

AGENDA

Monday, January 20, 2014

**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**

January 08, 2014

5. Petitions, Communications, Remonstrance and Memorials

A letter from the City Plan Commission regarding recommendations from their January 14, 2014 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2014-02 Amend the PUD to allow an Assisted Health Care Facility and (8) Villa Units - Northeast East Fulmer Rd and Falling Oak Drive

8. Resolutions

R2014-03 Appointments to Historic Preservation Commission

R2014-04 Confirming Resolution WellPet LLC - 1121 West 11th Street

R2014-05 Fiscal Plan for Annexation Northwest Gumwood Rd and Cleveland Rd - S-2PUD

9. Ordinances on Second Reading

P.O. NO. 2013-55 Annex and Zone S-2 PUD Northwest Gumwood Rd and Cleveland Rd **FINAL VOTE** (Assigned to Land Use Planning Committee)

P.O. NO. 2014-01 Additional Funds - Clerk's Office - \$12,000.00 (Assigned to Budget and Finance Committee)

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

January 8, 2014

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Wednesday January 8, 2014 at 7:00 p.m. The meeting was called to order by bbbbbbbbbbbbbbbbbbbbbbbbbbb Chief Deputy Clerk Hazen, and all were asked to stand for the Pledge of Allegiance.

Chief Deputy Mary Ellen Hazen's roll call showed the following:  **Roll Call.**

Present: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Clerk Block opened the floor for nominations for President to the Council. Mr. Roggeman said he would like to nominate Matt Mammolenti for President with a second by Mr. Emmons the motion carried. Mr. Reisdorf made a motion to close the nominations, with a second by Mr. Compton the motion carried.

Question was called for at 7:03 p.m. on the nomination for Matt Mammolenti for President of the Council, the  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Mr. Mammolenti thanked the Council for their confidence and opened the floor for nominations for Vice President. Mr. Banicki nominated Dale "Woody" Emmons for Vice President with a second by Mr. Compton the motion carried. President Mammolenti made a motion to close nominations for Vice President with second by Mr. Roggeman the motion carried.

Question was called for at 7:05 p.m. for Dale "Woody" Emmons for Vice President of the Council, the  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

The minutes from the December 16, 2014 meeting were approved as received from the Clerk's Office.

Clerk Block Clerk Block presented the following Petition to the Council, who referred them to the Plan Commission for their recommendation.

PETTITION NO. 2014-01 Amend PUD to allow an Assisted Health Care Facility and (8) Villa Units – Northeast East Fulmer Road and Falling Oak Drive

The following proposed ordinances were given first reading, and assigned to committee, to be set for public hearing at the next regular meeting.

PROPOSED ORDINANCE NO. 2014-01

**AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2014**

(Additional Funds – Clerk’s Office \$12,000.00)

Assigned to Budget and Finance Committee

Clerk Block read **RESOLUTION NO. 2014-01** opening it for public hearing.

RESOLUTION NO. 2014-01

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, TO BE AN ECONOMIC REVITALIZATION AREA**

WELLPET L.L.C.

DECLARATORY RESOLUTION

Michelle Tatgenhorst, Controller of Well Pet 1121 West 11th Street, said they were requesting five year abatement for installing a 2 million dollar piece of equipment. for keeping 1.5 million pounds or more a year of animal waste from going to the landfill. She said this would allow them to increase their production, revenue, hiring, as evidence they have recently installed over a 20 million dollar improvement investment in the year 2012 and they did not request abatement for that upgrade. She said they are looking for this abatement to allow stability and to prepare them to move forward adding another 6 employees, and decrease waste.

Question was called for at 7:10 pm  Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Clerk Block read **RESOLUTION NO. 2014-02** opening it for public hearing.

RESOLUTION NO. 2014-02

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, APPROVINIG ENTRY INTO A CONSENT DECREE
AMONG THE CITY OF MISHAWAKA, THE STATE OF INDIANA, AND THE
UNITED STATES GOVERNING THE IMPLEMENTATION OF
COMBINED SEWER OVERFLOW CONTROLS.**

(Consent Degree Concerning Combine Sewer Overflow Controls)

Mayor Wood said he wanted to speak on a momentous occasion in the City Of Mishawaka's history, binding them with the United States Department of Justice into a consent decree which he would be signing. He said it would be the biggest public work project in city history and that was the Combined Sewer Overflow this would be to comply with the clean water act. He said this was an unfunded mandate, the city has already begun work on this, a lot of the work around the city presently was sewer work having torn up vast sections of the city in one season replacing pipes and putting the streets and curbs back again improving the neighborhoods while getting in compliance with government mandate. Mayor Wood said once this decree was signed the city has 20 years to complete this and severe penalties would be imposed if not adhered to.

Carl Kopec manager of Mishawaka Waste Water Division said he was presenting a brief power point and an over view of their plan, which was hereby incorporated by reference into these minutes, and are on file in the office of the City Clerk.

Mr. Kopec, Manager of the Waste Water Division of the Utilities said he was here to speak in favor of this Resolution and to say Mayor Wood has been very proactive. He said in November 2004 the city entered into discussions with EPA, Department of Justice, and, Indiana Department of Environmental Management, this took so long because these projects are extremely expensive, extremely complex and there are legal agreements to negotiate.

Mr. Kopec said the Long Term Control Plan would be incorporated into a Federal Consent Degree with the City and it would be legally binding as was the commitment, the plan they proposed and approved, and the implementation of that plan to the schedule they have agreed to and would have to be funded by the City. He went on to say when the plan was completed the City would then have to enter into a Post Construction Monitoring of rain flow, and sewer monitoring verifying that the plan was meeting the control projected or exceed that projection. Mr. Kopec said if it was not meeting the criteria they would have to go back and make the improvements necessary to meet that control, full compliance would be as far out as 2032 or 2033

Mr. Kopec said in overview **Resolution R2014-02** along with a companion **Utility Resolution 2010-03** adopted by the Utility Board 2010 gives the Mayor the authority to enter into the Consent Decree. He said he was respectfully asking for their support in the adoption of R2014-02.

President Mammolenti thanked Mr. Kopec for his thorough presentation.

Jim Schrader, General Manager Mishawaka Utilities said the burden of paying for this program would be bared by the rate payers, and to try and minimize that impact they would borrow through the state Revolving Loan that was usually below market rates and they would time this to pay old bond issues before barrowing new. He said 30% of these costs have been born by the TIF revenue they have already collected. Mr. Schrader said from time to time State Legislature has talked about modifying the TIF Fund and he hopes that does not occur because it has been very beneficial to the city in assisted funding at times like this. He said there would be no immediate impact in the rates current cash balances they were covered for

the next 24 months. Mr. Schrader said the amount needed for 2016 is still being determined, and it was important to match up the funding to meet those commitment dates. He said he would pass on information as it becomes more available. He too is in favor of this Resolution. He has the utmost confidence in his waste water dept heads.

Mr. Roggeman said he liked seeing that the Combined Sewer Overflow was being addressed and how much it has improved over the years. He said the rate increases would come before the Council for approval when that time comes, correct. Mr. Schrader said that was correct.

Mr. Kopec said a civil penalty of \$14,000 to the State of Indiana and \$14,000 to the United States Government has been imposed; those penalties could have been over \$300,000. He said he has never seen a city that has not paid this fine and the City of Mishawaka was paying significantly less then what South Bend and Elkhart have paid. Mr. Kopec stated we do not have serious systemic problems in our system and the attorneys negotiated this fine down from the \$300,000 to \$28,000 thousand dollars.

Ms. Voelker asked how far back these fines went, would it be as far back as 1970 to the Clean Water Act. Mr. Kopec said, no we have never been in violation of the clean water act.

Mr. Bellovich said as stated by the Mayor this was one of the largest projects Mishawaka has ever had and his question was there any provision, in case of an act of God that could push this 2031 date back. He said there was an off ramp if it reached 2.5% of each house they can petition not to do less but for more time to get it done.

Question call at 8:04  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Clerk Block read **PROPOSED ORDINANCE NO. 2013-55** opening it for public hearing

PROPOSED ORDINANCE NO. 2013-55

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

(Annex and Zone S-2 PUD Northwest Gumwood Road and Cleveland Road)

Clerk Block read a letter from Catherine D. Hostetler, Director of Historic Preservation Commission of South Bend and St. Joseph County stating; the “Daniel Ward Farm House” on the corner of Cleveland and Gumwood along with its farm outbuildings and the land are St. Joseph County Local Landmarks. The Certificate of Appropriateness issued in 2009 and reissued in 2010 to Chris Davies, working on behalf of the Bauer family, to move these structures to a location north of Cleveland along Gumwood and was not acted upon by the Bauer family. Should annexation into the City of Mishawaka occur; please know that the landmark status of those historic farm buildings and the land would transfer per our

Ordinance". Clerk Block said this statement would hereby be incorporated by reference into the minutes and made a part of the permanent record.

President Mammolenti opened **PROPOSED ORDINANCE NO. 2013-55** for public hearing.

Daryl Knip, Abonmarche Consultants, Inc. 750 Lincolnway East, South Bend said he was representing the property owner and applicant Ryan Rans of Great Lakes Capital in his request to annex 46 acres into the City of Mishawaka with a PUD (Planned Unit Development) zoning that would permit usage allowing C-1 General Commercial, C-2 Shopping Center Commercial zoning districts, Multi-Family Residential, uses along with assisted living and nursing home uses. He said the property was located at the corner of Gumwood and Cleveland Road and consists of multiple properties. Mr. Knip said they were proposing a 35 foot setback from adjacent residential neighborhoods in addition to a landscape buffer that would include a 2 foot earth and berm with a six foot privacy fence on top with additional 8 foot tall dense evergreen plantings. He stated the storm water would be detained on site until transferred to off site existing retention basins sized with this project in mind.

Mr. Knip said as part of this project the developer would continue to work with the City of Mishawaka Engineering Department on the west side of Gumwood Road from Cleveland ½ mile stretch up to the north side of the project.

Ryan Rans 112 W Jefferson, South Bend said part of this project allows for the expansion of the right of way for Cleveland Road which has been a bottle neck for sometime.

Banicki said he was in receipt of a letter regarding the sub streets in the adjacent sub-division and wanted to know if they would be cutting through those streets. Mr. Rans said they have no plans of that and would only do it if it was asked of them.

Ms. Voelker asked about where they would be moving the Farm House. Mr. Rans said they could move it furthest to the west of this property near another historic home there, or maybe even tie it in with Centennial Plaza.

Chuck Beutter, 15385 Ashland Road, Granger said he was speaking on behalf of the Michiana Astronomical Society in asking the Council to consider the City's night time assets such as night time lighting please act to personal safety without allowing light to trespass into the night time and sky glow. He asked to please lead in the control of light pollution and have them install fully shielded outdoor lights sufficient yet sensible please restrain the light pollution in a development done right.

Ron Zielinski, 16343 Country Side Estates said he was concerned about the multi-family residents that would be moving into this commercial development as they are on a well field with septic systems. Mr. Zielinski expressed deep concern about the sub streets being opened up from his neighborhood to the new development and was not happy about adding additional traffic to his neighborhood. He asked the council to please make sure the barriers,

fences, and evergreen trees would be put in place. Mr. Zielinski also said he felt like the 35 feet was not far enough to place the barrier.

Ms. Voelker asked if he was speaking on behalf of his homeowners association. Mr. Zielinski said they are very small neighborhood but he was speaking on behalf of several of his neighbors.

Mr. Banicki asked since their development was on a well and septic system did him or his neighbors consider annexation into the city. Mr. Zielinski said he was indifferent to that.

Mr. Compton said he appreciates his request and not wanting new development encroaching up to their property line but Mishawaka was full of small neighborhoods and businesses are developing out further and further.

President Mammolenti asked Mr. Zielinski if he could list his concerns in priority order.

1. Not opening the sub streets.
2. Construction of Barriers
3. Water
4. Set back 60 to 70 feet

Jane Schellinger 52888 Farmingdale Drive, Granger said her property was the one impacted the most her back yard was right up against the Mishawaka Wellfield as would be the proposed development. She said she was not necessarily opposed to this but does not want to be forced out of her neighborhood nor having cars cutting along through the sub street next to her property.

Mr. Emmons said in regards to the fence and berm has that been settled between the developer and the homeowners. Mr. Knip said that was one of the conditions of the PUD. Mr. Emmons said they were in total agreement of that but not satisfied with the distance. Mr. Knip said that was correct. Mr. Emmons asked if they would meet with Mr. Zielinski and the neighbors and see if they could come to an agreement on that. Mr. Knip said he would do that but it does exceed what has been done at Toscana Park. Mr. Emmons said when they come back in two weeks for the vote hopefully they would have come to an agreement about that and had discussed all their concerns. Mr. Knip said they would work on that.

Mr. Bellovich said on the landscaping one area would have a two foot berm and the other area would have a 3 foot berm why. Mr. Knip said the 2 foot berm was for residential section the three foot berm was blocking the parking area.

President Mammolenti closed the public hearing at 8:28 p.m.

Clerk Block read **PROPOSED ORDINANCE NO. 2013-56** opening for public hearing.

PROPOSED ORDINANCE NO. 2013-56

**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**

(Amend S-2 PUD River Crest Southwest Jefferson Boulevard and
North Byrkit Avenue 1625 East Jefferson Blvd)

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

Daryl Knip, Abonmarche Consultants, 750 LWE, South Bend said he was representing River Crest in their request to amend the PUD to reduce the parking requirements for this development. He said River Crest was a 32 bed specialty hospital and they were considering adding another 42 beds to the facility. Mr. Knip stated with it being a specialty hospital there were very few visitors which, brings them to their request of reducing the number of parking spaces. He said currently there are 92 parking spaces and they want to amend the PUD to 1 space per bed and 1 per employee which would require 110 spaces and they were requesting 124. Mr. Knip said under the original site PUD 238 spaces would be required.

Mr. Emmons said by eliminating the number allowing one per bed and one per employee would that be sufficient when there were extreme snow falls and plowing the lots would eliminate parking. Mr. Knip said they would still have ample parking as there are very few visitors at this facility have ample parking now and they would be adding 32 spaces..

Mr. Compton asked what type of care was provided here. Mr. Knip said it is long term specialty care and are there for an extended periods of time.

Question called for at 8:45 p.m.  **Vote:** Motion carried by unanimous roll call vote
(**summary:** Yes = 9). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

UNFINISHED BUSINESS

Clerk Block read **RESOLUTION NO. 2013-24** opening it for public hearing.

RESOLUTION NO. 2013-24

**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:**

(1216 West Eighth Street, Mishawaka)
Use Variance for Outside Storage

The petitioner was not available to speak. Mr. Trippel Council Attorney said at this time the Council could choose to go forward with this and call for the question if so desired.

President Mammolenti called for the question at 8:48 p.m. on **RESOLUTION NO. 2013-24** the

 **Vote:** Motion failed (**summary:** Yes = 9, No = 0, Abstain = 0). **Yes:** Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. Voelker.

Mr. Emmons stated his January meeting would be on the Thursday at 7:00 p.m. at St. Bavo and a representative from Well Pet would there to speak.

Clerk block stated there was matter of appointing the Council Attorney. Mr. Roggeman said he would like to once again re-appoint nominate Mr. Trippel as Council Attorney he has been most useful to the Council in many avenues as well as knowledgeable with a second by Mr. Banicki the motion carried.

Clerk Block said there was the appointment of two members to the Redevelopment Commission. Mr. Compton nominated Kris Ermeti and William H. Buraczewski with a second the Mr. Roggeman the motion carried.

Clerk Block said the following appointments to Council Committees can be done by a blanket vote.

ELECTION OF OFFICERS

BUDGET & FINANCE COMMITTEE

Woody Emmons, Chairman
Mike Compton
Mike Bellovich

LAND USE PLANNING COMMITTEE

Ron Banicki, Chairman
Kate Voelker
John Roggeman

PUBLIC HEALTH & SAFETY/LONG RANGE PLANNING COMMITTEE

Mike Compton
John Roggeman
Dan Bilancio

PUBLIC IMPROVEMENTS COMMITTEE

Ron Banicki, Chairman
Mike Compton
John Reisdorf

PERSONNEL COMMITTEE

John Roggeman, Chairman
Woody Emmons
Mike Bellovich

SUB-STANDARD HOUSING COMMITTEE

Ronald Banicki, Chairman
John Roggeman
Kate Voelker

Mr. Banicki made a motion to accept as circulated with a second by Mr. Compton the motion carried voice vote.

Clerk Block read the appointments to the Commissions.

Plan Commission – Woody Emmons
Historic Preservation Committee – Kate Voelker
Traffic Commission – Ron Banicki
Mishawaka Business Association - Mike Compton
Solid Waste - Woody Emmons
MACOG - John Reisdorf
Insurance Committee - Mike Compton
Animal control commission – TBA
Fire Department Platoon Study committee – Woody Emmons
Board of Zoning appeals – Chuck Trippel

Mr. Banicki made a motion to accept as circulated with a second by Mr. Reisdorf motion carried

Clerk Block said there was the matter of the Conflict of Interest Forms, the following Council members have filed: Woody Emmons, John Reisdorf, Mike Bellovich, Mike Compton, Ron Banicki, Dan Bilancio, Matt Mammolenti and John Roggeman upon acceptance of these she would send them to Circuit court Clerk, State board of accounts, and would remain on file in the City clerks office. Mr. Roggeman made a motion to accept with a second by Mr. Reisdorf the motion carried.

Mr. Roggeman said he wanted on behalf of the Council to thank every one of the city employees for their response to the three day Polar Vertex Winter Storm with wind chill factor of 40 below zero.

There being no further business to come before the Council, President Mammolenti adjourned the meeting at 8:53 p.m.

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

☐ ☐ Matt Mammolenti
Matt Mammolenti
Presiding Officer



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

January 15, 2014

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 15 2014

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
January 14, 2014, Public Hearing
Certification of Proposed Ordinance

Honorable Members:

A regular meeting of the Mishawaka Plan Commission was held on the above referenced date at which time the following proposed ordinance was considered:

PETITION #14-01 A petition submitted by Target Leasing Corp. to amend the Heritage Woods Planned Unit Development to allow an assisted care facility which will include units for assisted care, units for independent living, and eight (8) villa units.

The Commission, with a vote of 5-0, recommended approval subject to the attached conditions of approval.

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

Respectfully,

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Mike Danch

**MODIFICATION OF HERITAGE WOODS
Proposed Conditions of Approval
Proposed Heritage Woods Living Facility**

Petition #14-01 January 14, 2014

Exhibit 1 Conditions

Proposed Uses:

- 1) Uses shall be limited to assisted and independent living care facilities, and single-family residential units and villas. Building heights shall be limited to a maximum of 2-stories in height.
- 2) All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a masonry wall matching the building materials of the principal building.

Road Connections/Right-of-Way Improvements/Sidewalks:

- 1) Deceleration lanes/passing blisters may be required for entrance location on Fulmer Road at the direction of the City of Mishawaka Engineering Department.

Lighting:

- 1) 90-degree full cut-off fixtures shall be required for both pole and wall mounted fixtures. Shielding of lighting shall be required in the areas adjacent to (in sight of) residential areas. Lighting within 100-feet of residentially zoned property shall be limited to 15-feet in height.
- 2) Lighting in along streets shall comply with Mishawaka Utilities standard fixtures and pole spacing and shall be paid for by the developer.

Signage:

- 1) Signage for all lots of the PUD shall be limited to the restrictions the Sign Overlay District for Bremen Highway. A maximum of one monument signs may be provided along Fulmer Road.
- 2) Directional signage standards shall be submitted concurrently with the first final planned unit development plan submission.

Architectural:

- 1) Architectural building standards shall be submitted for both building and signage – Architectural building material shall be consistent with the City's Design Review Ordinance for the 2-story living care facility. However, appropriate materials may be extended to include modern architectural materials, such as hardi-board siding, approved and deemed appropriate by the Planning Commission as part of the final PUD site plan. The proposed single-family residential villas may utilize standard residential architectural building materials as desired.
- 2) Residential style shingled roofs shall be provided for all structures. Deviations may be considered by the Planning Commission, provided they are in keeping with a residential concept.

Parking/Landscaping:

- 1) A 3-foot high earth mound shall be provided along Fulmer Road. A minimum 20-foot wide green buffer area shall be required along all public right-of-way. Landscape requirements of the C-1 General Commercial zoning district shall apply for property along Fulmer Road and the future proposed north south road as shown as Falling Oak Drive on the preliminary site plan.
- 2) Utility areas shall be provided separate from required landscaped areas. The minimum width required to install required landscaping shall be 5' outside of any utility or access easement.
- 3) A minimum of parking ration of 0.90 parking space per residential unit shall be provided for the 2-story living care facility. The (8) single-family residential villa shall provide a (1) parking space per unit.
- 4) Perimeter screen plantings shall be as follows:
 - a. Evergreen plantings and/or a combination of evergreen planting and deciduous tree/shrubs shall be provided between the future residential lots to the west and the proposed single-family residential villas, and along the north property line.

- b. Evergreen trees shall be installed at a minimum of 7' in height. Deciduous tree shall be installed at a minimum 2 1/2" caliper as specified in the Commercial Landscape Ordinance. Spacing of screening plant material shall be utilized as to create a desirable visual buffer subject to staff review and approval.

Building Setbacks:

- 1) A 40-ft front-yard building setback shall be provided along Fulmer Road and the proposed north/south road shown as Falling Oak Drive on the proposed site plan.
- 2) A 30-ft rear-yard building setback shall be provided along the northern property line.
- 3) A 20-ft side-yard shall be provided along the west and east property lines.

STAFF REPORT

Location: Fir Road East of Autumn Ridge Subdivision

Date: January 14, 2014

Petition: 14 01

Prepared By: GGS

GENERAL INFORMATION

Applicant: Target Leasing Corp

Status: Property Owner

Request: Amend PUD to allow for health care living facilities and villa units

Zoning Classification: S-2 Planned Unit Developments

Lot Size: Approximately 9.0 acres

Applicable Regulations: Section 137-671 to 137-679 S-2 Planned Unit Development District
Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development
South: S-2 Planned Unit Development
East: S-2 Planned Unit Development
West: R-1 Single Family Residential

Thoroughfare: Fir Road

School District: Penn-Harris-Madison School Corporation

Township: Penn

Public Utilities: All utilities are available or will be available to the site

Comprehensive Plan: Low Density Residential

ANALYSIS

The petitioner is requesting to amend the Heritage Woods PUD to allow for health care living facilities and villa units. The proposed development will be located north along Fulmer Road, east of the Autumn Ridge subdivision.

The latest approved preliminary PUD plan consisted of a one-story 28,000 sf memory care facility and a three-story assisted living facility as shown as on the attached Existing PUD Plan. One major difference in the amended plan and the existing plan is that the existing plan has an access drive of the north/south drive labeled as Falling Oak Drive. The amended plan does not have access off this drive and only one access point off of Fulmer Road.

The developer desires to construct a variety of living care facilities. The preliminary plan shows one large 2-story facility consisting of (4) separate wings. Within these wings, total of (40) living units will be reserved for assisted living care units. A total of (36) individual independent living care units are also proposed within the 2-story facility. The proposed 2-story building will be approximately 48,653 sf in area. In addition to the large 2-story facility, (8) detached single-family residential villa units are

proposed. These villa units will be constructed as (4) separate duplexes, with each duplex being 3,890 sf in area.

As part of the PUD amendment, the petitioner is requesting a reduction in parking requirements. For uses as the residential care facility, the ordinance requires a minimum of (4) parking spaces per 1000 sf of building area. As such, a total of (195) parking spaces would need to be provided for the living care facility. Based on similar care facilities and their parking needs, the developer desires to provide a parking ratio of 0.90 parking spaces per living unit for the independent and assisted living care facilities, requiring a total of (69) parking spaces. As indicated on the preliminary site plan, (75) parking spaces will be provided for the living care facility. For the single-family residential villa units, the ordinance requires (2) parking spaces per living unit. Therefore, a total of (16) spaces are required. The developer desires for that ratio to be reduced to a ratio of (1) parking per unit for a total of (8), not including parking spaces located within an attached garage.

Attached to the staff report are development conditions specific to this PUD. These conditions are an accumulation of conditions as presented in the preliminary PUD and previous conditions of approval for the original and previous PUD amendments. Several of these conditions came into being as a result to address concerns from residents of the adjacent Autumn Ridge Subdivision.

RECOMMENDATION

Staff recommends in favor of amending the Heritage Woods PUD to allow health care living facilities and single-family residential villas with the attached PUD conditions. This recommendation is based on the following findings of fact:

1. The subject parcel is adjacent to residential zoned residential and an existing living care facility is located to the south.
2. The character of the buildings within the surrounding area residential. The referenced conditions of approval would insure that the proposed development would be compatible with adjacent residential uses.
3. Because of the parcels' location and the residential development in the area, the highest and best use for the property as a health living care facility and residential villas respects the close proximity of adjacent single family homes.
4. The proposed zoning will not be injurious to property values in the surrounding neighborhood, because the single family uses immediately adjacent to the project do not exist yet. The planned coordination between Autumn Ridge Section 3 and the proposed development will allow potential purchasers in each development to know what is been approved before buying.
5. The proposal is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan that identify this area as low density residential. The proposed living care facilities usually have less traffic impact than a corresponding similarly sized single family residential subdivision.

ATTACHMENTS

Photographs, Petition, Existing PUD Plan, Amended Preliminary Plan, Location Map

MODIFICATION OF HERITAGE WOODS
Proposed Conditions of Approval
Proposed Heritage Woods Living Facility

Petition #14-01 January 14, 2014

Exhibit 1 Conditions

Proposed Uses:

- 1) Uses shall be limited to assisted and independent living care facilities, and single-family residential units and villas. Building heights shall be limited to a maximum of 2-stories in height.
- 2) All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a masonry wall matching the building materials of the principal building.

Road Connections/Right-of-Way Improvements/Sidewalks:

- 1) Deceleration lanes/passing blisters may be required for entrance location on Fulmer Road at the direction of the City of Mishawaka Engineering Department.

Lighting:

- 1) 90-degree full cut-off fixtures shall be required for both pole and wall mounted fixtures. Shielding of lighting shall be required in the areas adjacent to (in sight of) residential areas. Lighting within 100-feet of residentially zoned property shall be limited to 15-feet in height.
- 2) Lighting in along streets shall comply with Mishawaka Utilities standard fixtures and pole spacing and shall be paid for by the developer.

Signage:

- 1) Signage for all lots of the PUD shall be limited to the restrictions the Sign Overlay District for Bremen Highway. A maximum of one monument signs may be provided along Fulmer Road.
- 2) Directional signage standards shall be submitted concurrently with the first final planned unit development plan submission.

Architectural:

- 1) Architectural building standards shall be submitted for both building and signage – Architectural building material shall be consistent with the City's Design Review Ordinance for the 2-story living care facility. However, appropriate materials may be extended to include modern architectural materials, such as hardi-board siding, approved and deemed appropriate by the Planning Commission as part of the final PUD site plan. The proposed single-family residential villas may utilize standard residential architectural building materials as desired.
- 2) Residential style shingled roofs shall be provided for all structures. Deviations may be considered by the Planning Commission, provided they are in keeping with a residential concept.

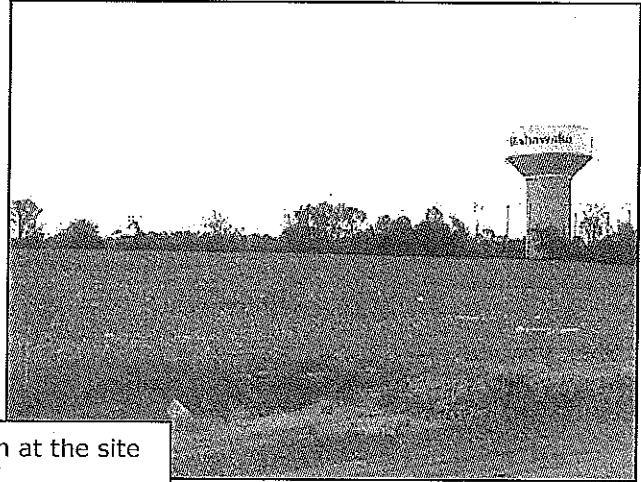
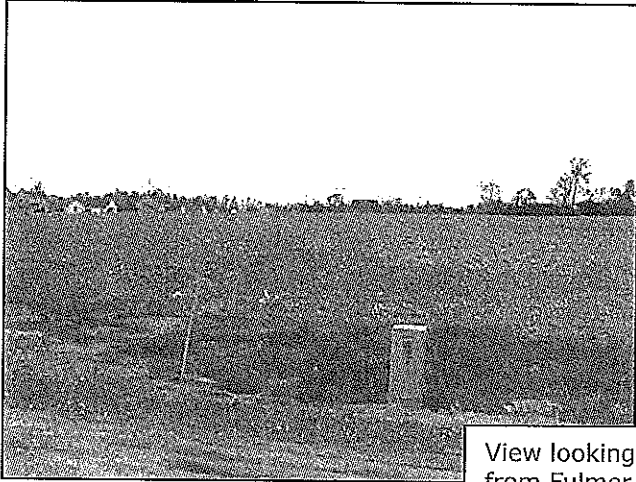
Parking/Landscaping:

- 1) A 3-foot high earth mound shall be provided along Fulmer Road. A minimum 20-foot wide green buffer area shall be required along all public right-of-way. Landscape requirements of the C-1 General Commercial zoning district shall apply for property along Fulmer Road and the future proposed north south road as shown as Falling Oak Drive on the preliminary site plan.
- 2) Utility areas shall be provided separate from required landscaped areas. The minimum width required to install required landscaping shall be 5' outside of any utility or access easement.
- 3) A minimum of parking ration of 0.90 parking space per residential unit shall be provided for the 2-story living care facility. The (8) single-family residential villa shall provide a (1) parking space per unit.
- 4) Perimeter screen plantings shall be as follows:

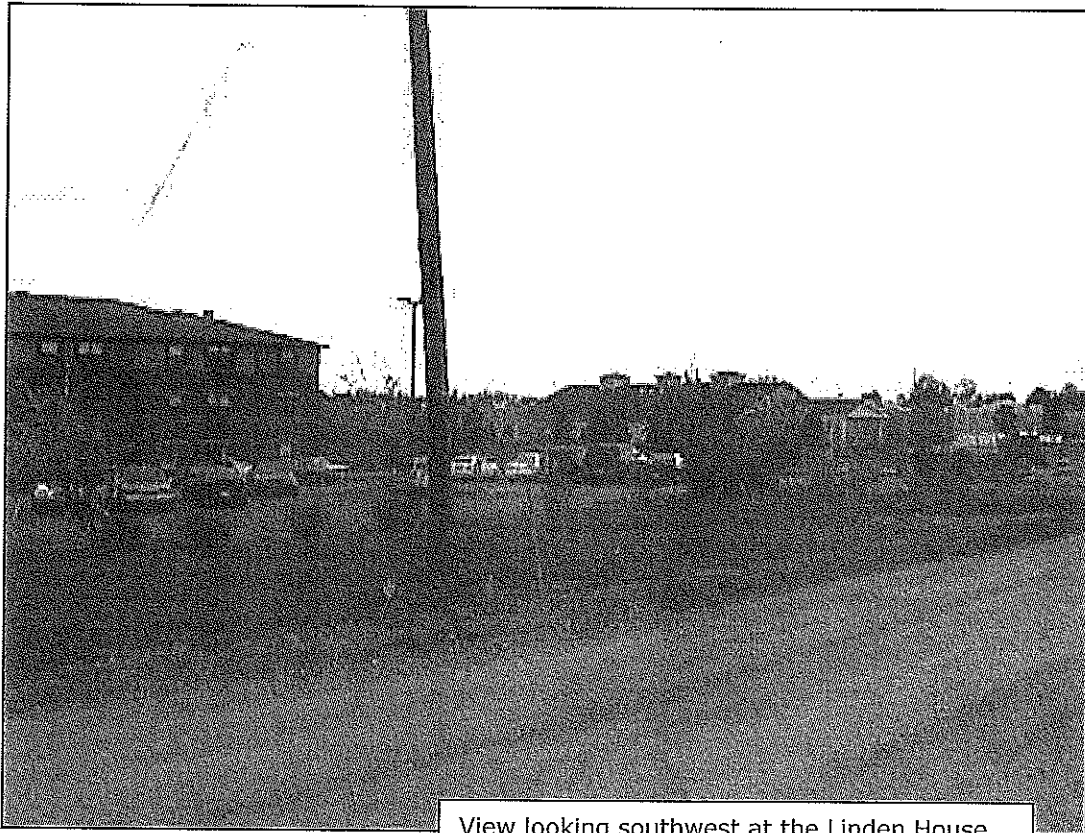
- a. Evergreen plantings and/or a combination of evergreen planting and deciduous tree/shrubs shall be provided between the future residential lots to the west and the proposed single-family residential villas, and along the north property line.
- b. Evergreen trees shall be installed at a minimum of 7' in height. Deciduous tree shall be installed at a minimum 2 ½" caliper as specified in the Commercial Landscape Ordinance. Spacing of screening plant material shall be utilized as to create a desirable visual buffer subject to staff review and approval.

Building Setbacks:

- 1) A 40-ft front-yard building setback shall be provided along Fulmer Road and the proposed north/south road shown as Falling Oak Drive on the proposed site plan.
- 2) A 30-ft rear-yard building setback shall be provided along the northern property line.
- 3) A 20-ft side-yard shall be provided along the west and east property lines.



View looking north at the site
from Fulmer Road



View looking southwest at the Linden House
Apartments and the adjacent Medical Office

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 15 2014

CITY CLERK
MISHAWAKA, IN

PETITION 14-01

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-02

ORDINANCE NO. _____

1st Reading 1-20-14
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
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:

A part of the East Half of the Northwest Quarter of Section 27, Township 37 North,
Range 3 East situated in Penn Township, St. Joseph County, State of Indiana, and
being more particularly described as follows: Beginning at a point of intersection of
the North Right-of-way line of Fulmer Road and the East line of the Northwest
Quarter of said Section 27, which point is North 00 Degrees 13 Minutes 23 Seconds
West, a distance of 60.00 feet from the Southeast corner of said Northwest Quarter;
thence North 89 Degrees 59 Minutes 52 Seconds West, a distance of 493.99 feet to
the point of curvature of a tangent curve, concave Southeast, having a radius of
380.00 feet, being subtended by a chord length 54.45 feet bearing South 85 Degrees
53 Minutes 38 Seconds West; thence along said curve a distance of 54.50 feet;
thence North 11 Degrees 46 Minutes 53 Seconds West, a distance of 96.83 feet to
the point of curvature of a tangent curve, concave to the Southwest, having a radius
of 180.00 feet, being subtended by a chord length 199.53 feet bearing North 45
Degrees 26 Minutes 24 Seconds West; thence Northwesterly along said curve, a
distance of 211.48 feet to the point of curvature of a reverse curve, concave to the
Northeast, having a radius of 120.00 feet, being subtended by a chord length of
34.28 feet bearing North 70 Degrees 53 Minutes 14 Seconds West; thence
Northwesterly along said curve, a distance of 34.40 feet; thence North 41 Degrees
44 Minutes 24 Seconds East, a distance of 92.26 feet; thence North 00 Degrees 13
Minutes 23 Seconds West, a distance of 291.83 feet; thence North 89 Degrees 46
Minutes 37 Seconds East, a distance of 679.99 feet to the East line of the Northwest
Quarter of said Section 27; thence South 00 Degrees 13 Minutes 23 Seconds East
along said East line a distance of 605.45 feet to the Point of Beginning. Said
described tract containing an area of 9 acres, more or less, subject to all rights-of-
way, and restrictions of record.

ORDINANCE NO. _____

PROP. ORD. NO. 14-02

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow an assisted care facility which will include units for assisted care, units for independent living, and eight (8) villa units subject to the following conditions of approval:

Proposed Uses:

- 1) Uses shall be limited to assisted and independent living care facilities, and single-family residential units and villas. Building heights shall be limited to a maximum of 2-stories in height.
- 2) All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a masonry wall matching the building materials of the principal building.

Road Connections/Right-of-Way Improvements/Sidewalks:

- 1) Deceleration lanes/passing blisters may be required for entrance location on Fulmer Road at the direction of the City of Mishawaka Engineering Department.

Lighting:

- 1) 90-degree full cut-off fixtures shall be required for both pole and wall mounted fixtures. Shielding of lighting shall be required in the areas adjacent to (in sight of) residential areas. Lighting within 100-feet of residentially zoned property shall be limited to 15-feet in height.
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Signage:

- 1) Signage for all lots of the PUD shall be limited to the restrictions the Sign Overlay District for Bremen Highway. A maximum of one monument signs may be provided along Fulmer Road.
- 2) Directional signage standards shall be submitted concurrently with the first final planned unit development plan submission.

Architectural:

- 1) Architectural building standards shall be submitted for both building and signage – Architectural building material shall be consistent with the City's Design Review Ordinance for the 2-story living care facility. However, appropriate materials may be extended to include modern architectural materials, such as hardi-board siding, approved and deemed appropriate by the Planning Commission as part of the final PUD site plan. The proposed single-family residential villas may utilize standard residential architectural building materials as desired.
- 2) Residential style shingled roofs shall be provided for all structures. Deviations may be considered by the Planning Commission, provided they are in keeping with a residential concept.

Parking/Landscaping:

- 1) A 3-foot high earth mound shall be provided along Fulmer Road. A minimum 20-foot wide green buffer area shall be required along all public right-of-way. Landscape requirements of the C-1 General Commercial zoning district shall apply for property along Fulmer Road and the future proposed north south road as shown as Falling Oak Drive on the preliminary site plan.

ORDINANCE NO. _____

PROP. ORD. NO. 14-02

- 2) Utility areas shall be provided separate from required landscaped areas. The minimum width required to install required landscaping shall be 5' outside of any utility or access easement.
- 3) A minimum of parking ration of 0.90 parking space per residential unit shall be provided for the 2-story living care facility. The (8) single-family residential villa shall provide a (1) parking space per unit.
- 4) Perimeter screen plantings shall be as follows:
 - a. Evergreen plantings and/or a combination of evergreen planting and deciduous tree/shrubs shall be provided between the future residential lots to the west and the proposed single-family residential villas, and along the north property line.
 - b. Evergreen trees shall be installed at a minimum of 7' in height. Deciduous tree shall be installed at a minimum 2 1/2" caliper as specified in the Commercial Landscape Ordinance. Spacing of screening plant material shall be utilized as to create a desirable visual buffer subject to staff review and approval.

Building Setbacks:

- 1) A 40-ft front-yard building setback shall be provided along Fulmer Road and the proposed north/south road shown as Falling Oak Drive on the proposed site plan.
- 2) A 30-ft rear-yard building setback shall be provided along the northern property line.
- 3) A 20-ft side-yard shall be provided along the west and east property lines.

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

1. The subject parcel is adjacent to residential zoned residential and an existing living care facility is located to the south.
2. The character of the buildings within the surrounding area are residential. The referenced conditions of approval would ensure that the proposed development would be compatible with adjacent residential uses.
3. Because of the parcel's location and the residential development in the area, the highest and best use for the property as a health living care facility and residential villas respects the close proximity of adjacent single family homes.
4. The proposed zoning will not be injurious to property values in the surrounding neighborhood, because the single family uses immediately adjacent to the project to not yet exist. The planned coordination between Autumn Ridge Section 3 and the proposed development will allow potential purchasers in each development to show what has been approved before buying.
5. The proposal is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan that identify this area as low density residential. The proposed living care facilities usually have less traffic impact than a corresponding similarly sized single family residential subdivision.

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

ORDINANCE NO. _____

PROP. ORD. NO. 14-02

PASSED by the Common Council of the City of Mishawaka, Indiana, this
day of _____, 2014, at o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____,
2014, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2014, at
o'clock _____.M.

David A. Wood, Mayor

RESOLUTION NO. R2014-03

A RESOLUTION APPROVING APPOINTMENTS TO THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF MISHAWAKA, INDIANA

WHEREAS, Indiana statute permits the Common Council of a city to establish a Historic Preservation Commission; and

WHEREAS, the Mishawaka Common Council adopted Ordinance No. 3444 on November 19, 1990 creating a nine-member Historic Preservation Commission with a five member Advisory Board; and

WHEREAS, Ordinance No. 3444 provides that eight voting members of the Historic Preservation Commission shall be appointed by the Mayor subject to Common Council approval; and

WHEREAS, subject to Council approval, the Mayor has appointed as voting members of the Mishawaka Historic Preservation Commission through December 31, 2016:

Dave Vollrath
Judy Gray
Michael Bultinck
Tony Obringer
Richard Barnette
Cliff Zenor
Commission through 2014
David Eisen
Commission through 2015
John Gleissner

Also to the Advisory Board through December 31 2015:

Terry DeMaegd
Bryan Tanner
Nancy Seidler

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mishawaka that it hereby approves the Mayor appointments of above members of the Mishawaka Historic Preservation Commission and Advisory Board.

PASSED by the Common Council of the City of Mishawaka, Indiana on the 20th Day of January, 2014

Matt Mammolenti, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on the
____ day of _____, at _____ o'clock __. m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED AND SIGNED by me on the ____ day of _____ at _____ o'clock __.
m.

David A. Wood, Mayor

JAN 16 2014

RESOLUTION NO. R 2014- 4

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, DECLARING A CERTAIN AREA IN
THE CITY OF MISHAWAKA, INDIANA, TO BE AN
ECONOMIC REVITALIZATION AREA

CITY CLERK
MISHAWAKA, IN

WellPet L.L.C .

CONFIRMING RESOLUTION

WHEREAS, the Common Council of the City of Mishawaka, Indiana, did pursuant to the “Deduction for Rehabilitation or Redevelopment of Real Property in Economic Development Revitalization Areas Act” (Indiana Code 6-1.1-12.1-1 et. seq.) as amended and hereinafter referred to as the “Act”, declare that the following described area in the City of Mishawaka, County of St. Joseph, State of Indiana, is an “Economic Revitalization Area”:

A lot or parcels of land described as follows:

Tax Key #16-1161-6468; also legally described as:

A part of the southwest quarter of section 16, Township 37 North, Range 3 East, now within and part of the City of Mishawaka, which part is bounded by a line running as follows, viz:

Beginning at a point on the South line of said Section 16, 20 feet East of the Southwest corner thereof; thence East along the South line of said Section 16, 679.97 feet more or less, to the west line of Cleveland Street in the City of Mishawaka, if extended South; thence North along the west line of said Cleveland Street, if extended south 440.57 feet, more or less to the South line of Eleventh Street in the City of Mishawaka; thence West along the South line of said Eleventh Street 681.15 feet more or less to the East line of Logan Street, in the City of Mishawaka; thence South along the East line of said Logan Street 443.32 feet, more or less to the place of beginning.

More commonly known as 1121 West 11th Street

All of the above described property being located within the municipal corporation limits of the City of Mishawaka, Indiana, and

WHEREAS, this declaration was effected by Resolution No. R 2014-01 adopted by the Common Council of the City of Mishawaka on January 6th, 2014; and

WHEREAS, under the provisions of said “Act” a copy of said Resolution No. R 2014-01 was filed for public inspection at the office of the St. Joseph County Assessor’s Office; and

WHEREAS, pursuant to Indiana Code (I.C. 5-3-1), public notice of the adoption and substance of Resolution No. R 2014-01 was given; as well as setting forth that a public hearing would be held on

January 20th, 2014 to receive and hear all remonstrance's and objections from interested persons.
and

WHEREAS, pursuant to said "Act", a copy of said public notice along with a copy of the applicant's "Statement of Benefits" was filed with each taxing unit in whose jurisdiction the property described in the above legal description is located.

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

- 1. That upon conclusion of said public hearing and consideration of evidence presented, it is now determined that the area described meets the qualifications for an Economic Revitalization Area; and
- 2. That Resolution No. R 2014-01 is hereby modified and confirmed as follows:
 - a) That the above described area shall be designated as an Economic Revitalization Area for a period beginning with the date of this resolution and ending on December 31, 2018; and
 - b) That the property tax deduction to which the property owner is entitled shall apply to personal property pursuant to Indiana Code (I.C. 6-1.1-12.1-3); and
 - c) That this deduction applicable for real property tax abatement and is limited to the following schedule:

<u>Tax Year</u>	<u>Tax Abatement Percentage</u>
2014 Pay 2015-	100%
2015 Pay 2016-	80%
2016 Pay 2017-	60%
2017 Pay 2018-	40%
2018 Pay 2019-	20%

- d) That the estimate of the value of the redevelopment is reasonable for projects of this nature; and
- e) That the description of the proposed redevelopment meets applicable standards for such development; and
- f) That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment; and
- g) That the deduction will not be allowed unless the facility is constructed or rehabilitated to meet local code standards; and
- h) That the totality of benefits is sufficient to justify the granting of this requested deduction.

3. That the "Statement of Benefits" submitted by WellPet LLC, is hereby approved, and the President of the Mishawaka Common Council is hereby authorized to execute said "Statement" on behalf of the Common Council; and
4. That this determination is final except that an appeal may be taken and heard as provided under Indiana Code (I.C. 6-1.1-12.1-2-5, subsections (d) and (e) of the "Act.")

The Common Council of the City of Mishawaka, Indiana hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for real property tax abatement only and is limited the date of the adoption of this Confirming Resolution by the Common Council to December 31, 2018.

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County,
Indiana, this 20th day of January, 2014.

Matt Mammolenti, President

ATTEST:

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _____ day of
_____, 2014.

Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this _____ day of _____, 2014, at _____
o'clock _____.M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

BUILDING - COMMUNITY DEVELOPMENT - PLANNING

January 15, 2014

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 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. Dan Bilancio, At-Large City Council
Mr. Matt Mamolenti, At-Large City Council
Mr. John Roggeman, At-Large City Council
Mrs. Deborah Block, City Clerk

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 16 2014

CITY CLERK
MISHAWAKA, IN

Re: Confirming Tax Abatement Resolution 2014-2- WellPet LLC, 1121 West 11th Street

Dear Council Members and Clerk:

Enclosed you will find a staff prepared draft Confirming Resolution for consideration at your Monday January 20th meeting. As previously identified, the request is for WellPet LLC which is proposing to add equipment to their manufacturing facility at 1121 West 11th Street, in the City of Mishawaka. WellPet is looking to invest approximately \$2,000,000 in a pneumatic regrind system that will reduce waste from the facility by approximately 1.5 million pounds per year. They are looking to retain their current 91 employees and add an additional 6 jobs as a result of the investment. In working with staff, they are requesting a standard five -year abatement on the proposed equipment. A copy of their application and relevant materials has been re-attached for your review and information with the staff prepared resolution. The application and materials have had no changes since they were distributed as part of the Declaratory Resolution process.

The Declaratory Resolution for this abatement was approved at the Council's January 6th meeting which allowed the Clerk's office to proceed with the special advertising requirements, including notification to other taxing units that would potentially be impacted by an abatement. To date, no correspondence has been received from other taxing units regarding the request.

As you are aware from other recent abatements, it is always a challenge to try and accurately predict values and taxes given the variables involved. H.J. Umbaugh & Associates recommended that we use the DLGF website: (<https://gateway.ifionline.org/CalculatorsDLGF/TaxCalculator.aspx>) to obtain the estimated taxes paid based on the most current certified tax rate (2013 in the case of St. Joseph County) with the circuit breaker.

This site has a calculator where you simply put in the location, assessed valuation, and class of property, and it outputs the estimated tax for the property. This is the calculator that we used for each of the two previous tax abatement requests acted on by the Council. What is different about this project is that it is for personal property (equipment) rather than for building/real estate improvements. To this end, we also confirmed with H.J. Umbaugh that since 2008, the real estate property tax rate and personal property tax rate is identical, and the same calculator would apply.

In this case, the applicant has identified the proposed investment at two million dollars. This however does not correlate directly into assessed valuation. In researching the current site, the St. Joseph County Assessor identified that the current assessed valuation of personal property for the site is \$6,099,010. The current assessed valuation for the property and real estate improvements is \$4,805,300. The combined

values of both these assessments provide a total value of approximately 11 million dollars. This assessed valuation follows the recent investment of over 20 million dollars in an existing facility. Thus, factoring in the valuation of the existing facility prior to the last expansion, it appears that the increase in assessed valuation that occurred was less than half the actual cost of the improvement.

As such, based on this history, staff has assumed that the assessed valuation from the proposed investment will be \$1,000,000 or half the actual investment. We have done this only as an attempt to provide an educated guess on what the resulting assessment will be. For a worst case scenario, it is reasonable to assume that the maximum increase in assessed valuation would match the intended investment of \$2,000,000. This worst case scenario would simply double the values listed below.

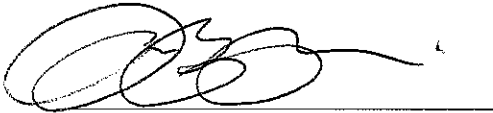
Proposed 5 Year Abatement

<u>Tax Year</u>	<u>Percentage</u>	<u>Total Tax</u>	<u>Taxes Paid</u>	<u>Taxes Abated</u>
2014 Pay 2015	100%	\$25,186	\$0	\$25,186
2015 Pay 2016	80%	\$25,186	\$5,037	\$20,149
2016 Pay 2017	60%	\$25,186	\$10,074	\$15,112
2017 Pay 2018	40%	\$25,186	\$15,112	\$10,074
2018 Pay 2019	20%	\$25,186	\$20,149	\$5,037
<i>Total-</i>	<i>300%</i>	<i>\$125,930</i>	<i>\$50,372</i>	<i>\$75,558</i>

Regarding a recommendation, the Administration completely supports the request as submitted. The vast majority of WellPet's business is from outside the region, providing an influx of monies to the community. Knowing that local economies grow primarily by existing business expansion, we feel that the approval of the abatement will demonstrate support for this expansion as well as future investment. The proposed 5 year abatement is appropriate given the City's past history on tax abatement. It is also appropriate considering proposed investment of 2 million dollars, 6 additional full time jobs with benefits, and the 20 million dollar investment that took place over the last few years which had no abatement. The applicant has identified that the tax increase associated with the 20 million dollar investment is a limiting factor relative to performing future expansions. It is also worth recognizing that the regrind system proposed will keep millions of pounds of waste out of local landfills.

As always, please contact me if you have any questions, desire additional projections, or if you would like me to prepare an alternative confirming resolution for the Council's use at the meeting.

Sincerely,



Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor



STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R3 / 12-13)

Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1 TAXPAYER INFORMATION											
Name of taxpayer WellPet LLC				Name of contact person Michelle Tatgenhorst							
Address of taxpayer (number and street, city, state, and ZIP code) 1011 West 11th Street						Telephone number (574) 259-7834					
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT											
Name of designating body Mishawaka Common Council				Resolution number (s)							
Location of property 1121 West 11th Street., Mishawaka, IN 46544				County St. Joseph		DLGF taxing district number 71-023					
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) SEE ATTACHED "REGRIND SYSTEM: An Overview - December 2013"				ESTIMATED							
						START DATE		COMPLETION DATE			
				Manufacturing Equipment		04/29/2014		11/25/2014			
				R & D Equipment							
				Logist Dist Equipment							
IT Equipment											
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT											
Current number 91		Salaries \$3,404,000		Number retained 91		Salaries \$3,404,000		Number additional 6		Salaries \$197,000	
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT											
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.		MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT			
		COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE		
Current values		14,705,633.0									
Plus estimated values of proposed project		2,000,000.00									
Less values of any property being replaced											
Net estimated values upon completion of project		16,705,633.0									
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER											
Estimated solid waste converted (pounds) 1,500,000						Estimated hazardous waste converted (pounds)					
Other benefits: Increases production capabilities by 1,500,000 pounds.											
SECTION 6 TAXPAYER CERTIFICATION											
I hereby certify that the representations in this statement are true.											
Signature of authorized representative Michelle Tatgenhorst						Date signed (month, day, year) 12/18/2013					
Printed name of authorized representative Michelle Tatgenhorst						Title Controller					

FOR USE OF THE DESIGNATING BODY														
We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2. A. The designated area has been limited to a period of time not to exceed _____ calendar years * (<i>see below</i>). The date this designation expires is _____.														
B. The type of deduction that is allowed in the designated area is limited to: <table><tr><td>1. Installation of new manufacturing equipment;</td><td>☐ Yes</td><td>☐ No</td></tr><tr><td>2. Installation of new research and development equipment;</td><td>☐ Yes</td><td>☐ No</td></tr><tr><td>3. Installation of new logistical distribution equipment.</td><td>☐ Yes</td><td>☐ No</td></tr><tr><td>4. Installation of new information technology equipment;</td><td>☐ Yes</td><td>☐ No</td></tr></table>			1. Installation of new manufacturing equipment;	☐ Yes	☐ No	2. Installation of new research and development equipment;	☐ Yes	☐ No	3. Installation of new logistical distribution equipment.	☐ Yes	☐ No	4. Installation of new information technology equipment;	☐ Yes	☐ No
1. Installation of new manufacturing equipment;	☐ Yes	☐ No												
2. Installation of new research and development equipment;	☐ Yes	☐ No												
3. Installation of new logistical distribution equipment.	☐ Yes	☐ No												
4. Installation of new information technology equipment;	☐ Yes	☐ No												
C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____.														
D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____.														
E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____.														
F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____.														
G. Other limitations or conditions (<i>specify</i>) _____														
H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for: <table><tr><td>☐ Year 1</td><td>☐ Year 2</td><td>☐ Year 3</td><td>☐ Year 4</td><td>☐ Year 5</td><td>(see below *)</td></tr><tr><td>☐ Year 6</td><td>☐ Year 7</td><td>☐ Year 8</td><td>☐ Year 9</td><td>☐ Year 10</td><td></td></tr></table>			☐ Year 1	☐ Year 2	☐ Year 3	☐ Year 4	☐ Year 5	(see below *)	☐ Year 6	☐ Year 7	☐ Year 8	☐ Year 9	☐ Year 10	
☐ Year 1	☐ Year 2	☐ Year 3	☐ Year 4	☐ Year 5	(see below *)									
☐ Year 6	☐ Year 7	☐ Year 8	☐ Year 9	☐ Year 10										
I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? ☐ Yes ☐ No If yes, attach a copy of the abatement schedule to this form. If no, the designating body is required to establish an abatement schedule before the deduction can be determined.														
Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.														
Approved by: (<i>signature and title of authorized member of designating body</i>)	Telephone number ()	Date signed (<i>month, day, year</i>)												
Printed name of authorized member of designating body	Name of designating body													
Attested by: (<i>signature and title of attester</i>)	Printed name of attester													
* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.														

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

HISTORY OF ALL TAX ABATEMENTS 1986-CURRENT

Name	Common Council Approval Date	No. of Years Real Estate	No. of Years Machinery	No. of Retained Jobs (Proposed)	No. of New Jobs (Proposed)	No. of Retained Jobs (Actual)	No. of New Jobs (Actual)	Date of Latest CF1 Found	Capital Investment	Abated Through Collect CF-1s	Pay	Abatement Complete
1 Patrick Industries	October 20, 1988	19 Years			52			(-)	\$ 8,622,845.00	1997	1998	YES
2 Former Baby Place	June 7, 1988	6 Years	0	0	38.5			(-)	\$ 2,000,000.00	1995	1996	YES
3 Wheelabrator Area	December 19, 1988	10 Years		338	246			(-)	\$ 2,500,000.00	1999	2000	YES
4 National Standard	February 21, 1989	6 Years	5 Years	15	90			(-)	\$ 0,000,000.00	1995	1996	YES
5 Thermoplastics Phase I	November 20, 1989	5 Years	5 Years	151	13			(-)	\$ 2,500,000.00	1995	1996	YES
6 Thermoplastics Phase II	November 20, 1989	3 Years	5 Years	155	20			(-)	\$ 3,200,000.00	1993	1994	YES
7 Contech Division I	July 21, 1990	6 Years		75				(-)	\$ 0,562,483.00	1996	1997	YES
8 Hilli Steel	September 13, 1990	0	5 Years	n/a	14			(-)	\$ 578,000.00	1998	1997	YES
9 Penz Products Inc.	September 24, 1990	3	0	76	10			(-)	\$ 475,000.00	1994	1995	YES
10 Dodge Reliance Electrical I	January 7, 1991	0	5 Years	10	15			(-)	\$ 1,050,000.00	1996	1997	YES
11 Janco Products, Inc.	May 6, 1991		5 Years	10	20			(-)	\$ 220,000.00	1996	1997	YES
12 Thermoplastics Phase III	November 4, 1991	0	5 Years	150	19	150	51	Feb-93	\$ 2,750,000.00	1996	1997	YES
13 National Steel Corporation	December 16, 1991	10 Years		250	30	250	22	Mar-01	\$ 0,346,394.00	2002	2003	YES
14 Maron Products, Inc.	February 3, 1992	0	5 Years	38	10	41	11	Feb-95	\$ 610,794.00	1998	1999	YES
15 Dodge Reliance Electrical II	July 6, 1992	0	5 Years	300+	0	300+	0	Mar-96	\$ 3,000,000.00	1999	1999	YES
16 Thermoplastic Phase IV	October 19, 1992	6 Years		210	50	210	148	Mar-98	\$ 8,812,832.00	1999	2006	YES
17 Contech Division II	April 19, 1993		5 Years	10		15	108	Mar-99	\$ 1,206,461.00	1999	2000	YES
18 Dana/Ristance Corp./Standard Motor Produ	January 3, 1994	10 Years		80	50	42	88	Mar-05	\$ 6,067,253.00	2004	2005	YES
19 United Limo	September 5, 1994	6 Years		77	8	77	8	Jan-01	\$ 1,262,200.00	2001	2002	YES
20 Dearborn Crane	December 5, 1994	10 Years	5 Years	26	4	26	7	May-99	\$ 612,841.00	2005	2006	YES
21 Scott Brass	December 18, 1995	10 Years		73	31	73	13	Mar-06-Apr-01	\$ 1,934,000.00	2006	2007	YES
22 Federal Window (Fedor)	December 18, 1995	6 Years	5 Years	8	8	8	26	Apr-02, Mar-01	\$ 1,018,181.00	2002	2003	YES
23 Maron Products, Inc. II	December 18, 1995		5 Years	6	4	2	8	Apr-01	\$ 250,000.00	2001	2002	YES
24 Quality Dining	April 15, 1996	10 Years		73	109	73	70	Mar-06	\$ 5,087,402.00	2006	2007	YES
25 Baycote Metal Finishing	January 6, 1997	6 Years	5 Years	70	15	79	7	Jul-00	\$ 1,800,000.00	2003	2004	YES
26 Krizman International	January 6, 1997	6 Years		225	20	225	20	Jul-00	\$ 1,500,000.00	2003	2004	YES
27 Troyer	March 3, 1997	3 Years		60	40		0	(-)	\$ 1,100,000.00	2001	2002	YES
28 Nyloncraft Incorporated	May 19, 1997	6 Years	5 Years	378	40	341	58	Feb-02	\$ 7,598,531.00	2004	2005	YES
29 Ristance Corporation	October 20, 1997	6 Years	5 Years	139	18		0	(-)	\$ 3,600,000.00	2004	2005	YES
30 DeWald Manufac. Inc./Power Gear/Enginee	October 20, 1997	6 Years	5 Years	62	15	62	40	Mar-05	\$ 1,842,833.00	2004	2005	YES
31 Thermoplastic Phase V	December 1, 1997	6 Years	5 Years	299	70	299	19	Mar-00	\$ 3,181,310.00	2003	2004	YES
32 Archison/Dodge	December 1, 1999	10 Years	5 Years	325	50	230		Mar-05	\$ 2,000,000.00	2006	2007	YES
33 Sampson Fiberglass	March 6, 2000	3 Years		19	20	15	5	Feb-01	\$ 375,000.00	2004	2005	YES
34 RMG Foundry LLC	March 6, 2000		5 Years	325	50	202	0	Feb-06	\$ 2,000,000.00	2006	2007	YES
35 WF Associates (AMG Byrkit Facility)	November 19, 2001	10 Years		286	15	234	0	Apr-11	\$ 2,650,000.00	2011	2012	YES
36 Nyloncraft Incorporated	March 20, 2003		5 Years	396	16	320	9	May-09	\$ 1,168,064.00	2009	2010	YES
37 Nyloncraft Incorporated	November 6, 2003		5 Years	405	13	329	27	May-09	\$ 2,730,304.00	2009	2010	YES
38 Plastimatics Arts Corporation	August 18, 2004		3 Years	31	4	31	16	May-06	\$ 1,450,290.00	2007	2008	YES
39 Ironwood Enterprises, LLC	September 6, 2005	6 Years		14	49	27	34	May-09	\$ 6,090,000.00	2010	2011	YES
40 Daman Products Company	October 17, 2005		3 Years	95	6	82	23	Feb-07	\$ 1,118,980.00	2007	2008	YES
41 Culture Systems, Inc.	December 18, 2005	3 Years	3 Years	12	7	12	2	May-09	\$ 1,200,000.00	2009	2010	YES
42 Patrick Industries (Metals Div)	June 19, 2006	5 Years	5 Years	172	26			Apr-10	\$ 4,600,000.00	2011	2012	YES
43 Jamil Packaging Corporation	August 21, 2006		3 Years	51	5	51	5	May-10	\$ 1,250,000.00	2010	2011	YES
44 Nyloncraft Incorporated	December 6, 2007		5 Years	340	50	291	12	Apr-13	\$ 2,185,000.00	2012	2013	NO
45 BD Mishawaka Development LLC	February 4, 2008	10 Years		0	370	0	243	Mar-13	\$ 46,000,000.00	2018	2019	NO
46 Jamil Packaging Corporation	May 1, 2008		3 Years	64	5	62	11	Apr-12	\$ 1,650,000.00	2011	2012	YES
47 Long Term Care Investments, LLC (Douglas)	June 1, 2009	3 Years		0	120	0	67	4/1/2012	\$ 18,000,000.00	2012	2013	NO
48 Jamil Packaging Corporation	16-May-11		3 Years	0	0	73	5	Apr-13	900,000	2014	2015	NO
49 North American Composites (NAC)	5-Mar-12		3 Years	0.0	10.0	7.0	5.0	Apr-13	\$1,241,000	2015	2016	NO
50 Long Term Care Investments, LLC (Fir)	Oct-7-2013	4 Years		0	61			N/A	\$15,000,000	2017	2018	NO
51 Barak Group Mixed Use	Nov-6-2013	5 Years		0	5			N/A	\$17,000,000	2018	2019	NO

JAN 16 2014

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2014-05

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

Northwest corner of Cleveland Road and Gumwood Road

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

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

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

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

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

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

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

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

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, ALSO BEING PARTS OF LOTS 1 THRU 8 AND 11 OF THE UNRECORDED BAUER AND GEISSLER'S PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, SAID POINT BEING MARKET WITH A HARRISON MONUMENT; THENCE SOUTH 89°27'41" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°27'41" WEST ALONG SAID SOUTH LINE, 1304.19 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF; THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID EAST HALF, 662.90 FEET; THENCE NORTH 89°27'41" EAST, 782.47 FEET TO A FOUND IRON PIPE; THENCE NORTH 00°28'12" WEST, 989.50 FEET TO A 5/8" FOUND IRON ROD; THENCE SOUTH 89°36'27" WEST, 261.68 FEET TO A 5/8" FOUND IRON ROD; THENCE NORTH 00°25'14" WEST, 332.54 FEET; THENCE SOUTH 89°27'41" WEST, 260.76 FEET; THENCE NORTH 00°30'31" WEST, 331.56 FEET TO A 5/8" FOUND IRON ROD, ALSO BEING A POINT ON THE SOUTH LINE OF GUMWOOD CROSSING SUBDIVISION, BEING RECORDED AS INSTRUMENT NUMBER 0652676 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 89°53'39" EAST ALONG THE SOUTH LINE OF SAID GUMWOOD CROSSING, 1042.63 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF GUMWOOD ROAD; THENCE SOUTH 00°31'05" EAST ALONG SAID WEST RIGHT-OF-WAY, 2309.30 FEET TO THE POINT OF BEGINNING, SAID DESCRIBED TRACT CONTAINING 45.5 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAYS, COVENANTS AND RESTRICTIONS OF RECORD.

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

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day
of _____, 2014, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____
2014, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC City Clerk

APPROVED by me this _____ day of _____ 2014, at
_____ o'clock ____M.

David A. Wood, Mayor

EXHIBIT "A"

Northwest Gumwood & S.R. 23 Conditions of Approval

Traffic Impact:

1. The following general conditions shall apply. More specifics and refinements shall be made with each final planned unit development plan submission. A Traffic Impact Study may be required as determined by the City Director of Engineering. All traffic/transportation improvements required for the completion of this project (including but not limited to Gumwood Road and State Road 23) shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering, subject to modification by any potential development agreement with the City should one or more be established. The intent is not to have the applicant build the road for additional function for pass-through traffic, rather that any required turn lanes, widening, access control required as a result of this project be provided to ensure that proposed levels of service (based on proposed improvements) are maintained.
 - a. Any additional right-of-way required for both Gumwood Road and State Road 23 improvements associated with the proposed development project shall be dedicated. There is a need to coordinate the timing of pending State and County improvements with the needed/required improvements of the development. Phasing of improvements associated with this project shall be as determined by the City Director of Engineering in coordination with other applicable jurisdictions.
 - b. The number and or type of curb cuts shall be limited as determined appropriate by the City Director of Engineering and the applicable road authority/jurisdictions.
 - c. All improvements required shall be paid for by the developer and shall be identified as part of the phasing plan for the project.

Proposed Uses:

1. Commercial uses shall be limited to those identified within the C-1 General Commercial and C-2 Shopping Center Commercial zoning districts. Multi-Family Residential uses along with assisted living and nursing home uses may be allowed. However, no commercial uses shall be located adjacent to the existing single-family residential development to the north. Multi-Family Residential uses, assisted living, and nursing home uses shall be located within the northern portion of PUD as to act as a transitional use between the existing single-family residential uses and the proposed commercial uses.
2. Off-premise signs/billboards shall be prohibited.
3. Outside storage and display shall be prohibited.
4. All loading docks, dumpsters, ATM machines, and mechanical equipment shall be screened

from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.

Road connections:

1. A hierarchy of the internal vehicular road network shall be provided. A minimum access throat/stacking area of 200 lineal feet on the site shall be provided at each proposed entrance point from its intersection with the public right-of-way. Turning lanes within the site are a necessity. Internal stacking and turning movements at intersections shall be provided and protected based on actual proposed uses as the planned unit development is built out. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
2. The City has not made a determination on whether or not the stub streets from the adjacent subdivisions shall be extended or connected over time. An appropriate connection and or turn-a-round shall be provided within the multi-family portion of the project that would allow for both potential situations, should this phase of the development be constructed prior to any changes or modifications to the City's well field property.
3. Access and utility easements shall be dedicated to adjacent properties, including the City Well Field and Centennial Plaza.

Stormwater run-off:

1. The type of stormwater facilities proposed within the PUD shall be limited/restricted as required by City well-head protection standards and as may be directed by the City Director of Engineering based on the close proximity of the City Well Field. The purpose is to limit potential groundwater infiltration in that area.
2. An emergency overflow outlet for proposed retention ponds into City storm sewers may be provided by the City if deemed appropriate by the City Director of Engineering.

Lighting:

1. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. Shielding of lighting shall be required in the areas to the rear of buildings adjacent to (in sight of) residential areas.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 44+ acre site) and to otherwise further the intent of this chapter as

follows:

- a) A maximum of (4) monument type signs may be located along Cleveland Road/S.R. 23 and (6) monument signs may be located along Gumwood Road. The maximum standard for area and height calculations for monument signs shall be further restricted as follows: the maximum sign area shall be limited to a maximum of 60 square feet (rather than 75 square feet) with a maximum length of any sign not exceeding 12 feet.
 - b) Three freestanding identification/development signs for the entire planned unit development (not just for one tenant/occupant) shall be permitted in addition to the monument signage. One may be located along State Road 23. One may be located along Gumwood Road. And one may be located at the intersection of State Road 23 and Gumwood Road. The sign at the intersection of State Road 23 and Gumwood sign shall be limited to a maximum of 20 feet in height and 120 square feet in area. The Gumwood Road and State Road 23 signs shall be limited to a maximum of 12 feet in height and 96 square feet in area.
 - c) A sign easement shall be provided to the City of Mishawaka well field property, located at the proposed entrance opposite Heritage Square Drive. This sign shall be subject limited to a maximum of 60 square feet with a maximum length not exceeding 12 feet.
 - d) Signs shall be located a minimum of 200 feet apart from one another (including the sign easement) except that signs may be located closer where an entrance drive is located between them.
2. All freestanding signs shall have a masonry base.
 3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.
 4. Seasonal banners and general development identification banners may be allowed for decorative and parking lot light poles throughout the center.
 5. Temporary Construction fence coverings which may include information about the project, elevations, renderings, slogans, logos and coming soon info may be allowed.
 6. Directory Kiosks placed strategically around the center to help customers locate businesses with a directory map of the development and advertising for retailers and other businesses may be allowed.
 7. Freestanding sandwich boards may be placed internally in the development, but shall not be

placed where readable from SR 23 or Gumwood Road.

Landscaping:

1. A 3-foot high earth mounding shall be provided along Gumwood Road and State Road 23. A minimum 25-foot green buffer area shall be required along both corridors. Each buffer area shall comply with the landscape requirements of the C-1 General Commercial zoning district.
2. Utility areas shall be provided separate from required landscaped areas. If utilities are located within the 25 foot green area, an additional 10 feet of green area shall be required for planting.
3. A 2-foot high earth mounding planted with evergreen trees, minimum 8' height, spaced 10' to 12' max along with a 6' minimum height opaque fence shall be provided along the north property line and west property lines abutting existing residential property.
4. If decorative ponds with fountains are proposed along public roadways, the landscaping requirement shall be reduced to eliminate the need for the 2' berm and shrubbery/low planting between the road and building/parking areas and where the normal water elevation of the pond is located
5. All developments within the PUD, including the multi-family residential development, shall comply with the landscape requirements of the C-1 General Commercial zoning district. This shall be in addition to any required buffer planting.
6. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission. Phasing of installation shall occur concurrent with development, except that the Planning Commission may require the installation of screening and buffering along property lines prior to when adjacent developments are proposed when deemed necessary/appropriate.

Parking:

1. A minimum of (1.5) parking spaces per residential unit shall be provided for the multi-family residential use. Parking ratio may be reduced to a minimum of (1.25) per residential units for one bedroom apartments only. Garages, parking lots, and on-street parking may be utilized for required parking.
2. A minimum of (0.75) parking spaces per bed shall be provided for assisted living and nursing home uses.
3. All other uses shall comply with the corresponding parking requirements as identified in the City of Mishawaka Zoning Ordinance.

Building/Parking Setbacks

1. A minimum 50' building setback shall be provided along Gumwood Road and S.R. 23/Cleveland Road.
2. A minimum 25' parking setback shall be provided along Gumwood Road, S.R. 23/Cleveland Road.
3. A minimum 35-ft building setback shall be provided along the north property line adjacent to Gumwood Crossings and along the west property line abutting existing residential property.
4. A minimum 25' building setback and a 10' parking setback shall be property along the west property line adjacent to Centennial Plaza.
5. A minimum 25' building and 10' parking setback shall be provided along property adjacent to City of Mishawaka owned property.
6. A minimum 10' building and parking setback shall be provided along internal roads and between outlot property lines within the Planned Unit Development, however, a 0' parking setbacks may be allowed to provide for shared parking bays at various locations within the development as deemed appropriate by the Planning Commission upon review as part of each subsequent final planned unit development site plan submission.

Phasing:

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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

January 16, 2014

Mr. Dale Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 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. Dan Bilancio, At Large City Council
Mr. Matt Mammolenti, At Large City Council
Mr. John J. Roggeman, At Large City Council
Mrs. Deborah S. Block, City Clerk

Re: Fiscal Plans and approving resolutions for proposed ordinances to Annex and Zone property into the City of Mishawaka: Northwest corner Cleveland Road & Gumwood Road

Dear Council Members and Clerk:

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

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

I will present a brief summary of the plan and be prepared to respond to questions at the Common Council meeting on January 20, 2014.

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

Sincerely,

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

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor

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

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

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

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

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



City of Mishawaka

*Northwest Cleveland Road &
Gumwood Road*

*Property located northwest
of Cleveland Road &
Gumwood Road*

January 2014

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

**Phone: (574) 258-1625
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David A. Wood, Mayor



Mishawaka City Council

Dale Emmons
Mike Bellovich
John Reisdorf
Kate Voelker
Michael Compton
Ron Banicki
Dan Bilancio
Matt Mammolenti
John J. Roggeman

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

NORTHWEST CLEVELAND ROAD AND GUMWOOD ROAD FISCAL PLAN

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Annexation Fiscal Plan

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, ALSO BEING PARTS OF LOTS 1 THRU 8 AND 11 OF THE UNRECORDED BAUER AND GEISSLER'S PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, SAID POINT BEING MARKET WITH A HARRISON MONUMENT; THENCE SOUTH 89°27'41" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°27'41" WEST ALONG SAID SOUTH LINE, 1304.19 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF; THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID EAST HALF, 662.90 FEET; THENCE NORTH 89°27'41" EAST, 782.47 FEET TO A FOUND IRON PIPE; THENCE NORTH 00°28'12" WEST, 989.50 FEET TO A 5/8" FOUND IRON ROD; THENCE SOUTH 89°36'27" WEST, 261.68 FEET TO A 5/8" FOUND IRON ROD; THENCE NORTH 00°25'14" WEST, 332.54 FEET; THENCE SOUTH 89°27'41" WEST, 260.76 FEET; THENCE NORTH 00°30'31" WEST, 331.56 FEET TO A 5/8" FOUND IRON ROD, ALSO BEING A POINT ON THE SOUTH LINE OF GUMWOOD CROSSING SUBDIVISION, BEING RECORDED AS INSTRUMENT NUMBER 0652676 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 89°53'39" EAST ALONG THE SOUTH LINE OF SAID GUMWOOD CROSSING, 1042.63 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF GUMWOOD ROAD; THENCE SOUTH 00°31'05" EAST ALONG SAID WEST RIGHT-OF-WAY, 2309.30 FEET TO THE POINT OF BEGINNING, SAID DESCRIBED TRACT CONTAINING 45.5 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAYS, COVENANTS AND RESTRICTIONS OF RECORD.

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

CITY OF MISHAWAKA ANNEXATION POLICY

GENERAL POLICY

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

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

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

IMPACT OF ST. JOSEPH COUNTY GROWTH

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

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

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

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

STATUTORY LIMITATIONS

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

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

IMPLEMENTATION OF POLICY

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

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

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

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

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

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

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

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

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

SUMMARY

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

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

Annexation Fiscal Plan

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, ALSO BEING PARTS OF LOTS 1 THRU 8 AND 11 OF THE UNRECORDED BAUER AND GEISSLER'S PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, SAID POINT BEING MARKET WITH A HARRISON MONUMENT; THENCE SOUTH 89°27'41" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°27'41" WEST ALONG SAID SOUTH LINE, 1304.19 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF; THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID EAST HALF, 662.90 FEET; THENCE NORTH 89°27'41" EAST, 782.47 FEET TO A FOUND IRON PIPE; THENCE NORTH 00°28'12" WEST, 989.50 FEET TO A 5/8" FOUND IRON ROD; THENCE SOUTH 89°36'27" WEST, 261.68 FEET TO A 5/8" FOUND IRON ROD; THENCE NORTH 00°25'14" WEST, 332.54 FEET; THENCE SOUTH 89°27'41" WEST, 260.76 FEET; THENCE NORTH 00°30'31" WEST, 331.56 FEET TO A 5/8" FOUND IRON ROD, ALSO BEING A POINT ON THE SOUTH LINE OF GUMWOOD CROSSING SUBDIVISION, BEING RECORDED AS INSTRUMENT NUMBER 0652676 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 89°53'39" EAST ALONG THE SOUTH LINE OF SAID GUMWOOD CROSSING, 1042.63 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF GUMWOOD ROAD; THENCE SOUTH 00°31'05" EAST ALONG SAID WEST RIGHT-OF-WAY, 2309.30 FEET TO THE POINT OF BEGINNING, SAID DESCRIBED TRACT CONTAINING 45.5 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAYS, COVENANTS AND RESTRICTIONS OF RECORD.

TAB B- BASIC DATA

BASIC DATA

A. LOCATION AND SIZE

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

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, ALSO BEING PARTS OF LOTS 1 THRU 8 AND 11 OF THE UNRECORDED BAUER AND GEISSLER'S PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Annexation Area

The property to be annexed is located at the northwest corner of Cleveland Road and Gumwood Road. The property is bounded by property incorporated into the City to the south (Cleveland Road), to the east (Gumwood Road) and a small portion to the west adjacent to Centennial Plaza. The property is currently zoned R-Residential and PUD within unincorporated St. Joseph County. If annexed, the Petitioner desires to zone the property to S-2 Planned Unit Development to allow for the construction of a mixed use development consisting of commercial, multi-family residential, assisted living and nursing homes.

Contiguity with the Existing City Limits

The land to be annexed into the City is approximately 45.5 acres total. The perimeter of the annexation area measures approximately 8277.53 linear feet. A total of 4276.39 linear feet is contiguous with the corporate boundary of the City of Mishawaka. The border of the contiguous area is 51.7% of the total perimeter area. This is in excess of the 12.5% or (1/8) of the boundary that is required to be contiguous based on the determination requirements of the Indiana Code.

B. TOPOGRAPHY AND EXISTING USE

The area is characterized as being relatively flat. The property consists of vacant land with single-family residential and commercial units.

C. LAND USE/CURRENT ZONING

The proposed area to be annexed is currently zoned Residential and PUD within St. Joseph County. The property consists of vacant land and residential homes on property that is currently zoned Residential. On property zoned PUD, there are a couple of commercial properties and uses. If the Mishawaka Common Council approves the annexation request, the area will be rezoned S-2 Planned Unit Development.

D. ASSESSMENT

The territory to be annexed consists of twelve parcels. The Land and Improvement Valuations are shown below based upon current GIS parcel data: (Land & Imp. Valuation for annexed parcel based on percentage of overall parcel)

Tax ID Number	Property Owner	Number of Acres	Land & Imp. Valuation
002-2017-037014	Gumwood Acquisitions, LLC	3.26	\$66,200
002-2017-037018	Gumwood Acquisitions, LLC	0.72	\$67,700
002-2017-037002	Gumwood Acquisitions, LLC	3.99	\$65,900
002-2017-037017	Gumwood Acquisitions, LLC	1.96	\$78,100
002-2017-037016	Gumwood Acquisitions, LLC	2.01	\$66,500
002-2017-037012	Gumwood Acquisitions, LLC	8.05	\$93,500
002-2017-037001	Gumwood Acquisitions, LLC	3.00	\$466,900
002-2017-037021	Gumwood Acquisitions, LLC	4.87	\$80,500
002-2017-037005	Gumwood Acquisitions, LLC	3.98	\$7100
002-2017-037008	Gumwood Acquisitions, LLC	3.92	\$101,800
002-2017-037006	Gumwood Acquisitions, LLC	1.96	\$70,300
002-2017-037007	Gumwood Acquisitions, LLC	7.83	\$14,500

E. CURRENT TAX RATE

The City's tax rate 2012 payable 2013 was \$1.9086 per \$100 of assessed valuation. For property owners in Clay Township, in which this proposed annexation is located, the total taxes will be \$4.4032 per \$100 of assessed valuation. Property owners in this area currently pay \$2.7125 per \$100 of assessed valuation. These rates are based on the best information available at the time this plan was prepared. Actual tax rates may vary.

Tax District	Existing Tax Rate	Tax Rate after Annexation
Clay Township	2.7125	4.4032

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

2013	\$1.9086
2012	\$1.8186
2011	\$1.7362
2010	\$1.6741
2009	\$1.6557
2008	\$1.5283
2007	\$1.3326
2006	\$1.3899
2005	\$1.3382
2004	\$1.3313
2003	\$1.2476
2002	\$1.8627
2001	\$5.5007 *
2000	\$5.2417

- Change In Tax Code

F. NEW ADDRESSES

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

G. DETERMINATION OF SERVICE STANDARDS AND COSTS

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

The standards for infrastructure and services provided by the City of Mishawaka, broken down by department, have been included within this document following Tab B. After establishing an understanding of the existing conditions, each department or

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

Given that no consequential additional expenditures are anticipated, the itemization of costs associated with providing each service is not possible relative to the annexation area. However, to document that funds have been approved and are available for the services identified, a copy of the approved year 2014 City budget has been attached to the Summary of Service Report for each applicable non-rate supported department. These budgets identify the costs for personnel, equipment, repairs, and other expenditures anticipated for the budget year. Budgets for any department are available for the review of the public upon request at City Hall.

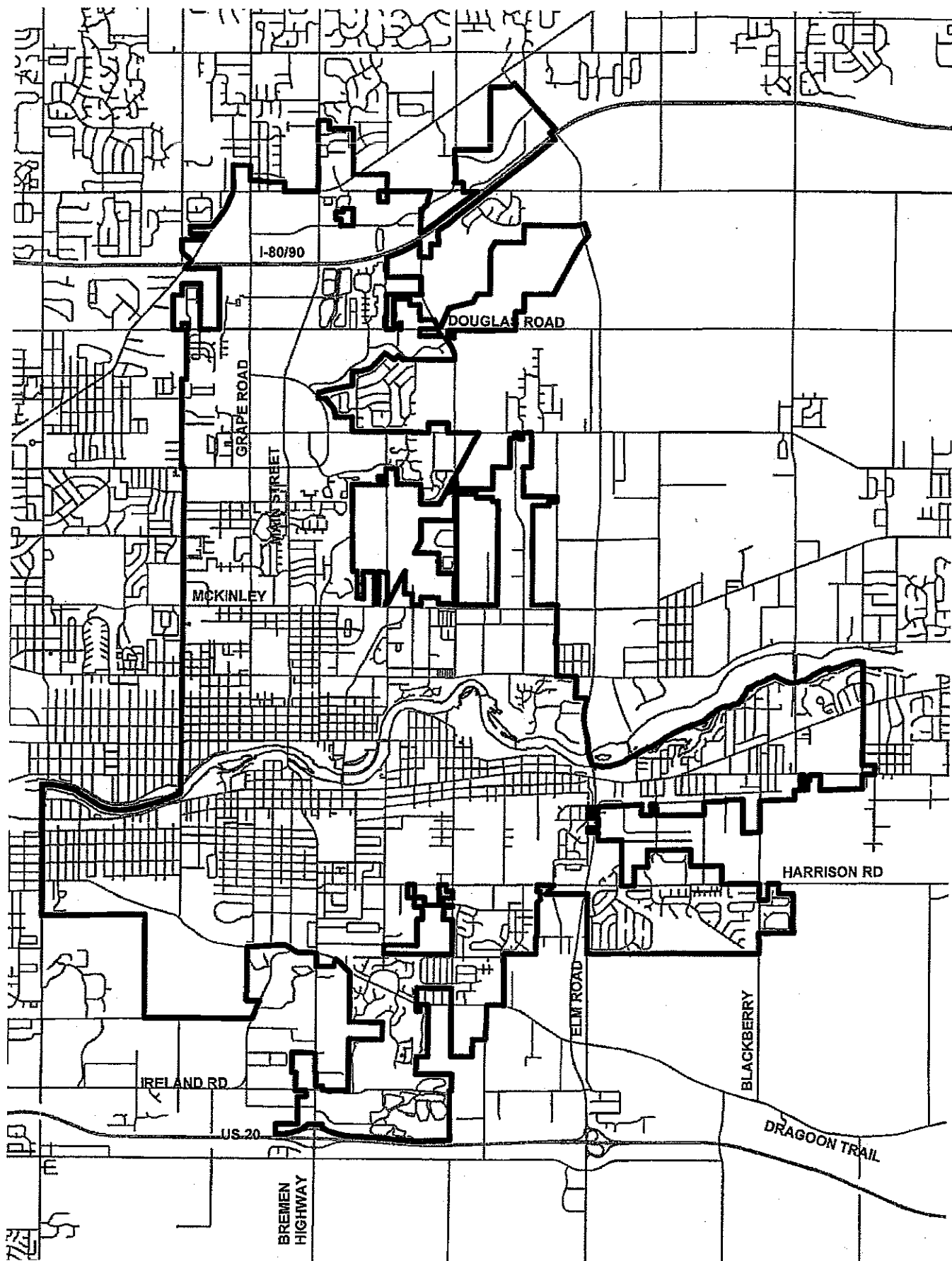
H. TERMS AND CONDITIONS

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

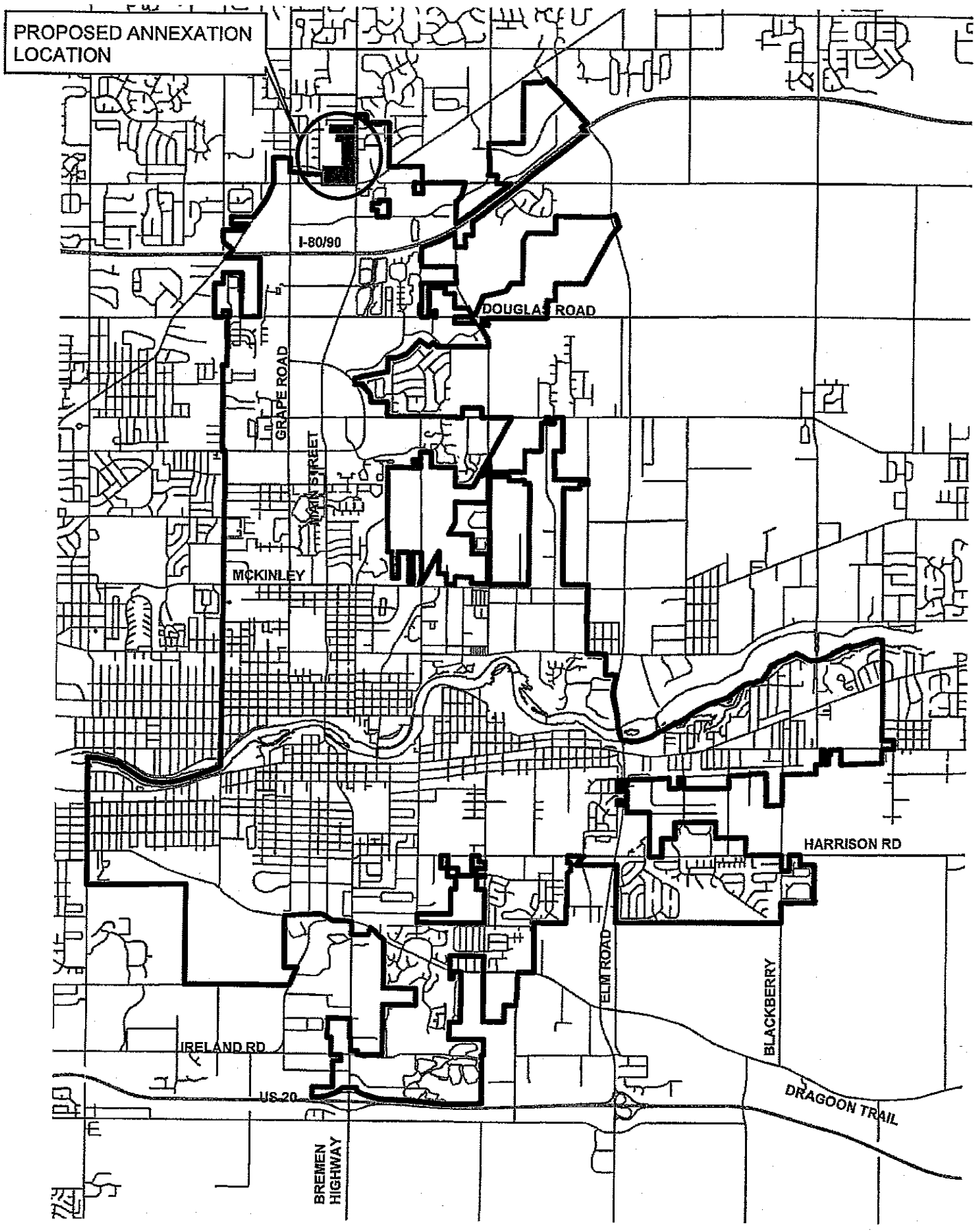
The effective date of annexation, if approved, will be thirty days from the date of approval of the annexation ordinance as required by law.



LOCATION MAP



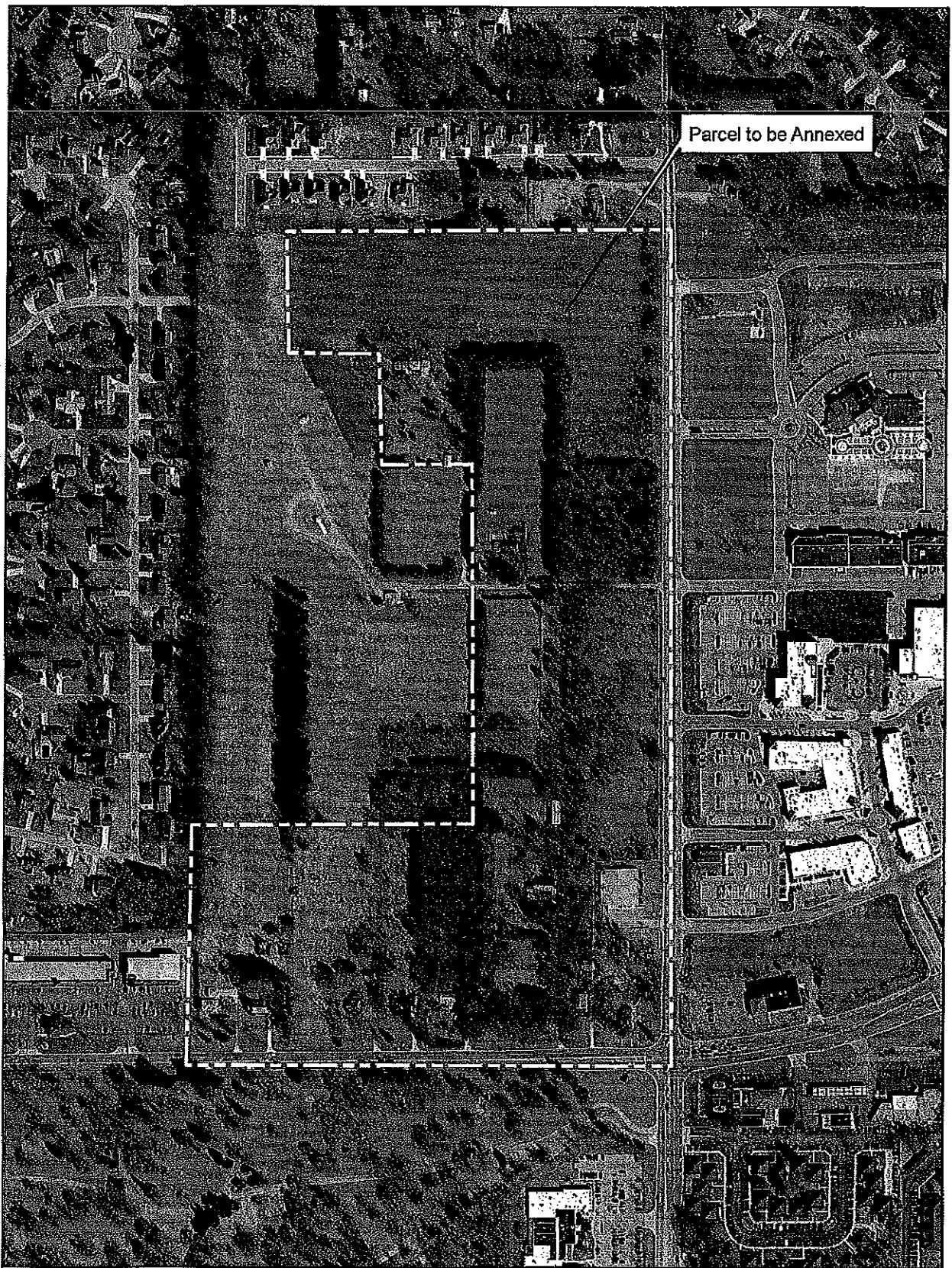
MAP OF EXISTING CITY LIMITS



MAP OF PROPOSED CITY LIMITS

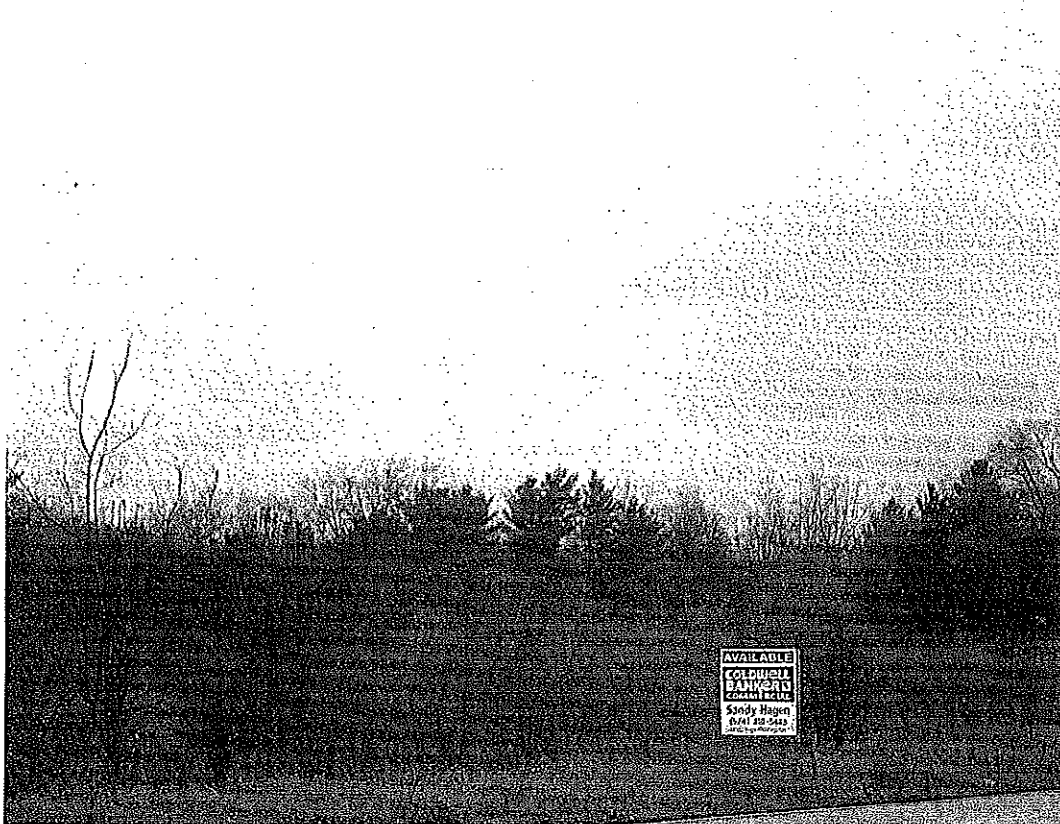


AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED



AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED

PROPOSED ANNEXATION PHOTOS



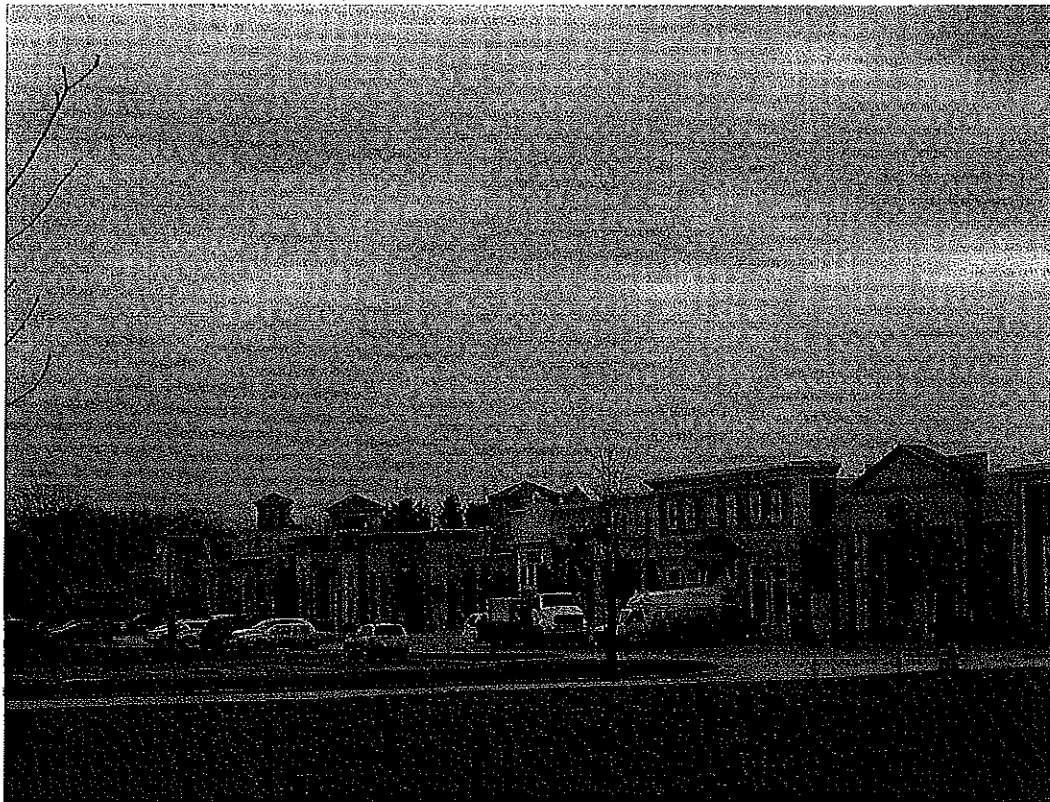
Views looking onto property to be annexed

PROPOSED ANNEXATION PHOTOS

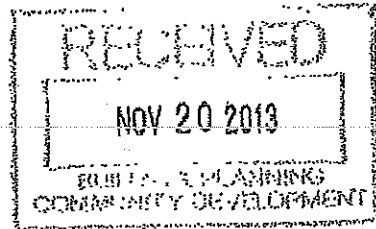


Views looking south along Gumwood Road

PROPOSED ANNEXATION PHOTOS



Views looking south along Gumwood Road



DATE: November 18, 2013

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

Pet 13-43

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

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

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, ALSO BEING PARTS OF LOTS 1 THRU 8 AND 11 OF THE UNRECORDED BAUER AND GEISSLER'S PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

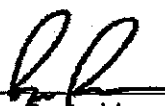
COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, SAID POINT BEING MARKED WITH A HARRISON MONUMENT; THENCE SOUTH 89°27'41" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°27'41" WEST ALONG SAID SOUTH LINE, 1304.19 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF; THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID EAST HALF, 662.90 FEET; THENCE NORTH 89°27'41" EAST, 782.47 FEET TO A FOUND IRON PIPE; THENCE NORTH 00°28'12" WEST, 989.50 FEET TO A 5/8" FOUND IRON ROD; THENCE SOUTH 89°36'27" WEST, 261.68 FEET TO A 5/8" FOUND IRON ROD; THENCE NORTH 00°25'14" WEST, 332.54 FEET; THENCE SOUTH 89°27'41" WEST, 260.76 FEET; THENCE NORTH 00°30'31" WEST, 331.56 FEET TO A 5/8" FOUND IRON ROD, ALSO BEING A POINT ON THE SOUTH LINE OF GUMWOOD CROSSING SUBDIVISION, BEING RECORDED AS INSTRUMENT NUMBER 0652676 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 89°53'39" EAST ALONG THE SOUTH LINE OF SAID GUMWOOD CROSSING, 1042.63 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF GUMWOOD ROAD; THENCE SOUTH 00°31'05" EAST ALONG SAID WEST RIGHT-OF-WAY, 2309.30 FEET TO THE POINT OF BEGINNING, SAID DESCRIBED TRACT CONTAINING 45.5 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAYS, COVENANTS AND RESTRICTIONS OF RECORD.

Petitioner owns One Hundred (100%) percent of the above described land, excluding the right-of-way of Cleveland Road, and is located within a part of the east half of Section 21, Township 38 North, Range 3 East, Harris Township, St. Joseph County, and that the Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with an "S-2" Planned Unit Development District zoning classification desired. Petitioner further states they intend to utilize said land for a mixed-use multi-family residential and commercial development.

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

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

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



Ryan Raris, Managing Partner

CONTACT PERSON:

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South Bend, Indiana 46601
(574) 232-8700
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Annexation Fiscal Plan

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, ALSO BEING PARTS OF LOTS 1 THRU 8 AND 11 OF THE UNRECORDED BAUER AND GEISSLER'S PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, SAID POINT BEING MARKET WITH A HARRISON MONUMENT; THENCE SOUTH 89°27'41" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°27'41" WEST ALONG SAID SOUTH LINE, 1304.19 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF; THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID EAST HALF, 662.90 FEET; THENCE NORTH 89°27'41" EAST, 782.47 FEET TO A FOUND IRON PIPE; THENCE NORTH 00°28'12" WEST, 989.50 FEET TO A 5/8" FOUND IRON ROD; THENCE SOUTH 89°36'27" WEST, 261.68 FEET TO A 5/8" FOUND IRON ROD; THENCE NORTH 00°25'14" WEST, 332.54 FEET; THENCE SOUTH 89°27'41" WEST, 260.76 FEET; THENCE NORTH 00°30'31" WEST, 331.56 FEET TO A 5/8" FOUND IRON ROD, ALSO BEING A POINT ON THE SOUTH LINE OF GUMWOOD CROSSING SUBDIVISION, BEING RECORDED AS INSTRUMENT NUMBER 0652676 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 89°53'39" EAST ALONG THE SOUTH LINE OF SAID GUMWOOD CROSSING, 1042.63 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF GUMWOOD ROAD; THENCE SOUTH 00°31'05" EAST ALONG SAID WEST RIGHT-OF-WAY, 2309.30 FEET TO THE POINT OF BEGINNING, SAID DESCRIBED TRACT CONTAINING 45.5 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAYS, COVENANTS AND RESTRICTIONS OF RECORD.

TAB C- SUMMARY OF SERVICES

SUMMARY OF SERVICES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SANITARY SEWER, TRANSPORTATION, AND DRAINAGE

Existing Sewer Infrastructure

A 10" gravity sanitary sewer is available for extension and connection and terminates north of Gumwood Crossings Subdivision, which is approximately 2400LF north of the SR 23 intersection. The Owner/Developer will be required to extend the appropriately sized gravity sanitary sewer main west to serve the proposed site. The sewer main connection/extension location is available at each manhole located within the east side of Gumwood Road right-of-way at approximately 400LF intervals. This existing 10" sewer is a publicly maintained gravity sanitary sewer that flows into the Main Street/Grape Road trunk sewer corridor and the Juday Creek/Grape Road Lift Station, which ultimately discharges to the City of Mishawaka's Waste Water Treatment Plant. Capacity and depth are available in the current sanitary system to accommodate the discharge and a sewer main extension for this proposed development.

Existing Road/Transportation Infrastructure

The current site has frontage on Gumwood Road from which it will take its direct access. The State Road 23 frontage will also provide access to this site and will need to incorporate cross access from existing adjacent parcel developments. The City will require the Owner/Developer to construct the appropriate deceleration lanes for both Gumwood Road and State Road 23 access points and obtain appropriate INDOT approvals. However, the number and location of the access points have not been formally determined and will be finalized during the final site plan review process. In general, proposed are two full access points on Gumwood Road and potentially the remaining proposed access points for both Gumwood Road and SR23 may be restricted to right-in-out. Specifically, the Owner/Developer will be required to donate additional right-of-way along Gumwood Road and SR23 to allow the construction of additional travel lanes, turn lanes, concrete curb & gutter, lighting, and traffic signal if warranted. Through the Northwest TIF, the City will have funding available to construct the west half of Gumwood Road for the approximate length of its frontage (2600LF). Stormwater management will need to be directed away from the Gumwood Municipal Well Field and requirements are more specifically outlined in next section.

Existing Storm Sewer/Drainage Infrastructure

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

In determining the required volume for stormwater storage, the development is divided into areas of pervious surface types; i.e. green space, and impervious hard surfaces, such as rooftops and pavement. Therefore, the calculation takes into consideration the extensiveness of the development. The greater the quantity of hard surface, the more stormwater runoff that is generated, and the greater the volume of stormwater required to be managed on site.

The management system for stormwater is more restrictive for the proposed site since it is located in close proximity to the Gumwood Municipal Well Field and within all the 1-year, 5-year, and 10-year Time of Travel per well head protection guidelines. The construction of a basin or series of basins is the only acceptable method of management for the 5-year and 10-year time of travel regions. The on-site basin or basins capacity shall also accommodate some of the stormwater generated by the Gumwood Road corridor since it is also located in both the

1 and 5-year Time of Travel. The developer is required to bear all costs associated with stormwater management.

Planned Capital Expenditures, Staff and Rates

If annexed, the City of Mishawaka Engineering and Sewer Maintenance Departments will not be responsible for maintenance of streets, storm sewers, or sanitary sewer systems within this development due to the Developer's concept that does not include City right-of-way. Provided that the planned improvements of the adjacent roads and/or sewer infrastructure are constructed within the public right-of-way and meet the City's construction standards, they will be accepted by the Board of Public Works for public perpetual maintenance. The Engineering and Sewer Maintenance Departments do not require any additional funds than what is currently allocated within the present City budget. For general information, the repair and maintenance of sanitary sewers is supported by rates paid by its users. Otherwise, as a general percentage of City expenditures, approximately 15 cents of every dollar of the City budget is allocated for street and storm sewer expenditures.

CITY OF MISHAWAKA
2014 BUDGET

ENGINEERING DEPARTMENT
101-13

2014
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Director of Engineering	71,980.00	
411-02	Assistant Director	59,521.00	
	Project Coordinator	36,115.00	
	Project Manager	50,233.00	
	Traffic Manager	48,946.00	
	Office Manager	<u>31,494.00</u>	

298,289.00

Other Personal Services

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

303,289.00

2 SUPPLIES

Office Supplies

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

3 OTHER SERVICES AND CHARGES

Professional Services

431-06	Consulting	5,000.00	
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Communication and Transportation

432-03	Travel and Training	1,750.00	
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Repairs and Maintenance

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

439-03	Subscriptions, Dues, etc.	<u>500.00</u>	
			<u>10,250.00</u>

317,539.00

ELECTRIC SERVICE

Services and Rates

Mishawaka Utilities - Electric Division does not currently serve the entire proposed annexation area. If the annexation is approved, Mishawaka Utilities - Electric Division will be required to acquire some of the service area as it is not already in our franchise boundary. We will serve the area with existing University circuits.

The costs of providing service for future/planned development will be the responsibility of applicant(s) for service (reference Terms and Conditions, Section 9.0). The necessary expenditure to make connection to an applicant for service will be considered to be warranted when the estimated total revenue as estimated by the Utility for a period of two and one-half (2½) years to be realized by the Utility from permanent and continuing Customers on such an extension is at least equal to the estimated cost of such extension.

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

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

Personnel

Mishawaka Utilities - Electric Division has a staff of 45 employees. The Division, under the direction of the Electric Division Manager, is divided into the departments of engineering, construction, metering and operations:

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

Description of Services

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

Services provided after normal working hours are on an emergency basis only. Customers requiring assistance can call the after-hours answering service, where a call is then placed to a duty supervisor to assess the situation. The duty supervisor then calls out required support personnel (via the answering service).

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

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

Costs Associated with Services

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

FIRE PROTECTION/EMS

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

Staffing and Response Times

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

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

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

Fire Stations

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

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

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

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

Station No. 4, located at 3000 Harrison Road, is staffed by 5 firefighters manning one pumper truck.

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

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

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

Equipment

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

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

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

Training

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

Fire Insurance Rating

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

Future Plans

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

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

Citizen Programs

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

Costs Associated With Services

If annexed, the City of Mishawaka Fire Department is capable of providing a level of service for the area that is equal to the services currently provided for the city. Given the proximity of the proposed annexation area, bordered to the south and east by the existing City limits, the Fire Department does not require any additional funds than what have been allocated within the current city budget to provide these services. For general information purposes, a copy of the year 2014 budget has been included for reference.

CITY OF MISHAWAKA
2014 BUDGET

FIRE/EMS DEPARTMENT
101-19

2014
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Fire Chief	67,064.00	
411-02	Assistant Chief		
	2 @61820	123,640.00	
	Chief Fire Prevention	58,171.00	
	Battalion Chief		
	4 @ 58446	233,784.00	
	Captains 15 @ 56481	847,215.00	
	Shift Supervisors 2 @ 55934	111,868.00	
	Lieutenants		
	13 @55386	720,018.00	
	Fire Inspectors		
	3 @ 55386	166,158.00	
	Paramedics 9 @ 55386	498,474.00	
	Driver Operator		
	30 @54325	1,629,750.00	
	Master Firefighters		
	18 @ 53603	964,854.00	
	1st Class Firefighter		
	15 @51603	774,045.00	
			6,195,041.00
	Specialty Pay	160,327.00	
	<u>Civilian</u>		
	Executive Secretary	31,971.00	
			192,298.00

Other Personal Services

411-60	Overtime	575,000.00	
411-66	Uniform Allowance 113-	1250.00	141,250.00
411-67	Pension Equalization	<u>39,100.00</u>	
			755,350.00

Employee Benefits

413-01	Social Security	25,000.00	
413-02	Medicare	105,000.00	
413-03	PERF-14.2%	50,000.00	
413-05	Health Insurance	2,520,000.00	
413-06	Life/Disability Insurance	15,000.00	
413-09	77 Pension 22.7%	<u>1,285,000.00</u>	
			<u>4,000,000.00</u>
			11,142,689.00

CITY OF MISHAWAKA
2014 BUDGET

FIRE/EMS DEPARTMENT
101-19

2014
Budget

2 SUPPLIES

Office Supplies

421-90 Office Supplies 6,000.00

Operating Supplies

422-01 Operating Supplies 275,000.00

Other Supplies

429-10 Public Education
Training/ Seminar
Supplies/Refreshments 6,000.00

287,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-10 New Hire Testing/Physicals 75,000.00

Communication and Transportation

432-03 Travel and Training 30,000.00

Repairs and Maintenance

436-01 Building/ Equipment Repair 90,000.00

436-90 Service Contracts 160,000.00

436-91 Laundry Maintenance 3,000.00

Other Services and Charges

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

361,000.00

11,790,689.00

CITY OF MISHAWAKA
2014 BUDGET

FIRE PENSION
702-50

2014
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-02 Secretary Salary 3,000.00

Pension Board Members
5 @ 750.00 per yr 3,750.00

411-05 Pension Benefits 2,332,497.00

Retired Firefighters
Eligible Firefighters
Dependents

411-07 Death Benefits 36,000.00

2,375,247.00

2 SUPPLIES

Office Supplies

429-09 Misc Supplies 1,000.00

1,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-01 Legal Fees 2,000.00

Communication and Transportation

432-03 Travel and Training 500.00

Repairs and Maintenance

436-01 Equipment Repair 500.00

3,000.00

2,379,247.00

PARKS AND RECREATION OPPORTUNITIES

Parks and Recreation

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

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

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

Staff and Equipment

The park office staff consists of the Superintendent, Office Manager, Program Coordinator, and Secretary/Bookkeeper. There are 4 Park Divisions (Recreation/Special Events, Golf, Aquatics/Ice Rink, and Landscape). 3 Have Division Directors and the Landscape Division is headed by the Landscape Manager.

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

Costs Associated With Services

All programs implemented through the Mishawaka Park and Recreation Department are available to all who wish to participate in them or rent the facilities. Listings of all park and recreation rates are available through the City of Mishawaka Park Department.

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

For general information purposes, a copy of the year 2014 budget has been included for reference.

CITY OF MISHAWAKA
2014 BUDGET

PARK AND RECREATION
204-50

2014
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Department Head	62,274.00	
411-02	Regular Employees	484,500.00	
	Group 1: 14 @18.51*2088	542,000.00	
	Reimburse CS Assts. 1.25	61,205.00	
	Reimburse MVH director 5%	2,914.00	1,152,893.00
411-03	Temporary/Summer Help	357,000.00	
			1,509,893.00

Other Services Personal

411-60	Overtime	53,000.00	
411-62	Night Bonus	5,000.00	
411-63	Longevity	17,130.00	
411-64	FTO	15,000.00	
			90,130.00

Employee Benefits

413-01	Social Security	102,000.00	
413-02	Medicare	25,500.00	
413-03	PERF 14.2%	178,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Insurance Benefits	516,000.00	
413-06	Life Insurance	2,200.00	
			828,700.00
			2,428,723.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	8,000.00	
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Operating Supplies

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

429-09	Merrifield Complex Supplies	50,000.00	
429-14	Maintenance Supplies	80,000.00	
429-15	Program Supplies	25,000.00	
429-17	Landscaping, Chemical Supplies	80,000.00	
429-18	Athletic Event Supplies	16,000.00	
429-20	Golf Course Supplies	30,000.00	
429-21	Concessions	60,000.00	
			399,000.00

CITY OF MISHAWAKA
2014 BUDGET

PARK AND RECREATION
204-50

2014
Budget

3 OTHER SERVICES AND CHARGES

Professional Services

431-06 Consulting	65,000.00
431-09 Health Screenings/Vaccines	8,000.00

Communication and Transportation

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

Printing and Advertising

433-01 Printing/Newsletter etc.	7,500.00
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Insurance

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

435-01 MU/AEP Charges	285,000.00
435-02 NIPSCO	50,000.00

Repairs and Maintenance

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

Rentals

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

439-03 Subscription, Dues, etc.	1,400.00
439-09 Miscellaneous/Charges	1,000.00
439-18 Instructor Fees	25,000.00
439-19 Official/Referee Fees	5,000.00
439-21 Recreation Event/Entertainment	28,000.00
439-93 Sales Tax	25,000.00

729,400.00
<u>3,557,123.00</u>

CITY OF MISHAWAKA
2014 BUDGET

PARK AND RECREATION NON-REVERTING
214-50

2014
Budget

2 SUPPLIES

Other Supplies

429-17 Landscaping

30,000.00

30,000.00

4 CAPITAL OUTLAYS

Improvements Other than Buildings

443-94 Softball Field/Diamond Improve.

10,000.00

443-99 Merrifield Improvements

13,000.00

Buildings

442-05 Wilson Building Improvements

7,500.00

30,500.00

60,500.00

POLICE AND CRIME PREVENTION

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

Staffing

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

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

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

Equipment

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

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

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

Personal Services

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

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

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

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

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

Response Time and Crime Statistics

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

Mishawaka crime rates in general continue to remain low for cities of comparable sizes. Serious crimes such as robberies, burglaries, larcenies and arsons have dropped from 2011 to 2012. Crimes such as rapes and assaults have increased between 2011 and 2012. Mishawaka had 3 homicides in 2012. In 2011 there was 2 homicides. One of the potential reasons for this increase is the continued development of commercial areas within the city. As the city continues to prosper, these areas become target areas for these crimes. This point further illustrates why such a significant portion of the city budget goes to police and crime prevention. The Mishawaka Police department responded to 41,962 calls for service in 2012 with the dispatch center receiving 101,901 calls. The Department had 28,999...911 calls in the dispatch center in 2012.

For general information purposes, a copy of the year 2014 budget has been included for reference. The budget itemizes the costs of providing services for the entire city.

Costs Associated with Services

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

CITY OF MISHAWAKA
2014 BUDGET

POLICE DEPARTMENT
101-20

2014
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Police Chief	67,496.00	
411-02	Assistant Chief		
	3 @ 62449	186,747.00	
	Captains		
	7 @ 56913	398,391.00	
	Lieutenants		
	12 @ 55817	669,804.00	
	Sergeants		
	20 @ 54756	1,095,120.00	
	Corporals		
	56 @ 54033	3,025,848.00	
	Patrol Officer		
	6 @ 52033	312,198.00	
			5,755,604.00

Civilian

	Executive Secretary	31,765.00	
	Administrative Secretary	31,494.00	
	Secretary 2 @ 31063	62,126.00	
	Dispatcher 15 @ 36487	522,000.00	
	Parking Personnel	31,063.00	
	Property Manager	35,017.00	
	Dispatch Coordinator	39,999.00	
	Services Administrator	36,192.00	789,656.00
	Crossing Guards 21 @ 7032	147,672.00	
	Summer School @ 20.00 day per guard	2,000.00	
411-03	Substitute Crossing Guard	4,000.00	
	Temporary Help/Part-time	15,000.00	
			168,672.00

Other Personal Services

411-60	Overtime/ Court-time Officer	450,000.00	
411-66	Uniform Allowance		
	21@170, 1@500, 105@2050	219,320.00	
			669,320.00

Employee Benefits

413-01	Social Security	72,000.00	
413-02	Medicare	108,000.00	
413-03	PERF 14.2%	138,000.00	
413-05	Health Insurance	2,500,000.00	
413-06	Life Insurance	8,500.00	
413-10	77 Pension 22.7%	1,241,000.00	
			4,067,500.00
			11,450,752.00

CITY OF MISHAWAKA
2014 BUDGET

POLICE DEPARTMENT
101-20

2014
Budget

2 SUPPLIES

Operating Supplies

422-01 Operating Supplies 70,000.00

Other Supplies

429-11 Seminars/ Community Relations 1,000.00

71,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

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

Communication and Transportation

432-03 Travel and Training 4,000.00

Printing and Advertising

433-01 Printing 1,800.00

Repairs and Maintenance

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

Other Services and Charges

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

439-11 Special Expense 13,000.00

439-12 Canine Expenses 4,000.00

439-16 Crime Stoppers Program 5,000.00

129,800.00

11,651,552.00

CITY OF MISHAWAKA
2014 BUDGET

CITY PLANNING
101-21

2014
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	City Planner	68,770.00	
411-02	Senior Planner	44,255.00	
	Administrative Planner	37,307.00	
	Associate Planner	<u>41,946.00</u>	192,278.00
411-06	Plan Commission 9 @ \$600	5,400.00	
	BZA Members 5 @ \$375	<u>1,875.00</u>	
			<u>7,275.00</u>
			199,553.00

2 SUPPLIES

Operating Supplies

422-01	Operating Supplies	<u>4,900.00</u>	4,900.00
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3 OTHER SERVICES AND CHARGES

Professional Services

431-06	Consulting/ Professional Services	12,000.00	
	Annexation consulting	50,000.00	

Communication and Transportation

432-03	Travel and Training	3,000.00	
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Repairs and Maintenance

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

439-03	Subscriptions, Dues, etc.	<u>1,700.00</u>	
			<u>69,700.00</u>
			274,153.00

CITY OF MISHAWAKA
2014 BUDGET

POLICE PENSION
703-50

2014
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-02 Secretary Salary 3,000.00

411-05 Pension Benefits 1,490,777.00

Retired Officers

Eligible Officers

Dependents

411-07 Death Benefits 36,000.00

1,529,777.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-01 Legal Fees 2,500.00

Communication and Transportation

432-03 Travel and Training 450.00

2,950.00

1,532,727.00

STREET DEPARTMENT

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

Staffing

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

Equipment

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

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

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

Services

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

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

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

Costs Associated with Services

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

For general information purposes, a copy of the year 2014 budget has been included for reference.

CITY OF MISHAWAKA
2014 BUDGET

CENTRAL SERVICES DEPARTMENT
101-22

2014
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-02	Assistant 4 @ 48964	195,856.00	
	Fleet Maintenance Technician		
	6 @ 19.51*2088	245,000.00	
	Group 1: 4 @ 18.51*2088	155,000.00	
	PT maintenance 1040 hrs @ 11.00	11,440.00	
	Reimburse MVH Director 5%	<u>2,914.00</u>	
			610,210.00

Other Services Personal

411-60	Overtime	15,000.00	
411-62	Night Bonus .60/.55 per hour	5,000.00	
411-63	Longevity	<u>5,145.00</u>	
			<u>25,145.00</u>
			635,355.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	2,000.00	
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Operating Supplies

422-02	Gas, Oil, etc.	1,100,000.00	
422-05	Equipment/ Vehicle/Maint Supplies	100,000.00	

Other Supplies

429-08	Uniform/ Supplies	<u>4,000.00</u>	
			1,206,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-09	Health Screenings/ Vaccines	1,000.00	
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Communication and Transportation

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

436-01	Building Repair / Equipment/Maint	60,000.00	
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Rentals

437-05	Uniforms	5,000.00	
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Other Services and Charges

439-09	Miscellaneous Charges	<u>2,000.00</u>	
			<u>69,500.00</u>
			<u>1,910,855.00</u>

CITY OF MISHAWAKA
2014 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

2014
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Street Commissioner	58,280.00	
411-02	Office Manager	31,494.00	
	Secretary	31,063.00	
	Group 1: 32 @ 18.51*2088	1,236,765.00	
	CS reimburse 1.55 for assts.	75,895.00	
			1,433,497.00

Other Services Personal

411-60	Overtime	81,500.00	
411-62	Night Bonus .60/.55 per hr	8,000.00	
411-63	Longevity	18,660.00	
411-64	FTO (Flexible Time Off) Plan	8,000.00	116,160.00

Employee Benefits

413-01	Social Security	97,000.00	
413-02	Medicare	25,000.00	
413-03	PERF 14.2%	221,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Ins Benefits	652,000.00	
413-06	Life Insurance	2,200.00	1,002,200.00
			2,551,857.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	1,500.00	
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Operating Supplies

422-02	Gas, Oil, etc.	200,000.00	
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Repair and Maintenance Supplies

423-01	Street Materials	120,000.00	
423-03	Equipment/ Parts, Supplies	160,000.00	

Other Supplies

429-08	Uniform Supplies	8,000.00	
429-13	Traffic Supplies	36,000.00	
429-91	Salt	240,000.00	
			765,500.00

CITY OF MISHAWAKA
2014 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

2012
Budget

3 OTHER SERVICE AND CHARGES

Professional Services

431-04	Snow Removal	5,000.00
431-09	Health Screenings/ Vaccines	6,000.00

Communication and Transportation

432-03	Travel and Training	5,000.00
432-04	Telephone/ Paging	5,000.00

Printing and Advertising

433-02	Publications	600.00
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Insurance

434-90	Insurance Premiums/Deductibles	150,000.00
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Utility Service

435-01	MU Charges	110,000.00
435-02	NIPSCO	57,000.00

Repairs and Maintenance

436-01	Building/ Equipment Repair	160,000.00
436-93	Signal Maintenance	100,000.00

Rentals

437-05	Uniforms	8,000.00
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Other Services and Charges

439-09	Miscellaneous Charges	<u>3,000.00</u>
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609,600.00

4 CAPITAL OUTLAY

Machinery and Equipment

445-02	Street Equipment	200,000.00
445-03	Office Equipment	<u>1,000.00</u>

201,000.00

4,127,957.00

CITY OF MISHAWAKA
2014 BUDGET

LOCAL ROAD AND STREET
202-50

2014
Budget

4 CAPITAL OUTLAYS

Improvements other than Buildings

442-01	Street Repair/Summer Program	500,000.00	
			<u>500,000.00</u>

WASTE DISPOSAL AND RECYCLING SERVICES

Waste Disposal and Recycling Services

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

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

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

Leaf pick-up and Fifth Street recycling center

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

WASTEWATER

Services

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

Facilities

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

For the year 2012, an average flow of 11.43 MGD was treated. The average cBOD removal was 98% and the average suspended solids removal was 97%.

Staff

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

Support Personnel

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

Planned Capital Improvements for 2014 and Beyond

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

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

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

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

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

Statistical Information

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

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

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

Costs Associated with Services

Mishawaka Utilities Wastewater Division is predominately supported through revenue generated by the rates charged to customers. 2005 was the first full year of construction of the Wastewater Treatment Plant Upgrade and Expansion. The project was completed in June of 2008. The City financed \$41.9 million for the plant improvements through a low interest State Revolving Fund Program loan, which will save considerable interest expense throughout the twenty year life of the loan. The expansion serves the dual purpose of providing capacity for continued growth in the community and will cut annual combined sewer overflow (CSO) volume in-half. Because a portion of the expanded capacity will serve growth in the Northwest TIF area, TIF funding has been pledged to the Wastewater Division to assist in funding debt service payments. An annual TIF distribution of \$3.3 million reduces the rate increases necessary to fund the expansion's bond payments.

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

WATER SERVICE

Water Utilities

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

Serving the Proposed Annexation Area

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

Staff and Services

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

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

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

Services to Residents

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

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

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

Costs Associated with Services

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

Annexation Fiscal Plan

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, ALSO BEING PARTS OF LOTS 1 THRU 8 AND 11 OF THE UNRECORDED BAUER AND GEISSLER'S PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, SAID POINT BEING MARKET WITH A HARRISON MONUMENT; THENCE SOUTH 89°27'41" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°27'41" WEST ALONG SAID SOUTH LINE, 1304.19 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF; THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID EAST HALF, 662.90 FEET; THENCE NORTH 89°27'41" EAST, 782.47 FEET TO A FOUND IRON PIPE; THENCE NORTH 00°28'12" WEST, 989.50 FEET TO A 5/8" FOUND IRON ROD; THENCE SOUTH 89°36'27" WEST, 261.68 FEET TO A 5/8" FOUND IRON ROD; THENCE NORTH 00°25'14" WEST, 332.54 FEET; THENCE SOUTH 89°27'41" WEST, 260.76 FEET; THENCE NORTH 00°30'31" WEST, 331.56 FEET TO A 5/8" FOUND IRON ROD, ALSO BEING A POINT ON THE SOUTH LINE OF GUMWOOD CROSSING SUBDIVISION, BEING RECORDED AS INSTRUMENT NUMBER 0652676 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 89°53'39" EAST ALONG THE SOUTH LINE OF SAID GUMWOOD CROSSING, 1042.63 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF GUMWOOD ROAD; THENCE SOUTH 00°31'05" EAST ALONG SAID WEST RIGHT-OF-WAY, 2309.30 FEET TO THE POINT OF BEGINNING, SAID DESCRIBED TRACT CONTAINING 45.5 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAYS, COVENANTS AND RESTRICTIONS OF RECORD.

TAB D - APPENDICES

RESOLUTION NO. 2014-

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

Northwest corner of Cleveland Road and Gumwood Road

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

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

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

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

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

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

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

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

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, ALSO BEING PARTS OF LOTS 1 THRU 8 AND 11 OF THE UNRECORDED BAUER AND GEISSLER'S PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, SAID POINT BEING MARKET WITH A HARRISON MONUMENT; THENCE SOUTH 89°27'41" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°27'41" WEST ALONG SAID SOUTH LINE, 1304.19 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF; THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID EAST HALF, 662.90 FEET; THENCE NORTH 89°27'41" EAST, 782.47 FEET TO A FOUND IRON PIPE; THENCE NORTH 00°28'12" WEST, 989.50 FEET TO A 5/8" FOUND IRON ROD; THENCE SOUTH 89°36'27" WEST, 261.68 FEET TO A 5/8" FOUND IRON ROD; THENCE NORTH 00°25'14" WEST, 332.54 FEET; THENCE SOUTH 89°27'41" WEST, 260.76 FEET; THENCE NORTH 00°30'31" WEST, 331.56 FEET TO A 5/8" FOUND IRON ROD, ALSO BEING A POINT ON THE SOUTH LINE OF GUMWOOD CROSSING SUBDIVISION, BEING RECORDED AS INSTRUMENT NUMBER 0652676 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 89°53'39" EAST ALONG THE SOUTH LINE OF SAID GUMWOOD CROSSING, 1042.63 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF GUMWOOD ROAD; THENCE SOUTH 00°31'05" EAST ALONG SAID WEST RIGHT-OF-WAY, 2309.30 FEET TO THE POINT OF BEGINNING, SAID DESCRIBED TRACT CONTAINING 45.5 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAYS, COVENANTS AND RESTRICTIONS OF RECORD.

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

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day
of _____, 2014, at _____ o'clock ____M.

ATTEST:

Presiding Officer

Deborah S. Block, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____
2014, at _____ o'clock ____M.

Deborah S. Block, CMC, City Clerk

APPROVED by me this _____ day of _____ 2014, at
_____ o'clock ____M.

David A. Wood, Mayor

PETITION #13-43

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. _____

ORDINANCE NO. _____

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

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

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

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

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

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, ALSO BEING PARTS OF LOTS 1 THRU 8 AND 11 OF THE UNRECORDED BAUER AND GEISSLER'S PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, SAID POINT BEING MARKET WITH A HARRISON MONUMENT; THENCE SOUTH 89°27'41" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°27'41" WEST ALONG SAID SOUTH LINE, 1304.19 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF; THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID EAST HALF, 662.90 FEET; THENCE NORTH 89°27'41" EAST, 782.47 FEET TO A FOUND IRON PIPE; THENCE NORTH 00°28'12" WEST, 989.50 FEET TO A 5/8" FOUND IRON ROD; THENCE SOUTH 89°36'27" WEST, 261.68 FEET TO A 5/8" FOUND IRON ROD; THENCE NORTH 00°25'14" WEST, 332.54 FEET; THENCE SOUTH 89°27'41" WEST, 260.76 FEET; THENCE NORTH 00°30'31" WEST, 331.56 FEET TO A 5/8" FOUND IRON ROD, ALSO BEING A POINT ON THE SOUTH LINE OF GUMWOOD CROSSING SUBDIVISION, BEING RECORDED AS INSTRUMENT NUMBER 0652676 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 89°53'39" EAST ALONG THE SOUTH LINE OF SAID GUMWOOD CROSSING, 1042.63 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF GUMWOOD ROAD; THENCE SOUTH 00°31'05" EAST ALONG SAID WEST RIGHT-OF-WAY, 2309.30 FEET TO THE POINT OF BEGINNING, SAID DESCRIBED TRACT CONTAINING 45.5 ACRES, MORE

Proposed Ordinance No. _____

Ordinance No. _____

OR LESS, AND SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAYS, COVENANTS AND RESTRICTIONS OF RECORD.

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of S-2 Planned Unit Development to allow for the construction of a mixed use development consisting of commercial, multi-family residential, assisted living, and nursing homes. Conditions will be generally consistent with the development topics and will reflect some of the substantial concerns identified in the attached Exhibit A.

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

1. Existing Conditions - The subject parcel is located on Gumwood Road and S.R. 23, both heavily traveled corridors. The site is located immediately across the street from existing similar multi-residential and commercial developments
2. Character of Buildings in Area - The character of many of the buildings located along Gumwood Road and S.R. 23 are commercial. The buildings north and west of the proposed site are predominantly residential, making the proposed transitional multi-family residential uses on the north side of the PUD property appropriate.
3. The most desirable/highest and best use - Because of the parcels' location and the significant commercial development along the Main Street/Gumwood Road corridor, combined with the surrounding single family residential subdivisions, makes the most desirable use for the property a mix of commercial and transitional office and residential uses. Although there are adjacent single family residential properties to the north and west, the lack of any internal road connection combined with required presence of City utilities, rather than the adjacent septic and well systems associated with the existing residential developments, warrants a higher more intense uses than single family residential.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area, because the proposed/required blend of uses transitions the proposed uses from higher to lower intensities where the development is adjacent to existing neighborhoods. Furthermore, if approved, the adjacent residential parcels would be protected by the series of conditions placed on the planned unit development. These conditions include among other significant restrictions as requiring substantial screening and landscape "green" buffer yards between uses.
5. Comprehensive Plan - Although this specific property was not guided in the Mishawaka 2000 plan, the petition is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan. The Plan, created in 1990, guided general commercial uses along the Main Street (Gumwood Road extended) Corridor. The continued change and expansion of the commercial areas of the City are proportionate to the substantial residential growth that occurred in an almost uncontrolled manner in the unincorporated County from the time of adoption of the Mishawaka 2000 Comprehensive Plan in the early 1990's.

Proposed Ordinance No. _____

Ordinance No. _____

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 _____, 2014, at _____ o'clock _____ M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2014, at _____ o'clock _____ M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2014, at _____ o'clock _____ M.

David A. Wood, Mayor

**PETITION #13-43
EXHIBIT "A"**

Northwest Gumwood & S.R. 23 Conditions of Approval

Traffic Impact:

1. The following general conditions shall apply. More specifics and refinements shall be made with each final planned unit development plan submission. A Traffic Impact Study may be required as determined by the City Director of Engineering. All traffic/transportation improvements required for the completion of this project (including but not limited to Gumwood Road and State Road 23) shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering, subject to modification by any potential development agreement with the City should one or more be established. The intent is not to have the applicant build the road for additional function for pass-through traffic, rather that any required turn lanes, widening, access control required as a result of this project be provided to ensure that proposed levels of service (based on proposed improvements) are maintained.
 - a. Any additional right-of-way required for both Gumwood Road and State Road 23 improvements associated with the proposed development project shall be dedicated. There is a need to coordinate the timing of pending State and County improvements with the needed/required improvements of the development. Phasing of improvements associated with this project shall be as determined by the City Director of Engineering in coordination with other applicable jurisdictions.
 - b. The number and or type of curb cuts shall be limited as determined appropriate by the City Director of Engineering and the applicable road authority/jurisdictions.
 - c. All improvements required shall be paid for by the developer and shall be identified as part of the phasing plan for the project.

Proposed Uses:

1. Commercial uses shall be limited to those identified within the C-1 General Commercial and C-2 Shopping Center Commercial zoning districts. Multi-Family Residential uses along with assisted living and nursing home uses may be allowed. However, no commercial uses shall be located adjacent to the existing single-family residential development to the north. Multi-Family Residential uses, assisted living, and nursing home uses shall be located within the northern portion of PUD as to act as a transitional use between the existing single-family residential uses and the proposed commercial uses.
2. Off-premise signs/billboards shall be prohibited.
3. Outside storage and display shall be prohibited.

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

Road connections:

1. A hierarchy of the internal vehicular road network shall be provided. A minimum access throat/stacking area of 200 lineal feet on the site shall be provided at each proposed entrance point from its intersection with the public right-of-way. Turning lanes within the site are a necessity. Internal stacking and turning movements at intersections shall be provided and protected based on actual proposed uses as the planned unit development is built out. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
2. The City has not made a determination on whether or not the stub streets from the adjacent subdivisions shall be extended or connected over time. An appropriate connection and or turn-a-round shall be provided within the multi-family portion of the project that would allow for both potential situations, should this phase of the development be constructed prior to any changes or modifications to the City's well field property.
3. Access and utility easements shall be dedicated to adjacent properties, including the City Well Field and Centennial Plaza.

Stormwater run-off:

1. The type of stormwater facilities proposed within the PUD shall be limited/restricted as required by City well-head protection standards and as may be directed by the City Director of Engineering based on the close proximity of the City Well Field. The purpose is to limit potential groundwater infiltration in that area.
2. An emergency overflow outlet for proposed retention ponds into City storm sewers may be provided by the City if deemed appropriate by the City Director of Engineering.

Lighting:

1. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. Shielding of lighting shall be required in the areas to the rear of buildings adjacent to (in sight of) residential areas.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 44+ acre site) and to otherwise further the intent of this chapter as

follows:

- a) A maximum of (4) monument type signs may be located along Cleveland Road/S.R. 23 and (6) monument signs may be located along Gumwood Road. The maximum standard for area and height calculations for monument signs shall be further restricted as follows: the maximum sign area shall be limited to a maximum of 60 square feet (rather than 75 square feet) with a maximum length of any sign not exceeding 12 feet.
 - b) Three freestanding identification/development signs for the entire planned unit development (not just for one tenant/occupant) shall be permitted in addition to the monument signage. One may be located along State Road 23. One may be located along Gumwood Road. And one may be located at the intersection of State Road 23 and Gumwood Road. The sign at the intersection of State Road 23 and Gumwood sign shall be limited to a maximum of 20 feet in height and 120 square feet in area. The Gumwood Road and State Road 23 signs shall be limited to a maximum of 12 feet in height and 96 square feet in area.
 - c) A sign easement shall be provided to the City of Mishawaka well field property, located at the proposed entrance opposite Heritage Square Drive. This sign shall be subject limited to a maximum of 60 square feet with a maximum length not exceeding 12 feet.
 - d) Signs shall be located a minimum of 200 feet apart from one another (including the sign easement) except that signs may be located closer where an entrance drive is located between them.
2. All freestanding signs shall have a masonry base.
 3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.
 4. Seasonal banners and general development identification banners may be allowed for decorative and parking lot light poles throughout the center.
 5. Temporary Construction fence coverings which may include information about the project, elevations, renderings, slogans, logos and coming soon info may be allowed.
 6. Directory Kiosks placed strategically around the center to help customers locate businesses with a directory map of the development and advertising for retailers and other businesses may be allowed.
 7. Freestanding sandwich boards may be placed internally in the development, but shall not be placed where readable from SR 23 or Gumwood Road.

Landscaping:

1. A 3-foot high earth mounding shall be provided along Gumwood Road and State Road 23. A minimum 25-foot green buffer area shall be required along both corridors. Each buffer area shall comply with the landscape requirements of the C-1 General Commercial zoning district.
2. Utility areas shall be provided separate from required landscaped areas. If utilities are located within the 25 foot green area, an additional 10 feet of green area shall be required for planting.
3. A 2-foot high earth mounding planted with evergreen trees, minimum 8' height, spaced 10'to12' max along with a 6' minimum height opaque fence shall be provided along the north property line and west property lines abutting existing residential property.
4. If decorative ponds with fountains are proposed along public roadways, the landscaping requirement shall be reduced to eliminate the need for the 2' berm and shrubbery/low planting between the road and building/parking areas and where the normal water elevation of the pond is located
5. All developments within the PUD, including the multi-family residential development, shall comply with the landscape requirements of the C-1 General Commercial zoning district. This shall be in addition to any required buffer planting.
6. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission. Phasing of installation shall occur concurrent with development, except that the Planning Commission may require the installation of screening and buffering along property lines prior to when adjacent developments are proposed when deemed necessary/appropriate.

Parking:

1. A minimum of (1.5) parking spaces per residential unit shall be provided for the multi-family residential use. Parking ratio may be reduced to a minimum of (1.25) per residential units for one bedroom apartments only. Garages, parking lots, and on-street parking may be utilized for required parking.
2. A minimum of (0.75) parking spaces per bed shall be provided for assisted living and nursing home uses.
3. All other uses shall comply with the corresponding parking requirements as identified in the City of Mishawaka Zoning Ordinance.

Building/Parking Setbacks

1. A minimum 50' building setback shall be provided along Gumwood Road and S.R. 23/Cleveland Road.
2. A minimum 25' parking setback shall be provided along Gumwood Road, S.R. 23/Cleveland Road.
3. A minimum 35-ft building setback shall be provided along the north property line adjacent to Gumwood Crossings and along the west property line abutting existing residential property.
4. A minimum 25' building setback and a 10' parking setback shall be property along the west property line adjacent to Centennial Plaza.
5. A minimum 25' building and 10' parking setback shall be provided along property adjacent to City of Mishawaka owned property.
6. A minimum 10' building and parking setback shall be provided along internal roads and between outlot property lines within the Planned Unit Development, however, a 0' parking setbacks may be allowed to provide for shared parking bays at various locations within the development as deemed appropriate by the Planning Commission upon review as part of each subsequent final planned unit development site plan submission.

Phasing:

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

RECEIVED
DEBORAH S. BLOCK, MMC

DEC 11 2013

CITY CLERK
MISHAWAKA, IN

1st Reading 12-16-13
2nd Reading
Passed
Failed
Continued To

PETITION #13-43

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-55

ORDINANCE NO. _____

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

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

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

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

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

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, ALSO BEING PARTS OF LOTS 1 THRU 8 AND 11 OF THE UNRECORDED BAUER AND GEISSLER'S PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Proposed Ordinance No. 13-55

Ordinance No. _____

OR LESS, AND SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAYS, COVENANTS AND RESTRICTIONS OF RECORD.

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of S-2 Planned Unit Development to allow for the construction of a mixed use development consisting of commercial, multi-family residential, assisted living, and nursing homes. Conditions will be generally consistent with the development topics and will reflect some of the substantial concerns identified in the attached Exhibit A.

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

1. Existing Conditions - The subject parcel is located on Gumwood Road and S.R. 23 , both heavily traveled corridors. The site is located immediately across the street from existing similar multi-residential and commercial developments
2. Character of Buildings in Area - The character of many of the buildings located along Gumwood Road and S.R. 23 are commercial. The buildings north and west of the proposed site are predominantly residential, making the proposed transitional multi-family residential uses on the north side of the PUD property appropriate.
3. The most desirable/highest and best use - Because of the parcels' location and the significant commercial development along the Main Street/Gumwood Road corridor, combined with the surrounding single family residential subdivisions, makes the most desirable use for the property a mix of commercial and transitional office and residential uses. Although there are adjacent single family residential properties to the north and west, the lack of any internal road connection combined with required presence of City utilities, rather than the adjacent septic and well systems associated with the existing residential developments, warrants a higher more intense uses than single family residential.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area, because the proposed/required blend of uses transitions the proposed uses from higher to lower intensities where the development is adjacent to existing neighborhoods. Furthermore, if approved, the adjacent residential parcels would be protected by the series of conditions placed on the planned unit development. These conditions include among other significant restrictions as requiring substantial screening and landscape "green" buffer yards between uses.
5. Comprehensive Plan - Although this specific property was not guided in the Mishawaka 2000 plan, the petition is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan. The Plan, created in 1990, guided general commercial uses along the Main Street (Gumwood Road extended) Corridor. The continued change and expansion of the commercial areas of the City are proportionate to the substantial residential growth that occurred in an almost uncontrolled manner in the unincorporated County from the time of adoption of the Mishawaka 2000 Comprehensive Plan in the early 1990's.

Proposed Ordinance No. 13-55

Ordinance No. _____

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 _____, 2014, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2014, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2014, at _____ o'clock ____M.

David A. Wood, Mayor

**PETITION #13-43
EXHIBIT "A"**

Northwest Gumwood & S.R. 23 Conditions of Approval

Traffic Impact:

1. The following general conditions shall apply. More specifics and refinements shall be made with each final planned unit development plan submission. A Traffic Impact Study may be required as determined by the City Director of Engineering. All traffic/transportation improvements required for the completion of this project (including but not limited to Gumwood Road and State Road 23) shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering, subject to modification by any potential development agreement with the City should one or more be established. The intent is not to have the applicant build the road for additional function for pass-through traffic, rather that any required turn lanes, widening, access control required as a result of this project be provided to ensure that proposed levels of service (based on proposed improvements) are maintained.
 - a. Any additional right-of-way required for both Gumwood Road and State Road 23 improvements associated with the proposed development project shall be dedicated. There is a need to coordinate the timing of pending State and County improvements with the needed/required improvements of the development. Phasing of improvements associated with this project shall be as determined by the City Director of Engineering in coordination with other applicable jurisdictions.
 - b. The number and or type of curb cuts shall be limited as determined appropriate by the City Director of Engineering and the applicable road authority/jurisdictions.
 - c. All improvements required shall be paid for by the developer and shall be identified as part of the phasing plan for the project.

Proposed Uses:

1. Commercial uses shall be limited to those identified within the C-1 General Commercial and C-2 Shopping Center Commercial zoning districts. Multi-Family Residential uses along with assisted living and nursing home uses may be allowed. However, no commercial uses shall be located adjacent to the existing single-family residential development to the north. Multi-Family Residential uses, assisted living, and nursing home uses shall be located within the northern portion of PUD as to act as a transitional use between the existing single-family residential uses and the proposed commercial uses.
2. Off-premise signs/billboards shall be prohibited.
3. Outside storage and display shall be prohibited.

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

Road connections:

1. A hierarchy of the internal vehicular road network shall be provided. A minimum access throat/stacking area of 200 lineal feet on the site shall be provided at each proposed entrance point from its intersection with the public right-of-way. Turning lanes within the site are a necessity. Internal stacking and turning movements at intersections shall be provided and protected based on actual proposed uses as the planned unit development is built out. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
2. The City has not made a determination on whether or not the stub streets from the adjacent subdivisions shall be extended or connected over time. An appropriate connection and or turn-a-round shall be provided within the multi-family portion of the project that would allow for both potential situations, should this phase of the development be constructed prior to any changes or modifications to the City's well field property.
3. Access and utility easements shall be dedicated to adjacent properties, including the City Well Field and Centennial Plaza.

Stormwater run-off:

1. The type of stormwater facilities proposed within the PUD shall be limited/restricted as required by City well-head protection standards and as may be directed by the City Director of Engineering based on the close proximity of the City Well Field. The purpose is to limit potential groundwater infiltration in that area.
2. An emergency overflow outlet for proposed retention ponds into City storm sewers may be provided by the City if deemed appropriate by the City Director of Engineering.

Lighting:

1. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. Shielding of lighting shall be required in the areas to the rear of buildings adjacent to (in sight of) residential areas.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 44+ acre site) and to otherwise further the intent of this chapter as

follows:

- a) A maximum of (4) monument type signs may be located along Cleveland Road/S.R. 23 and (6) monument signs may be located along Gumwood Road. The maximum standard for area and height calculations for monument signs shall be further restricted as follows: the maximum sign area shall be limited to a maximum of 60 square feet (rather than 75 square feet) with a maximum length of any sign not exceeding 12 feet.
 - b) Three freestanding identification/development signs for the entire planned unit development (not just for one tenant/occupant) shall be permitted in addition to the monument signage. One may be located along State Road 23. One may be located along Gumwood Road. And one may be located at the intersection of State Road 23 and Gumwood Road. The sign at the intersection of State Road 23 and Gumwood Road shall be limited to a maximum of 20 feet in height and 120 square feet in area. The Gumwood Road and State Road 23 signs shall be limited to a maximum of 12 feet in height and 96 square feet in area.
 - c) A sign easement shall be provided to the City of Mishawaka well field property, located at the proposed entrance opposite Heritage Square Drive. This sign shall be subject limited to a maximum of 60 square feet with a maximum length not exceeding 12 feet.
 - d) Signs shall be located a minimum of 200 feet apart from one another (including the sign easement) except that signs may be located closer where an entrance drive is located between them.
2. All freestanding signs shall have a masonry base.
 3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.
 4. Seasonal banners and general development identification banners may be allowed for decorative and parking lot light poles throughout the center.
 5. Temporary Construction fence coverings which may include information about the project, elevations, renderings, slogans, logos and coming soon info may be allowed.
 6. Directory Kiosks placed strategically around the center to help customers locate businesses with a directory map of the development and advertising for retailers and other businesses may be allowed.
 7. Freestanding sandwich boards may be placed internally in the development, but shall not be placed where readable from SR 23 or Gumwood Road.

Landscaping:

1. A 3-foot high earth mounding shall be provided along Gumwood Road and State Road 23. A minimum 25-foot green buffer area shall be required along both corridors. Each buffer area shall comply with the landscape requirements of the C-1 General Commercial zoning district.
2. Utility areas shall be provided separate from required landscaped areas. If utilities are located within the 25 foot green area, an additional 10 feet of green area shall be required for planting.
3. A 2-foot high earth mounding planted with evergreen trees, minimum 8' height, spaced 10'to12' max along with a 6' minimum height opaque fence shall be provided along the north property line and west property lines abutting existing residential property.
4. If decorative ponds with fountains are proposed along public roadways, the landscaping requirement shall be reduced to eliminate the need for the 2' berm and shrubbery/low planting between the road and building/parking areas and where the normal water elevation of the pond is located
5. All developments within the PUD, including the multi-family residential development, shall comply with the landscape requirements of the C-1 General Commercial zoning district. This shall be in addition to any required buffer planting.
6. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission. Phasing of installation shall occur concurrent with development, except that the Planning Commission may require the installation of screening and buffering along property lines prior to when adjacent developments are proposed when deemed necessary/appropriate.

Parking:

1. A minimum of (1.5) parking spaces per residential unit shall be provided for the multi-family residential use. Parking ratio may be reduced to a minimum of (1.25) per residential units for one bedroom apartments only. Garages, parking lots, and on-street parking may be utilized for required parking.
2. A minimum of (0.75) parking spaces per bed shall be provided for assisted living and nursing home uses.
3. All other uses shall comply with the corresponding parking requirements as identified in the City of Mishawaka Zoning Ordinance.

Building/Parking Setbacks

1. A minimum 50' building setback shall be provided along Gumwood Road and S.R. 23/Cleveland Road.
2. A minimum 25' parking setback shall be provided along Gumwood Road, S.R. 23/Cleveland Road.
3. A minimum 35-ft building setback shall be provided along the north property line adjacent to Gumwood Crossings and along the west property line abutting existing residential property.
4. A minimum 25' building setback and a 10' parking setback shall be property along the west property line adjacent to Centennial Plaza.
5. A minimum 25' building and 10' parking setback shall be provided along property adjacent to City of Mishawaka owned property.
6. A minimum 10' building and parking setback shall be provided along internal roads and between outlot property lines within the Planned Unit Development, however, a 0' parking setbacks may be allowed to provide for shared parking bays at various locations within the development as deemed appropriate by the Planning Commission upon review as part of each subsequent final planned unit development site plan submission.

Phasing:

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

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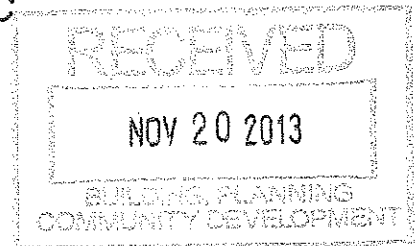
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RECEIVED
DEBORAH S. BLOCK, MMC

NOV 25 2013

CITY CLERK
MISHAWAKA, IN



Pet 13-43

DATE: November 18, 2013

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

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

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

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, ALSO BEING PARTS OF LOTS 1 THRU 8 AND 11 OF THE UNRECORDED BAUER AND GEISSLER'S PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

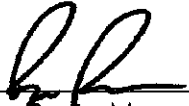
COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, SAID POINT BEING MARKED WITH A HARRISON MONUMENT; THENCE SOUTH 89°27'41" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°27'41" WEST ALONG SAID SOUTH LINE, 1304.19 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF; THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID EAST HALF, 662.90 FEET; THENCE NORTH 89°27'41" EAST, 782.47 FEET TO A FOUND IRON PIPE; THENCE NORTH 00°28'12" WEST, 989.50 FEET TO A 5/8" FOUND IRON ROD; THENCE SOUTH 89°36'27" WEST, 261.68 FEET TO A 5/8" FOUND IRON ROD; THENCE NORTH 00°25'14" WEST, 332.54 FEET; THENCE SOUTH 89°27'41" WEST, 260.76 FEET; THENCE NORTH 00°30'31" WEST, 331.56 FEET TO A 5/8" FOUND IRON ROD, ALSO BEING A POINT ON THE SOUTH LINE OF GUMWOOD CROSSING SUBDIVISION, BEING RECORDED AS INSTRUMENT NUMBER 0652676 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 89°53'39" EAST ALONG THE SOUTH LINE OF SAID GUMWOOD CROSSING, 1042.63 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF GUMWOOD ROAD; THENCE SOUTH 00°31'05" EAST ALONG SAID WEST RIGHT-OF-WAY, 2309.30 FEET TO THE POINT OF BEGINNING, SAID DESCRIBED TRACT CONTAINING 45.5 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAYS, COVENANTS AND RESTRICTIONS OF RECORD.

Petitioner owns One Hundred (100%) percent of the above described land, excluding the right-of-way of Cleveland Road, and is located within a part of the east half of Section 21, Township 38 North, Range 3 East, Harris Township, St. Joseph County, and that the Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with an "S-2" Planned Unit Development District zoning classification desired. Petitioner further states they intend to utilize said land for a mixed-use multi-family residential and commercial development.

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

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

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



Ryan Rans, Managing Partner

CONTACT PERSON:

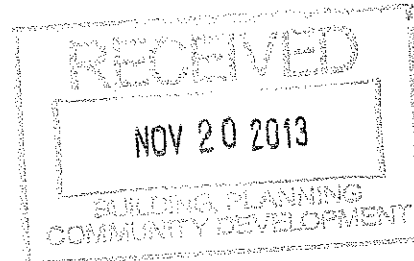
Daryl Knip, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
dknip@abonmarche.com



Engineering
Architecture
Land Surveying
Marina/Waterfront
Community Planning
Landscape Architecture
Development Services

November 19, 2013

Mr. Kenneth B. Prince, ASLA, AICP, City Planner
City of Mishawaka
600 East Third Street
Mishawaka, IN 46544



RE: Gumwood & Cleveland Project
Petition for Annexation and Zoning Classification

Dear Mr. Prince:

On behalf of the current property owners and contingent purchaser, Gumwood Acquisitions, LLC, we are submitting for your review and processing the annexation petition for twelve properties consisting of ± 44.5 acres. The remaining acreage of the petition, ± 1.0 acres, consists of part of Cleveland Road adjacent to the south end of this project.

These properties have tax identification numbers of 002-2017-037014, 002-2017-037018, 002-2017-037002, 002-2017-037017, 002-2017-037016, 002-2017-037012, 002-2017-037001, 002-2017-037021, 002-2017-037005, 002-2017-037008, 002-2017-037006, 002-2017-037007 and is bounded to the north by the Gumwood Crossing development, to the east by Gumwood Road, to the south by Cleveland Road and to the west by a commercial Shopping Plaza and the Mishawaka municipal well field.

In addition, we are requesting a zoning of "S-2" Planned Unit Development (PUD) District to allow for multi-family residential use, assisted living and nursing homes and uses within the Commercial "C-1" and "C-2" Zoning Districts and the development standards allowed in the Commercial "C-2" Zoning District. As part of this zoning, additional requests are identified on the attached preliminary site plan for setbacks and signage.

This mixed-use development is anticipated to include construction of public and private roadways and utilities, and a drainage detention system to provide storage for storm water runoff as it is released at a controlled rate into existing drainage facilities.

If you have any questions or require additional information, please do not hesitate to contact our office at (574) 232-8700.

Sincerely,
ABONMARCHE CONSULTANTS, INC.

Daryl Knip, PE
Vice President

cc: Mr. Ryan Rans, Great Lakes Capital Development, LLC

750 Lincoln Way East
South Bend, IN 46601
574.232.8700

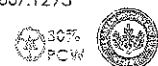
3177 Willowcreek Road
Portage, IN 46368
219.850.4624

95 West Main Street
Benton Harbor, MI 49022
269.927.2295

361 First Street
Manistee, MI 49660
231.723.1198

503 Quaker Street
South Haven, MI 49090
269.637.1293

www.abonmarche.com



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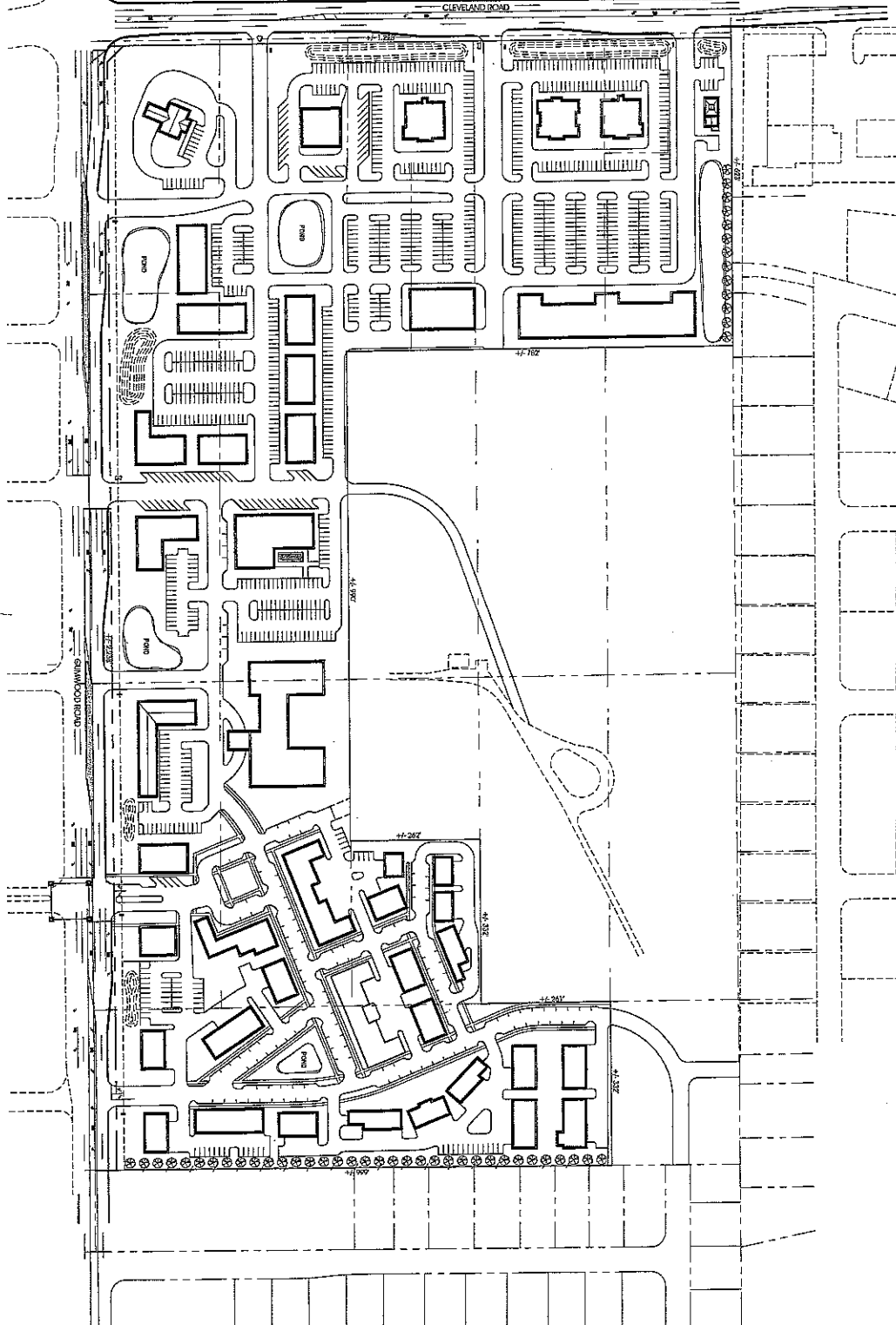
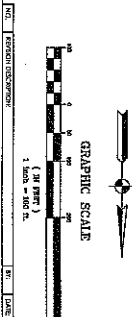
[illegible]

DESCRIPTION	MILEAGE	PARKING
ALONG GILWOOD RD	5/5	6/0
ALONG CLEVELAND RD	5/0	5/0
NORTH PROPERTY LINE ADJACENT TO GILWOOD CROSSING	2/5	2/5
WEST PROPERTY LINE ADJACENT TO CLEVELAND PARK	2/5	1/0
PARTIAL PROPERTY LINE ADJACENT TO CITY OF INDIANAPOLIS OWNED PROPERTY	6	6
INTERNAL ROAD	1/7	0

- ☐ DEVELOPMENT SIGN
- ☐ MONUMENT SIGN

PARKING REQUIREMENTS
MULTI-FAMILY RES: 1 SPACE/UNIT
INCLUDES GARAGES, PARKING LOTS &
ON-STREET PARKING)

MULTI-FAMILY RESIDENTIAL ON-STREET PARKING SECTION



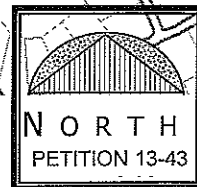
**GUMWOOD &
CLEVELAND PROJECT**

ABONMARCHÉ
Confidence by Design

750 Lincoln Way East
South Bend, IN 46801
1 (574) 323-8700
1 (574) 323-4440

Engineer
Architect
Land Surveyor
Landscape Architect
Community Planner
Interior Architect
Development Services

Principals, P.E.
Barbara Hestrich, Ltd.



PETITION 13-43

GUMWOOD CROSSING DR

MILAN ST

TOSCANA BLVD

FLORENCE AVE

FORINO DR

THRUSH ST

RUE ST

EO ST

W CLEVELAND RD

W 4TH AVE

E CLEVELAND RD

HERITAGE SQUARE DR

STATE RD 178

UNIVERSITY GARDEN LN

LEADER LN

SPRING LAKE BLVD

N MAIN ST

Location Map

PETITION 13-43

NORTHWEST GUMWOOD ROAD
& CLEVELAND ROAD

ANNEX AND ZONE TO S-2
PLANNED UNIT DEVELOPMENT

JAN 02 2014

1st Reading 1-6-14
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2014-01

ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2014

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA
INDIANA, THAT:

Section 1. An emergency exists which requires the appropriation of additional
funds for the fiscal year ending December 31, 2014 in addition to that set out in detail in the
published budget.

Section 2. There is hereby appropriated from the General Fund of the City of
Mishawaka the sum of \$12,000.00 for assignment as follows:
General Fund

Clerk

Personal Services

101.03.411.03 Temporary Help \$ 12,000.00

Total \$ 12,000.00

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

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana

on this ____ day of _____, 2014 at ____ o'clock, __.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this ____ day of _____, 2014 at _____ o'clock, ____ M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ____ day of _____, 2014 at _____ o'clock, ____ M.

David A. Wood, Mayor



City of Mishawaka

OFFICE OF THE CITY CLERK

Deborah S. Block, IAMC, MMC, City Clerk

January 3, 2014

Mishawaka Common Council
Mishawaka City Hall
Mishawaka, Indiana

Dear Councilmembers:

I am respectfully requesting an additional appropriation of funds. As I stated in my letter to the Council last September I would like to make this a permanent part time position. This appropriation will pay our part time employee to continue working on the project of scanning and categorizing Council documents.

In addition to these duties Ms. Boston continues training to help with other duties in the Clerk's Office including answering phones, ordinance/resolution research and helping citizens at the counter. I am attaching a progress sheet with this letter.

Please call or email me with any questions. Thank you for your consideration.

Sincerely,

Deborah S. Block, IAMC, MMC
Mishawaka City Clerk

PART TIME EMPLOYEE
PROGRESS REPORT

The following documents dating back to the 1900's
have been scanned and categorized:

Ordinances
Resolutions
Minutes (Council and Board of Public Works and Safety)
Easements
Oaths of Office
 Elected Officials
 Department Heads
 Commissions
 Police and Fire (currently working on)
School Board Applications

Here is a list of projects that Ms. Boston will be working
on:

Scanning and Categorizing the following

Vacations
Storage Boxes
Misc. files