and outside of foundation wall of the home. Currently, this annexation area proposes a mixed use, and therefore may not eligible for this program.

CITY OF MISHAWAKA
2012 BUDGET

ENGINEERING DEPARTMENT
101-13

2012
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Director of Engineering	69,526.00	
411-02	Assistant Director	57,492.00	
	Project Coordinator	34,884.00	
	Project Manager	48,520.00	
	Traffic Manager	47,277.00	
411-03	Temporary help	<u>15,000.00</u>	
			272,699.00

Other Personal Services

411-65	PE Bonus	<u>5,000.00</u>	
			5,000.00
			<u>277,699.00</u>

2 SUPPLIES

Office Supplies

421-90	General Supplies	<u>4,000.00</u>	
			4,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-06	Consulting	5,000.00	
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Communication and Transportation

432-03	Travel and Training	1,500.00	
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Repairs and Maintenance

436-01	Equipment Repair	3,000.00	
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Other Services and Charges

439-03	Subscriptions , Dues, etc.	<u>500.00</u>	
			10,000.00
			<u>291,699.00</u>

ELECTRIC SERVICE

Services and Rates

Mishawaka Utilities – Electric Division does not currently serve the proposed annexation area - *we will need to acquire the service area as it is not already in our franchise boundary (as a point of information, there is one existing AEP customers at 14669 Douglas Rd.)*. We will serve the area with existing University Park circuits.

Serving this area will require significant planning/construction – construction costs are estimated to be \$146,000 for Annexation #2 and \$247,000 for Annexation #3. The costs of providing service for future/planned development will be the responsibility of applicant(s) for service (reference Terms and Conditions, Section 9.0). The necessary expenditure to make connection to an applicant for service will be considered to be warranted when the estimated total revenue (as estimated by the Utility for a period of two and one-half (2½) years) to be realized by the Utility from permanent and continuing Customers on such an extension is at least equal to the estimated cost of such extension.

Whenever, in the opinion of the Utility, the necessary expenditure to make connection to an applicant for service is not warranted by the Utility's estimate of prospective revenues to be derived there from, or whenever, in the opinion of the Utility, the permanence of the Customer's load is questionable, the Utility may require the applicant to make an advance deposit for line construction or service connection. Or, the Utility may require a long-term agreement, an aid to construction payment, monthly minimum charge or such definite and written guarantee from a Customer, or group of Customers, in addition to any minimum payment required by the Rate Schedule. This requirement may also be made covering the payment by the Customer of the cost of tapping existing transmission or distribution lines for light or power service or both, when such service will not provide sufficient load or revenue, in the opinion of the Utility, to justify the cost of tapping said lines.

In those cases where it is not feasible or practicable to construct lines on public rights of way and it is necessary to secure easements or line-clearing permits on private property, the applicant or applicants shall secure the same without cost to the Utility or assist the Utility in obtaining such easements or line-clearing permits on private property before construction shall commence. The Utility shall be under no obligation to construct lines in the event the necessary easements or line-clearing permits cannot be so obtained.

Personnel

Mishawaka Utilities – Electric Division has a staff of 47 employees. The Division, under the direction of the Electric Division Manager, is divided into the departments of engineering, construction, metering and operations:

- Engineering: Consists of the Chief Engineer, Substation Supervisor, Engineering Projects Manager, and support engineering personnel.
- Construction: Consists of the Construction Superintendent, two Construction Foremen, and support construction personnel (Journeyman, Apprentices and Linemen).
- Metering: Consists of Metering Department Manager and support metering personnel.
- Operations: Consists of the Operations Coordinator along with supporting personnel in dispatch/stores.

Description of Services

Normal working hours are from 7:30 a.m. to 4:00 p.m. Monday through Friday. During these hours, the Electric Division staff is available to provide immediate response to any system perturbation.

Services provided after normal working hours are on an emergency basis only. Customers requiring assistance can call the after-hours answering service, where a call is then placed to a duty supervisor

to assess the situation. The duty supervisor then calls out required support personnel (via the answering service).

Mishawaka Utilities – Electric Division is well equipped to respond to problems associated with providing electric service. The electric division utilizes a wide breadth of equipment to meet the needs of the consumer. Major equipment includes loaders, backhoes, trenchers, boring machines, pushing machines, trailers, compressors, forklifts, bucket and line trucks, and pole trailers.

The service response time to restore from a loss of electricity resulting from storm damage or other physical line damage is typically less than AEP (AEP customers are spread geographically over a much larger area). However, since Mishawaka Utilities does not produce power, the utility is not able to control service problems based on the generation of power and has minimal control of transmission to, or within, Mishawaka.

Costs Associated with Services

Mishawaka Utilities is not supported by tax dollars, but rather through revenue generated by the sales of electricity to its consumers. Mishawaka Utilities does not generate or produce power. Mishawaka Utilities purchases electricity at a wholesale rate and is responsible for distributing it to every customer within the service area. Based on the large numbers of customers in a relatively small geographic area, Mishawaka Utilities is able to deliver electricity more economically than larger companies such as AEP. Although AEP actually generates or produces power, the cost for delivering the electricity to the consumer is greater because the customers are spread geographically over a much larger area. Actual rates will vary over time.

FIRE PROTECTION/EMS

The Mishawaka Fire/EMS Department is one of the area's best, with quick response times, excellent training, and the latest equipment.

Staffing and Response Times

The Mishawaka Fire Department currently has five stations including the Emergency Medical Services branch of the Department. The Fire Department and the Emergency Medical Services Department merged January 1, 2002.

In accordance with the firefighter's union, minimum staffing of 27 personnel are available at all times. The department also has four members working in the City's Fire Inspection Bureau.

The Department's response time is excellent. The Fire Department responds to calls within three minutes for 90 percent of the City.

Fire Stations

The five fire stations are located in strategic areas around the City:

Station No. 1, built in 1991, is located on Union Street near downtown. It is staffed by a minimum of nine firefighters manning one pumper truck, one Quint (a combination pumper and 105-foot aerial apparatus), one heavy-duty rescue truck and one command vehicle.

Station No. 2, located at 2332 N. Main St., is staffed by four firefighters at all times, manning one pumper truck.

Station No. 3, located at 333 E. Douglas Road, is staffed by six firefighters manning one pumper truck and one 75-foot Quint aerial.

Station No. 4, located at 2319 Lincolnway East, is staffed by four firefighters manning one pumper truck. To be relocated along Harrison Road, west of Capital Avenue.

Station No. 5, built in 1989, is located at 333 East Mishawaka Avenue. It is staffed with paramedics.

All engine Companies are certified advanced life support non-transport.

The proposed annexed are will be serviced by Station No. 3, which is approximately 1.25 miles.

Equipment

Equipment for the department is very comparable with what is available to surrounding township departments, but the City's fire department offers other advantages not available to the township fire departments. For one, the City has two ladder trucks, which are not available at this time to volunteer departments. Volunteer departments utilize mutual aid agreements in the event of the need for an aerial device.

Volunteer departments also don't have as easy access to a water rescue team. The water rescue team in the City is on duty 24 hours a day, 7 days a week.

The City's Fire Department currently owns four thermal imaging systems. Many of the volunteer departments do not have these systems. To our knowledge, the City of South Bend has two of these units. The units are used for rescue because they allow the firefighter to "see" through the smoke and go directly to a victim in need. Furthermore, firefighters can lessen the damage to the building by being able to go directly to the source of heat.

Training

The fire department undergoes year-round training in all areas of suppression, haz-mat emergency medical, inspection, water rescue, public education, confined space, high angle rescue, extrication and others. In order to work on an ambulance, the State of Indiana requires personnel to be Emergency Medical Technicians (minimum training). Generally speaking, while employed with an ambulance service, employees have an opportunity to advance their skills. Training is offered at three additional levels. Advanced EMT, (IV therapy, cardiac monitoring), EMT-Intermediate, (addition of advanced airway skills and the administration of certain medications), Paramedic, (addition of several other medications). The EMS division is on par with other services and municipalities in our area offering paramedic service. Complete training records for all personnel are available.

Fire Insurance Rating

Mishawaka maintains a Class 3 fire rating with the Insurance Services Office. The lower the number in the rating, the lower a homeowner's insurance policy could be. Thus, properties that are annexed into the city could see a reduction in property insurance. Of course, the only way to determine if a reduction will occur is to contact applicable insurance providers. For comparison, many township departments have ratings of 7 to 9. Mishawaka's fire insurance rating is the same as the City of South Bend.

Future Plans

Additional personnel will become necessary in the future as the City grows. This increase is due in part to the increased role the department plays as the first responder unit for medical and accident calls. Given the numerous locations of fire stations in the city, the Fire Department is able to respond to emergency medical and accident situations in a shorter period of time than the emergency medical units alone.

Future expansion of the department's run volume will dictate increases in personnel and stations for future growth of the City. For instance, Station 4, built in 1929, is too small to fit the majority of the fire apparatus built today because of increases in height and length of vehicles. In addition, consideration must be given to the increased weight loads placed upon the building by today's apparatus, as opposed to the weight of the vehicles in 1929. Towards the end of 2011, property was annexed into the City of Mishawaka, along Harrison Road and east of Capital Avenue, for a new fire station. The new fire station will replace Station No. 4's current location at Lincolnway East.

Potential increases in personnel, equipment, and buildings, are evaluated on a continual basis. Although these increases represent the anticipated long term needs of the department, these increases are not needed in the short term to provide the consistent high level of service that has been historically provided to the city.

Citizen Programs

The fire department provides regular fire inspections for businesses located in the area, and home inspections upon request. In addition, residents are encouraged to take part in the department's smoke detector giveaway and installation programs. The fire department maintains a fully staffed water rescue team at all times for those areas where water hazards raise concerns.

Costs Associated With Services

If annexed, the City of Mishawaka Fire Department is capable of providing a level of service for the area that is equal to the services currently provided for the city. Given the proximity of the proposed annexation area, bordered to the south and east by the existing City limits, the Fire Department does not require any additional funds than what have been allocated within the current city budget to provide these services. For general information purposes, a copy of the year 2012 budget has been included for reference.

CITY OF MISHAWAKA
2012 BUDGET

FIRE/EMS DEPARTMENT
101-19

2012
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Fire Chief	64,778.00	
411-02	Assistant Chief		
	3 @59712	179,136.00	
	Chief Fire Prevention	56,188.00	
	Battalion Chief		
	2 @ 56453	112,906.00	
	Captains 11 @ 54555	600,105.00	
	Shift Supervisors 3 @ 54027	162,081.00	
	Lieutenants		
	8 @53498	427,984.00	
	Fire Inspectors		
	3 @53498	160,494.00	
	Paramedics 9 @53498	481,482.00	
	Driver Operator		
	32 @52473	1,679,136.00	
	Master Firefighters		
	33 @51775	1,708,575.00	
	1st Class Firefighter		
	5 @ 49775	248,875.00	
			5,881,740.00
	Specialty Pay	130,000.00	
	<u>Civilian</u>		
	Executive Secretary	30,682.00	
			160,682.00

Other Personal Services

411-60	Overtime	525,000.00	
411-66	Uniform Allowance		
	111 @ 1,250.00	138,750.00	
411-67	Pension Equalization	<u>49,700.00</u>	
			713,450.00

Employee Benefits

413-01	Social Security	45,000.00	
413-02	Medicare	100,000.00	
413-03	PERF-12.25%	85,000.00	
413-05	Health Insurance	1,960,000.00	
413-06	Life/Disability Insurance	14,500.00	
413-09	77 Pension 22.7%	<u>1,255,000.00</u>	
			3,459,500.00

10,215,372.00

CITY OF MISHAWAKA
2012 BUDGET

FIRE/EMS DEPARTMENT
101-19

2012
Budget

2 SUPPLIES

Office Supplies

421-90 Office Supplies 4,000.00

Operating Supplies

422-01 Operating Supplies 150,000.00

Other Supplies

429-10 Public Education

Training/ Seminar

Supplies/Refreshments 4,000.00

158,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-10 New Hire Testing/Physicals 100,000.00

Communication and Transportation

432-03 Travel and Training 20,000.00

Repairs and Maintenance

436-01 Building/ Equipment Repair 70,000.00

436-90 Service Contracts 150,000.00

436-91 Laundry Maintenance 3,500.00

Other Services and Charges

439-03 Subscriptions, Dues, etc. 3,000.00

346,500.00

10,719,872.00

CITY OF MISHAWAKA
2012 BUDGET

FIRE PENSION
702-50

2012
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-02 Secretary Salary 3,000.00

Pension Board Members
5 @ 750.00 per yr 3,750.00

411-05 Pension Benefits 2,433,222.00

Retired Firefighters
Eligible Firefighters
Dependents

411-07 Death Benefits 36,000.00

2,475,972.00

2 SUPPLIES

Office Supplies

429-09 Misc Supplies 1,000.00

1,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-01 Legal Fees 2,000.00

Communication and Transportation

432-03 Travel and Training 500.00

Repairs and Maintenance

436-01 Equipment repair 500.00

3,000.00

2,479,972.00

PARKS AND RECREATION OPPORTUNITIES

Parks and Recreation

Mishawaka offers 27 public parks, each with its own unique natural attributes. For boating enthusiasts, there are four parks with boat launches into the St. Joseph River. East of the American Electric Dam by Capital Avenue, the river provides opportunities for water-skiers and sailors. Mishawaka parks also have an excellent swimming pool, splash pads, as well as accommodations for tennis and various field sports, including a very popular softball program. Disc golf is another popular park sport. The City also contains the Eberhart-Petro 18 hole municipal golf course located along the St. Joseph River.

Some Mishawaka parks contain attractive areas for walking and picnicking, and nearly all have playground equipment and play field areas. Three parks, Shiojiri Niwa, Battell, and the Robert Beutter Riverfront Park, have attractive landscape and water amenities and are routinely the place for weddings, special events, and family pictures. The parks in Mishawaka range in size from 0.2 acres to 90 acres for the Eberhart-Petro Golf Course.

The responsibility for development and maintenance of the parks and recreation system for the City rests with the Board of Parks and Recreation. The Board consists of four members and a member from the Board of School Trustees and a member from the Library Board.

Staff and Equipment

The park office staff consists of the superintendent, assistant superintendent, program coordinator, a landscape supervisor, office manager and secretary/bookkeeper. Park employees also consist of supporting staff at Battell Center, Eberhart Golf Course, and Merrifield pool.

The Mishawaka Parks Department provides budget support for its park maintenance through the Central Services Department, which manages all operations and maintenance staff and equipment for streets, parks, motor pool, and some electrical service vehicles.

Costs Associated With Services

All programs implemented through the Mishawaka Park and Recreation Department are available to all who wish to participate in them or rent the facilities. Residents of the City of Mishawaka are also given discounts on user fees. For example, for 2010, the holiday/weekend rate for golf at Eberhart-Petro for residents is \$17. The corresponding rate for non-residents is \$22. Similar discounts are provided for season pass golf rates, park and pavilion rentals, clubhouse rentals, ice skating, and pool passes. Listings of all park and recreation rates are available through the City of Mishawaka Park Department.

If annexed, the existing park system will continue to provide a level of service for the area that is equal to the services currently provided for the rest of the city. Resident services will begin immediately upon annexation.

For general information purposes, a copy of the year 2012 budget has been included for reference.

CITY OF MISHAWAKA
2012 BUDGET

PARK AND RECREATION
204-50

2012
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Department Head	60,151.00	
411-02	Regular Employees	370,000.00	
	Group 1: 15 @ 17.88 * 2092	562,000.00	
	Reimburse CS Assts. 125%	59,119.00	
	Reimburse MVH director 5%	2,815.00	1,054,085.00
411-03	Temporary/Summer Help	330,000.00	
			1,384,085.00

Other Services Personal

411-60	Overtime	35,000.00	
411-62	Night Bonus	5,000.00	
411-63	Longevity	14,820.00	
411-64	FTO	21,000.00	
			75,820.00

Employee Benefits

413-01	Social Security	95,000.00	
413-02	Medicare	25,000.00	
413-03	PERF 12.25%	140,000.00	
413-04	Unemployment	25,000.00	
413-05	Employee Insurance Benefits	380,000.00	
413-06	Life Insurance	1,600.00	
			666,600.00
			2,126,505.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	5,000.00	
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Operating Supplies

422-02	Gas, Oil, Parts, etc.	50,000.00	
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Other Supplies

429-14	Maintenance Supplies	60,000.00	
429-15	Program Supplies	25,000.00	
429-17	Landscaping, Chemical Supplies	80,000.00	
429-18	Athletic Event Supplies	16,000.00	
429-20	Golf Course Supplies	30,000.00	
429-21	Concessions	60,000.00	
429-09	Merrifield Complex supplies	50,000.00	376,000.00

CITY OF MISHAWAKA
2012 BUDGET

PARK AND RECREATION
204-50

2012
Budget

3 OTHER SERVICES AND CHARGES

Professional Services

431-06 Consulting	50,000.00
431-09 Health Screenings/ Vaccines	5,000.00

Communication and Transportation

432-02 Postage and Freight	2,000.00
432-03 Travel and Training	3,000.00
432-04 Telephone/ Pager	7,000.00

Printing and Advertising

433-01 Printing/Newsletter etc.	5,200.00
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Insurance

434-90 Insurance Premiums/Deductibles	110,000.00
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Utility Services

435-01 MU/AEP Charges	276,000.00
435-02 NIPSCO	60,000.00

Repairs and Maintenance

436-01 Equipment / Facility Repair	30,000.00
436-90 Service Contracts	65,000.00

Rentals

437-05 Uniforms/Port-o-lets	11,500.00
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Other Services and Charges

439-03 Subscription, Dues, etc.	1,400.00
439-09 Miscellaneous/Charges	1,000.00
439-18 Instructor Fees	25,000.00
439-19 Official/Referee Fees	5,000.00
439-21 Recreation Event/ Entertainment	18,000.00
439-93 Sales Tax	25,000.00

700,100.00
<u>3,202,605.00</u>

CITY OF MISHAWAKA
2012 BUDGET

PARK AND RECREATION NON-REVERTING
214-50

2012
Budget

2 SUPPLIES

Other Supplies

429-17 Landscaping

30,000.00

30,000.00

4 CAPITAL OUTLAYS

Improvements Other than Buildings

442-05 George Wilson Improvements

5,000.00

443-94 Softball Field/Diamond Improve.

10,000.00

443-95 Cart Path Improvements

50,000.00

444-05 Beutter Park Irrigation

9,000.00

Machinery and Equipment

444-11 Pool/Rink Equipment

20,000.00

444-12 Golf Equipment/Carts

89,000.00

183,000.00

213,000.00

POLICE AND CRIME PREVENTION

The City of Mishawaka's Police Department provides residents with professional public protection and safety, helping keep the city's crime rate low. The officers are among the area's most well-trained, receiving the best training, using top-of-the-line equipment and offering personal service to Mishawaka residents.

Staffing

There are currently a total of 34 full time civilians within the Mishawaka Police Department, and are slotted for 105 sworn officers. The Department has 23 officers on the day shift, 24 on the afternoon shift, and 22 on midnights, making for a total of 69 officers in the uniform division.

There are also 10 officers in the detective bureau and 7 officers assigned to special duty (special crimes, domestic violence, school resource, etc.)

All police officers in the State are required to successfully complete the basic program at the Indiana Law Enforcement Academy within the first year of employment. This is a 15 week program. Current ILEA standards require each Officer to complete 24 hours of service training per year. The Mishawaka Police Department averages 64 hours of training, compared with minimums of 24+ statewide.

Equipment

The Police Department has a take-home patrol car program. Currently, there are 103 take-home vehicles. Each car contains standard first aid equipment for immediate response. Each officer is also well equipped with standard equipment such as side-arms, shotguns, Tasers, and body armor. All officers have been provided with digital cameras for recording accident and crime scenes. In addition, 22 cars are equipped with video cameras to record events on patrol. The City provides for the continual maintenance, repair, and replacement of equipment. Standard equipment items such as cars and firearms are on a set replacement schedule for both reliability and performance.

Several years ago the City purchased a radar trailer, which detects a motorist's speed and flashes it on a screen, for \$9,000. This equipment assists in controlling speed by making motorists aware of their current rate of travel. This equipment can also specifically be used in the annexation area.

The Police Department has two School Resource officers available with School City of Mishawaka. One officer is assigned to Mishawaka High School, and the other officer is assigned to John Young Middle School. The cost of these officers is shared with School City.

Personal Services

On July 2009 the Police Department restructured the Neighborhood Enforcement Team (NET) by eliminating positions and renaming the unit. The unit is divided into five entities; Community Relations Officers, a department training officer and Street Crime Officers (SCU), DARE and School Resource Officers (SROs).

The Community Relations Officers handle various public relationship events such as Neighborhood Watch meetings, MPD tours for boy scouts and schools, reading to kids, bike safety rodeos, and participating in Tri-Ad Senior Citizens Organization. The unit is partnered with Nixle.com (a California-based Internet messaging-service provider). This provider offers a standardized, secure, and certified communication platform for local police departments, municipalities, and their agencies to communicate important, neighborhood-level information to the residents of their communities. This has been a great success with

improving how we get crime information and other important information out to the public. The unit also handles neighborhood complaints, such as drug houses, speeding, neighbor disputes, and other "quality of life" issues.

One (1) Community Relations Officer was assigned to patrol the City parks over the summer. The main concentration was in the downtown parks, which has shown an increase in vandalism. Since the park officer has started patrolling the parks, we have seen a drop in criminal activity.

The Street Crimes Unit was implemented in July of 2009. The goal of this Unit is to concentrate efforts in high crime areas of the city and work in conjunction with the Police Department's Investigative Division to identify criminals and solve crimes. So far, the SCU has worked very hard at their mission and has proven to be quite a success. Because of their determination and self-motivation, the Unit has taken several criminals, weapons and drugs off the streets and have seen crime decrease in the high crime neighborhoods.

Response Time and Crime Statistics

On average, the Mishawaka Police Department responds to critical incidents within three to five minutes. This is comparable to three to seven minutes in South Bend. South Bend has a modestly larger coverage area. Response times for the county were not available; however, with the St. Joseph County Police Department's much larger coverage area per officer, it is anticipated that the response time within the City of Mishawaka is significantly lower than in the county.

Mishawaka crime rates in general continue to remain low for cities of comparable sizes. Serious crimes such as rapes, assaults, burglaries and auto thefts have dropped from 2010 to 2011. Crimes such as robberies and arsons have increased between 2010 and 2011. Mishawaka had 2 homicides in 2011. In 2010 there was 1 homicide. One of the potential reasons for this increase is the continued development of commercial areas within the city. As the city continues to prosper, these areas become target areas for these crimes. This point further illustrates why such a significant portion of the city budget goes to police and crime prevention. The Mishawaka Police department responded to 45,128 calls for service in 2011 with the dispatch center receiving 105,031 calls. The Department had 28,991...911 calls in the dispatch center in 2011.

For general information purposes, a copy of the year 2012 budget has been included for reference. The budget itemizes the costs of providing services for the entire city.

Costs Associated with Services

If annexed, the City of Mishawaka Police Department is capable of providing a level of service for the area that is equal to the services currently provided within the City of Mishawaka. The Police Department does not require any additional funds than what has been allocated within the current city budget to provide these services. No capital expenditures are required in association with this proposed annexation.

CITY OF MISHAWAKA
2012 BUDGET

POLICE DEPARTMENT
101-20

2012
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Police Chief	65,194.00
411-02	Assistant Chief	
	3 @ 60127	180,381.00
	Captains	
	7 @ 54972	384,804.00
	Lieutenants	
	11 @ 53914	593,054.00
	Sergeants	
	21 @ 52889	1,110,669.00
	Corporals	
	50 @ 52191	2,609,550.00
	Patrol Officer	
	10 @ 50191	501,910.00

5,445,562.00

Civilian

	Executive Secretary	30,682.00
	Administrative Secretary	30,420.00
	Secretary 2 @ 30004	60,008.00
	Dispatcher 14 @ 18.15 per hr	477,500.00
	Parking Personnel	30,004.00
	Property Manager	33,823.00
	Dispatch Specialist @ \$18.35/hr	34,480.00
	Dispatch Coordinator	38,636.00
	Services Administrator	34,958.00
	Crossing Guards 21 @ 6793	142,653.00
	Summer School @ 20.00 day per guard	2,000.00
411-03	Substitute Crossing Guard	4,000.00
	Temporary Help/Part-time	15,000.00

934,164.00

Other Personal Services

411-60	Overtime/ Court-time Officer	450,000.00
411-66	Uniform Allowance	133,000.00
	21@170, 1@500, 103@1,250	583,000.00

Employee Benefits

413-01	Social Security	65,000.00
413-02	Medicare	102,000.00
413-03	PERF 12.25%	108,000.00
413-05	Health Insurance	2,085,000.00
413-06	Life Insurance	8,000.00
413-10	77 Pension 22.7%	1,174,000.00

3,542,000.00
10,504,726.00

CITY OF MISHAWAKA
2012 BUDGET

POLICE DEPARTMENT
101-20

2012
Budget

SUPPLIES

2 Operating Supplies

422-01 Operating Supplies 70,000.00

Other Supplies

429-11 Seminars/ Community Relations 1,000.00

71,000.00

OTHER SERVICES AND CHARGES

3 Professional Services

431-09 New Hire Testing/Vaccines/Physicals 22,000.00

Communication and Transportation

432-03 Travel and Training 4,000.00

Printing and Advertising

433-01 Printing 1,800.00

Repairs and Maintenance

436-01 Building Repair/ Maintenance
Service Contracts 75,000.00

Other Services and Charges

439-03 Subscriptions, Dues, etc. 5,000.00

439-11 Special Expense 13,000.00

439-12 Canine Expenses 4,000.00

439-16 Crime Stoppers Program 5,000.00

129,800.00

10,705,526.00

CITY OF MISHAWAKA
2012 BUDGET

POLICE PENSION
703-50

2012
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-02 Secretary Salary 3,000.00

411-05 Pension Benefits 1,494,057.00

Retired Officers

Eligible Officers

Dependents

411-07 Death Benefits 36,000.00

1,533,057.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-01 Legal Fees 2,500.00

Communication and Transportation

432-03 Travel and Training 450.00

2,950.00

1,536,007.00

STREET DEPARTMENT

The Mishawaka Street Department, with its large staff and several trucks and other pieces of equipment, constantly maintains the City's streets and is prompt at answering to emergencies.

Staffing

The Mishawaka Street Department, headed by the Street Commissioner, has 29 union employees, two clerical personnel and two assistant street commissioners. The telephone is staffed 24 hours a day, and one manager and one equipment operator are on call at all times, so that most emergencies can be handled in less than one hour.

Equipment

The Department uses 3 tandem axle and 11 single-axle trucks for the majority of the City's snow plowing. The Department also has 12 4-wheel drive trucks used for plowing smaller streets.

If the need arises during a winter storm, the Department also can call upon the Utilities and Parks departments to help supplement the snow removal efforts.

Along with the three loaders, three graders and the help of the manpower and equipment from other departments, the City can put a total of seven loaders, five backhoes and four additional trucks on the road to help remove snow. St. Joseph County does not have as many resources and has a larger area to plow; therefore, it takes the county longer to clear their roads.

Services

The City's leaf pick-up program is completed on a weekly basis every fall, compared with the County's leaf pick-up program, which is no longer provided.

The City also has an aggressive street sweeping schedule, with all streets swept every 10 days. The County does little street sweeping.

Also, in the event of a wind storm that blows trees into streets, the City can have the street re-opened, in most cases, in less than an hour. The county can take six to eight hours, as evidenced by calls from residents on streets just outside the City's boundaries.

Costs Associated with Services

If annexed, the City of Mishawaka Street Department is capable of providing a level of service for the area that is equal to the services currently provided for similar geographic areas within the City of Mishawaka. Given the proximity of the proposed annexation area, bordered to the south and east by the existing City limits, the Street Department does not require any additional funds than what have been allocated within the current city budget to provide these services. No capital expenditures are required in association with this proposed annexation. Services will begin within one year of the date of annexation as required by law.

For general information purposes, a copy of the year 2012 budget has been included for reference.

CITY OF MISHAWAKA
2012 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

2012
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Street Commissioner	56,293.00	
411-02	Office Manager	30,420.00	
	Secretary	30,004.00	
	Group 1: 32 @ 17.88 * 2092	1,197,000.00	
	CS reimburse 155% for assts.	73,400.00	
			1,387,117.00

Employee Benefits

411-60	Overtime	81,500.00	
411-62	Night Bonus .60/.55 per hr	8,000.00	
411-63	Longevity	18,120.00	
411-64	FTO (Flexible Time Off) Plan	8,000.00	115,620.00

Other Services Personal

413-01	Social Security	94,000.00	
413-02	Medicare	23,000.00	
413-03	PERF12.25%	185,000.00	
413-04	Unemployment	10,000.00	
413-05	Employee Ins Benefits	500,000.00	
413-06	Life Insurance	2,200.00	814,200.00
			2,316,937.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	1,500.00	
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Operating Supplies

422-02	Gas, Oil, Etc.	180,000.00	
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Repair and Maintenance Supplies

423-01	Street Materials	100,000.00	
423-03	Equipment/ Parts, Supplies	160,000.00	

Other Supplies

429-08	Uniform supplies	4,000.00	
429-13	Traffic Supplies	36,000.00	
429-91	Salt	224,000.00	
			705,500.00

CITY OF MISHAWAKA
2012 BUDGET

MOTOR VEHICLE HIGHWAY 201-50	2012 Budget	
3 OTHER SERVICE AND CHARGES		
<u>Professional Services</u>		
431-04 Snow Removal	5,000.00	
431-09 Health Screenings/ Vaccines	6,000.00	
<u>Communication and Transportation</u>		
432-03 Travel and Training	5,000.00	
432-04 Telephone/ Paging	5,000.00	
<u>Printing and Advertising</u>		
433-02 Publications	250.00	
<u>Insurance</u>		
434-90 Insurance Premiums/Deductibles	150,000.00	
<u>Utility Service</u>		
435-01 MU Charges	110,000.00	
435-02 NIPSCO	27,000.00	
<u>Repairs and Maintenance</u>		
436-01 Building/ Equipment Repair	160,000.00	
436-93 Signal Maintenance	58,000.00	
<u>Rentals</u>		
437-05 Uniforms	8,000.00	
<u>Other Services and Charges</u>		
439-09 Miscellaneous Charges	3,000.00	
		537,250.00
4 CAPITAL OUTLAY		
<u>Machinery and Equipment</u>		
445-02 Street Equipment	200,000.00	
445-03 Office Equipment	1,000.00	
		201,000.00
		<u>3,760,687.00</u>

WASTE DISPOSAL AND RECYCLING SERVICES

Waste Disposal and Recycling Services

Trash pick-up in the City of Mishawaka is inexpensive and efficient. The monthly fee for single family trash pickup is \$12.80. This includes trash, yard waste and recycling. Residents also are allowed to place up to two large items out each week for removal with their regular trash. Large items could include furniture, appliances, and similar objects that are not readily placed within containers.

A discounted rate of \$10.44 per month is provided for senior citizens.

Similar to the county and other municipalities, trash removal services are not offered to multiple family developments, commercial, or industrial businesses. The waste stream generated from these uses vary widely and usually require private dumpsters. These uses are required to contract for services through private trash contractors. Given that portion of the proposed annexation is an industrial facility, waste disposal will be the responsibility of the property owner with no involvement from the City.

Leaf pick-up and Fifth Street recycling center

The leaf pick-up and Christmas tree pick-up programs are done through the City's street department. The Fifth Street recycling center is run by the Solid Waste Management District. It is open to all residents and non-residents for disposal of hazardous materials, such as paint and household chemicals. Tires, magazines, and cardboard/office paper also are collected there for recycling.

WASTEWATER

Services

Services are provided by the Mishawaka Wastewater Division 24-hours a day. There are at least two operators staffing the facility at all times. Additionally, maintenance technicians can be called in during off-hours to respond to emergencies. The twenty-eight remote sewage lift stations are continuously monitored by radio telemetry.

Facilities

Mishawaka's wastewater treatment plant is a Class IV facility that was recently expanded to provide an average design capacity of 20 million gallons per day (MGD). The peak design capacity is 42 MGD. The plant is designed to operate in the conventional activated sludge mode. Single stage nitrification is achieved in the activated sludge process to convert ammonia to nitrate. Phosphorus is removed both biologically and by chemical precipitation using ferrous chloride. Solids generated in the treatment process are anaerobically digested and mechanically dewatered. These biosolids are land applied on area farm fields for soil conditioning and fertilizing. The treated effluent from the facility is disinfected with sodium hypochlorite, then treated with sodium bisulfite to remove any chlorine residual. The dechlorinated effluent is aerated to add dissolved oxygen.

For the year 2011, an average flow of 11.43 MGD was treated. The average cBOD removal was 98% and the average suspended solids removal was 97%.

Staff

Twenty six people staff the wastewater utility. There are 5 managers/supervisors, 4 chemists, 9 operators, 6 maintenance technicians, 1 biosolids technician, and 1 pretreatment technician. At least two operators are on duty at all times.

Support Personnel

The Wastewater Division relies on the Mishawaka Utilities Business Office for support functions such as billing, budget tracking, and customer service. The City's Engineering Division works closely with the Wastewater Division on plan reviews for sewer and lift station additions. Consulting engineering firms are used to design improvements and for comprehensive studies.

Planned Capital Improvements for 2012 and Beyond

A \$42 million upgrade was completed in mid 2008 for the wastewater utility. This upgrade was necessary to provide capacity for service area growth and to address the CSO requirements established in Mishawaka's NPDES permit and CSO control regulations. The upgrade increased both the dry weather flow capacity and the plant's capability to treat wet weather flows. Construction began in November 2005 and was substantially complete in June 2008.

The capital improvements increased the wastewater treatment plant's capacity from 12 MGD to 20 MGD. The hydraulic peak capacity increased from 24 MGD to 42 MGD. The scope of the wastewater treatment plant improvements include the following elements:

- Parallel 60-inch interceptor sewer from CSO 009 to treatment plant
- Influent Pump Station Expansion
- Additional Fine Screen
- New Grit Separation and Washing Equipment
- New Scum Concentrating Equipment
- Addition of Two New Grit Removal Tanks
- Addition of Two New Primary Clarifiers
- Addition of Two New Aeration Tanks
- Addition of Two New Final Clarifiers
- Addition of Chlorine Contact Tank
- Conversion From Gaseous Chlorine and Sulfur Dioxide to Liquid Sodium Hypochlorite and Sodium Bisulfite Disinfection
- Rehabilitation of Ferrous Chloride Storage and Feed System
- Addition of two WAS Gravity Belt Thickener

- Addition of a second belt filter press for biosolids dewatering
- New Anaerobic Digester and Rehabilitation of Existing Digesters Including New Covers
- Modifications to the Plant Electrical Feed
- Installation of a high efficiency turbo aeration blower
- New Process Air Blower Equipment
- Administration Building Modifications
- Expansion of Maintenance Facilities
- Site Landscaping

Future capital improvements are focused on the Combined Sewer Overflow Long Term Control Plan and will consist mainly of sewer system improvements to convey greater volumes of wet weather flow to the Wastewater Plant for treatment as well as sewer separation in selected areas.

Statistical Information

Mishawaka's wastewater treatment plant exhibits outstanding performance. From January 2000 through December 2011 average removals and effluent concentrations are as follows:

	Percent Removal	Effluent Concentration mg/l
CBOD	97%	2.7
Total Suspended Solids	96%	3.3
Phosphorus	79%	0.6
Ammonia Nitrogen	89%	2.4

During this time period there were few exceedances of NPDES permit effluent limitations. In the winter of 2007 extreme cold weather caused freezing of chlorine feed lines which resulted in loss of disinfection for several days.

Costs Associated with Services

Mishawaka Utilities Wastewater Division is predominately supported through revenue generated by the rates charged to customers. 2005 was the first full year of construction of the Wastewater Treatment Plant Upgrade and Expansion. The project was completed in June of 2008. The City financed \$41.9 million for the plant improvements through a low interest State Revolving Fund Program loan, which will save considerable interest expense throughout the twenty year life of the loan. The expansion serves the dual purpose of providing capacity for continued growth in the community and will cut annual combined sewer overflow (CSO) volume in-half. Because a portion of the expanded capacity will serve growth in the Northwest TIF area, TIF funding has been pledged to the Wastewater Division to assist in funding debt service payments. An annual TIF distribution of \$3 million reduces the rate increases necessary to fund the expansion's bond payments.

Residents of St. Joseph County who have access to city sanitary sewer pay the same sewer rate provided to residents of the city. However, Wastewater Utility customers whose premises are served by the utility and are located within the City limits shall receive a credit applied towards their monthly sewer bill in recognition of the portion of the principal and interest on Wastewater Utility bonds paid by the City from TIF revenues. City sewer facilities are available to the proposed annexation area and will have no impact on the level of service provided by the city. Mishawaka Utilities currently provides a level of service for the area that is equal to the rest of the City. Given that the infrastructure currently exists, no additional capital expenditures are required in association with this proposed annexation.

WATER SERVICE

Water Utilities

The Mishawaka Utilities Water Division is a medium-sized public water utility that serves a population and area larger than just the City of Mishawaka. The combined well fields average about 7 million gallons pumped each day, with a peak daily rate of 22 mgd and a maximum capacity of 33 mgd. The water is treated with chlorine, fluoride and phosphate and is regularly and comprehensively tested in accordance with state and federal regulations. The city public water supply consistently exceeds the strict standards set forth by the United States Environmental Protection Agency and the Indiana Department of Environmental Management.

Serving the Proposed Annexation Area

An existing sixteen (16) inch distribution main is located on the south side of Douglas Road, approximately thirty (30) feet south of the center line of Douglas Road, and it extends to the east from Fir Road approximately 462 feet. Currently there is no water service extended on to the property being considered for annexation. Annexation No.1 and Annexation No. 2 could be served from the Douglas water main. Annexation No. 3 parcel would require water main to be extended through the Annexation No. 2 parcel. The existing Douglas Road water main may require an extension to reach any access road to be built on to the properties in question.

The costs associated with the extension of water service to the individual property, including tap fees, are paid by developers/property owners, and are not paid by Mishawaka Utilities. For existing properties with wells, a 1-inch copper service line is typically provided to the property line for future connection. Similar to other areas of the city, the customer would be required to pay for the tap in order to use the service. The property owner also would be responsible to run the service from the property line to the house and install a meter setter in accordance with Water Division standards.

Staff and Services

The Mishawaka Utilities Water Division has a 24-hour emergency answering service line, which calls the supervisor on duty on a cellular telephone. Crews generally report on site within an hour of an emergency. On average, service outages only last about three hours.

There are a total of twenty-nine (29) employees in the Water Division consisting of twenty (20) union employees and nine (9) salaried personnel. An additional administrative staff of four (4) people and an office staff of twenty-three (23) carries out all billing and clerical work for both the electric and water divisions.

The Water Division has twenty eight (27) vehicles and eight (8) large specialized pieces of equipment to serve the area.

Services to Residents

The Mishawaka Utilities Water Division provides three programs to replace lead services within the City's water system.

1. The Division replaces any lead service that is in need of repair.
2. The Division replaces any lead service to a current customer when the customer replaces the line from the street shut-off to the house.
3. The Division replaces any lead service that is not currently in use by a customer at a reduced cost to customer when a new structure is built.

Services to Residents – (Cont.)

The Division has no benefits geared strictly toward senior citizens, but it does accept money from the Project Safe program, provided by Real Services. Real Services provides state funds to pay utility bills of low-income families that fall within a certain income range. The low-income families must fill out an application, at the Real Services office, to become eligible for this benefit.

Costs Associated with Services

Mishawaka Utilities Water Division is not supported by tax dollars, but rather through revenue generated by the sales of water to its consumers. All costs associated with providing water service are rate generated. No tax dollars are used to provide this service. If annexed, Mishawaka Utilities is capable of providing a level of service for the area that is equal to the services currently provided within the City.

Annexation Fiscal Plan

Parcel 1:

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 683.97 feet to a point; thence South 998.87 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 415.43 feet to the place of beginning containing 16.1 acres more or less. Subject to the legal rights of public highways.

Parcel 2:

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 415.43 feet to the place of beginning for this description; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with the North line of the 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 511.0 feet to a point; thence East, a distance of 1310.9 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 528.0 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 660.09 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 1864.23 feet to the place of beginning containing 76.7 acres more or less. Subject to the legal rights of public highways.

Parcel 3:

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 415.43 feet; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 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 1132.1 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 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 528.0 feet; thence West, a distance of 1310.9 feet more or less to a point on the West line of the Northeast Quarter of said Southwest Quarter that is 511.0 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 157.0 acres more or less. Subject to the legal rights of public highways.

TAB D - APPENDICES

RESOLUTION NO. 2012-

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTIES LOCATED AT:

Northeast of Douglas Road and Fir Road

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of City Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of City Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

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 683.97 feet to a point; thence South 998.87 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 415.43 feet to the place of beginning containing 16.1 acres more or less.

Subject to the legal rights of public highways.

Section II. Following the review of documents prepared by the Department of City Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

Section III. This Resolution shall be in full force and effect after its adoption by the Common Council and approval by the Mayor, as required by law.

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, MMC, City Clerk

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

Deborah S. Block, CMC, City Clerk

APPROVED by me this _____ day of _____ 2012, at
_____ o'clock ____M.

David A. Wood, Mayor

RESOLUTION NO. 2012-

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTIES LOCATED AT:

Northeast of Douglas Road and Fir Road (14669 Douglas Road)

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of City Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of City Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

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 415.43 feet to the place of beginning for this description; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 feet to a point; thence East, a

distance of 1310.9 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 528.0 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 660.09 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 1864.23 feet to the place of beginning containing 76.7 acres more or less.
Subject to the legal rights of public highways.

Section II. Following the review of documents prepared by the Department of City Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

Section III. This Resolution shall be in full force and effect after its adoption by the Common Council and approval by the Mayor, as required by law.

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, MMC, City Clerk

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

Deborah S. Block, CMC, City Clerk

APPROVED by me this _____ day of _____ 2012, at
_____ o'clock ____M.

David A. Wood, Mayor

RESOLUTION NO. 2012-

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION,
ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR
ANNEXATION FOR THE PROPERTIES LOCATED AT:**

North of Douglas Road and west and adjacent to Capital Avenue

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of City Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of City Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

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 415.43 feet; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 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 1132.1 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 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 528.0 feet; thence West, a distance of 1310.9 feet more or less to a point on the West line of the Northeast Quarter of said Southwest Quarter that is 511.0 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 157.0 acres more or less. Subject to the legal rights of public highways.

Section II. Following the review of documents prepared by the Department of City Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

Section III. This Resolution shall be in full force and effect after its adoption by the Common Council and approval by the Mayor, as required by law.

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, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____

2012, at _____ o'clock ____M.

Deborah S. Block, CMC, City Clerk

APPROVED by me this _____ day of _____ 2012, at
_____ o'clock _____.M.

David A. Wood, Mayor

PETITION #11-28

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. _____

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 683.97 feet to a point; thence South 998.87 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 415.43 feet to the place of beginning containing 16.1 acres more or less. Subject to the legal rights of public highways.

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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.

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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 entire 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

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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

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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

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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

PETITION #11-29

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. _____

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 415.43 feet to the place of beginning for this description; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 feet to a point; thence East, a distance of 1310.9 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 528.0 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 660.09 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 1864.23 feet

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to the place of beginning containing 76.7 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-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

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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:

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- a. The applicant shall coordinate with the other undeveloped properties so that the entire 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

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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.

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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 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

PETITION #11-30

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. _____

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:

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 415.43 feet; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 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 1132.1 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

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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 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 528.0 feet; thence West, a distance of 1310.9 feet more or less to a point on the West line of the Northeast Quarter of said Southwest Quarter that is 511.0 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 157.0 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.

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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.

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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 entire 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'

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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

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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

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APPROVED by me this _____ day of _____, 2012, at
_____ o'clock _____ M.

David A. Wood, Mayor

RESOLUTION NO. 2012-15

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTIES LOCATED AT:

Northeast of Douglas Road and Fir Road (14669 Douglas Road)

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of City Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of City Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

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 415.43 feet to the place of beginning for this description; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 feet to a point; thence East, a

distance of 1310.9 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 528.0 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 660.09 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 1864.23 feet to the place of beginning containing 76.7 acres more or less.
Subject to the legal rights of public highways.

Section II. Following the review of documents prepared by the Department of City Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

Section III. This Resolution shall be in full force and effect after its adoption by the Common Council and approval by the Mayor, as required by law.

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

RESOLUTION NO. 2012-16

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTIES LOCATED AT:

North of Douglas Road and west and adjacent to Capital Avenue

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of City Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of City Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

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 415.43 feet; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 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 1132.1 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 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 528.0 feet; thence West, a distance of 1310.9 feet more or less to a point on the West line of the Northeast Quarter of said Southwest Quarter that is 511.0 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 157.0 acres more or less. Subject to the legal rights of public highways.

Section II. Following the review of documents prepared by the Department of City Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

Section III. This Resolution shall be in full force and effect after its adoption by the Common Council and approval by the Mayor, as required by law.

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

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 683.97 feet to a point; thence South 998.87 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 415.43 feet to the place of beginning containing 16.1 acres more or less. Subject to the legal rights of public highways.

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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.

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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 entire area contains development signage on Douglas Road. If agreed to in writing by all affected landowners, development signage shall be allowed as

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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.

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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

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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

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 415.43 feet to the place of beginning for this description; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 feet to a point; thence East, a distance of 1310.9 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 528.0 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 660.09 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 1864.23 feet

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to the place of beginning containing 76.7 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-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

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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:

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- a. The applicant shall coordinate with the other undeveloped properties so that the entire 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

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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.

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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 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

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:

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 415.43 feet; thence North 998.87 feet to a point in the centerline of Juday Creek; thence Northeasterly along said centerline, a distance of 240.59 feet to an angle point; thence Northeasterly along said centerline of Juday Creek a distance of 333.44 feet more or less to said centerline's intersection with 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 511.0 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 1132.1 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

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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 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 528.0 feet; thence West, a distance of 1310.9 feet more or less to a point on the West line of the Northeast Quarter of said Southwest Quarter that is 511.0 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 157.0 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.

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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.

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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 entire 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'

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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

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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

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APPROVED by me this _____ day of _____, 2012, at _____
_____ o'clock _____ M.

David A. Wood, Mayor