

AGENDA

Monday, July 2, 2018

**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**

June 18, 2018

- 5. Petitions, Communications, Remonstrance and Memorials**
- 6. Report of Special Committee**
- 7. Ordinances on First Reading**
- 8. Resolutions**

R2018-14 Issuance of EDC Bond - \$7,800,000.00 Ironwood Village Apts. Project formerly Arbors at Ironwood (near the intersection of Ironwood & Ewing)

R2018-15 Adding Property to the City's Acquisition List - Proposed Juday Creek Wellfield

9. Ordinances on Second Reading

P.O. NO. 2018-14 Rezone from C-1 Commercial to R-1 Residential for an Existing House 1028 S. Ironwood Dr. (Assigned to Land Use Planning Committee)

P.O. NO. 2018-15 PUD Amendment for permitted Uses & Development Standards Part of Walker PUD & NW Capital - Toll Road PUD - NW Corner of Capital Ave. and Beacon Parkway (Assigned to Land Use Planning Committee) (Staff Requesting Amendment)

- 10. Privilege of the Floor - Non-Agenda Items**
- 11. Unfinished Business**
- 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

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
June 18, 2018

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 June 18, 2018, at 7:00 p.m. The meeting was called to order by President Mammolenti all were asked to stand for the Pledge of Allegiance.



Roll Call.

Present: Mrs. Voelker, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

Absent: Mr. Compton.

Minutes of the Regular Meeting of June 04, 2018 were approved as received from the Clerk's Office.

Clerk Block read letters from the Board of Zoning Appeals and City Plan Commission regarding their recommendations from their June 12, 2018 meeting.

APPEAL NO. 18-15 An appeal submitted by Marianne Parker, owner, and Donald Mawhorter, purchaser, requesting a Use Variance for **426 East Mishawaka Avenue** to allow a residence in C-1 General Commercial zoning, and a Developmental Variance for a reduction in parking spaces for a new restaurant.

The Board, with a vote of 4-1, recommended approval.

PETITION No. 18-16 A petition submitted by Dittrich Properties LLC requesting to rezone **1028 South Ironwood Drive** from C-1 General Commercial District to R-1 Single Family Residential District.

The Commission, with a vote of 7-0, recommended approval.

PETITION NO.18-18 A request submitted by Capital Avenue Properties, LLC and Capital Avenue Properties II, LLC, requesting to amend the Walker Planned Unit Development and Northwest Capital-Toll Road Planned Unit Development (northwest corner of Capital Avenue and Beach Parkway, Granger) to amend permitted uses and developmental standards.

The Commission, with a vote of 7-0, recommended approval, subject to the attached conditions.

Uses:

1. Permitted uses shall be limited to hospitals; medical office buildings, surgery centers and related medical patient care; medical support services, diagnostics, imaging and all related medical practice types and needs; pharmacy, compounding and related

- drug preparation or drug therapy practices; professional office buildings providing medical, billing, scheduling, tele-med or similar medical support offices; retail uses; restaurant uses with a drive-thru; and medical and dental laboratories.
2. Permitted accessory uses shall include ground mounted, hospital code mandated, backup generators, above grade backup fuel source tanks, oxygen tanks and related medical support needs at back-of house to the hospital.

Building & Parking Setbacks:

1. Required building setbacks shall include a 50' along Beacon Parkway, 40' along Capital Avenue, 40' from the interior private collector drives, and 10' from all other interior property lines.
2. Parking setbacks shall be 0' along Capital Avenue adjacent to the former Evergreen Road right-of-way. A 25' setback shall be maintained along all other portions of Capital Avenue.

Parking Space Requirements:

1. Parking spaces shall be provided at a ratio of 3 spaces per 1000 sq. ft. of gross floor area for any medical-related use.

Lighting:

1. Light poles shall be limited to a maximum height of 28' including a 3' base.
2. Use of ornamental light standards similar to lighting on Beacon Parkway is allowed.

Landscaping/Screening:

1. A 3' high earth mound shall not be required along the Capital Avenue frontage from Beacon Parkway to 675' to the north.
2. Landscaping consisting of either overstory or understory trees shall be provided at rate per Section 137-815 (1) (g) along Capital Avenue. Flexibility will be permitted in the spacing of required number of trees.
3. Generators, tanks, and other appurtenant structures shall be fully enclosed in a structure constructed with appropriate architectural materials as identified in Section 161.41 of the City Municipal code, as amended.

Architectural Materials:

1. A pre-cast linear embossed brick texture material with stain finish shall be permitted as an appropriate architectural material.

Temporary Signage:

1. Temporary signage to be placed on construction fencing shall be limited to maximum size of 1,200 sq. ft. with a maximum height of 10'.
2. Stand-alone temporary signage shall be limited to one construction sign with a maximum size of 128 sq. ft. and 10' in height.

Permanent Signage:

All permanent signage shall comply with the freestanding sign corridor overlay districts per Section 129-74 of the on-premises sign standards, unless otherwise noted below.

1. Capital Avenue frontage signage at the southeast corner of Beacon Parkway for Beacon's signs (shown as "corner campus sign & pylon" on the preliminary site plan):
 - a. Maximum monument height of 15'.
 - b. Maximum signage allowed with a total display area of 150 sq. ft.
 - c. Monument sign with flanking Pier Sign or Pylon with graphics on two faces.
 - d. Pier or Pylon may be a bold red color with white letters "Emergency".
 - e. Signage base shall be landscaped.
 - f. Signage may be internally or externally lit.
 - g. Signage shall be a minimum of 100' from the "Welcome to City of Mishawaka" sign and a minimum of 10' from the right-of-way.
2. Beacon Parkway frontage at the two entry drives for Beacon signage:
 - a. Signage shall have a maximum monument signage height of 15'.
 - b. Monument signage allowed with a total display area of 150 sq. ft. and a total copy area of 100 sq. ft. for each sign.
 - c. Signage base shall be landscaped.
 - d. Signage may use red bold color.
 - e. Signs may be internally or externally lit.
3. East side of west entry drive for retail outlot(s):
 - a. Signage shall have a maximum monument signage height of 8'.
 - b. One monument sign shall be permitted for each outlot or building.
 - c. Signage shall be double faced.
 - d. Monument signage allowed with a total display area of 60 sq. ft. with a maximum display height of 5' and a maximum display width of 12'.
 - e. Signage base shall be landscaped.
 - f. Signs may be internally or externally lit.
4. Directional signage on interior private roads of Beacon property:
 - a. Maximum monument sign height of 10'.
 - b. Maximum monument sign display area of 60 sq. ft. for each face.
 - c. Maximum number of monument signs not to exceed four (4) units, double faced.
 - d. Signs can be externally or internally lit.
5. Front canopy pier on hospital for "Emergency" signage:
 - a. Maximum pier height of 48'.
 - b. Maximum display area of 280 sq. ft. and copy area of 180 sq. ft. at each face, total of two faces.
 - c. Signage base shall be landscaped.
 - d. Signage may be a bold red color.
 - e. Signage may be externally or internally lit.
 - f. Signage shall be connected to a part of the building and is not permitted to be freestanding sign.
6. Future development buildings with internal signage at each building to allow:
 - a. Signage shall have a maximum monument signage height of 15'.
 - b. Allow one monument sign with a display area of 150 sq. ft. and a copy area of 100 sq. ft. at each sign.
 - c. Signage base shall be landscaped.

- d. Signs may be internally or externally lit.
- e. Allow two (2) internal drive directional signs per building similar to (4) above.

For the outlot(s) located along Beacon Parkway:

Uses:

1. Permitted uses include all C-1 General Commercial District, C-2 Shopping Center Commercial District, and C-7 Auto-Oriented Restaurant Commercial Districts uses excluding off-premise signs.

Building & Parking Setbacks:

1. Required building setbacks shall include a 50' front yard setback along Beacon Parkway, a 30' side yard setback, and a 25' rear yard setback.
2. Required parking setbacks shall include a 30' front yard setback along Beacon Parkway, a 10' side yard setback, and a 10' rear yard setback.

Parking Space Requirements:

1. Parking spaces shall be provided at a ratio of 10 spaces per 1000 sq. ft. of gross floor area for any restaurant with drive-thru use, 8 spaces per 1000 sq. ft. of gross floor area for a dine-in restaurant with no-drive thru, and 4 spaces per 1000 sq. ft. of gross floor area for all other permitted uses.

For both the Beacon Health Systems property and outlot(s):

1. All other previously approved PUD standards shall be adhered to.

Clerk Block read the following proposed ordinances by title and was set for public hearing at the next council meeting.

PROPOSED ORDINANCE NO. 2018-14

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

(Rezone from C-1 to R-1 1028 Ironwood Dr.)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2018-15

**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.**

(PUD Amd - NW corner Capital Ave & Beacon Pkwy)
(Assigned to Land Use Planning Committee)

Clerk Block read the following resolution by title and was opened for public hearing.

RESOLUTION NO. 2018-13

**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:**

426 East Mishawaka Avenue, Mishawaka, Indiana

Clerk Block read a letter from the petitioner requesting continuance for **RESOLUTION NO. 2018-13** until the July 16, 2018 meeting.

Mrs. Voelker made a motion to continue **RESOLUTION NO. 2018-13** to the July 16, 2018 meeting, second by Mr. Banicki motion carried.

Clerk Block read the following proposed ordinances by title and opened the public hearings.

PROPOSED ORDINANCE NO. 2018-13

**AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2018**
(Add. Funds – CEDIT - Local Major Moves -Sidewalk & Curb repair)
(Assigned to Budget and Finance Committee)

Mr. Bellovich reported the Budget and Finance Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Canarecci motion carried.

Rebecca Miller, City Controller asked for approval of additional on a number of line items. She said last year she moved money from the CEDIT Park Projects to an Insurance line to pay for health insurance cost at the end of the year. Ms. Miller continued to say the additional of \$800,000 would go back in the lines of Mary Gibbard and Twin Branch, this appropriates it to continue spending it on projects they set for last year. She went on to say also in CEDIT, in the Street, Sidewalk and Curb line there was a small amount of funds they were reimbursed last year, it needed to be appropriated for spending for this year. Ms. Miller said lastly, they were appropriating the balance from Local Major Moves of \$823,573.24 to have an appropriation to continue funding the 12th street reconstruction.

Questioned was called for at 7:09 P.M. for **PROPOSED ORDINANCE NO. 2018-13** 
Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Yes: Mrs. Voelker, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti. Thus, it becomes **ORDINANCE NO. 5619**

PRIVILEGE OF THE FLOOR

Ogechi Ike, Granger resident spoke in regard to the newly effective internet neutrality rules. She asked the council to consider repealing.

UNFINISHED BUSINESS

PROPOSED ORDINANCE NO. 2018-12

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

(Rezone C-1 to C-4 Auto Oriented Commercial for Car Was E. of 906 W. Edison)
(Assigned to the Land Use Planning Committee)

Clerk Block read a letter from the petitioner requesting continuance for **PROPOSED ORDINANCE NO. 2018-12** to the August 06, 2018 meeting.

Mr. Banicki made a motion to continue **PROPOSED ORDINANCE NO. 2018-12** to the August 06, 2018 meeting second by Mr. Deal motion carried.

NEW BUSINESS

Mr. Emmons announced the 1st District Neighborhood meeting would be June 21, 2018 at 7:00 P.M. He said the speaker would be Ken Prince, City Planner.

ADJOURNMENT 7:20 P.M.

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

Matt Mammolenti /s/
Matt Mammolenti, President

JUN 27 2018

CITY CLERK
MISHAWAKA, IN**RESOLUTION NO. R2018-14****A RESOLUTION OF THE
COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA,
APPROVING AND AUTHORIZING CERTAIN ACTIONS AND
PROCEEDINGS WITH RESPECT TO CERTAIN PROPOSED ECONOMIC
DEVELOPMENT REVENUE BONDS AND RELATED MATTERS**

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Mishawaka, Indiana (the "City"), is authorized to issue economic development revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, rehabilitation, and equipping of economic development facilities in order to foster diversification of economic development, creation or retention of opportunities for gainful employment and affordable housing in or near the City; and

WHEREAS, Eagle Point Development LLC, as developer, and EPD Ironwood, LP, as owner, one or more subsidiaries or affiliates thereof, and/or one or more entities in which any of the foregoing entities is a member, whether such entity is currently in existence or is to be created following the date hereof (collectively, the "Company"), in cooperation with the City, desire to finance a project within the City, including all or any portion of the acquisition, rehabilitation, and equipping of a 128-unit multi-family affordable housing facility to be known as Ironwood Village Apartments (formerly known as Arbors at Ironwood and Arbors at Ironwood Phase II), together with functionally related and subordinate facilities, located at 1310 Blossom Drive in the City (the "Project"); and

WHEREAS, the Company has advised the Mishawaka Economic Development Commission (the "Commission") and the City concerning the Project, and has requested that the City issue, pursuant to the Act, one or more series of its taxable or tax-exempt City of Mishawaka, Indiana, economic development revenue bonds (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) (the "Bonds") in the approximate aggregate principal amount not to exceed Seven Million Eight Hundred Thousand Dollars (\$7,800,000), for the purpose of providing funds for paying all or part of the costs of the Project by making a portion of the proceeds of such Bonds available to the Company and paying all incidental expenses in connection with and on account of the issuance of the Bonds; and

WHEREAS, the Commission has studied the Project and the proposed financing of the Project and its effects on the health and general welfare of the City and its citizens; and

WHEREAS, the completion of the Project will result in the diversification of industry, the retention of jobs, the creation and retention of business opportunities in the City, the retention

of affordable housing in the City, and will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance all or a portion of the Project by issuing the Bonds; and

WHEREAS, the diversification of industry and retention of job opportunities (approximately 4 full-time equivalent jobs) to be achieved by the acquisition, rehabilitation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it is tentatively found that the acquisition, rehabilitation and equipping of the Project will not have an adverse competitive effect on any similar facility already constructed or operating near or in the City; and

WHEREAS, the Commission approved a report (the "EDC Report") and adopted an inducement resolution (the "EDC Inducement Resolution") which EDC Report and EDC Inducement Resolution have been forwarded by the Commission to this Common Council making findings that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the City, and that the Project will not have an adverse competitive effect or impact on any similar facility already constructed or operating in the same market area or in or about the City; and

WHEREAS, based upon the EDC Report and the EDC Inducement Resolution, this Common Council hereby finds and determines that the funding preliminarily approved by the Economic Development Commission for all or a portion of the Project will be of benefit to the health and general welfare of the citizens of the City, complies with the provisions of the Act and the amount necessary to finance all or a portion of the costs of the Project, together with incidental expenses incurred in connection therewith, will require the issuance, sale and delivery of one or more series of economic development revenue bonds in an approximate aggregate principal amount not to exceed Seven Million Eight Hundred Thousand Dollars (\$7,800,000); and

WHEREAS, this Common Council desires to declare its intent to reimburse the costs of the Project pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c);

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, AS FOLLOWS:

Section 1. After considering the evidence presented and findings of fact set forth in the EDC Report, this Common Council hereby finds, determines, ratifies and confirms that the financing of the economic development facilities consisting of the Project, the issuance and sale of the Bonds, and the use of the net proceeds thereof by the City and/or the Company to finance all or a portion of the Project will: (i) result in the diversification of industry, the creation or retention of business opportunities, the retention of opportunities for gainful employment and the

retention of affordable housing within the jurisdiction of the City; (ii) serve a public purpose, and will be of benefit to the health and general welfare of the City; (iii) comply with the purposes and provisions of the Act and it is in the public interest that the City take such lawful action as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, the retention of opportunities for gainful employment and the retention of affordable housing within the jurisdiction of the City; and (iv) not have a material adverse competitive effect on any similar facilities already constructed or operating in or near the City. The findings of fact set forth in the EDC Report and this paragraph are based upon evidence and testimony presented to the Commission at its meeting on June 25, 2018, that the proceeds of the Bonds will be used for the acquisition, rehabilitation, and equipping of the Project, capitalized interest on the Bonds during rehabilitation and costs of issuance for the Bonds.

Section 2. This Common Council hereby finds and determines that the issuance and sale of economic development revenue bonds in an approximate principal amount not to exceed \$7,800,000 of the City under the Act for the lending of the proceeds of the revenue bonds to the Company for the purpose of financing a portion of the cost of the acquisition, rehabilitation and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.

Section 3. In order to induce the Company to proceed with the acquisition, rehabilitation, and equipping of the Project, this Common Council hereby finds and determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds; and (iii) it will use its best efforts to assist the Company in procuring the issuance of additional economic development revenue bonds, if such additional bonds become necessary for refunding or refinancing the outstanding principal amount of the economic development revenue bonds, for completion of the Project and for additions to the Project, including the costs of issuing additional bonds (provided that the financing of such addition or additions to the Project is found to have a public purpose (as defined in the Act) at the time of the authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

Section 4. All costs of the Project incurred after the date permitted by applicable federal tax and state laws, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, a portion of the interest paid during acquisition, rehabilitation, and equipping of the Project, if any, underwriting expenses, attorney and bond counsel fees, and acquisition, rehabilitation, and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the City will lend the proceeds from the sale of the bonds to the Company for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering

incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project. This resolution shall constitute "official action" for purposes of compliance pursuant to Treas. Reg. §1.150-2 and IC 5-1-14-6(c) requiring governmental action as authorization for future reimbursement from the proceeds of bonds.

Section 5. The City does not, by this or any other approval or funding, guarantee, warrant or even suggest that the Bonds will be a reasonable investment for any person, firm or corporation.

Section 6. The City shall not be obligated, directly or indirectly, to see to the application or use of the proceeds from the sale of the Bonds or to see that the contemplated acquisition and rehabilitation are completed. The City is in no way responsible to the holders of any Bonds for any payment obligation created by the Bonds.

Section 7. The Bonds shall be limited, special obligations of the City payable solely from the funds provided therefor as described in the indenture authorizing the Bonds, and shall not constitute an indebtedness of the Commission or the City or a loan of the credit thereof within the meaning of any constitutional or statutory provisions.

Section 8. This resolution does not constitute a binding obligation of the Commission or the City to issue the Bonds, but instead, is a commitment by the City to proceed with negotiations for the financing described herein with the Company and is subject to the adoption of a bond ordinance by this Common Council in accordance with the provisions of the Act.

Section 9. This resolution shall be in full force and effect upon adoption and compliance with IC 36-4-6.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on
this _____ day of July, 2018, at _____ o'clock, P.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor for his approval and signature this _____ day of
_____, 2018.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED and SIGNED by me this _____ day of _____, 2018.

David A. Wood, Mayor

JUN 27 2018

RESOLUTION NO. 2018-01

CITY CLERK
MISHAWAKA, IN

**A RESOLUTION OF THE CITY OF MISHAWAKA, INDIANA,
ECONOMIC DEVELOPMENT COMMISSION PROVIDING
PRELIMINARY APPROVAL OF THE ISSUANCE OF BONDS FOR THE
PURPOSE OF FINANCING CERTAIN ECONOMIC DEVELOPMENT
FACILITIES FOR EAGLE POINT DEVELOPMENT LLC**

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Mishawaka, Indiana (the "City"), is authorized to issue revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development, creation or retention of opportunities for gainful employment and affordable housing in or near the City; and

WHEREAS, Eagle Point Development LLC, as developer, and EPD Ironwood, LP, as owner, one or more subsidiaries or affiliates thereof, and/or one or more entities in which the foregoing entity is a member, whether such entity is currently in existence or is to be created following the date hereof (collectively, the "Company"), in cooperation with the City, desire to finance a project within the City, including all or any portion of the acquisition, rehabilitation and equipping of a 128-unit multi-family affordable housing facility to be known as Ironwood Village Apartments (formerly known as Arbors at Ironwood and Arbors at Ironwood Phase II), together with functionally related and subordinate facilities located at 1310 Blossom Drive, Mishawaka, Indiana (the "Project"); and

WHEREAS, the Company has advised the Mishawaka Economic Development Commission (the "Commission") and the City concerning the Project, and has requested that the City issue, pursuant to the Act, one or more series of its taxable or tax-exempt City of Mishawaka, Indiana, economic development revenue bonds (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) (the "Bonds") in the approximate aggregate principal amount of Seven Million Eight Hundred Thousand Dollars (\$7,800,000), for the purpose of providing funds for paying all or part of the costs of the Project by making a portion of the proceeds of such Bonds available to the Company and paying all incidental expenses in connection with and on account of the issuance of the Bonds; and

WHEREAS, the issuance and sale of said Bonds will not reduce the legal bonding capacity of the City, and the City shall bear no expense in connection with the issuance and sale of said Bonds with all expenses in connection therewith which are incurred by the City to be reimbursed to the City by the Company; and

WHEREAS, the principal of and interest payable on said Bonds shall not be payable from any revenues of the City and shall not obligate the full faith and credit of the City but shall be payable solely from funds of the Company; and

WHEREAS, the Company has further advised the City that the determination by the City to agree preliminarily to accept such a request for financing the Project will constitute a substantial inducement to the Company to proceed with the Project; and

WHEREAS, the Commission has studied the Project and the proposed financing of the Project and its effects on the health and general welfare of the City and its citizens; and

WHEREAS, the completion of the Project will result in the diversification of industry, the retention of jobs, the creation and retention of business opportunities in the City, the retention of affordable housing in the City, and will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance all or a portion of the Project by issuing the Bonds; and

WHEREAS, the diversification of industry and retention of jobs (approximately four (4) full-time equivalent jobs) to be achieved by the acquisition, rehabilitation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it is tentatively found that the acquisition, rehabilitation and equipping of the Project will not have an adverse competitive effect on any similar facility already constructed or operating near or in Mishawaka, Indiana; and

WHEREAS, the Commission has considered a form of inducement resolution with respect to the Project (the "Common Council Resolution") and has considered recommending that the Common Council of the City (the "Common Council") adopt a resolution in substantially such form;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MISHAWAKA, INDIANA, ECONOMIC DEVELOPMENT COMMISSION AS FOLLOWS:

Section 1. After considering the evidence presented and findings of fact set forth in the Report (as defined herein), the Commission hereby finds, determines, ratifies and confirms that the financing of the economic development facilities consisting of the Project, the issuance and sale of the Bonds, and the use of the net proceeds thereof by the City and/or the Company to finance all or a portion of the Project will: (i) result in the diversification of industry, the creation or retention of business opportunities, the creation or retention of opportunities for gainful employment and the creation of affordable housing within the jurisdiction of the City; (ii) serve a public purpose, and will be of benefit to the health and general welfare of the City; (iii) comply with the purposes and provisions of the Act and it is in the public interest that the City take such lawful action as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, the creation or retention of opportunities for gainful employment and the creation of affordable housing within the

jurisdiction of the City; and (iv) not have a material adverse competitive effect on any similar facilities already constructed or operating in or near the City. The findings of fact set forth in the Report and this paragraph are based upon evidence and testimony presented to the Commission at its meeting on June 25, 2018 that the proceeds of the Bonds will be used for the acquisition, rehabilitation and equipping of the Project, capitalized interest on the Bonds during rehabilitation and costs of issuance for the Bonds.

Section 2. The Commission hereby finds and determines that the issuance and sale of economic development revenue bonds in an approximate principal amount not to exceed \$7,800,000 of the City under the Act for the lending of the proceeds of the revenue bonds to the Company for the purpose of financing a portion of the cost of the acquisition, rehabilitation and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.

Section 3. The Commission hereby approves the report with respect to the Project (the "Report") presented at this meeting, and hereby adopts the findings of fact set forth therein. The Secretary or Vice President of this Commission shall submit or cause to be submitted such report to the executive director or chairman of the Area Plan Commission serving the City.

Section 4. In order to induce the Company to proceed with the acquisition, rehabilitation and equipping of the Project, the Commission hereby finds and determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds; and (iii) it will use its best efforts to assist the Company in procuring the issuance of additional economic development revenue bonds, if such additional bonds become necessary for refunding or refinancing the outstanding principal amount of the economic development revenue bonds, for completion of the Project and for additions to the Project, including the costs of issuing additional bonds (provided that the financing of such addition or additions to the Project is found to have a public purpose (as defined in the Act) at the time of the authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

Section 5. All costs of the Project incurred after the date permitted by applicable federal tax and state laws, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, a portion of the interest paid during acquisition, rehabilitation and equipping of the Project, underwriting expenses, attorney and bond counsel fees, and acquisition, rehabilitation and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the City will lend the proceeds from the sale of the bonds to the Company for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

Section 6. All action taken and approvals given by the Commission with regard to the Company are based upon the evidence submitted and representations made by the Company. No independent examination, appraisal or inspection of the Project was made, requested, or is contemplated by the Commission or the City.

Section 7. The Commission does not, by this or any other approval or finding, guarantee, warrant or even suggest that the Bonds, coupons or series thereof will be a reasonable investment for any person, firm or corporation.

Section 8. The Commission shall not be obligated, directly or indirectly, to see to the application or use of the proceeds from the sale of the Bonds or to see that the contemplated acquisition and rehabilitation are constructed. The Commission is in no way responsible to the holders of any Bonds for any payment obligation created by the Bonds.

Section 9. The Bonds shall be special, limited obligations of the City payable solely from the funds provided therefor as described in the indenture authorizing the Bonds, and shall not constitute an indebtedness of the Commission or the City or a loan of the credit thereof within the meaning of any constitutional or statutory provisions.

Section 10. The Commission hereby approves the form of the Common Council Resolution and recommends that it be adopted by the Common Council in substantially the same form as a resolution, and the Commission hereby directs that copies of this resolution, and the form of the Common Council Resolution be transmitted to the Clerk of the City for presentation to the Common Council with the recommendation that the Common Council Resolution be adopted as a resolution.

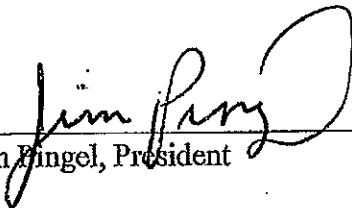
Section 11. The Commission hereby authorizes the Secretary of the Commission to cause to be published a notice of public hearing in accordance with Indiana Code 36-7-12-24(a), Indiana Code 5-3-1 and Treas. Reg. §5f. 103-2 at such time as it is determined to proceed with the financing of a portion of the Project as described herein.

Section 12. This resolution shall be in full force and effect upon adoption.

* * * * *

Adopted this 25th day of June, 2018.

MISHAWAKA ECONOMIC
DEVELOPMENT COMMISSION



Jim Pingel, President

ATTEST:



~~Kris Emmett, Secretary~~
JANET WHITFIELD-HYDUK

JUN 27 2018

CITY CLERK
MISHAWAKA, IN

REPORT AND FINDINGS OF FACT OF THE

**MISHAWAKA ECONOMIC DEVELOPMENT COMMISSION
CONCERNING THE PROPOSED FINANCING OF
ECONOMIC DEVELOPMENT FACILITIES FOR
THE EAGLE POINT DEVELOPMENT LLC AND EPD IRONWOOD, LP**

The Mishawaka Economic Development Commission (the "Commission") proposes to recommend to the Common Council of the City of Mishawaka, Indiana (the "Common Council"), that it finance the acquisition, rehabilitation and equipping of certain economic development facilities to be developed by Eagle Point Development LLC, as developer, and EPD Ironwood, LP, as owner, or one or more subsidiaries or affiliates thereof, and/or one or more entities in which the foregoing entity is a member ("Applicant").

The proposed economic development facilities to be undertaken by the Applicant will consist of acquisition, rehabilitation, and equipping of a 128-unit multi-family affordable housing facility to be known as Ironwood Village Apartments (formerly known as Arbors at Ironwood and Arbors at Ironwood Phase II), together with functionally related and subordinate facilities to be located at 1310 Blossom Drive, Mishawaka, Indiana (the "Project").

The public purpose for which the Bonds are being issued is to finance economic development facilities which will create or retain opportunities for gainful employment and business opportunities.

The Developer has requested that the City of Mishawaka, Indiana, issue one or more series of its Economic Development Multifamily Housing Revenue Bonds, Series 2018 (Ironwood Village Apartments Project) (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) (the "Bonds") in the aggregate principal amount not to exceed Seven Million Eight Hundred Thousand Dollars (\$7,800,000), for the purpose of providing funds for paying all or a portion of the costs of the Project and paying all incidental expenses incurred on account of the issuance of the Bonds.

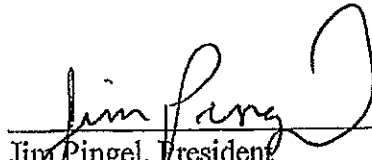
The Commission estimates that no public works or services, including public ways, schools, water, sewer, street lights and fire protection, will be made necessary or desirable by the Project, because any such works or services already exist or will be provided by the respective Applicants or other parties.

Based upon information submitted in the application of the Applicants and other information available to the Commission, the Commission hereby makes finding of fact that (a) the proceeds of the Bonds will be used to finance all or a portion of the Project, (b) the use of the proceeds of the Bonds to finance the Project will not be used to subsidize rents to be paid by tenants or occupants of the Project, and (c) the tenants are expected to pay rent similar to similar facilities existing in the area. Therefore, based upon such findings of fact, the Commission tentatively determines that the acquisition, renovation, and equipping of the Project will not have

an adverse competitive effect on any similar facilities already constructed or operating in or near the City.

The Commission estimates that, upon completion and as a result of the Project, approximately four (4) full-time equivalent jobs will be retained, with an estimated total annual payroll of approximately \$160,000.

Adopted this 25th day of June, 2018.



Jim Pingel, President
Economic Development Commission

Attest:



Kris Ermeti, Secretary
Economic Development Commission
JANET WHITFIELD-HYDOR



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

BUILDING - COMMUNITY DEVELOPMENT - PLANNING

June 27th, 2018

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. Ross Deal, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Joe Canarecci, At-Large City Council
Mr. Matt Mammolenti, At-Large City Council
Mr. Bryan Tanner, At-Large City Council
Mrs. Deborah Block, City Clerk

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 27 2018

CITY CLERK
MISHAWAKA, IN

Re: Resolution 2018-15
Addition of property to the City acquisition list
Proposed Juday Creek Wellfield

Dear Council Members and Clerk:

Attached for your consideration is proposed Resolution 2018-15 adding property to the City's acquisition list within our consolidated Tax Increment Finance District. In 2014, the Common Council approved an adjustment of the boundaries of the City's Tax Increment Finance Districts forming one consolidated district. As part of that amendment, an amendment to the City's Economic Development Plan was included which listing a wide range of projects where there was an identified need for funding within or adjacent to that area.

As part of plan amendments, an acquisition list is required to be completed to give property owners information on potential acquisitions. In this case, the City with the review of counsel, identified that it would be disingenuous to include such a list in that amendment because the range of projects (hundreds) would have needed to include literally thousands of properties. Many of which that would never be acquired or touched. As such, the decision was made to follow up with separate individual acquisition list updates on a project to project basis as properties are needed.

In April of 2016, the Council approved a similar resolution that added multiple properties (approximately 160 acres) to the acquisition list for the Juday Creek Wellfield project. At this time, the Administration is requesting the Council's approval of Resolution 2018-15 to allow the City to proceed with the acquisition of approximately 23 additional acres that would enable the City to continue to develop a wellfield that will ultimately replace the Gumwood wellfield, without relocating 3 holes of the golfcourse as originally envisioned.

As approved in 2016, the City purchased the 160 acres of property from both Lindy's Inc. and the Penn Family for the construction of a new well field and water production and treatment facility. The concept was and is to buy the 18 holes of the Juday Creek Golf Course to mimic the City's existing wellfield located at the Eberhart-Petro Golf course. At the time, the portion of the golf course located adjacent to Fir Road appraised for close to \$200,000 an acre which made the acquisition of that portion of property cost prohibitive. As an alternative, the City purchased property from the Penn's to allow for the three holes located in the area adjacent to Fir Road to be relocated. The intent was to allow Lindy's to sell the area along Fir Road for Development at a future point in time since the reconfiguration would be significantly less expensive. The City prepared plans and bid the required reconfiguration per our

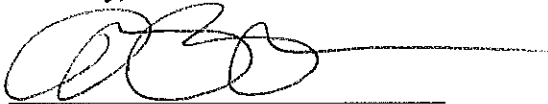
agreement. We initially envisioned that the construction would cost approximately a million dollars. The bids received came in at over 2 million dollars. At that time, the City asked Lindy's Inc. if they would accept lower than the appraised value for the existing three holes of the golf course, essentially matching the low bid for the golf course reconfiguration. Lindy's agreed pending the approval and execution of this agreement. The City and Lindy's negotiated this agreement to also include upgrades to the existing maintenance building that would be performed by Lindy's as part of this agreement. As you are aware, Lindy's is leasing back the golf course from the City. As such, the City is ultimately responsible for the maintenance of facilities. The goal as part of this agreement is to insure that no significant capital improvements are needed for an extended period of time. The proposed purchase price is \$2,193,163 for 23 acres (Just under \$96,000 per acre) For reference, the property appraised for \$197,970 per acre in 2016.

If approved, the City will then have an additional 40 acres that we already own located north of the proposed water treatment facility that could be used for other purposes. As you are aware, the City has conceptually marketed this property for a regional athletic facility based on a RFI that was released by Visit South Bend Mishawaka. Although discussions have occurred, the potential of a project is in its infancy and there are no agreements pending regarding the construction of such a facility.

If the Council chooses to approve this resolution at this time, the City will have the ability to move to closing on the 23 acres. If this is denied, based on the approved Development Agreement with the Owner's of Juday Creek golf course (Lindy's Inc.), the City would be required to re-bid and construct the three holes of the golf course as originally intended. For reference, I have attached the Buy-Sell-Development Agreement that was approved by the Redevelopment Commission this past Monday. I have included this for reference only. The Council's only official role is to determine if the property is appropriate to acquire as part of the addition to the acquisition list.

As always, we appreciate your consideration of the request. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'KB Prince', followed by a horizontal line.

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor

RESOLUTION NO. 2018-15
Juday Creek Wellfield- Fir Road Property

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY'S
PROPERTY ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY
APPROVED COMMON COUNCIL RESOLUTION 2014-07 WHICH
APPROVED AN ORDER OF THE CITY OF MISHAWAKA PLAN
COMMISSION APPROVING A CERTAIN DECLARATORY
RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE
NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION
OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE
NORTHWEST IMPROVEMENT PROJECT INTO ONE
CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN
AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE
CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY
THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION**

WHEREAS, on February 24, 2014, the City of Mishawaka Redevelopment Commission (the "Commission") approved and adopted its Resolution No. 2014-03 entitled "Resolution of the City of Mishawaka Redevelopment Commission Designating and Declaring Certain Areas as Economic Development Areas, Amending the Boundaries of the Northwest Area Improvement Project, Consolidating the Southside Economic Development Area and the Northwest Area Improvement Project Into One Area, And Amending the Economic Development Plan for the Consolidated Area Improvement Project" (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution (i) designated and declared certain areas within the City of Mishawaka, Indiana (the "City") to be economic development areas (the "Expansion Areas") for purposes of tax increment financing pursuant to Section 39 of Indiana Code 36-7-14 (the "Act") to expand the existing Northwest Area Improvement Project (the "Northwest Area"); (ii) removed certain parcels from the Northwest Area; (iii) consolidated the Southside Economic Development Area (the "Southside Area") and the Northwest Area into one area (to be known as the Consolidated Area Improvement Project) (the "Consolidated Area"); and (iv) approved an amendment (the "Plan Amendment") to the Economic Development Plan for the Northwest Area (the "Economic Development Plan") to provide for such Economic Development as amended to serve as the economic development plan for the Consolidated Area Improvement Project (as amended by the Plan Amendment shall hereinafter be referred to as the "Economic Development Plan"); and

WHEREAS, on March 11, 2014, the City of Mishawaka Plan Commission (the "Plan Commission") adopted and approved its resolution 2014-01, determining that the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, conform to the plan of development for the City and approving, ratifying and

confirming the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, and designated such resolution as the written order of the Plan Commission approving the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, as required by Section 16 of the Act (the "Plan Commission Order"); and

WHEREAS, Section 16 of the Act prohibits the Commission from proceeding until the Plan Commission Order is approved by the legislative body of the City; and

WHEREAS, the Common Council of the City (the "Common Council") previously approved the Plan Commission Order by Common Council Resolution 2014-07; and

WHEREAS, as part of the previous approval various public improvement projects were listed as part of the Economic Development Plan; and

WHEREAS, a number of those projects including the Penn Farm Collector Road, North Gumwood Well Field Replacement and Douglas Road Widening are now at a point of more detailed consideration of acquiring specific properties is being considered; and

WHEREAS, the Administration is asking the legislative body for its review and approval of adding certain properties to the City's acquisition list to implement a portion of these projects; and

WHEREAS, the description of the properties proposed to be added are attached as Exhibits A and B: generally described as three holes of Juday Creek golf course, adjacent to Fir Road, north of Douglas Road .

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

1. The referenced parcels are hereby added to the City's acquisition list as part of the consolidated area improvement projects
2. This Resolution shall be in full force and effect from and after its passage by the Common Council.

* * * * *

Passed and adopted at a meeting of the Common Council of the City of Mishawaka, Indiana, held on July 2, 2018.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

Matt Mammolenti, President

ATTEST:

Deborah S. Block
Clerk of the City of Mishawaka, Indiana

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____
day of July, 2018, at the hour of _____ .m.

Deborah S. Block
Clerk of the City of Mishawaka, Indiana

This Resolution approved and signed by me on the ____ day of July, 2018, at the
hour of _____ .m.

David A. Wood
Mayor of the City of Mishawaka, Indiana

Exhibit 'A'

Proj. No.: ENT-16-016

Page 1 of 2

Parcel: Part of Lot 1 in Juday Creek Business Park – 22.96 ac

Encumbers Tax Key Part of Tax ID #71-04-26-176-001.000-011

A part of Lot 1 of Juday Creek Business Park subdivision to the City of Mishawaka, Indiana, and located in Section 26 and Section 27, all in Township 38 North, Range 3 East, the plat of which is recorded in Instrument # 1811362, in the Office of the Recorder of St. Joseph County, Indiana, and depicted on the attached Parcel Plat marked Exhibit 'B', described as follows:

Beginning at a northwest corner of said Lot 1, the corner of which is located along the easterly right-of-way line of Fir Road at the south line of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198;

thence South 89 degrees 48 minutes 25 seconds East 1245.48 feet along a north line of said Lot 1 and the south line of said Brittany Minor Subdivision to a corner of said Lot 1 and the west line of said Section 26;

thence North 89 degrees 41 minutes 45 seconds East 336.65 feet along the north line of the Southwest Quarter of the Southwest Quarter of said Section 26;

thence South 07 degrees 32 minutes 53 seconds West 84.50 feet;

thence South 82 degrees 27 minutes 07 seconds East 38.43 feet;

thence South 07 degrees 32 minutes 53 seconds West 299.78 feet to a southeasterly line of said Lot 1;

thence South 75 degrees 31 minutes 19 seconds West 574.29 feet along said southeasterly line to a corner of said Lot 1 located in the centerline of Juday Creek;

thence South 22 degrees 49 minutes 58 seconds West 514.85 feet along the centerline of said Juday Creek to a south line of said Lot 1 and the north line of a tract of land conveyed to DeForest M. Clymer, Opal F. Clymer, Ronald J. Clymer and Larry E. Clymer by Deed Book 790, Page 176, dated August 6, 1974;

thence, parallel with the south line of the East Half of Section 27, North 89 degrees 57 minutes 29 seconds West 309.34 feet (303.02 feet by Instrument #8617056) along the south line of said Lot 1 and the north line of said Clymer tract to the easterly right-of-way line of Fir Road as conveyed to St. Joseph County, Indiana by Instrument #0418616, dated February 24, 2004;

thence North 29 degrees 08 minutes 50 seconds West 36.09 feet (distance quoted from Instrument #0418616) along the easterly right-of-way line of said Fir Road;

thence continuing North 29 degrees 08 minutes 50 seconds West 761.56 feet along the easterly right-of-way Line of said Fir Road as dedicated by said Juday Creek Business Park subdivision;

thence along said easterly right-of-way line Northwesterly 331.91 feet along an arc to the right and having a radius of 1105.92 feet and subtended by a long chord having a bearing of North 20 degrees 32 minutes 58 seconds West and a length of 330.66 feet to the Point of Beginning, and containing 22.96 acres, more or less.

Exhibit 'A'

Proj. No.: ENT-16-016

Page 2 of 2

Parcel: Part of Lot 1 in Juday Creek Business Park – 22.96 ac

Encumbers Tax Key Part of Tax ID #71-04-26-176-001.000-011

This description was prepared for the City of Mishawaka by Lawson-Fisher Associates P.C. and certified by Michelle M.G. Slack, Indiana Professional Surveyor, License No. 29900016, on this 19th day of June 2018.

Michelle M.G. Slack

Michelle M.G. Slack

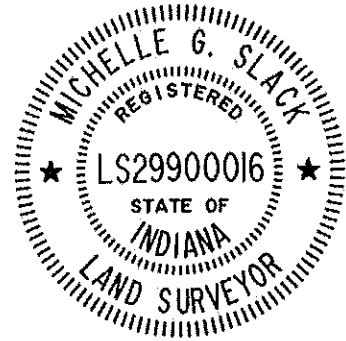
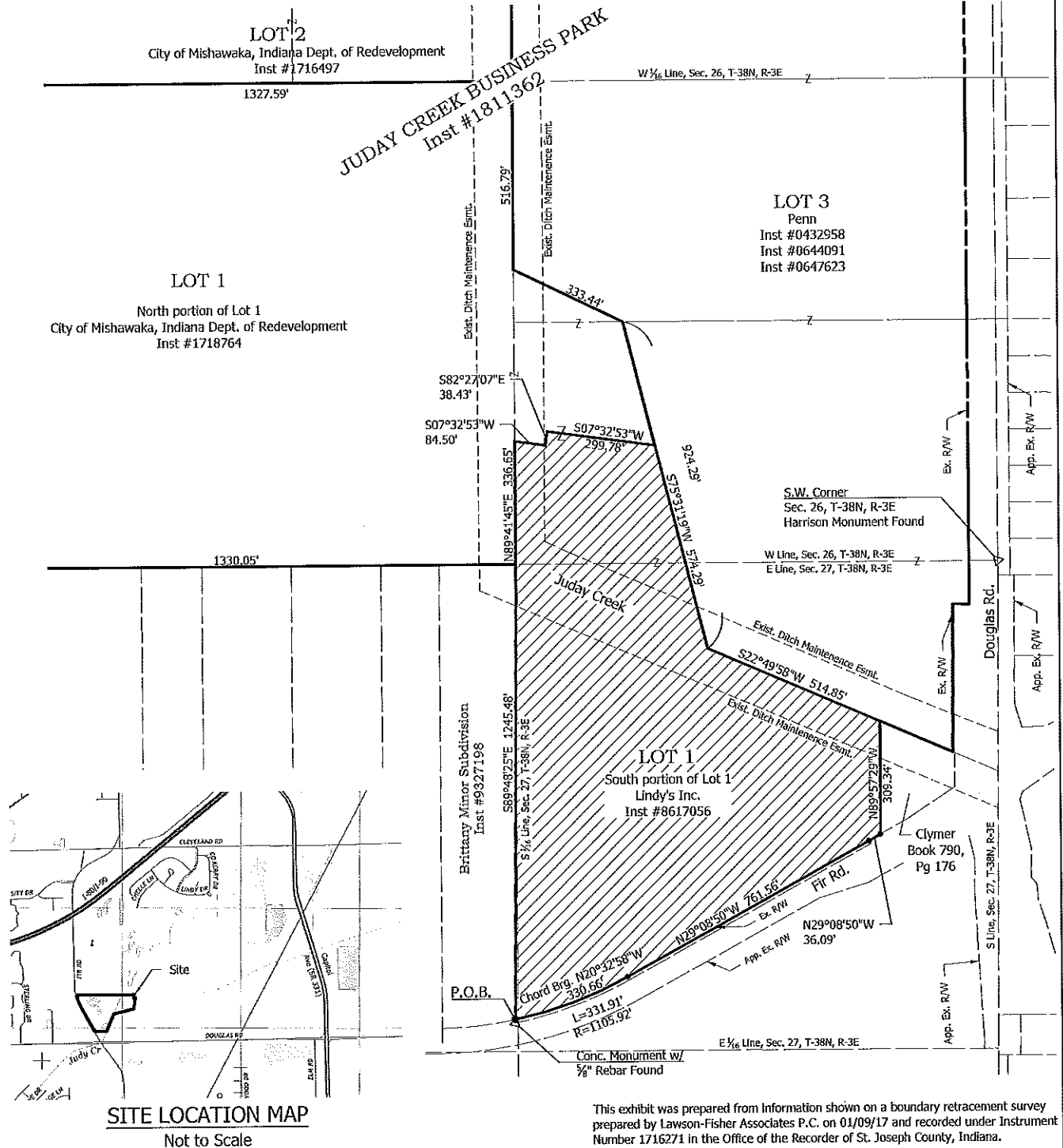
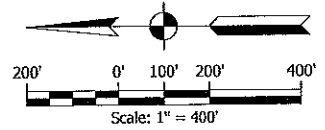


EXHIBIT 'B'

PARCEL PLAT

Prepared for the City of Mishawaka
By Lawson-Fisher Associates, P.C. 201610.40



This exhibit was prepared from information shown on a boundary retracement survey prepared by Lawson-Fisher Associates P.C. on 01/09/17 and recorded under Instrument Number 1716271 in the Office of the Recorder of St. Joseph County, Indiana.

PROJECT NO.: ENT-16-016 CODE: - PARCEL: PT. LOT 1 JUDAY CREEK BUSINESS PARK DES. NO.: - ROAD: FIR RD. COUNTY: ST. JOSEPH SECTION: 26 & 27 TOWNSHIP: 38 NORTH RANGE: 3 EAST CVL TOWNSHIP: HARRIS	OWNER/RECORD REFERENCE LINDY'S INC. Inst. #8617056, Recorded 15 July, 1986		LFA LAWSON-FISHER ASSOCIATES P.C. 525 W. WASHINGTON AVENUE SOUTH BEND, INDIANA 46601 PH. (574) 234-3167			
	AREA OF PURCHASE 22.96 AC		DRAWN: JAJ CHK: AWB DATE: 06/2018 SHEET: 1 OF 1	Hatched area is the approximate purchase Dimensions shown are from the above listed record documents.		
	AREA PERMANENT EASEMENT -					
	AREA TEMPORARY R/W -					
TAX KEY # 71-04-26-176-001.000-011						
PROPERTY ADDRESS FIR ROAD GRANGER, IN 46530						

1st Reading 6-18-18
2nd Reading
Passed
Failed
Continued To

PETITION 18-16
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2018-14
ORDINANCE NO. _____

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 13 2018

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

Lot 66, Lafayette Pl, exe W 15' to City for right-of-way

COMMON ADDRESS: 1028 South Ironwood Drive

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

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

1. Many of the properties in the immediate vicinity are residential in use. Its historic use as a single family dwelling would be compatible to the area;
2. The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;
3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential commercial development that could occur with the current zoning, rezoning this parcel to the R-1 Single Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property

Proposed Ordinance No: 18-14

Ordinance No: _____

values in the immediate and surrounding residential neighborhood; and will allow the property owner to sell the home; and,

5. The City's Comprehensive Plan identifies the area as Low Density Residential and their historical use as single- family homes is consistent with the 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 _____, 2018, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

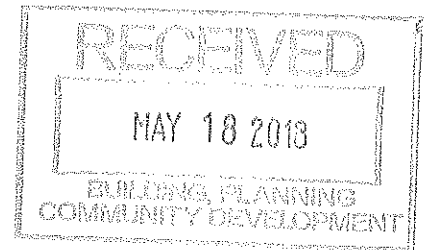
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2018, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2018, at _____ o'clock _____.M.

David A. Wood, Mayor



Date 5/18/2018

Honorable members of the
common council

City of Mishawaka and

Mishawaka City Plan commission City of Mishawaka Indiana

Re: Petetion to rezone

Pet 18-16
RECEIVED
DEBORAH S. BLOCK, MMC
MAY 30 2018
CITY CLERK
MISHAWAKA, IN

The undersigned Dittrich Properties respectfully show that they are owners of the following described real estate located in the city of Mishawaka, county of St Joseph, state of Indiana, to wit

1028 S. Ironwood Mishawaka Indiana 46544

Lot 66 Lafayette Pl exc. 15 feet to city for R-W wd 70429-20-96

Parcel number 710917356 013. 00-023

Petitioners own 100% of the above described parcel of land which carries a zoning classification of Commercial Said property is a 3 bedroom home.

Petitioners desire said real estate to be rezoned to R-1 residential district.

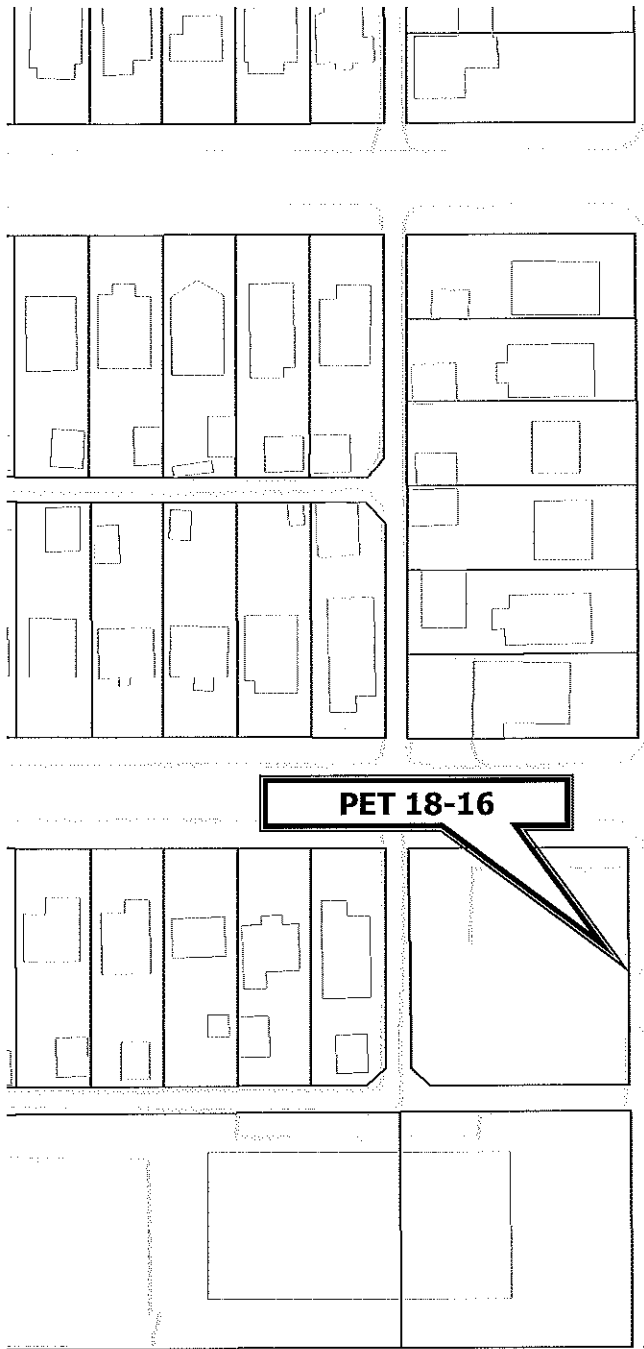
Petioners further state that they intend to use the property as a residential home. Would like to sell property but banks are hesitant to loan on commercial property.

Wherefor, the petitioners pray and respectfully request that the Common Council of the city of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after a hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

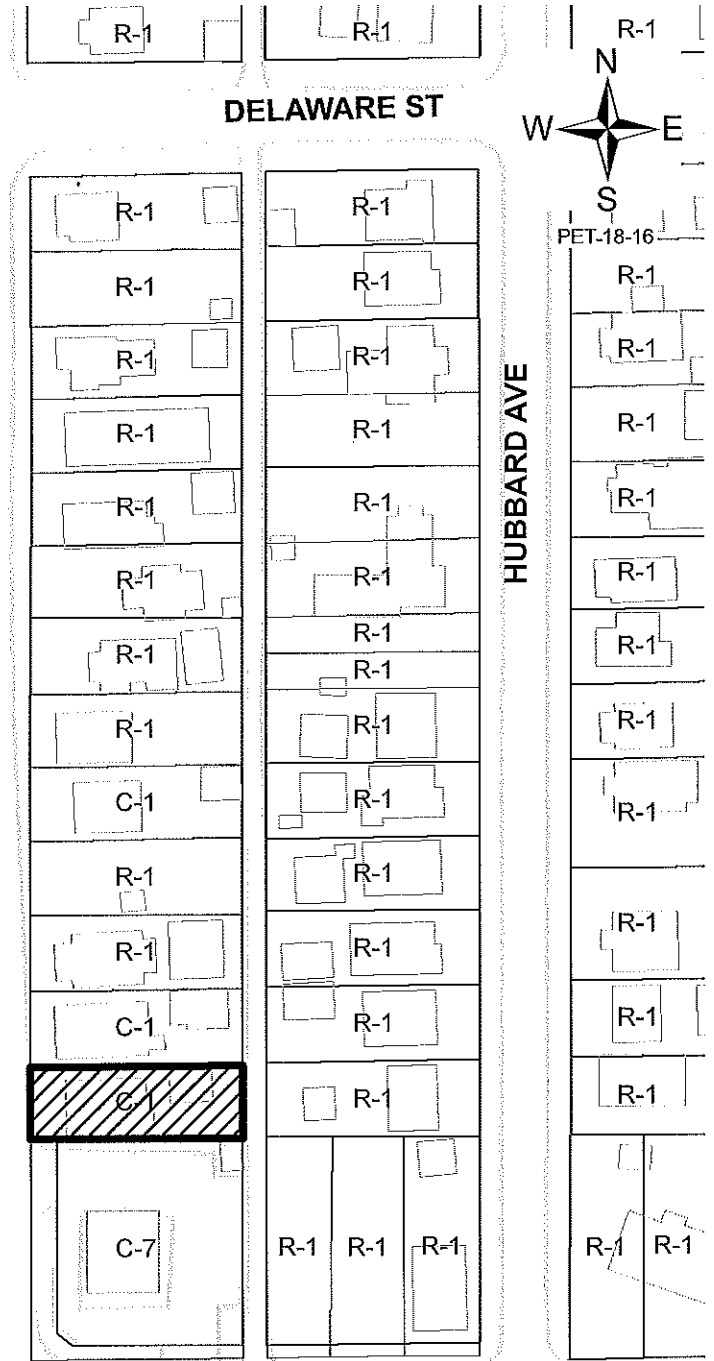
Dittrich Properties LLC - Pat D. Dittrich
Dittrich Properties LLC

Contact person Michael Williams or Jay Primmer 404 E 4th St Mishawaka, In

Ph. 574 220 6828 email mustang-mike@comcast.net



S IRONWOOD DR



EWING AVE

EWING AVE

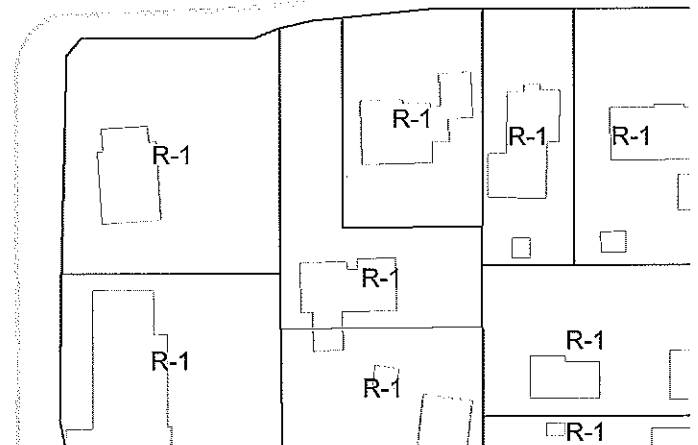
Location Map

PET 18-16

DITTRICH PROPERTIES, LLC

1028 S. IRONWOOD AVE.

REZONE FROM C-1 GENERAL
COMMERCIAL TO R-1 SINGLE
FAMILY RESIDENTIAL
FOR AN EXISTING HOUSE



RECEIVED
DEBORAH S. BLOCK, MMC

JUN 28 2018

CITY CLERK
MISHAWAKA, IN

PETITION 18-18

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-15

ORDINANCE NO. _____

1st Reading 6-18-18
2nd Reading
Passed
Failed
Continued To

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL
CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME
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THE CITY OF MISHAWAKA, INDIANA.

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

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

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

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

LEGAL DESCRIPTION

A PART OF THE NORTHWEST AND NORTHEAST QUARTERS 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°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23,
2,325.35 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BEACON PARKWAY,
SAID POINT ALSO THE POINT OF BEGINNING; THENCE SOUTH 48°15'13" WEST ALONG SAID
NORTHERLY RIGHT-OF-WAY LINE, 271.86 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A
RADIUS OF 1060.00 FEET, BEING SUBTENDED BY A CHORD OF 90.90 FEET, BEARING SOUTH
45°47'46" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-
OF-WAY LINE, 90.93 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 30.00
FEET, BEING SUBTENDED BY A CHORD OF 41.38 FEET, BEARING NORTH 00°15'57" WEST;
THENCE NORTHEASTERLY ALONG SAID CURVE, 45.66 FEET; THENCE NORTH 43°52'13" WEST,
76.83 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 495.00 FEET, BEING
SUBTENDED BY A CHORD OF 95.13 FEET, BEARING NORTH 49°23'04" WEST; THENCE
NORTHWESTERLY ALONG SAID CURVE, 95.28 FEET TO A POINT OF CURVE TO THE RIGHT,
HAVING A RADIUS OF 530.00 FEET, BEING SUBTENDED BY A CHORD OF 183.07 FEET, BEARING
NORTH 44°57'11" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE, 183.99 FEET; THENCE
NORTH 35°00'28" WEST, 91.46 FEET; THENCE SOUTH 56°55'30" WEST, 10.01 FEET; THENCE
NORTH 35°00'28" WEST, 719.86 FEET; THENCE NORTH 00°27'48" WEST, 166.60 FEET; THENCE
SOUTH 89°56'37" WEST, 329.99 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF SAID
NORTHWEST QUARTER; THENCE NORTH 00°30'57" WEST ALONG SAID WEST LINE, 136.35 FEET

Proposed Ordinance No: 2018-15

Ordinance No: _____

TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE NORTH 89°56'37" EAST ALONG SAID NORTH LINE, 776.72 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 2009.86 FEET, BEING SUBTENDED BY A CHORD OF 75.24 FEET, BEARING SOUTH 42°12'16" EAST, ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE THE FOLLOWING (10) COURSES ALONG SAID WESTERLY RIGHT-OF-WAY LINE: 1) SOUTHEASTERLY ALONG SAID CURVE, 75.24 FEET, 2) SOUTH 42°34'41" EAST, 379.94 FEET 3) SOUTH 47°25'19" WEST, 40.00 FEET, 4) SOUTH 42°34'41" EAST, 341.03 FEET, 5) SOUTH 00°33'26" EAST, 139.54 FEET, 6) NORTH 89°55'48" EAST, 39.97 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER, 7) NORTH 89°55'22" EAST, 20.00 FEET, 8) NORTH 47°22'53" EAST, 88.98 FEET, 9) SOUTH 42°35'06" EAST, 149.06 FEET, 10) SOUTH 03°13'40" WEST, 41.74 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF BEACON PARKWAY; THENCE SOUTH 48°15'13" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY, 243.30 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 17.79 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT-OF-WAY OF RECORD.

COMMON ADDRESS: Northwest corner of Capital Avenue and Beacon Parkway

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended as follows:

Uses:

1. Permitted uses shall be limited to hospitals; medical office buildings, surgery centers and related medial patient care; medical support services, diagnostics, imaging and all related medical practice types and needs; pharmacy, compounding and related drug preparation or drug therapy practices; professional office buildings providing medical, billing, scheduling, tele-med or similar medical support offices; retail uses; restaurant uses with a drive-thru; and medical and dental laboratories.
2. Permitted accessory uses shall include ground mounted, hospital code mandated, backup generators, above grade backup fuel source tanks, oxygen tanks and related medical support needs at back-of house to the hospital.

Building & Parking Setbacks:

1. Required building setbacks shall include a 50' along Beacon Parkway, 40' along Capital Avenue, 40' from the interior private collector drives, and 10' from all other interior property lines.
2. Parking setbacks shall be 0' along Capital Avenue adjacent to the former Evergreen Road right-of-way. A 25' setback shall be maintained along all other portions of Capital Avenue.

Parking Space Requirements:

1. Parking spaces shall be provided at a ratio of 3 spaces per 1000 sq. ft. of gross floor area for any medical-related use.

Lighting:

1. Light poles shall be limited to a maximum height of 28' including a 3' base.
2. Use of ornamental light standards similar to lighting on Beacon Parkway is allowed.

Landscaping/Screening:

1. A 3' high earth mound shall not be required along the Capital Avenue frontage from Beacon Parkway to 675' to the north.
2. Landscaping consisting of either overstory or understory trees shall be provided at rate per Section 137-815 (1) (g) along Capital Avenue. Flexibility will be permitted in the spacing of required number of trees.
3. Generators, tanks, and other appurtenant structures shall be fully enclosed in a structure constructed with appropriate architectural materials as identified in Section 161.41 of the City Municipal code, as amended.

Architectural Materials:

1. A pre-cast linear embossed brick texture material with stain finish shall be permitted as an appropriate architectural material.

Temporary Signage:

1. Temporary signage to be placed on construction fencing shall be limited to maximum size of 1,200 sq. ft. of display area with a maximum height of 10'.
2. Stand-alone temporary signage shall be limited to one construction sign with a maximum size of 128 sq. ft. of display area and 10' in height.

Permanent Signage:

All permanent signage shall comply with the freestanding sign corridor overlay districts per Section 129-74 of the on-premises sign standards, unless otherwise noted below.

1. Capital Avenue frontage signage at the southeast corner of Beacon Parkway for Beacon's signs (shown as "corner campus sign & pylon" on the preliminary site plan):
 - a. Maximum monument height of 15'.
 - b. Maximum signage allowed with a total display area of 150 sq. ft.
 - c. Monument sign with flanking Pier Sign or Pylon with graphics on two faces.
 - d. Pier or Pylon may be a bold red color with white letters "Emergency".
 - e. Signage base shall be landscaped.
 - f. Signage may be internally or externally lit.
 - g. Signage shall be a minimum of 40' from the "Welcome to City of Mishawaka" sign and a minimum of 10' from the right-of-way.
2. Beacon Parkway frontage at the two entry drives for Beacon signage:
 - a. Signage shall have a maximum monument signage height of 15'.
 - b. Monument signage allowed with a total display area of 150 sq. ft. and a total copy area of 100 sq. ft. for each sign.
 - c. Signage base shall be landscaped.
 - d. Signage may use red bold color.
 - e. Signs may be internally or externally lit.
3. East side of west entry drive for retail outlot(s):
 - a. Signage shall have a maximum monument signage height of 8'

Proposed Ordinance No: 2018-15

Ordinance No: _____

- b. One monument sign shall be permitted for each outlot or building.
 - c. Signage shall be double faced.
 - d. Monument signage allowed with a total display area of 60 sq. ft. with a maximum display height of 5' and a maximum display width of 12'.
 - e. Signage base shall be landscaped.
 - f. Signs may be internally or externally lit.
4. Directional signage on interior private roads of Beacon property:
- a. Maximum monument sign height of 10'
 - b. Maximum monument sign display area of 60 sq. ft. for each face.
 - c. Maximum number of monument signs not to exceed four (4) units, double faced.
 - d. Signs can be externally or internally lit.
5. Front canopy pier on hospital for "Emergency" signage:
- a. Maximum pier height of 48'.
 - b. Maximum display area of 280 sq. ft. and copy area of 180 sq. ft. at each face, total of two faces.
 - c. Signage base shall be landscaped.
 - d. Signage may be a bold red color.
 - e. Signage may be externally or internally lit.
 - f. Signage shall be connected to a part of the building and is not permitted to be freestanding sign.
6. Future development buildings with internal signage at each building to allow:
- a. Signage shall have a maximum monument signage height of 15'.
 - b. Allow one monument sign with a display area of 150 sq. ft. and a copy area of 100 sq. ft. at each sign.
 - c. Signage base shall be landscaped.
 - d. Signs may be internally or externally lit.
 - e. Allow two (2) internal drive directional signs per building similar to (4) above.

For the outlot(s) located along Beacon Parkway:

Uses:

- 1. Permitted uses include all C-1 General Commercial District, C-2 Shopping Center Commercial District, and C-7 Auto-Oriented Restaurant Commercial Districts uses excluding off-premise signs.

Building & Parking Setbacks:

- 1. Required building setbacks shall include a 50' front yard setback along Beacon Parkway, a 30' side yard setback, and a 25' rear yard setback.
- 2. Required parking setbacks shall include a 30' front yard setback along Beacon Parkway, a 10' side yard setback, and a 10' rear yard setback.

Parking Space Requirements:

- 1. Parking spaces shall be provided at a ratio of 10 spaces per 1000 sq. ft. of gross floor area for any restaurant with drive-thru use, 8 spaces per 1000 sq. ft. of gross floor area

Proposed Ordinance No: 2018-15

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for a dine-in restaurant with no-drive thru, and 4 spaces per 1000 sq. ft. of gross floor area for all other permitted uses.

For both the Beacon Health Systems property and outlot(s):

1. All other previously approved PUD standards shall be adhered to.

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

1. Existing Conditions – The proposal is consistent with the existing area and future proposed developments by maintaining commercial uses.
2. Character of Buildings in Area- The character of the buildings located in the area will be commercial. All proposed buildings will be commercial in nature.
3. The most desirable/highest and best use- Due to the presence of the commercial activity in the surrounding area, and the surrounding approved Planned Unit Developments, the most desirable/highest use is the proposed commercial use.
4. Conservation of property values- The proposed amendment will not be injurious to property values in the surrounding area because the proposal will be compatible with the surrounding commercial developments in the area.
5. Comprehensive Plan- This area was not identified within The Comprehensive Plan. However, the proposed is consistent with the commercial development of the area and commercial activity as identified in the Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka

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 _____, 2018, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: 2018-15

Ordinance No: _____

PRESENTED by me to the Mayor this _____ day of _____, 2018, at
_____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2018, at
_____ o'clock _____.M.

David A. Wood, Mayor

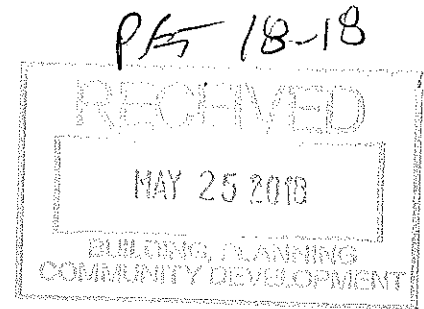
RECEIVED
DEBORAH S. BLOCK, MMC

MAY 30 2018

CITY CLERK
MISHAWAKA, IN

Date: May 23, 2018

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



RE: Capital Avenue Properties, LLC and Capital Avenue Properties II, LLC,
Petition for an Amended PUD:

The undersigned, Capital Avenue Properties, LLC and Capital Avenue Properties II, LLC, the Petitioners, respectfully shows that they are the owners of the following described real estate located in the City of Mishawaka, Penn Township, St. Joseph County, Indiana:

A Part of Section 23, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows: Commencing at the North Quarter corner of said Section 23; thence South 00°33'26" East (All Bearings assumed) along the East line of the Northwest Quarter of said Section 23, 2,325.75 feet more or less to the point of beginning, said point being the intersection of the North & South Quarter Line of said Section 23 and the Northerly Right-of-Way line of Beacon Parkway; thence along said Northerly right-of-way line for the next two (2) courses, South 48°15'13" West a distance of 271.87 feet more or less and around a 1060.00 foot more or less radius curve to the left an arc distance of 78.00 feet more or less; thence North 43°44'30" West a distance of 361.29 feet more or less; thence North 35°00'28" West a distance of 715.48 feet more or less; thence South 90°00'00" West a distance of 330.00 feet more or less to a point on the West line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence North 00°00'00" West along said West line, a distance of 135.96 feet more or less to a point on the North line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence along said North line, North 89°56'37" East a distance of 776.60 feet more or less to the Westerly Right-of-Way line of Capital Avenue; thence along said West line for the next Nine (9) courses, around a 2009.86 foot more or less radius curve to the left an arc distance of 75.24 feet more or less and South 42°34'41" East a distance of 379.94 feet more or less and South 47°25'19" West a distance of 40.00 feet more or less and South 42°34'41" East a distance of 341.03 feet more or less and South 00°33'26" East a distance of 139.82 feet more or less and North 89°55'48" East a distance of 90.00 feet more or less and North 48°15'42" East a distance of 58.00 feet more or less and South 42°23'12" East a distance of 147.00 feet more or less and South 00°33'26" East a distance of 30.00 feet more or less to a point of intersection with the Northerly Right-of-Way line of said Beacon Parkway; thence along said Northerly line South 48°15'42" East a distance of 250.00 feet more or less to the point of beginning and excepting therefrom any property owned by Bayer Healthcare, LLC as identified by St. Joseph County, Indiana Tax Key No. 030-1008-010006 in the records of said Auditor's office.

Containing 19.1 acres, more or less, and subject to any easements, covenants, and right-of-ways of record.

Also, commonly known as the Northwest corner of Capital Avenue and Beacon Parkway, Granger, Indiana 46530.

The above described parcel of land is presently zoned "S-2" Planned Unit Development District under the City of Mishawaka zoning development codes.

The Petitioners desire to amend the existing standards for the previously approved "S-2" Planned Unit Development District, known by Mishawaka Petition # 08-27, Proposed Ordinance No. 2008-39, Ordinance No. 5186. The requested amended standards would be for the above described real estate portion of the previously approved "S-2" Planned Unit Development District. More specifically the Petitioners are requesting amended standards for Permitted Uses, Prohibited Uses, Lighting, Building Setbacks Limitations/Architecture, Temporary and permanent Signage, Parking setback/Landscaping and Parking reduction. Also included are standards for future use of the Outlot along Beacon Parkway.

With regards to Permitted Uses, the following permitted uses on Beacon property would be allowed:

- a). Hospital
- b). Medical Office Buildings, Surgery Centers and related medical patient care.
- c) Medical Support Services, Diagnostics, Imaging and all related medical practice types and needs.
- d) Pharmacy, Compounding and related drug preparation or drug therapy practices.
- e). Professional Office Buildings providing medical, billing, scheduling, tele-med or similar medical support offices.
- f). Retail Uses;
- g). Restaurant uses with a drive-thru;
- h). Medical and Dental Laboratories;

Standards for the Retail Outlot along Beacon Parkway would be as following uses as enumerated by Mishawaka Zoning Ordinances:

Sec. 137-300. - Intent.

The purpose of the Retail Outlot is to provide ~~limited~~ retail and/or service type establishments that may be an attractive amenity to support the medical campus ~~without competing with the campus services.~~ The Retail Outlot area is designed to provide for freestanding commercial uses ~~which require limited comparison shopping.~~ Customers may include users of the medical campus and impulse transient users arriving by automobile.



- a). Commercial C-1 Uses
- b). Commercial C-2 Uses
- c). Commercial C-7 Uses

RETAIL OUTLOT SETBACK REQUIREMENTS:

Building Front Yard Setback: minimum 50'-0" to property line
 Building Side Yard Setbacks: minimum 30'-0" to property line
 Building Rear Yard Setbacks: minimum 25'-0" to property line

Front Yard Paving & Parking Setbacks: minimum 30'-0" to property line
 Side Yard Paving & Parking Setbacks: minimum 8'-0" to property line
 Rear Yard Paving & Parking Setbacks: minimum 10'-0" to property line

Maximum (2) two buildings on the Retail Outlot
 Maximum (3) tenants in a +/- 4,000 sf Building
 Maximum (1) tenant in a +/-2,000 sf Coffee Shop

RETAIL OUTLOT PARKING REQUIREMENTS:

Drive-Thru: Provide 10 cars per 1,000 SF of gross tenant or gross building area.

Restaurant: Provide 8 cars per 1,000 SF of gross tenant area.

Office/Service: Provide 4 cars per 1,000 sf of gross tenant area.

Standards for entire site:

With regards for site Lighting, the previously approved Ordinance standards requires lighting poles limited to a maximum height of 25 feet and having 90-degree cut-off shielded fixtures. The amended request would allow fixtures to be placed on 3'-0" tall bases which would limit light poles with base to a maximum height of 28'-0" feet. The fixtures will still have 90-degree cut-off shielding. The lighting plan submitted would still limit maximum footcandles at property line to 3 footcandles. The amended standard would also allow for the use of ornamental light standards that would be similar in design to those used by the City for Beacon Parkway. The submitted final site plan would provide specifications for all planned site lighting which will allow for full review by the Planning staff.

With regards for Building Setbacks Limitations/Architecture, the previously approved Ordinance standards require buildings to be constructed of 100% approved materials as identified within Section 161.41 of the City Municipal Code as mended. Materials and colors shall be varied to provide architectural interest. The amended request would allow for materials to include pre-cast linear embossed brick texture with a 25-year pigmented stain finish. This amendment would still allow for varying building materials and at the same time providing for architectural interest. The submitted final site plan would provide color building elevations with specifications for all planned building materials which will allow for full review by the Planning staff.

Also under Building Limitations/Architecture, the previously approved Ordinance standards require buildings to be setback a minimum 75 feet from public right-of-ways and private collector drives. The amended request would allow for a minimum setback of 50 feet along Beacon Parkway and 40 feet along Capital Avenue. This 50' foot building setback would still maintain a visual and physical setback

of approximately 70'-0" from Beacon Parkway pavement and over 90 feet from the Capital Avenue pavement. The amended building setbacks along the public right-of-ways should provide a more than adequate open space along the public street frontages. In regard to the building setback from the private collector drives, in most instances, any proposed development done along the private collectors, a 40 foot building setback should be more than adequate, except as noted for Retail Outlot. Interior sites typically place parking in front of the proposed building, which results in buildings being further back from the private collector drives.

With regards to temporary and permanent site signage, the requested amendment is to allow an increase in the total square footage for temporary and permanent site signage. For temporary site signage the maximum total square footage allowed would be 2,000 square feet with a maximum height of 10 feet. Said temporary signage can be a stand-alone type signage or signage placed on fencing. Materials can be fabric, wood, plastic or equal materials. Temporary signage may remain in place from the commencement of site construction until the issuance of an occupancy permit for the facility constructed.

Permanent site signage would allow the following:

- 1). Capital Avenue frontage signage at southeast corner at Beacon Parkway for Beacon signs:
 - a. Maximum monument height 40'-0"
 - b. Maximum signage allowed display area 500 sf and copy area 300 sf. total
 - c. Monument sign with flanking Pier Sign or Pylon with graphics on (2) faces.
 - d. Pier or Pylon may be a bold red color with white letters "Emergency"
 - e. Signage base shall be landscaped.
 - f. Signage may be internally or externally lite.
- 2). Beacon Parkway frontage at (2) entry drives for Beacon signage:
 - a. Signage shall have maximum monument signage height of 20'-0"
 - b. Monument signage allowed display area 150 sf and copy area 100 sf at each sign
 - c. Signage base shall be landscaped
 - d. Signage may use red bold color.
 - e. Signs may be internally or externally lite.
- 3) East side of west entry drive for Retail Outlot:
 - a. Signage shall have maximum monument signage height of 15'-0".
 - b. Signage shall be (1) sign, double faced
 - c. Monument signage allowed display area of 150 s.f. and copy area of 100 sf at each face.
 - d. Signage base shall be landscaped.
 - e. Signs may be internally or externally lite
- 4). Directional Signage on interior private roads of Beacon property;
 - a). Maximum monument sign height of 8'-0".
 - b). Maximum monument sign display area 100 s.f. and copy area of 80 sf each face.
 - c). Maximum number of monument signs not to exceed (4) units, double faced.
 - d). Signs can be externally or internally lite.

- 5). Front canopy pier on hospital for "Emergency" signage:
 - a. Maximum pier height of 40'-0"
 - b. Maximum display area 280 sf and copy area 180 sf at each face, total (2) faces
 - c. Signage base shall be landscaped
 - d. Signage may be a bold red color with white letters "Emergency"
 - e. Signage may be externally or internally lite.
- 6) Future development buildings with internal signage, at each building allow:
 - a. Signage shall have maximum monument signage height of 20'-0"
 - b. Allow (1) Monument signage with display area 150 sf and copy area 100 sf at each sign
 - c. Signage base shall be landscaped
 - d. Signs may be internally or externally lite.
 - e. Allow (2) internal drive directional signs per building similar to item #4 above.
- 7). Building façade signage:
 - a. Signage allowed on building façades equal to 30% of the total square footage of each facade.
 - b. Emergency signage not included in calculation of allowed façade signage.
- 8). Incidental signage for Hospital Uses:
 - a). Site bollards: Maximum height 4'-0"
 - b). May be internally lighted;
 - c). Spacing: minimum 100 ft.

With regards to Parking setback/Landscaping, the previously approved Ordinance standards require placement of a minimum three (3) foot high earth mound along all public right-of-ways and internal collector drives, maximum 3' horizontal to 1' vertical slope. The amended request would eliminate the requirement of the earth mound along the Capital Avenue frontage from Beacon Parkway on the South and running North along said right-of-way frontage for a length of 675 feet and a zero (0) foot parking/driveway setback along this portion of the Capital Avenue frontage. There is a large right-of-way width along this portion of Capital Avenue which will provide for a buffer for any proposed drives or parking. Landscape screening for drives and parking is not required along this portion of the Capital Avenue frontage.

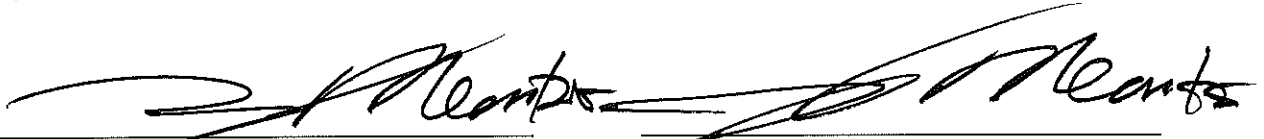
With regards to parking ratios the request is to allow parking to be provided at a ratio of 3 parking spaces per 1,000 square foot of gross floor area for any medical office use. The previously approved standard for parking was 4 spaces per 1,000 square foot other retail gross floor area. The requested slight adjustment would allow for better usage of property without having to provide more parking than needed. Excessive parking leads to less open space and creating a more intense heat island affect for paved areas.

Allow ground mounted, hospital code mandated, backup generators, above grade backup fuel source tanks, oxygen tanks and related medical support needs at back-of house to the hospital.

These requested amended changes to the PUD Development standards are shown on the attached preliminary site plan.

All other previously approved PUD standards for Mishawaka Petition # 08-27, Proposed Ordinance No. 2008-39, Ordinance No. 5186, shall be adhered to for the development of the above described property.

Wherefore, the Petitioners prays 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 the rezoning the above described parcel of real estate located in the City of Mishawaka, Indiana.



Capital Avenue Properties, LLC
2400 Miracle Lane
Mishawaka, Indiana 46545
574-259-2580

Capital Avenue Properties II, LLC
2400 Miracle Lane
Mishawaka, Indiana 46545
574-259-2580

Contact person:
Philip E. Panzica, RA, NCARB
President / Principal Architect
Panzica Architecture Group
416 East Monroe Street, Suite 320
South Bend, Indiana 46601
(574) 234-1123
e-mail: pepanzica@panzica.net

May 23, 2018

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

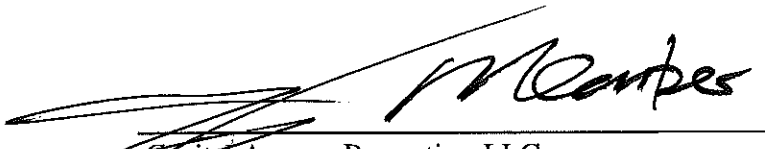
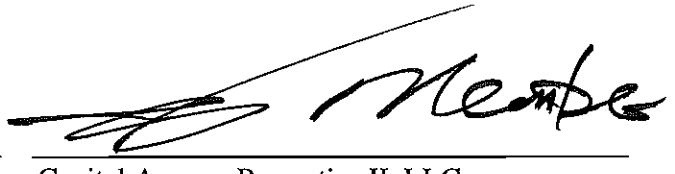
RE: Capital Avenue Properties, LLC and Capital Avenue Properties II, LLC,
Petition for an Amended PUD:

Dear Council Members and Plan Commission Members,

This letter is to inform the Board Members that we have granted authority to Panzica Architecture Group to represent us at the Mishawaka Plan Commission and Mishawaka Common Council meetings at which our Amended PUD Request will be heard.

If you have any questions concerning this matter, please feel free to give me a call at 574-647-3699.

Sincerely,

	
Capital Avenue Properties, LLC 2400 Miracle Lane Mishawaka, Indiana 46545 574-259-2580	Capital Avenue Properties II, LLC 2400 Miracle Lane Mishawaka, Indiana 46545 574-259-2580

LEGAL DESCRIPTION

A Part of Section 23, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows: Commencing at the North Quarter corner of said Section 23; thence South 00°33'26" East (All Bearings assumed) along the East line of the Northwest Quarter of said Section 23, 2,325.75 feet more or less to the point of beginning, said point being the intersection of the North & South Quarter Line of said Section 23 and the Northerly Right-of-Way line of Beacon Parkway; thence along said Northerly right-of-way line for the next two (2) courses, South 48°15'13" West a distance of 271.87 feet more or less and around a 1060.00 foot more or less radius curve to the left an arc distance of 78.00 feet more or less; thence North 43°44'30" West a distance of 361.29 feet more or less; thence North 35°00'28" West a distance of 715.48 feet more or less; thence South 90°00'00" West a distance of 330.00 feet more or less to a point on the West line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence North 00°00'00" West along said West line, a distance of 135.96 feet more or less to a point on the North line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence along said North line, North 89°56'37" East a distance of 776.60 feet more or less to the Westerly Right-of-Way line of Capital Avenue; thence along said West line for the next Nine (9) courses, around a 2009.86 foot more or less radius curve to the left an arc distance of 75.24 feet more or less and South 42°34'41" East a distance of 379.94 feet more or less and South 47°25'19" West a distance of 40.00 feet more or less and South 42°34'41" East a distance of 341.03 feet more or less and South 00°33'26" East a distance of 139.82 feet more or less and North 89°55'48" East a distance of 90.00 feet more or less and North 48°15'42" East a distance of 58.00 feet more or less and South 42°23'12" East a distance of 147.00 feet more or less and South 00°33'26" East a distance of 30.00 feet more or less to a point of intersection with the Northerly Right-of-Way line of said Beacon Parkway; thence along said Northerly line South 48°15'42" East a distance of 250.00 feet more or less to the point of beginning and excepting therefrom any property owned by Bayer Healthcare, LLC as identified by St. Joseph County, Indiana Tax Key No. 030-1008-010006 in the records of said Auditor's office.

Containing 19.1 acres, more or less, and subject to any easements, covenants, and rights-of-way of record.



STATE RD 23

CAPITAL AVE

CAPITAL AVE

PET 18-18

CAPITAL AVE
BEACON PKWY

JUDAY CREEK

INDIANA TOLL RD

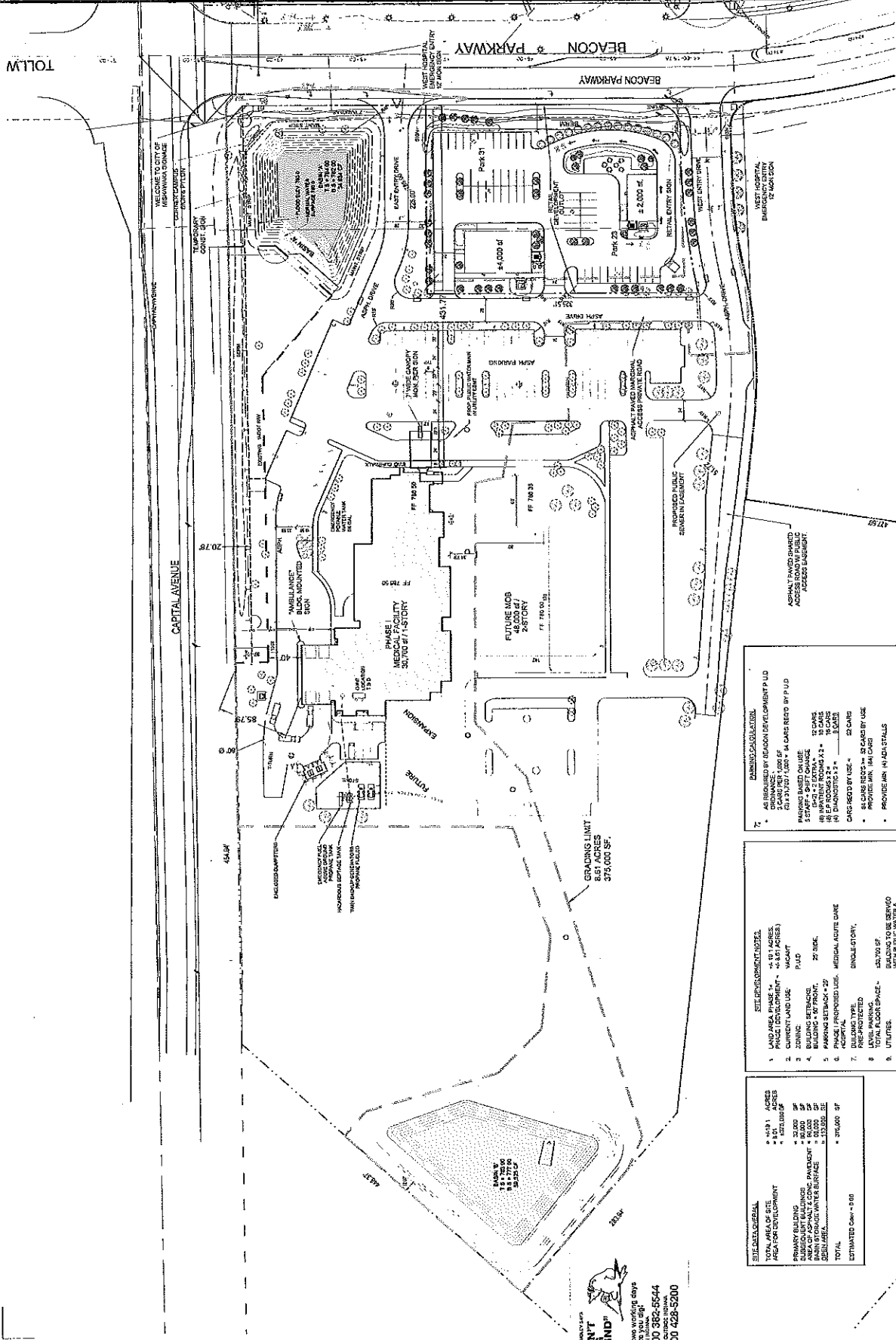
Location Map

PET 18-18

CAPITAL AVENUE
PROPERTIES LLC & CAPITAL
AVENUE PROPERTIES II LLC

PART OF WALKER PUD & NW
CAPITAL-TOLL ROAD PUD

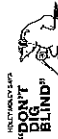
AMEND PERMITTED USES &
DEVELOPMENT STANDARDS



SITE DEVELOPMENT PLAN

SCALE 1" = 50'

SCALE: 1" = 50'



Call two working days
before you dig!
INTEGRAL INDIANA
1 800 382-5544
FROM OUTSIDE INDIANA
1 800 428-5200

SITE DATA SUMMARY	
TOTAL AREA OF SITE	449,311 ACRES
AREA FOR DEVELOPMENT	1,011 ACRES
	1,072,000 SF
PRIMARY BUILDING	32,000 SF
QUANTITIES OF MATERIALS	18,000 YD
GRAVEL ASPHALT & CONC. PAVEMENT	80,000 YD
BAKIN STORAGE WATER SURFACE	113,000 SF
OPEN AREA	376,000 SF
TOTAL	ESTIMATED Cost = \$ 600

ESTABLISHMENT COSTS

1.	LAND AREA PHASE 1 = 14.1 ACRES. PRICE DEVELOPMENT = 4.48 (ACRES)	
2.	CONCRETE DRIVEWAY	20.00
3.	LANDSCAPE AND TREE	714.0
4.	BUILDING RETRACTION	
5.	BUILDING SETBACK	27.00
6.	PARKING SETBACK + 25'	
7.	POCKET REPAVED DRIVE	
8.	MECHANICAL ACUTE DRIVE	
9.	PRE-PROTECTED DRIVE	
10.	UTILITIES	123.70 SF
11.	TOTAL CONSTRUCTION	123.70 SF
12.	STORM WATER CONTROL - ALL STORM WATER RUNOFF IS TO BE REPAVED ON SITE IN A STORM WATER RETENTION BASIN	

TRAINING CALCULATOR

* AS REQUIRED BY DESIGN DEVELOPMENT P.U.D. ORDINANCE -
SECTION 500.67
C13 X 31/2" 1,000 " M. CARS REG'D BY P.U.D.

PARKING BASED ON USE

- 57A THEATRE USE 12 CARS
- 54-3 EXTRA 10 CARS
- 48 INMARTEN ROOMS X 3 10 CARS
- 48 INMARTEN ROOMS X 2 10 CARS
- 48 INMARTEN ROOMS X 2 10 CARS
- 48 INMARTEN ROOMS X 2 10 CARS

CARS REG'D BY USE

- 57A THEATRE USE 52 CARS
- 54 CARS REG'D BY USE
- PROVIDE MIN. 184 CARS
- PROVIDE MAX. 424 CARS