AGENDA

September 21, 2020

AS ORDERED BY GOVERNOR HOLCOMB'S

EXECUTIVE ORDER 20-37 FACEMASK ARE REQUIRED !

Meetings of Standing Committees
Council Conference Room
6:45PM

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00PM

WebEx Telephone Number: 1-408-418-9388
WebEx Access Code: 173 134 0331
Meeting password: c6yHqvpxm73

Livestream #1: https://www.facebook.com/cityofmishawaka/
Livestream #2: @MichianaAccessTV on Facebook
Livestream #3: Michiana Access TV
(Comcast and AT&T U-Verse Channel 99)

To connect on-line join using Microsoft Lync or Microsoft Skype for Business

Dial 1731340331.mishawaka@lync.webex.com

Members of the public will be asked to place their microphone on mute during the Meeting, with the exception of any public hearing. At the appropriate point in the public hearing, the Council President will invite the public to unmute their microphone for purposes of submitting such comments, one person at a time. All persons wishing to make public comments will be asked to first state their name and address for the record. After completing his/her public comments, members of the public will once again be asked to place their microphone on mute. Thank you for your cooperation.

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of August 17, 2020

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding their recommendations from their September 08, 2020 meeting

A letter from the City Plan Commission regarding their recommendations from their September 09, 2020 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O No. 2020-30	Rezone from C-1 General Commercial District to C-4 Auto Oriented Commercial for an Auto sales – 4211 N. Grape Road
P.O. No. 2020-31	Deer Run PUD Amendment to Permit I-1 Light Industrial Uses- Vacant Property at SW corner of Deer Run Drive (South Leg) & Fir Road.
P.O. No. 2020-32	Annexation and Rezoning for a Proposed Multi-Family Townhome Development – 15165, 15195 & 15201 Cleveland
P.O. NO. 2020-33	Civil City Budget and Tax Levy for 2021
P.O. NO. 2020-34	City Employees Salary Ordinance for 2021

8. Resolutions

R2020-19	Fiscal Plan for Annexing adjacent property to be included in subdivision – South & East of 1141 & 1241 E. Twelfth St.
R2020-20	Use Variance to allow microblading inside existing Rootz Salon – 3602 Grape Road, Suite 11

9. Ordinances on Second Reading

P.O. NO. 2020-28	Annex adjacent property to be included in subdivision – South & East of 1141 & 1241 E. Twelfth St. **VOTE ONLY**

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

Mayor Wood COVID-19 Update

13. Adjournment – This meeting will be aired Wednesday at 9:00AM on the Public Access Channel

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

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

Note: The Mishawaka Common Council has instituted changes in the way in which its meetings will be conducted during the current public health emergency. These changes are consistent with the terms of multiple Executive Orders issued by Governor Holcomb, as well as related legal guidance. It is anticipated that the Council's normal meeting procedures will be reinstituted at the conclusion of the public health emergency. In the meantime, physical attendance at Council meetings will continue to be restricted in accordance with relevant guidance related to limitations on public gatherings and social distancing. During the public health emergency, Council members, as well as members of the public and media, will continue to be afforded the opportunity to remotely access Council meetings. Recordings of Council meetings (if applicable) and the minutes of the meetings will also be made available to the public and the media as soon as is possible.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

September 8, 2020

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall and via telephone on Tuesday, September 8, 2020 at 7:00PM. The meeting was called to order by President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance, followed by a moment of silence to remember the lives lost due to COVID-19.

Roll Call.

Present: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

Others Present: Mike Trippel, Council Attorney and Clerk Block.

Minutes for the Regular meeting of August 17, 2020 were approved as received from the Clerk's Office.

Clerk Block read the following appeal and petitions from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their August 25, 2020 meeting.

APPEAL NO. 20-43	Use Variance to allow micro blading inside existing Rootz Salon – 3602 Grape Road, Suite 11
PETITION NO. 20-18	Rezone from C-1 General Commercial District to C-4 Auto Oriented Commercial for an Auto sales – 4211 N. Grape Road
PETITION NO. 20-19	Deer Run PUD Amendment to Permit I-1 Light Industrial Uses – Vacant Property at SW corner of Deer Run Drive (South Leg) & Fir Road
PETITION NO. 20-20	Annexation and Rezoning for a Proposed Multi-Family Townhome Development – 15165, 15195 & 15201 Cleveland Road

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

PROPOSED ORDINANCE NO. 2020-04

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.
PUD Amendment to allow for mixed Use Development to allow Residential, Commercial, and Industrial Uses – Vacant land S. of Vistula Rd. & W. of Cedar Rd.
(Petitioner requesting postponement)

Mr. Compton made a motion to honor the petitioner's request and postpone the ordinance indefinitely. With a second by Mr. Banicki, the motion passed.

Question was called for at 7:05PM **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.**

PROPOSED ORDINANCE NO. 2020-25

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.
Rezone from R-1 Single Family Residential to C-3 City Center Commercial – 619 Lincolnway East

Mr. Banicki reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. This was signed by the entire committee upon a second by Mrs. Voelker motion carried.

Mr. Hixenbaugh requested roll call vote to accept of the committee report.

Clerk Block roll call showed: Question was called for at 7:06PM **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** The Committee Report passes

Mike Portolese, 434 Calhoun Street, spoke in favor of **PROPOSED ORDINANCE NO. 2020-25**. Mr. Portolese stated they are preparing to sell the homes and would like them to be zoned properly to do so.

Mrs. Voelker asked why the zoning has been requested as City Center Commercial as opposed to R-2. Mr. Portolese stated it was recommended when he submitted the request.

Ken Prince, City Planner, stated the property is adjacent to C-3 City Center both to the west and to the south is City Hall. Mr. Prince stated they recommended C-3 instead of R-3, because it had a higher architectural standard if the property were to ever be redeveloped.

Question was called for at 7:11PM for **PROPOSED ORDINANCE NO. 2020-05** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**
Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. Thus, it becomes **Ordinance No. 5705**

PROPOSED ORDINANCE NO. 2020-26

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE

CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.
Rezone from R-1 Single Family Residential to R-2 Two Family Residential – 613 W. Third St.

Mr. Emmons reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. This was signed by the entire committee upon a second by Mr. Banicki motion carried.

Mr. Hixenbaugh requested roll call vote to accept of the committee report.

Clerk Block roll call showed: **Question was called for at 7:12PM Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**
Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The Committee Report passes

Mike Portolese, 434 Calhoun Street, spoke in favor of **PROPOSED ORDINANCE NO. 2020-26**. Mr. Portolese stated the house is a duplex and they are bringing it in line with its use.

Mr. Emmons expressed concerns about having a single family area go into a multi-family, especially in his district. Mr. Emmons stated he had residents contacting him directly and they do not want an R-2 in their community. Mr. Emmons stated he is not in favor of the proposed ordinance.

Mr. Compton stated there was a duplex right next door meant to be a duplex among other homes. Mr. Compton asked Mr. Emmons if this were the right home to be concerned with.

Mr. Emmons stated the neighbors are concerned about the rentals coming into the west end and he represents the individuals and takes their comments seriously. Mr. Compton asked if there was a sale pending on this home. Mr. Portolese stated they will not list the house until it is zoning correctly.

Mrs. Voelker stated this home has been used as a duplex since 1953 and stated it seems to be a well maintained property that has been historically used throughout the years. Mrs. Voelker concluded stating she will support the rezoning.

Mr. Hixenbaugh stated he appreciated Mr. Emmons concern with the rezoning and his advocacy for the residents of the first district. Mr. Hixenbaugh stated he is also concerned about the housing stock and the proliferation of renter properties at times. Mr. Hixenbaugh then stated he agreed with Mr. Compton and Mrs. Voelker's point that this property had been a multi-family use for many years and they do not have any evidence that this property received any violations. Mr. Hixenbaugh concluded stating it is an issue to keep an eye on, but he will be voting in support of the proposed ordinance.

Question was called for at 7:20PM for **PROPOSED ORDINANCE NO.2020-26** **Vote: Motion passed (summary: Yes = 8, No = 1, Abstain = 0).**
Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.
No: Mr. Emmons. Thus, it becomes **Ordinance No. 5706**

<u>PROPOSED ORDINANCE NO. 2020-27</u>

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.
PUD Amendment to allow Assisted Living Facility – Northwest corner of Deer Run Dr. and Fir Rd.

Mr. Banicki reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. This was signed by the entire committee upon a second by Mr. Compton motion carried.

Mr. Hixenbaugh requested roll call vote to accept of the committee report.

Clerk Block roll call showed: Question was called for at 7:21PM **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**
Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. Committee Report passes

Terry Lang, Lang Feeny & Associates Inc., represented the petitioner and the contingent purchaser of the property. Mr. Lang stated they were proposing to put an Assisted Living facility at the Northwest corner. Mr. Lang stated they have agreed to all the recommendation upon and the contingent purchasers are on hand to answer questions as well.

Anthony Pirracini, 633 Windy Cove Ct, had been working with the buyers and representing them. Mr. Pirracini stated they had met with Ken Prince back in February and waited patiently during the COVID-19 situation to proceed on the project. Mr. Pirracini stated their facilities focus on more of a personal style of assisted living and have a much better patient to care ratio than other facilities. Mr. Pirracini concluded stating they had unanimous approval from the Plan Commission.

Mrs. Voelker requested to hear information about the Assisted Living facility from the purchaser and what makes it different from other facilities around the area.

Ramon Fernandez, 51969 Lake Knoll Ct, Granger, IN, is a physical therapist who purposed to build an Assisted Living facility providing more personalized and attentive care, because the facility will be small. Mr. Fernandez stated they focus on personalized care, because they provider more caregivers to attentively take care of their residents.

Mrs. Voelker asked if this would be a private pay facility. Mr. Fernandez stated it is and long term care insurance is accepted. Mrs. Voelker asked about Medicare; Mr. Fernandez stated that is not provided. Mrs. Voelker asked if they are planning on providing physical therapy services. Mr. Fernandez stated it is up to the residents and they are free to receive it if necessary.

Question was called for at 7:27PM for **PROPOSED ORDINANCE NO. 2020-27** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**
Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. Thus, it becomes **Ordinance No. 5707**

PROPOSED ORDINANCE NO. 2020-28

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA AND PROVIDING ZONING CLASSIFICATION THEREFORE
Annex adjacent property to be included in subdivision – South & East of 1141 & 1241 E. Twelfth St.
PUBLIC HEARING – NO VOTE

Terry Lang, Lang Feeny & Associates Inc., spoke in favor of **PROPOSED ORDINANCE NO. 2020-28**. Mr. Lang stated the petition for annexation is to clear up a couple of parcels that should have been annexed several years ago, when an addition was done to one of the buildings. Mr. Lang stated there is a proposed new addition merging the two buildings together and it creates a mess from the planning perspective, making it best to annex it all into the city. Mr. Lang concluded stating this is to clean it up all together, allow them to do a building expansion, and add additional jobs to the City of Mishawaka.

Mr. Hixenbaugh closed the public hearing at 7:30PM and announced a final vote will take place at the next council meeting.

PROPOSED ORDINANCE NO. 2020-29

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.
Grandview PUD Amendment to allow dumpster enclosures in the 25' front setback only if gate is not visible from Gumwood or S.R. 23/Cleveland Rd

Mr. Bellovich reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. This was signed by the entire committee upon a second by Mr. Banicki motion carried.

Mr. Hixenbaugh requested roll call vote to accept of the committee report.

Clerk Block roll call showed: Question was called for at 7:31PM **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**
Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. Committee Report passes

Jordan Wyatt, Abonmarche Consultants, represented the petitioner Great Lakes Capital. Mr. Wyatt stated the proposed ordinance is to allow a dumpster to serve Bar Louie as part of the Grandview phase 2 developments. Mr. Wyatt stated originally, Bar Louie was not the tenant intended to go into the building, but after the restaurant moved in, the dumpster was needed to help handle the additional waste. Mr. Wyatt stated they understood the intent of the ordinance, which is why they are proposing that the dumpster be allowed to go there only if you can't see the gate. Mr. Wyatt stated the dumpster blends in very effectively relative to the composition of the building and asked for the council's approval.

Mrs. Voelker stated the design is good, but asked why they are placing the dumpster in the front of Bar Louie. Mr. Wyatt stated after working with the trash company, this was the best layout to avoid conflict with the users of the site, the restaurant, and the trash trucks coming to pick up the waste.

Mr. Emmons asked what the foundation of the dumpster is. Mr. Wyatt stated the foundation will be a hard surface, either asphalt or a concrete base. Mr. Emmons made a recommendation for a concrete base, because asphalt breaks up rather easily and will not be as productive as concrete. Mr. Wyatt stated he is unsure of the exact material, but will take Mr. Emmons' comments into consideration.

Mr. Hixenbaugh stated he has heard from a resident in that area expressing concern about whether there will be leaching from the dumpster into the aquafer in the groundwater. Mr. Hixenbaugh echoed Mr. Emmons comments stating he appreciated the answers he gave, but hoped he would emphasize environmental concerns with regard to the dumpster. Mr. Hixenbaugh also addressed a concern of loose trash blowing into the parking lot and adjoining neighborhood and asked Mr. Wyatt to expand on that subject. Mr. Wyatt stated the dumpster will have a lid on it and the enclosure is completely solid all the way around in brick as well as a cedar gate on the front, ensuring the trash will stay in the receptacle area.

Mr. Mammolenti asked how often Bar Louie plans to have waste removed from that location. Mr. Wyatt stated he did not have that information, but could find that out for the council at a later date. Mr. Mammolenti stated with the potential of the restaurant being busy and generating a lot of trash, it would bring up overflow and that is a concern of his. Mr. Mammolenti also asked if Great Lakes had received push backs from local residents regarding location. Mr. Wyatt stated he has received no opposition.

Question was called for at 7:40PM for **PROPOSED ORDINANCE NO. 2020-29** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. Thus, it becomes **Ordinance No. 5707**

NEW BUSINESS

Mayor Wood gave an update on COVID-19. Mayor Wood stated there is not much to update and the staff is healthy, fully supplied, and doing well.

Mr. Compton asked if he had been receiving complaints from the city about businesses not complying with the mask mandate. Mayor Wood stated they occasionally receive complaints and forward them over to the health department.

Mr. Hixenbaugh thanked Mayor Wood for his update.

Mr. Mammolenti announced a Twin Branch neighborhood watch meeting will be held via Zoom on 9/16 at 7PM with a speaker to be announced at a later date.

Mr. Compton asked Mr. Mammolenti to send the details of that meeting around to the other members of the council.

ADJOURNMENT 7:43PM

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

Gregg A. Hixenbaugh /s/
Gregg A. Hixenbaugh, President

City of Mishawaka

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

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 21 2020
CITY CLERK
MISHAWAKA, IN

September 10, 2020

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
September 8, 2020, Public Hearing

Honorable Members:

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

APPEAL #20-43 An appeal submitted by JV and Sue Peacock C/O Outpost Sports requesting a Use Variance for **3602 Grape Road #11** to allow microblading services in an existing salon.

The Board, with a vote of 5-0, recommended approval.

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Vittoria Giannetto

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

STAFF REPORT

Location: 3602 Grape Rd., #11	Date: Sept 9, 2020
Appeal: 20 43	Prepared By: KM

GENERAL INFORMATION

Applicant:	JV and Sue Peacock C/O Outpost Sports/Rootz Salon
Status:	Property Owner/Tenant
Request:	Use Variance to allow microblading/semi-permanent make-up services
Zoning Classification:	C-2 Shopping Center Commercial
Lot Size:	Approximately 2.2 acres, more or less
Applicable Regulations:	137.42 Board of Zoning Appeals (4) Variance of Use

SPECIAL INFORMATION

Area Development Pattern:	North:	C-2 Shopping Center Commercial
	South:	S-2 Planned Unit Development
	East:	S-2 Planned Unit Development
	West:	C-1 General Commercial and C-4 Automobile Oriented Commercial
Thoroughfare:	Grape Road	
School District:	Penn-Harris-Madison	
Public Utilities:	All utilities are available	
Comprehensive Plan:	General Commercial	

ANALYSIS

The Appellants are requesting a Use Variance to allow for microblading services within the Rootz Salon, Unit #11 at the Outpost Center. Microblading is a form of semi-permanent makeup that provides a means to partially or fully camouflage missing eyebrow hair with the appearance of simulated hair using fine deposits of cosmetic tattoo pigments.

In the past year, we have received several requests for microblading. The latest request is inside an existing salon at the Outpost Center.

It should be noted that while microblading is a service that can be found in a spa or beauty salon, it is a form of tattoo and not specifically permitted within the zoning district. The need for a Use Variance arises from the fact that a tattoo establishment is not an approved use within the C-2 zoning district.

All pertinent City departments have reviewed and approved of the request.

Recommendation (s)

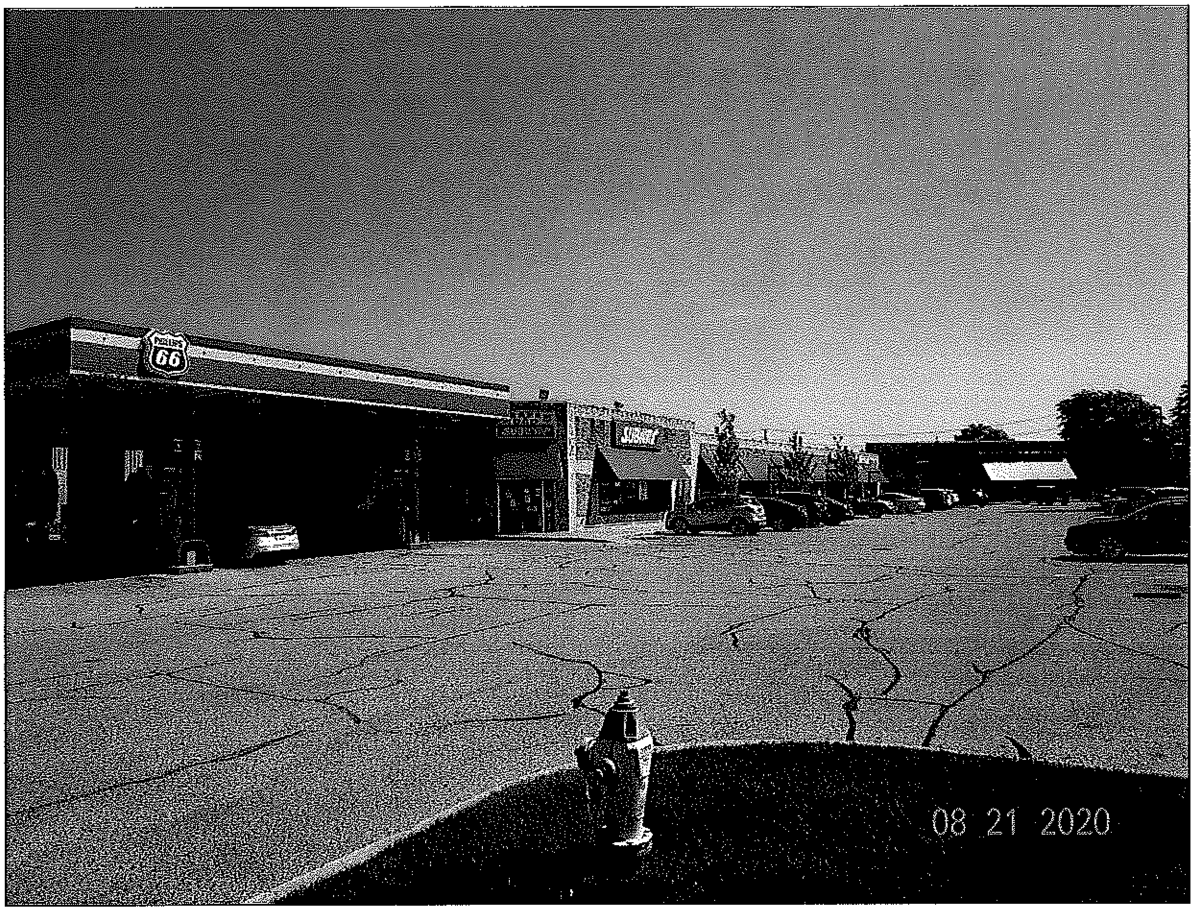
Staff recommends in ***favor*** of Appeal #20-43 to allow microblading services in Suite #11 Rootz Salon at Outpost Center, 3602 Grape Road. This recommendation is based upon the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the existing business provides similar personal services/salon uses;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because it is included in a commercial development;
3. The need for the variance arises from some condition peculiar to the property involved in that the C-2 zoning does not permit a tattoo establishment, but does allow the salon where the process is taking place, thus requiring the Use Variance for the proposed use;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the nature of the business is similar to that of a salon and should not generate more traffic than any of the existing businesses within the development; and
5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area for general commercial and is in close proximity to one of the largest consolidated retail areas in the State of Indiana.

Attachments

Photographs, Appeal, Aerial, Location Map

View of Rootz Salon



View of Outpost Center from Grape Road

Outpost Sport Legal

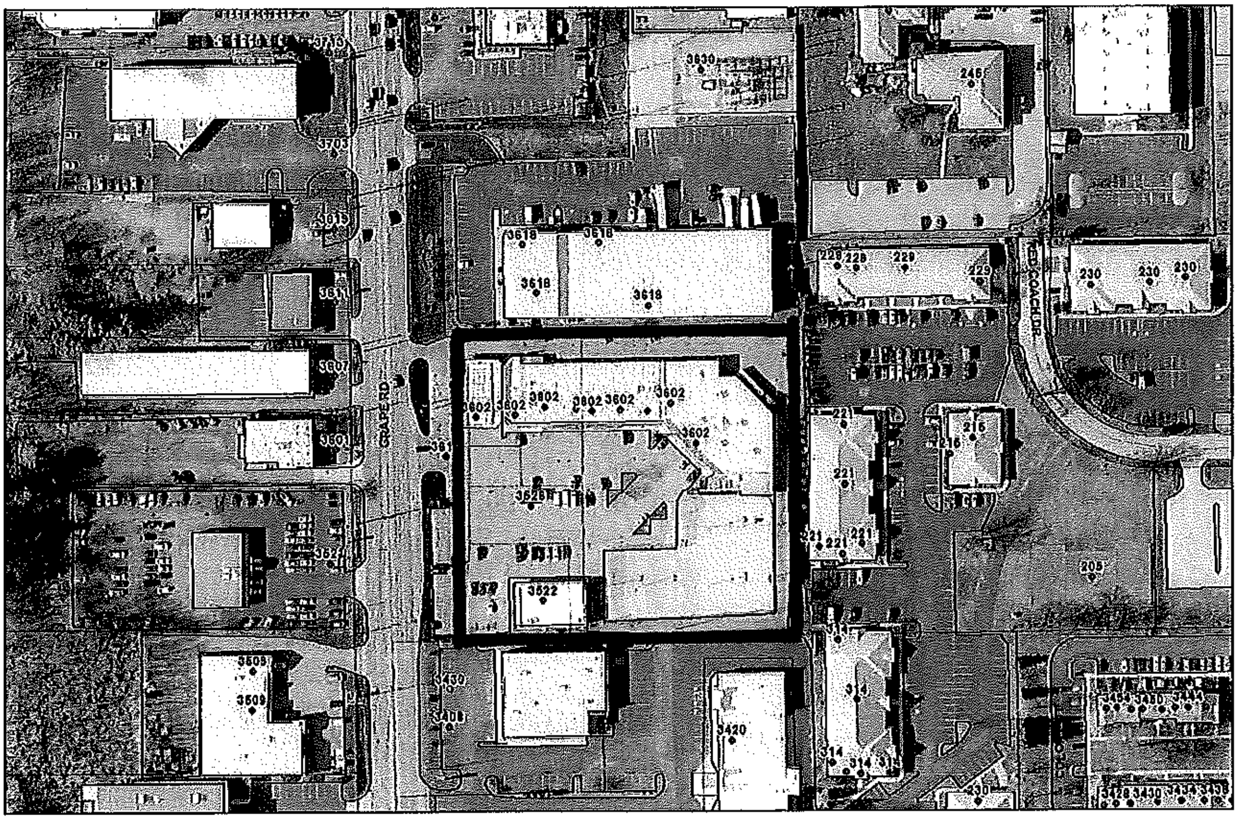
A part of the North Half of the Northeast Quarter and the North Half of the Northwest Quarter of Section 4, Township 37 North, Range 3 East, in the City of Mishawaka, St. Joseph County Indiana, more particularly described as follows: Beginning at a point on the West line of the Northwest Quarter of the Northeast Quarter of said Section 4, 329 feet South of the Northwest corner of the Northeast Quarter; thence West parallel with the North line of said Section 4, 55.15 feet to the centerline of Grape Road; thence Southerly along said centerline of Grape Road, 200 feet to the true place of beginning; thence continuing Southerly along said centerline 178.74 feet; thence East parallel with the North line of said Section 4, 247.02 feet; thence South parallel with the said West line of the Northwest Quarter of the Northeast Quarter, 184.86 feet; thence deflecting to the left an angle of 90°17'05" in an Easterly direction a distance of 250 feet; thence North parallel with said West line of the Northwest Quarter of the Northeast Quarter, 363.14 feet to a point 529 feet South of the North line of said Section 4; thence West parallel with said North line of Section 4, 498.97 feet to the place of beginning.

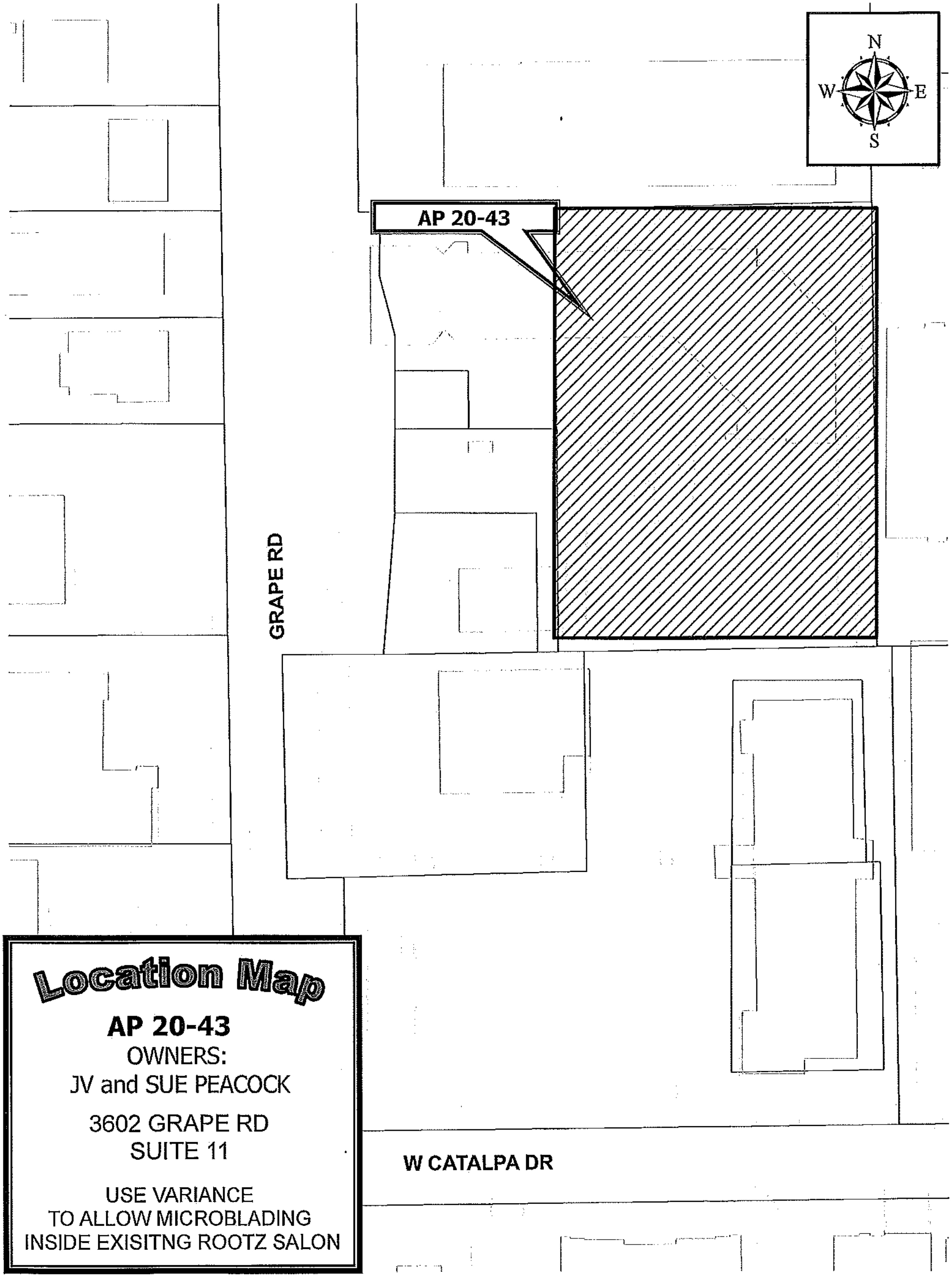
Along and together with the following; Part of the Northeast Quarter of Section 4, Township 37 North, Range 3 East of the Second Principal Meridian, described as follows: Beginning at a point 707.73 feet south of the North ¼ post of said Section 4 and 51.02 feet east of the centerline of Grape Road; thence N89-45-22E, 196.00 feet; thence S00-00-00W, 184.86 feet; thence S89-42-54W, 196.00 feet to a point on the east right-of-way line of Grape Road; thence N00-38-44E, 185.04 feet to the point of beginning, containing 1.04 acres more or less subject to legal highways and easements.

Excepting therefrom; a part of the North Half of the Northeast Quarter and the North Half of the Northwest Quarter of Section 4, Township 37 North, Range 3 East, in the City of Mishawaka, St. Joseph County, Indiana, more particularly described as follows: Beginning at a point on the West line of the Northwest Quarter of the Northeast Quarter of said Section 4, 329 feet South of the Northwest corner of said Northeast Quarter; thence West parallel with the North line of said Section 4, 55.15 feet to the centerline of Grape Road; thence Southerly along said centerline of Grape Road, 200 feet to the true place of beginning; thence continuing Southerly along said centerline 210 feet; thence East parallel with the North line of said Section 4, 188 feet; thence North to a point 529 feet South of the North line of said Section 4; thence West to the point of beginning. Located on the East side of Grape Road, approximately 500 feet South of Edison Road. (Part of the Outpost Shopping Center.)

Also excepting therefrom; commencing at the Northwest corner of the Northeast Quarter of said Section 4; thence South, along the West line thereof, 329 feet; thence South 90°00'00" West, parallel with the North line of Section 4, a distance of 55.15 feet to the center line of Grape Road; thence South 00°24'37" East along said centerline, a distance of 200.00 feet; thence North 90°00'00" East, a distance of 40.00 feet to a point on the East right-of-way line of said Grape Road; thence South 00°24'37" East, along said East right-of-way line a distance of 250.33 feet; ; thence North 90°00'00" East, a distance of 74.00 feet to the place of beginning for this description; thence continuing North 90°00'00" East a distance of 117.00 feet; thence South 00°00'00" East, a distance of 103.00 feet; thence South 90°00'00" West, a distance of 117.00 feet; thence North 00°00'00" East a distance of 103.00 feet to the place of beginning.

APPEAL #20-43
3602 Grape Road, #11




N
W
E
S
AP 20-43
GRAPE RD
W CATALPA DR
Location Map
AP 20-43
OWNERS:
JV and SUE PEACOCK
3602 GRAPE RD
SUITE 11
USE VARIANCE
TO ALLOW MICROBLADING
INSIDE EXISITNG ROOTZ SALON

City of Mishawaka

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

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 21 2020
CITY CLERK
MISHAWAKA, IN

September 11, 2020

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
September 9, 2020, Public Hearing
Certification of Proposed Ordinances:

Honorable Members:

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

PETITION #20-18 A petition submitted by BFR (owner) and RFJ Auto-T Properties, LLC (contingent purchaser), requesting to rezone **4211 Grape Road** from C-1 General Commercial District to C-4 Automobile Oriented Commercial District.

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

PETITION #20-19 A petition submitted by Richard LaFree seeking to amend the Deer Run PUD to permit I-1 Light Industrial use on Lots 2, 3 and 4.

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

1. Permitted uses shall be amended to include all I-1 Light Industrial Uses.
2. Overstory or understory trees shall be provided along Fir Road at a rate compliant with the C-1 General Commercial District.
3. Parking lot screening per the C-1 General Commercial District shall be provided along the east side of the parking area adjacent to Fir Road.
4. One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site.
5. Freestanding off-premise signs shall not be permitted.
6. The extension of all utilities to the site shall be at the developer's cost and expense.
7. 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. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.
8. A sidewalk with the appropriate ADA ramp shall be extended along the Fir Road and Deer Run Drive frontage subject to review and approval by the Engineering Department.
9. All other development regulations not specified shall adhere to the I-1 Light Industrial District.

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

<u>PETITION #20-20</u> A petition submitted by Lionshead Development, LLC, seeking to annex and zone **15165, 15195, and 15201 Cleveland Road, Granger** to R-3 Multi-Family Residential District.

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

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

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, City of Mishawaka Plan Commission

cc: Peter Agostino
Terry Lang
Mike Huber

STAFF REPORT

Location: 4211 Grape Road

Date: Sept 9., 2020

Petition: 20 18

Prepared By: KM

GENERAL INFORMATION

Applicant:	BFR/RFJ Auto-T Properties, LLC/Peter J. Agostino
Status:	Property Owner/Contingent Purchaser/Legal Representative
Request:	Rezone from C-1 General Commercial District to C-4 Automobile Oriented Commercial District
Zoning Classification:	C-1 General Commercial District
Lot Size:	1.02 acres +/-
Applicable Regulations:	Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern:	North:	C-4 Automobile Oriented Commercial District
	South:	C-1 General Commercial District
	East:	C-1 General Commercial District
	West:	C-4 Automobile Oriented Commercial District
Thoroughfare:	Northwest Corner of Grape and Day	
School District:	South Bend Community School Corporation	
Public Utilities:	Available	
Comprehensive Plan:	Medium Density Residential	

ANALYSIS

The Petitioners are requesting to rezone the above referenced property from C-1 General Commercial District to C-4 Automobile Oriented Commercial District. The property is located on the northwest corner of Grape and Day Roads along the busy Grape Road commercial corridor.

The Petitioner states the property includes several retail shops and states is the subject of a purchase agreement with RFJ Auto-T Properties, LLC. The property would be intended for use by the Lexus Dealership located at 4325 Grape Road to display vehicles.

The Engineering Department had the following comments: No comment on the rezoning, but note the following comments shall be considered for the site plan: 1) Existing stormwater and sanitary forcemain runs along north and west side of property. They shall be protected during construction. Show existing easements. 2) Non-access easement shall be provided along Grape Road frontage. 3) Cross-access easement shall be provided at potential drive connection. 4) Existing site drainage shall be evaluated, and brought up to current standards. All stormwater management shall be handled on-site, or combined with other site.

The Planning Department requires a site plan be submitted if the property is acquired and the use changes to a car lot.

Other pertinent City Departments reviewed and approved the request.

Recommendation

The Planning Department recommends **approval** of Petition #20-18 to rezone 4211 Grape Road to C-4 Automobile Oriented Commercial District. This recommendation is based upon the following findings of fact:

1. The majority of the properties in the immediate vicinity are commercial in use and would be compatible to the area;

2. The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given its relationship to surrounding properties, staff feels that the most desirable use for this property C-4 zoning;

3. Because the parcel is located adjacent to C-4 zoned property and due to the proposed sale of the property to the Lexus Dealership, the rezoning to C-4 Automobile Oriented Commercial District is a desirable use for this property;

4. Rezoning to C-4 Automobile Oriented Commercial District will have a favorable and stabilizing impact on the corridor as the existing commercial center has several vacancies and the contingent purchaser is proposing improvements to the property and will continue to upkeep and maintain the property; and,

5. The City's Comprehensive Plan identifies the area as Medium Density Residential mainly due to the senior living facility to the north and west, but this parcel's historical use as commercial is consistent with the Plan.

Attachments

PHOTOS, PETITION, SITE PLAN, AERIAL, LOCATION MAP

4211 Grape Road

Adjacent Lexus Dealership
4325 Grape Road

PRELIMINARY SITE PLAN

PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

SURVEYED LEGAL DESCRIPTION:

A PARCEL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE NORTH 00°05'50" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 33, A DISTANCE OF 1330.98 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE CONTINUING NORTH 00°05'50" WEST, ALONG SAID NORTH AND SOUTH QUARTER LINE A DISTANCE OF 7.62 FEET TO A POINT ON THE HISTORIC SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION OF SAID SECTION 33 (AS MONUMENTED) AND THE POINT OF BEGINNING; THENCE SOUTH 89°45'24" WEST, A DISTANCE OF 240.16 FEET (REC. SOUTH 89°51'57" WEST, 240.00 FEET) THENCE NORTH 00°08'39" WEST, A DISTANCE OF 222.61 FEET (REC. NORTH 00°00'00" EAST, 220.00 FEET; THENCE NORTH 89°51'50" EAST, A DISTANCE OF 240.21 FEET (REC. NORTH 89°51'57" EAST, 240.00 FEET) TO A POINT ON THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 33; THENCE SOUTH 00°42'23" EAST ALONG SAID NORTH AND SOUTH QUARTER LINE, A DISTANCE OF 222.16 FEET (REC. SOUTH 00°00'00" WEST, 220.00 FEET) TO THE POINT OF BEGINNING.

CONTAINING 1.23 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

TABULATED DATA:

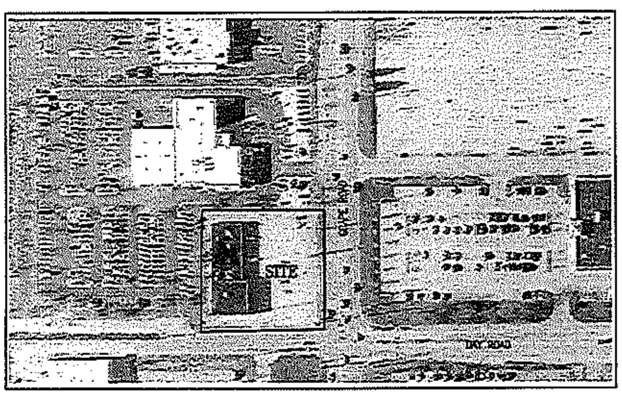
1. ACREAGE OF PETITION SITE........ 1.02± ACRES
2. EXISTING ZONING OF PETITION SITE........"C-1" GENERAL COMMERCIAL
3. PROPOSED ZONING OF PETITION SITE........"C-4" AUTOMOBILE-ORIENTED COMMERCIAL
4. PROPOSED LAND COVERAGE (PETITION SITE):

	SQUARE FOOTAGE	% OF SITE
A. PROPOSED PAVEMENT	34,753	78.05
B. OPEN SPACE	9,772	21.95
TOTAL:	44,525	100.00

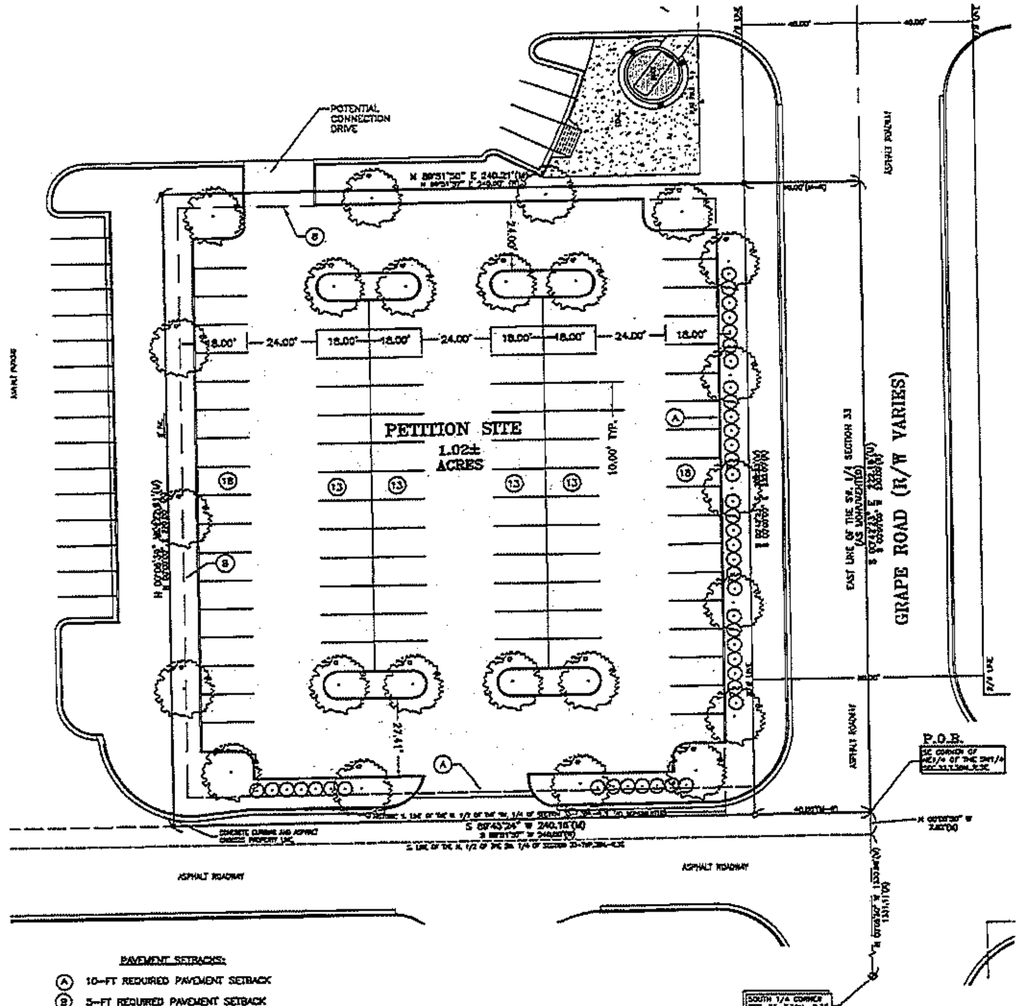
5. SURFACE RUNOFF AND DRAINAGE WILL BE REQUIRED TO MEET THE LATEST CITY OF MISHAWAKA STANDARDS.
6. ALL LANDSCAPING SHALL CONFORM TO THE CITY OF MISHAWAKA COMMERCIAL LANDSCAPE ORDINANCE, UNLESS OTHERWISE APPROVED BY VARIANCE.
7. ALL PARKING SPACES ARE TO BE 180 S.F.

REZONING REQUEST:

TO REZONE FROM "C-1" GENERAL COMMERCIAL TO "C-4" AUTOMOBILE-ORIENTED COMMERCIAL TO ALLOW FOR VEHICULAR SALES DISPLAY.



AERIAL PHOTOGRAPHY & LOCATION MAP



PAVEMENT SETBACKS:

(A) 10-FT REQUIRED PAVEMENT SETBACK

(B) 5-FT REQUIRED PAVEMENT SETBACK

SCALE 1" = 20'

SURVEYORS & ENGINEERS:

DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-4003
ATTN: MICHAEL DANCH

DATE	DRAWN BY:	REVISIONS
8/19/20	GGS	
SCALE	CHECKED BY:	DATE / BY
1" = 20'	GGS	
FILE #	PROJ. MANGR:	
200187	GGS	

Danch, Harner & Associates, Inc.
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

SHEET 1 of 1

Edward W. Hardig

Michael J. Anderson
Peter J. Agostino
Scott M. Keller
Michael P. Misch**

Frank J. Agostino, of Counsel
James E. Burke, of Counsel

Gaylen W. Allsop, Retired

AAK LAW

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Loris P. Zappia
Mark F. James
Bradley P. Colborn
Tracey S. Schafer
Stephanie L. Nemeth+
Eli A. Wax
Rachel Luken
Shanon A. Buari
Myra R. Reid
Alexandra K. Keller

* Also Licensed in IL
+ Also Licensed in MI

August 19, 2020

Honorable Members of the Common Council
City of Mishawaka, Indiana
and Mishawaka City Plan Commission
600 East Third Street
Mishawaka, Indiana 46544

RECEIVED
AUG 19 2020
ECONOMIC
COMMUNITY DEVELOPMENT

PC 20-13

RE: *Petition to Rezone*
4211 Grape Road from C1 to C4

The undersigned attorney represents the petitioners with respect to the request to rezone property located at 4211 Grape Road, Mishawaka, Indiana from C1 to C4. The petitioners are BFR and RFJ Auto-T Properties, LLC, and its assigns. BFR, an Indiana partnership, is the owner of the real estate. The property's legal description is as follows:

PARCEL I

Part of the Northeast Quarter of the Southwest Quarter of Section 33, Township 38 North, Range 3 East, in St. Joseph County, Indiana, more particularly described as follows:

Beginning at the Southeast corner of said quarter quarter section, thence south 89 degree 51 minutes 57 seconds west along the south quarter quarter section line, 240.00 feet; thence north parallel with the east section line (assumed bearing north 00'00'00" East), 220.00 feet, then north 89 degree, 51 minutes 57 seconds east and parallel to the south line of said quarter Quarter section, 240.00 feet to the east line of said quarter quarter section; thence south 00 degree 00 minutes 00 seconds west along said east quarter quarter section line, 220.00 feet to the place of beginning

PARCEL II

A non-exclusive easement for ingress and egress for the benefit of Parcel I as set forth in a warranty deed by and between Mishawaka Development Company, an Indiana Limited Partnership, and Steven Ross recorded August 14, 1978 as instrument number 7818982 in the Office of the Recorder of St.

Joseph County, Indiana

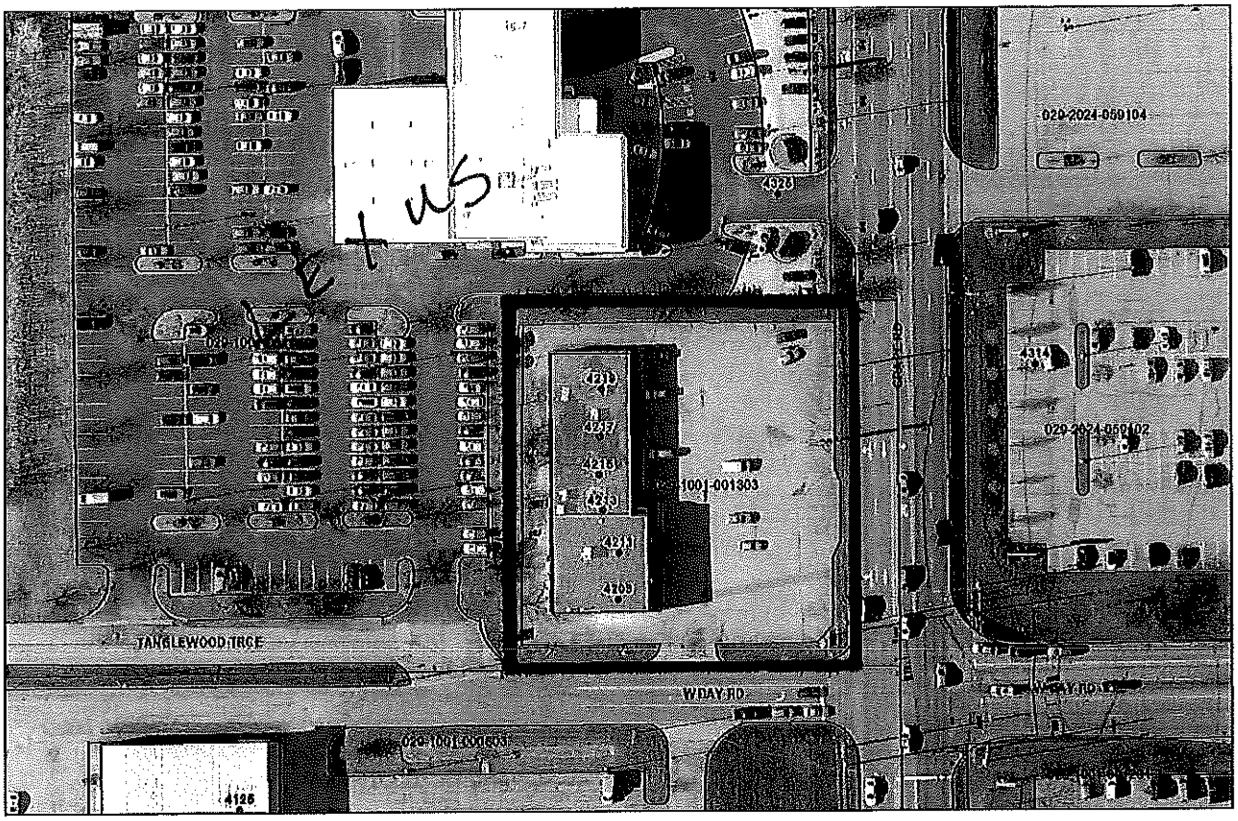
Petitioner, BFR, owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 District. Several retail shops (including vacant ones) are currently located on the property. Petitioner desires said real estate to be rezoned to C4 District. Petitioners further state the property is the subject of a purchase agreement with RFJ Auto-T Properties, LLC, and its assigns, and the property would be intended for use by the Lexus Dealership located at 4325 Grape Road, Mishawaka, IN.

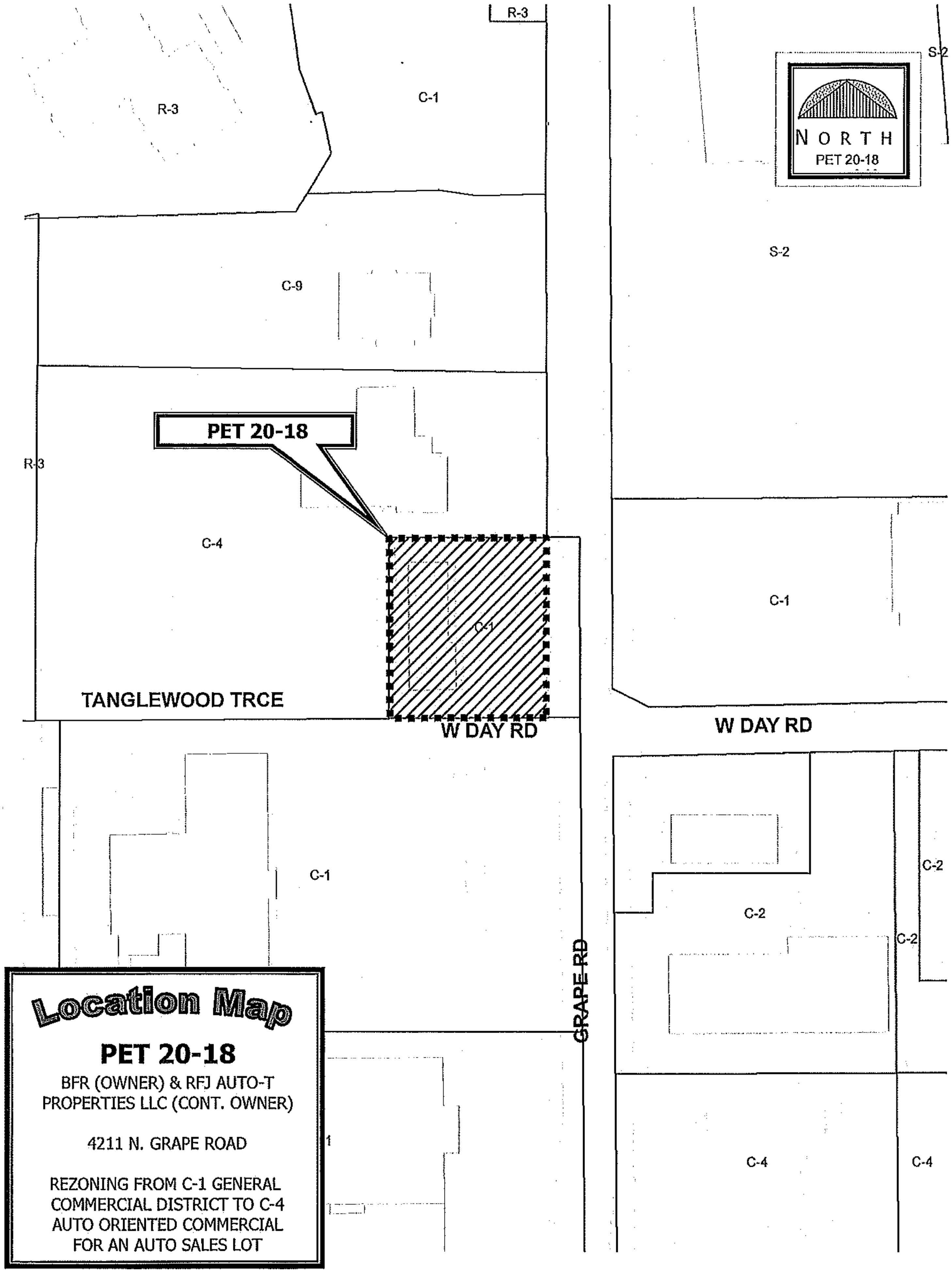
Wherefore, the petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Peter J. Agostino (#10765-71)
ANDERSON, AGOSTINO & KELLER
131 South Taylor
South Bend, Indiana 46601
Telephone: (574) 288-1510
Facsimile: (574) 288-1650
E-MAIL: AGOSTINO@AAKLAW.COM

Attorney for BFR (including BFR, LLP) and RFJ Auto-T Properties, LLC (and its assigns)

PETITION #20-18
4211 Grape Road




R-3
C-1
R-3
S-2
NORTH
PET 20-18
S-2
C-9
PET 20-18
R-3
C-4
C-1
C-1
TANGLEWOOD TRCE
W DAY RD
W DAY RD
C-1
C-2
C-2
C-2
GRAPE RD
C-4
C-4
Location Map
PET 20-18
BFR (OWNER) & RFJ AUTO-T
PROPERTIES LLC (CONT. OWNER)
4211 N. GRAPE ROAD
REZONING FROM C-1 GENERAL
COMMERCIAL DISTRICT TO C-4
AUTO ORIENTED COMMERCIAL
FOR AN AUTO SALES LOT

STAFF REPORT

Location: Southwest corner of Fir Road & Deer Run Drive
Part of the Deer Run PUD including Lots 2, 3 & 4 of the
Deer Run Subdivision, Section One

Date: September 9, 2020

Petition: 20- 19

Prepared By: DJS

GENERAL INFORMATION

Applicant:	Richard LaFree / Lang, Feeney & Associates, Inc.
Status:	Property Owner / Surveyor & Site Design Consultant
Request:	Amend the Deer Run Planned Unit Development (PUD) to allow I-1 Light Industrial permitted uses, including but not limited to, a product packaging facility on part of said real estate
Zoning Classification:	S-2 Planned Unit Development (Permitted Uses on the portion of the PUD to be amended include commercial uses subject to the C-8 Commercial development regulations)
Lot Size:	Approximately 3.9 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 (Vacant Land within the Deer Run PUD approved for Commercial Use & Vacant Athletic Facility)
	South:	S-2 Planned Unit Development (Multi-Family Residential / The Preserve at Fir Road Apartments)
	East:	R Single Family District – Unincorporated St. Joseph County (Residential)
	West:	S-2 Planned Unit Development (Vacant Land within the Deer Run PUD approved for Industrial Uses subject to the I-1 District development regulations)
Thoroughfare:	Fir Road & Deer Run Drive	
School District:	Penn-Harris-Madison School Corporation	
Township:	Penn	
Public Utilities:	All utilities are available and/or will be extended to/throughout the site at the developer's expense	
Comprehensive Plan:	Low Density Residential	

ANALYSIS

The petitioner, Richard LaFree, is requesting to amend a part of the Deer Run Planned Unit Development, originally approved in 2003 (Petition 03-42/Ord. 4818AA & 4819AA), to allow for the development of product packaging facility. At the direction of the Planning Staff, the request states that all I-1 Light Industrial District permitted uses and development regulations be applicable. After review of similar PUD amendment requests, Staff is requesting that other development conditions be placed on the property. These conditions have been included in the staff recommendation.

The Planned Unit Development is located on west side of Fir Road between McKinley Avenue and Day Road. The part of the PUD being amended is bound by vacant land and a vacant building formerly occupied by the ICE Athletic Center to the north, vacant land to the west, the Preserve at Fir Road apartment complex to the south, and single-family residential property to the east in unincorporated St. Joseph County.

The amendment is to allow an approximate 12,800 sq. ft. one-story building at the southwest corner of Fir Road and south portion of Deer Run Drive. The 1.63 acre property is currently undeveloped agricultural land. The site is shown as Parcel A on the attached preliminary site plan and includes all of Lot 2 and part of Lot 3 in the Deer Run Subdivision, Section One (Plat 05-33). The preliminary PUD site plan identifies the Bernell Corporation, as the contingent purchaser. Bernell is a repackaging, light assembly, and distribution business for various ophthalmic products. All business operations will relocate from their current facility on Home Street.

At the direction of the Planning Staff, the petition includes property west of Parcel A to amend the permitted uses within Lots 2, 3, and 4 of the Deer Run Subdivision, Section One. The original preliminary PUD site plan and ordinance permitted commercial uses subject to the C-8 High-Density Suburban Commercial District development standards within these lots. Staff believes that I-1 Light Industrial uses are more appropriate than the previously permitted commercial uses given that a light industrial use is proposed for said Parcel A. Light industrial uses are also currently permitted on the land to the west of the lots included in this amendment.

The parking space requirements identified in the petition are one (1) space per employee based upon the maximum employment level per shift. This is the required parking ratio for all I-1 District permitted uses. The facility shall have 25 employees at a maximum shift requiring a total of 25 spaces. The preliminary site plan shows that 27 spaces will be provided.

The landscaping, as conceptually shown on the preliminary site plan, shows shade trees along Fir Road and Deer Run Drive, and shrubs along the south property line. The C-1 District standards for over-story or under-story trees shall be applicable only to the property frontage along Fir Road. Parking screening shall also be required between the parking area and Fir Road. Perimeter trees will not be required along the north or west property lines. As required per the I-1 District regulations, a 10' wide landscaped area with a minimum 7' high shrubs or trees shall be provided along the south property line where adjacent to any developed industrial property in order to form a permanent, opaque, landscape screen. A 7' high opaque fence shall also be installed along the south property line where adjacent to any developed industrial property. Landscape screening and fencing to the south is required due the adjacent multi-family residential use. A more detailed landscape plan conforming to the PUD conditions shall be submitted with the final planned unit development site plan, and is subject to review and approval by the Planning Staff.

<u>Similar to when the original Planned Unit Development was approved, the petitioner is only proposing to establish, or in this case, amend the permitted uses and basic development requirements of the planned unit development.</u> If approved, a detailed Final Planned Unit Development site plan must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm drainage, electric, gas, etc.), landscaping/screening, grading, erosion control, and any other required improvements.

All pertinent City Departments have reviewed and approved the PUD amendment request.

The Engineering Department provided comments related to stormwater runoff and a sidewalk extension along Fir Road and Deer Run Drive frontage. These comments shall be addressed with the final site plan.

RECOMMENDATION

Staff recommends **approval** of Petition 20-19 to amend a part of the Deer Run PUD, being more specifically Lots 2, 3, and 4 in the Deer Run Subdivision, Section One, to allow I-1 Light Industrial permitted uses, including but not limited to, a product packaging facility on a part of said real estate subject to the following conditions:

1. Permitted uses shall be amended to include all I-1 Light Industrial Uses.
2. Overstory or understory trees shall be provided along Fir Road at a rate compliant with the C-1 General Commercial District.
3. Parking lot screening per the C-1 General Commercial District shall be provided along the east side of the parking area adjacent to Fir Road.
4. One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site.
5. Freestanding off-premise signs shall not be permitted.
6. The extension of all utilities to the site shall be at the developer's cost and expense.
7. 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. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.
8. A sidewalk with the appropriate ADA ramp shall be extended along the Fir Road and Deer Run Drive frontage subject to review and approval by the Engineering Department.
9. All other development regulations not specified shall adhere to the I-1 Light Industrial District.

The recommendation is based on the following findings of fact:

1. Existing Conditions- The amendment will not alter or negatively impact the existing conditions of the surrounding area. Commercial and industrial uses are currently permitted both within the portion of the PUD being amended and within vacant property in the PUD to the west.

2. Character of Buildings in Area- Very few buildings are located within the immediate area. A vacant athletic facility to the north and the Preserve at Fir Road apartment complex to the south are within the boundaries of the Deer Road PUD. Low density single-family residential homes and undeveloped property are located predominantly along the east side of Fir Road.

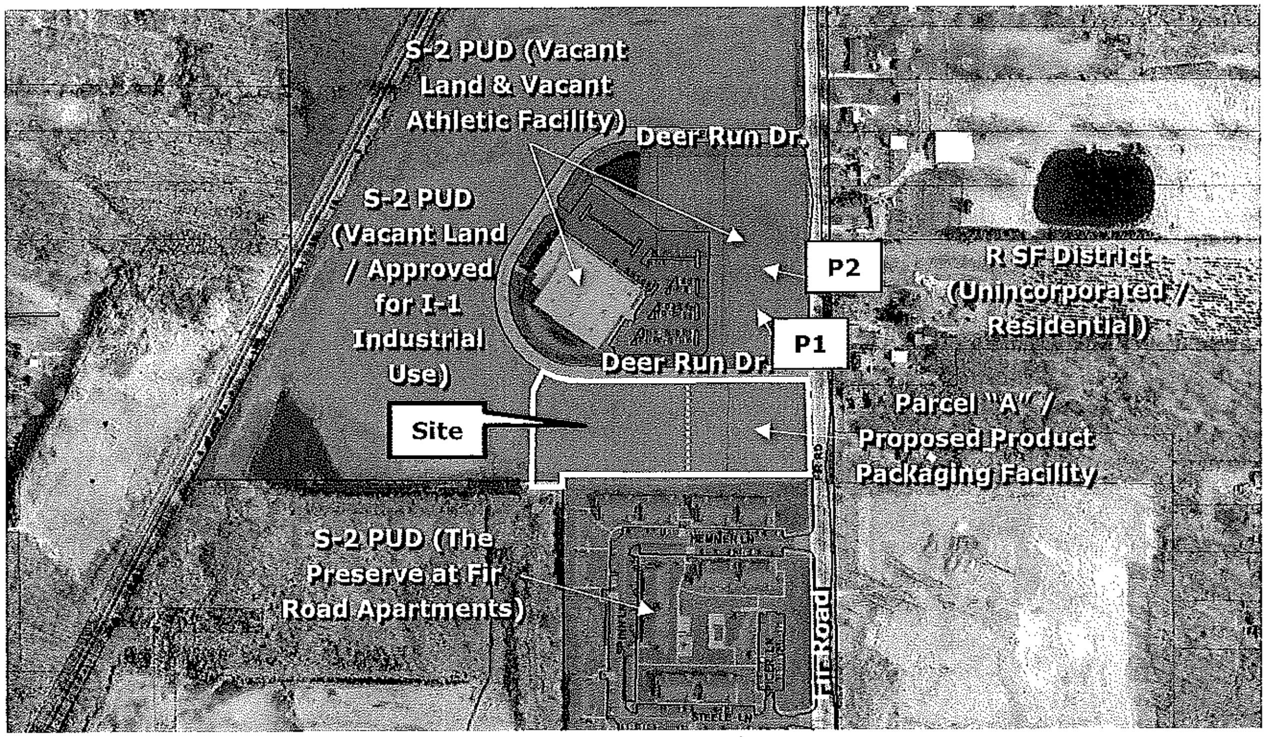
3. The Most Desirable/Highest and Best Use- The proposed S-2 Planned Unit Development amendment for I-1 Light Industrial permitted uses is consistent with surrounding zoning classifications. With adherence to the conditions placed on this amendment and the I-1 Light Industrial development regulations, the proposed use will be compatible with the existing and permitted land uses within the PUD.

4. Conservation of Property Values- The proposed zoning should not be injurious to property values in the surrounding area based upon the conditions included in this amendment and the I-1 Light Industrial development regulations. Currently, commercial land uses, including higher intensive uses than those proposed, are permitted within the portion of the PUD being amended.

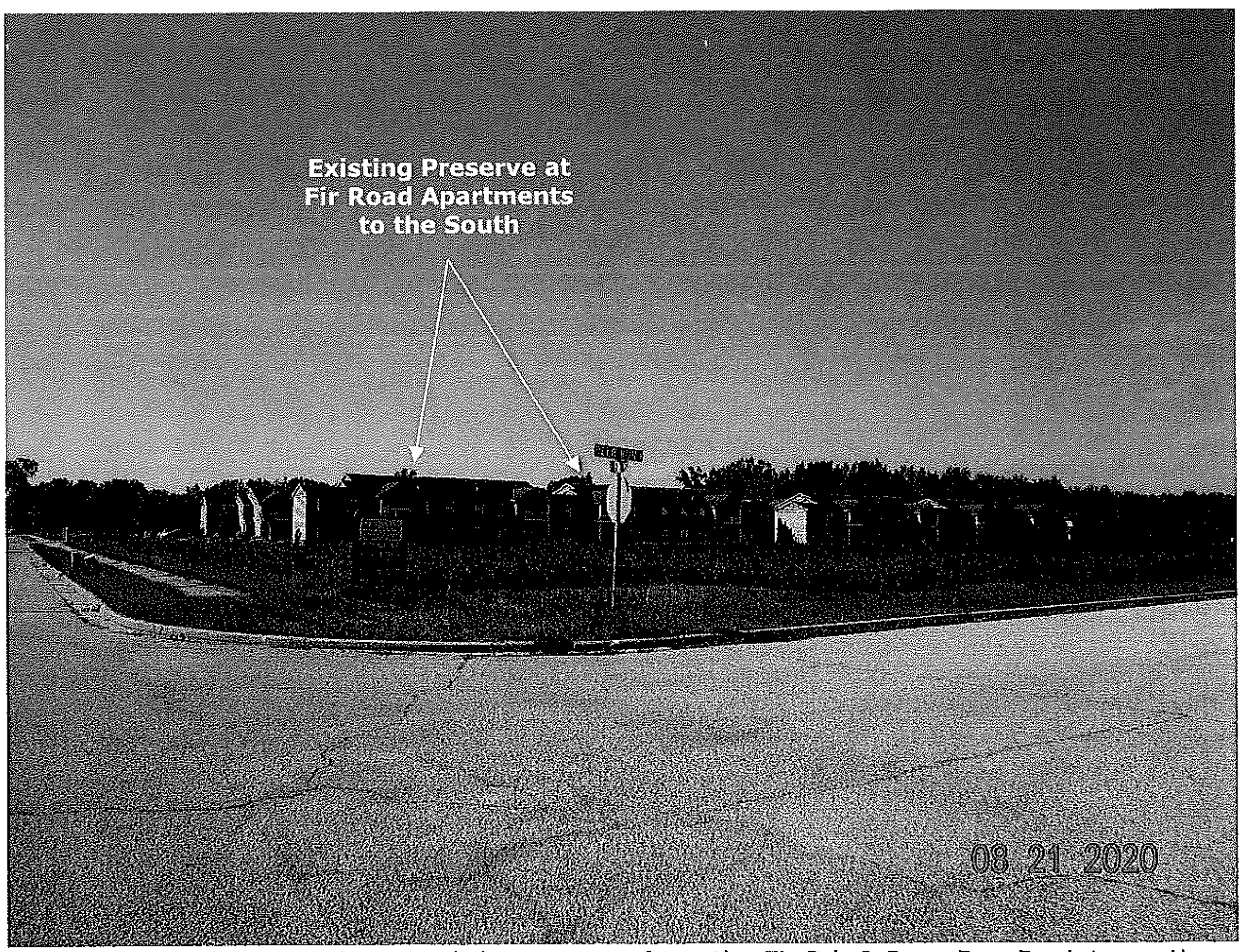
5. Comprehensive Plan- The 2000 Mishawaka Comprehensive Plan, created in 1990, identified this area for low density residential development. However, the presence of the existing apartments and the vacant athletic facility has profoundly changed the character of the area where low density residential development is no longer appropriate.

ATTACHMENTS

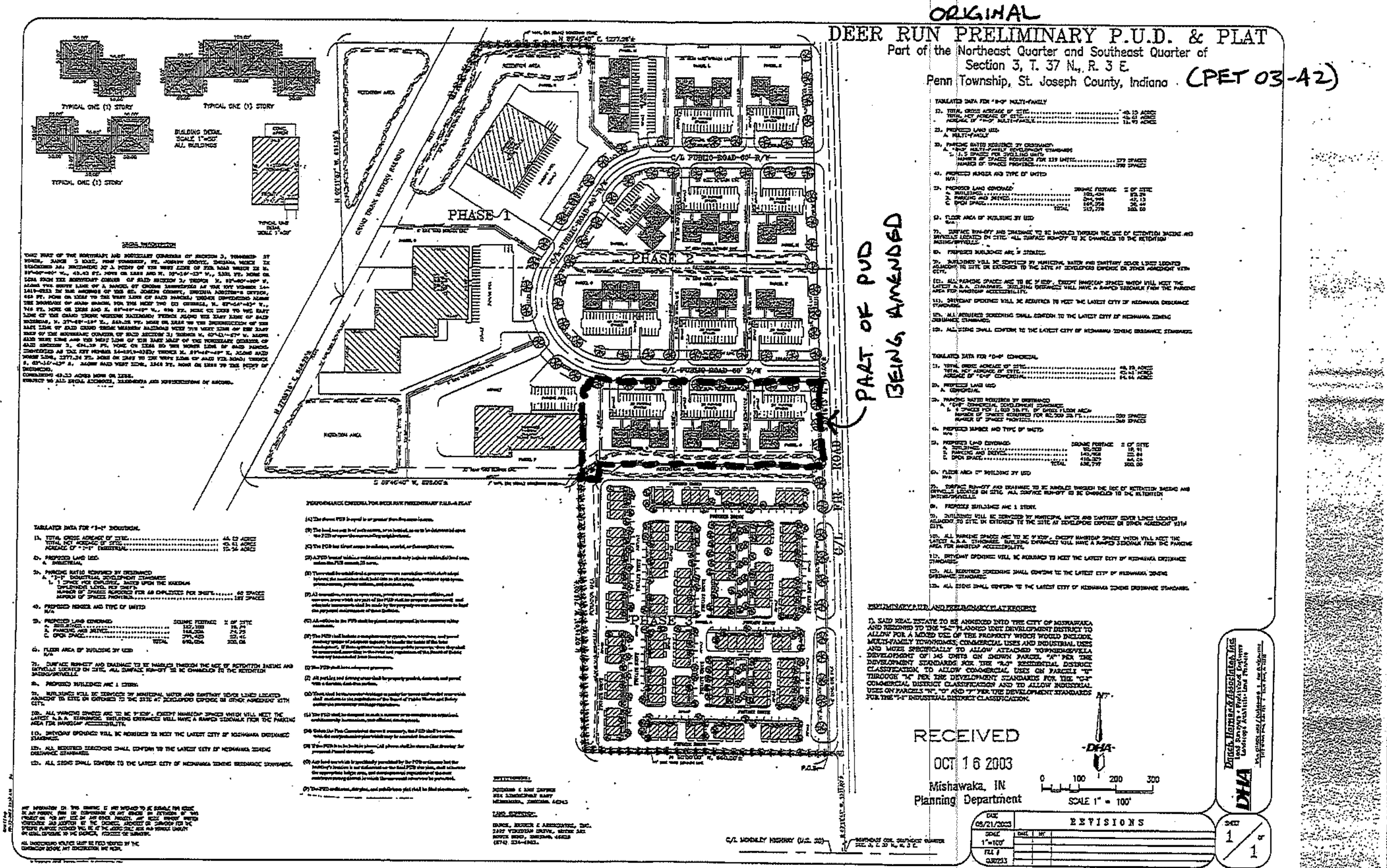
Photographs, Petition, Original Preliminary PUD Plan (Petition 03-42), Amended Preliminary PUD Plan, Location Map



Aerial Photograph
Deer Run Planned Unit Development
Lots 2, 3 and 4 in Deer Run Subdivision, Section One
West of Fir Road between McKinley Avenue and Day Road



P1. Looking southwesterly toward the property from the Fir Rd. & Deer Run Dr. intersection.


ORIGINAL
DEER RUN PRELIMINARY P.U.D. & PLAT
Part of the Northeast Quarter and Southeast Quarter of
Section 3, T. 37 N., R. 3 E.
Penn Township, St. Joseph County, Indiana
(PET 03-42)
PHASE 1
PHASE 2
PHASE 3
PART OF PUD BEING AMENDED
C/L FIR ROAD
TYPICAL ONE (1) STORY
BUILDING DETAIL SCALE 1"=50' ALL BUILDINGS
RETENTION AREA
PRELIMINARY P.U.D. AND PRELIMINARY PLAT REQUEST
RECEIVED
OCT 16 2003
Mishawaka, IN
Planning Department
SCALE 1" = 100'
REVISIONS
Danch, Harner & Associates, Inc.
DHA

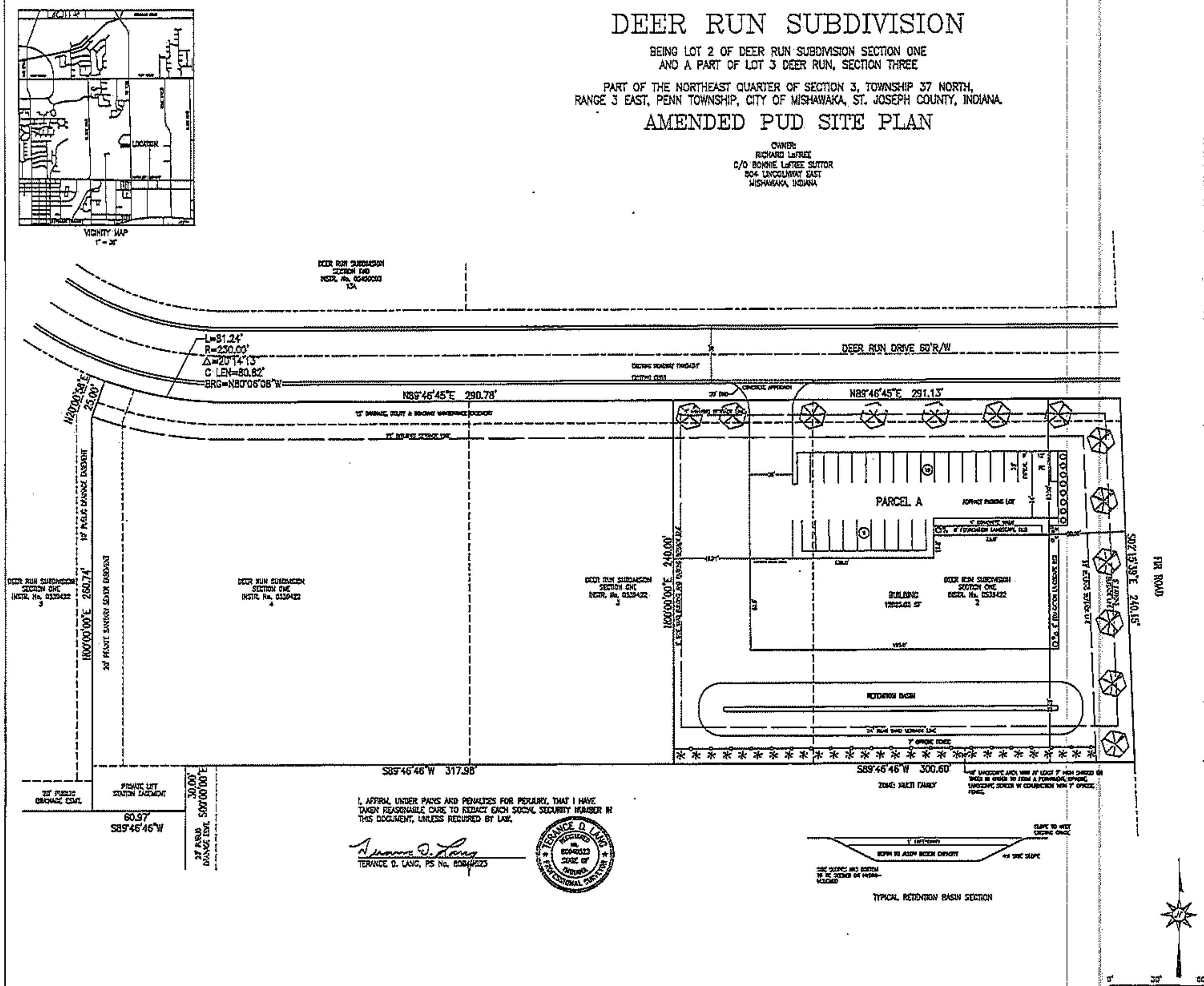
DEER RUN SUBDIVISION

BEING LOT 2 OF DEER RUN SUBDIVISION SECTION ONE
AND A PART OF LOT 3 DEER RUN, SECTION THREE

PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH,
RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA

AMENDED PUD SITE PLAN

OWNER:
RICHARD LaFREE
C/O BONNIE LaFREE SUTTOR
504 LINCOLNWAY EAST
MISHAWAKA, INDIANA



I, AFFIRM, UNDER PAINS AND PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

Terance D. Lang

TERANCE D. LANG, PS No. 80040523

TERANCE D. LANG REGISTERED No. 80040523 STATE OF INDIANA PROFESSIONAL SURVEYOR

DEC 22-19 / REVISED

RECEIVED
AUG 25 2020
ECONOMIC
COMMUNITY DEVELOPMENT

DESCRIPTION:
A PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS LOT 2, LOT 3 AND LOT 4 AS SHOWN ON THE RECORDED PLAT OF DEER RUN SUBDIVISION (SECTION ONE) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT No. 0539422.

NOTES:
1. CURRENT ZONING: S-2 PLANNED UNIT DEVELOPMENT
2. CURRENT USE: VACANT LAND
3. VACANT LAND LOCATED IN THE 1400 BLOCK OF DEER RUN DRIVE, MISHAWAKA, INDIANA 46545 AREA.
4. PROPOSED ZONING: I-1 LIGHT INDUSTRIAL
4. PROPOSED USE: I-1 LIGHT INDUSTRIAL USES. A PRODUCT PACKAGING FACILITY IS PROPOSED ON PART OF SAID PROPERTY.
5. ANY PROPOSED BUILDINGS SHALL BE SERVED BY MUNICIPAL WATER AND SANITARY SEWER.
6. DRAINAGE CAPACITY SHALL BE BASED ON CALCULATIONS DETERMINED AT A LATER DATE. ALL STORM WATER RUNOFF SHALL BE CONTAINED WITHIN RETENTION BASIN LOCATED ON SITE.

PARCEL A — SITE INFORMATION

DESCRIPTION:
PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING THAT 1.63 ACRE PARCEL DESCRIBED BY LANG, FEENEY & ASSOCIATES, INC. TERANCE D. LANG, INDIANA PROFESSIONAL SURVEYOR NO. 80040523 AND SHOWN ON SITE PLAN OF THAT SURVEY CERTIFIED ON AUGUST 18, 2020 AS 140-04, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 AS SHOWN ON THE RECORDED PLAT OF DEER RUN SUBDIVISION (SECTION ONE) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 0539422; THENCE SOUTH 89°46'46" WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND THE SOUTH LINE OF LOT 3A AS SHOWN ON THE RECORDED PLAT OF DEER RUN SUBDIVISION, SECTION THREE IN SAID RECORDER'S OFFICE AS INSTRUMENT NO. 1105126, A DISTANCE OF 300.60 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 240.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 3A; THENCE NORTH 89°46'45" EAST ALONG SAID NORTH LINE OF LOT 3A AND THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 291.13 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 02°15'39" EAST ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 240.15 FEET TO THE POINT OF BEGINNING.
SUBJECT TO THE LEGAL RIGHTS OF A PUBLIC HIGHWAY, ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.

NOTES:
1. CURRENT ZONING: S-2 PLANNED UNIT DEVELOPMENT
2. CURRENT USE: VACANT LAND
3. VACANT LAND LOCATED IN THE 1400 BLOCK OF DEER RUN DRIVE, MISHAWAKA, IN 46545 AREA.
4. CONTINGENT PURCHASER: BERNELL, CHRIS ANDREWS, PRESIDENT
4016 N. HOME STREET, MISHAWAKA, IN 46545
Ph. 574-259-2070, E-MAIL CHRIS@BERNELL.COM
5. PROPOSED ZONING: I-1 LIGHT INDUSTRIAL
6. PROPOSED USE: PRODUCT PACKAGING SITE.
7. BUILDING SHALL BE SERVED BY MUNICIPAL WATER AND SANITARY SEWER.
8. DRAINAGE CAPACITY SHALL BE BASED ON CALCULATIONS DETERMINED AT A LATER DATE. ALL STORM WATER RUNOFF SHALL BE CONTAINED WITHIN RETENTION BASIN LOCATED ON SITE.

PARKING REQUIREMENTS:
PRODUCT PACKAGING SITE = 25 MAX EMPLOYEES
REQUIRED PARKING SPACES: 1 PER EMPLOYEE, BASED ON MAX SHIFT = 25 SPACES REQUIRED
SUPPLIED PARKING SPACES: 27, 1 HANDICAP, 26 STANDARD SPACES

PRE CONSTRUCTION — TABULATED DATA

	SF	ACREAGE	%
OPEN AREA	71006.87	1.63	100.00
TOTAL	71006.87	1.63	100.00

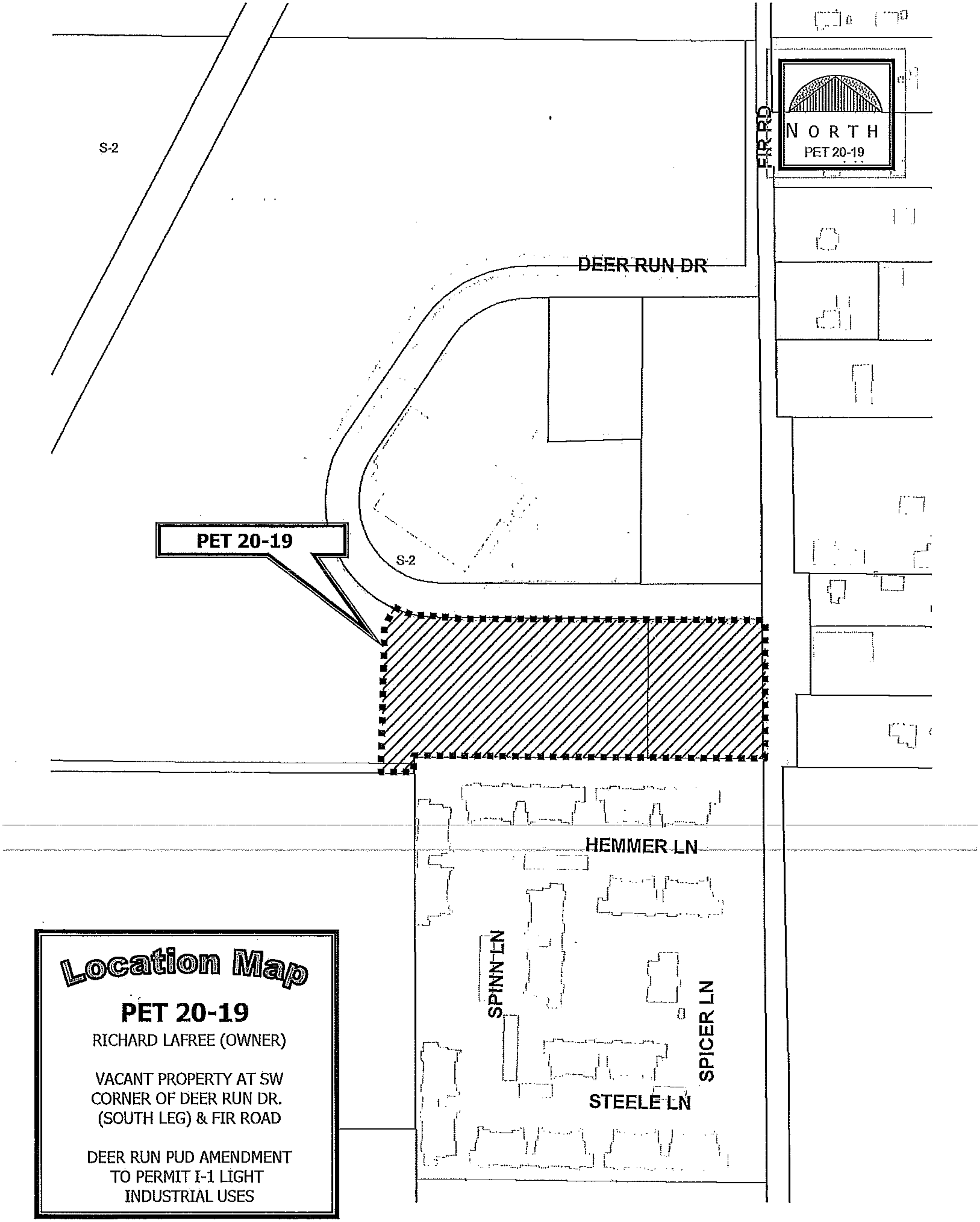
POST CONSTRUCTION — TABULATED DATA

	SF	ACREAGE	%
BUILDING	12825.00	0.29	18.06
CONC/ASPH	13324.86	0.31	18.71
OPEN AREA	44857.01	1.03	63.18
TOTAL	71006.87	1.63	100.00

LANDSCAPE REQUIREMENTS
FRONT YARD —ONE DECIDUOUS SHADE EVERY 40'
PARKING LOT SCREENING — HEDGE SCREENING
LANDSCAPE LEGEND
CANOPY/SHADE TREE
SHRUB (HEDGE)

Lang, Feeney & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46601
Phone (574) 233-1341
Land Surveyors • Soil Scientists

Scale 1" = 30'	Drawn JUC		
Date 8-11-20	Job Name DeerRunLt2-Amended		
Rev. 8-20-20	Job No. 140-04		



NORTH
PET 20-19
S-2
FIR RD
DEER RUN DR
PET 20-19
S-2
HEMMER LN
SPINN LN
SPICER LN
STEELE LN
Location Map
PET 20-19
RICHARD LAFREE (OWNER)
VACANT PROPERTY AT SW CORNER OF DEER RUN DR. (SOUTH LEG) & FIR ROAD
DEER RUN PUD AMENDMENT TO PERMIT I-1 LIGHT INDUSTRIAL USES

STAFF REPORT

General Location: Vacant Land North of Cleveland Road approximately 350' West of Fir Road

Date: September 9, 2020

Petition: 20-20 Annexation, Establish Zoning, and Preliminary Site Plan for a proposed multi-family residential townhome development

Prepared By: DJS

GENERAL INFORMATION

Applicants:	Lionshead Development LLC / Legacy Builders & Spalding Design Group
Status:	Property Owner / Contingent Developer & Architect
Request:	To annex, establish zoning, and approve a preliminary site plan to allow for the construction of a 73 unit multi-family residential townhome development
Existing Zoning:	R Single Family Residential (Three western parcels in unincorporated St. Joseph County) & R-3 Multi-Family Residential District (Three eastern parcels annexed in 2016 per Petition 16-32)
Proposed Zoning:	R-3 Multiple Family Residential District
Lot Size:	6.4 acres including 3.4 acres to be annexed with this petition and 3.0 acres currently within city limits
Applicable Regulations:	Section 137-215 thru 137-217 / R-3 Multiple Family Residential Section 137-41 / Amendments to the Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern:	North:	R Single Family Residential – Unincorporated (Vacant Wooded Area & Single-Family Home north of a Pond)
	South:	C-6 Linear Office Commercial (Medical Office / Indiana Pain & Spine Clinic) & S-2 Planned Unit Development (Single Family Home / Approved for C-1 General Commercial District use)
	East:	R Single Family Residential – Unincorporated (Single-Family Residential) & O Office – Unincorporated (Medical Office / Granger Oral Surgery & Dental Implants)
	West:	R Residential – Unincorporated (Single-Family Residential)
Thoroughfare:	Cleveland Road	
School District:	Penn-Harris-Madison School Corporation	
Public Utilities:	All public utilities are either available or will be extended to/throughout the site at the owner's/developer's expense.	
Comprehensive Plan:	This area was not included in the extents of the Mishawaka 2000 Comprehensive Plan.	

Analysis

Proposal:
The applicant is proposing to annex, establish zoning, and approve a preliminary site plan to allow for the construction of a 73 unit multi-family residential townhome development.

The 6.4 acre site is located on the north side of Cleveland Road west of Fir Road and consists of six separate parcels. The three eastern parcels, which include tax parcels #030-1007-0076.04, #030-1007-0076.07, and #030-1007-0076.35, are currently within the City limits being annexed in 2016 (Ord. 5557/Petition 16-32). These parcels were initially proposed for development with 29 townhomes. The three western parcels to be annexed with this petition include tax parcels #006-1007-0076.05, #006-1007-0077, and #006-1007-0077.01. All six parcels are vacant.

As indicated on the preliminary site plan, the project will include 73 individually owned units within 17 separate buildings. The project will likely be developed in multiple phases based upon market demand. Specifics on the phasing as to the number of buildings/units and which part of the site will be initially development were not identified. The overall density will be 11.4 units per acre. A total of 110 parking spaces are required for the proposed 73 residential units (1.5 spaces per unit). Although not specified on the preliminary site plan, it appears that 194 parking spaces will be provided with 146 spaces (two per unit) within the attached garages and 48 visitor spaces in surface parking lots. This equates to a ratio of 2.66 spaces per unit. It is assumed that 2 spaces will be provided within each unit based upon the previous townhome design submitted with the prior annexation and zoning petition in 2016. The same architect is involved in the project.

The applicant is requesting a zoning classification of R-3 Multiple Family Residential District for the proposed annexation area to match the existing zoning within the eastern part of the site. The western three parcels were not included in the prior annexation and zoning since they were not under the applicant's control at that time. With the current petition, the applicant is proposing to expand the previously approved multi-family residential use. The preliminary site plan shows the developer's intent to comply with the required height, area, and development regulations for the R-3 District (building and parking setbacks, off-street parking requirements, etc.). Developmental variances may be required based on a refined future final site plan.

One access off of Cleveland Road is proposed to serve the development. The Engineering Department commented that an additional access, or fire lane, will likely be required by the Fire Department. The taper for the proposed deceleration lane appears to be short and will require a 30:1 taper for the posted 40 MPH speed limit. These comments shall be addressed during the final site plan review process. The preliminary site plan shows an existing road on the south side of Cleveland Road near the proposed entrance. It should be noted that this road, previously Fir Trail, was vacated in 2015 (Ord. 5506/Petition 15-33) with new curb being installed to remove access to the south. All drives and parking lots interior to the site will be privately owned and maintained.

Due to the project being located within a future Juday Creek 5-year well head protection area, stormwater runoff cannot be handled on-site via a system of drywells. All runoff will have to be maintained on-site via a surface stormwater retention or detention basin.

All landscaping/screening, architecture materials and colors of the buildings, and screening of the dumpster areas shall comply with commercial district requirements.

If the proposed zoning and annexation request is approved, a detailed final site plan shall be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm water drainage, electric, gas, etc.), landscaping/screening, grading, erosion control, and any other required improvements.

Annexation:
In late 2016, the three eastern parcels within the site were annexed into the City for a proposed 29 unit multi-family residential townhome development (Ord. 5557/Petition 16-32). A 3.4 acre area including the

three western parcels to be annexed with this petition proposes to expand the previously approved multi-family residential use. All six parcels are vacant.

Per Indiana State annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexation as outlined above, approximately 435.32 feet, or 27%, of the total 1613.94 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:
The site is located on the north side of Cleveland Road approximately 350' west of Fir Road, and is bordered to the north by a heavily wooded single-family residential property and 3.8 acre pond located within unincorporated St. Joseph County; to the west by a single-family residential property located within unincorporated St. Joseph County; to the south by commercial property partially developed with a medical office and a single-family residential property approved for commercial use; and to the east by a single-family residential property and medical office located within unincorporated St. Joseph County.

Zoning Change:
Staff feels that the proposed zoning of the three western parcels for multi-family residential purposes is appropriate given that part of the property was previously approved for the same use and the adjacent commercial growth along Cleveland Road, Fir Road, and East University Drive to the south. With the completion of Beacon Parkway to the north, providing a major gateway into the City from the Toll Road, development pressures along the Fir Road and Cleveland Road corridors will only intensify in the future.

Transportation/Roads:
According to the latest available traffic counts from June 2019, there were 7,500 annual average daily trips (AADT) along Cleveland Road west of Fir Road. This represents a 36% increase over the last five years. Traffic counts at this location were consistently around 5,500 AADT between 2007 and 2015. Traffic likely increased due to the opening of Beacon Parkway in the spring of 2015. Counts are not expected to significantly increase in the future.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Government with input from City staff, does not show any planned added travel lanes along Cleveland Road from State Road 23 to Bittersweet Road. However, the plan does include added travel lanes along Cleveland Road from Bittersweet Road to Ash Road (St. Joseph – Elkhart County line). The projected completion year for this added capacity project is 2045.

All pertinent City Departments have reviewed and approved the proposed annexation, rezoning and preliminary site plan.

In addition to the prior comments in this report, the Engineering, Electric, and Water Departments provided the following comments:

Engineering Department:

1. Sanitary and water lines shall be extended to the site to serve the proposed development.
2. Stormwater management shall be handled on site per City standards.

These comments shall be addressed with the final site plan.

Electric Department:

1. The Mishawaka Utilities Electric Division does not currently serve the proposed annexation area. If the annexation if approved, Mishawaka Utilities Electric Division will attempt to acquire the service area from AEP as it is not already in our franchise boundary.

Water Department:

1. The project is located within a future Juday Creek 5-year well head protection area pending the construction of a new well field to the northeast of the Douglas Road and Fir Road intersection.

RECOMMENDATION

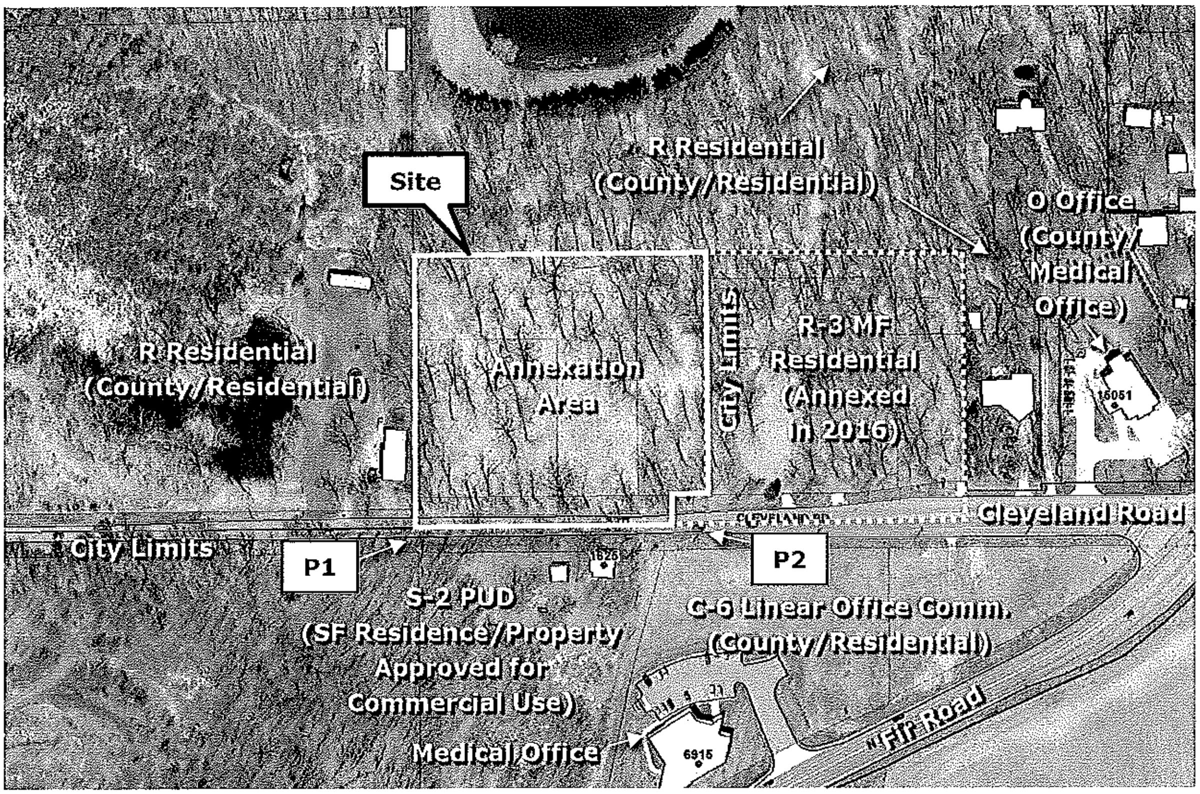
Staff recommends in **favor** of Petition 20-20 to annex, establish zoning, and approve a preliminary site plan for property located on the north side of Cleveland Road west of Fir Road to allow for the construction of a proposed 73 unit multi-family residential townhome development.

This recommendation is based upon the following Findings of Fact:

1. Existing Conditions - The subject parcels are located along a moderately travelled section of Cleveland Road on which traffic volumes are expected to remain relatively constant. Cleveland Road between State Road 23 and Fir Road does not serve as a major east-west corridor into the city. Adjacent land uses include single-family residential properties to the north, west, and east, and commercial and single family residential properties to the south approved for future commercial use.
2. Character of Buildings in Area - The character of buildings and land uses located along the Cleveland Road corridor from State Road 23 to the west to Fir Road to the east vary greatly. Buildings and uses include low-density single family residential homes, an assisted living/memory care facility, an independent living senior facility, a residential apartment complex, a church, and a medical office building.
3. The most desirable/highest and best use – With the completion of Beacon Parkway to the north, commercial and multi-family residential development along Fir Road, and to a lesser extent along Cleveland Road, is expected to increase. Therefore, the most desirable use for the property is either commercial or multi-family residential reflecting the changing land use patterns in the area.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed multi-family residential use is compatible with the adjacent single-family residential and medical office uses.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed multi-family use is reasonably consistent with adjacent and changing land uses along the Cleveland and Fir Road corridors.

ATTACHMENTS

Aerial Photograph, Photographs of Site Area, Zoning & Annexation Petition, Preliminary Site Plan, Location Map



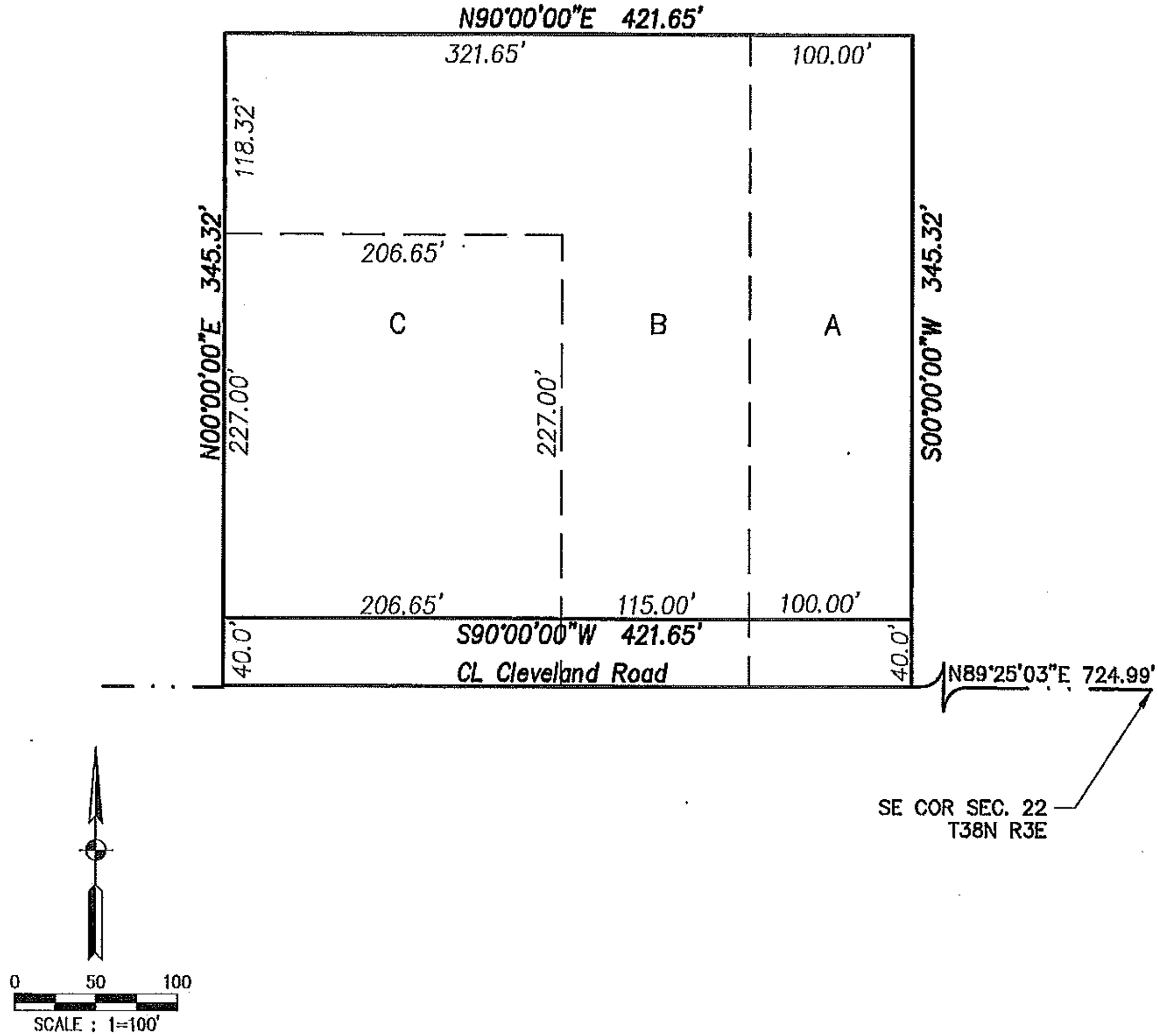
Aerial Photograph - Vacant Land N. of Cleveland Road & W. of Fir Road
Proposed 73 Unit Multi-Family Residential Townhome Development

P1. Looking northeasterly from Cleveland Road toward the property to be annexed.

P2. Looking westerly from Cleveland Road toward the site.

EXHIBIT DRAWING

**BEING A PART OF THE SOUTHEAST QUARTER SECTION 22,
TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP,
ST. JOSEPH COUNTY, INDIANA**



ABONMARCHE

315 W. Jefferson Blvd.
South Bend, IN 46601
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abonmarche.com

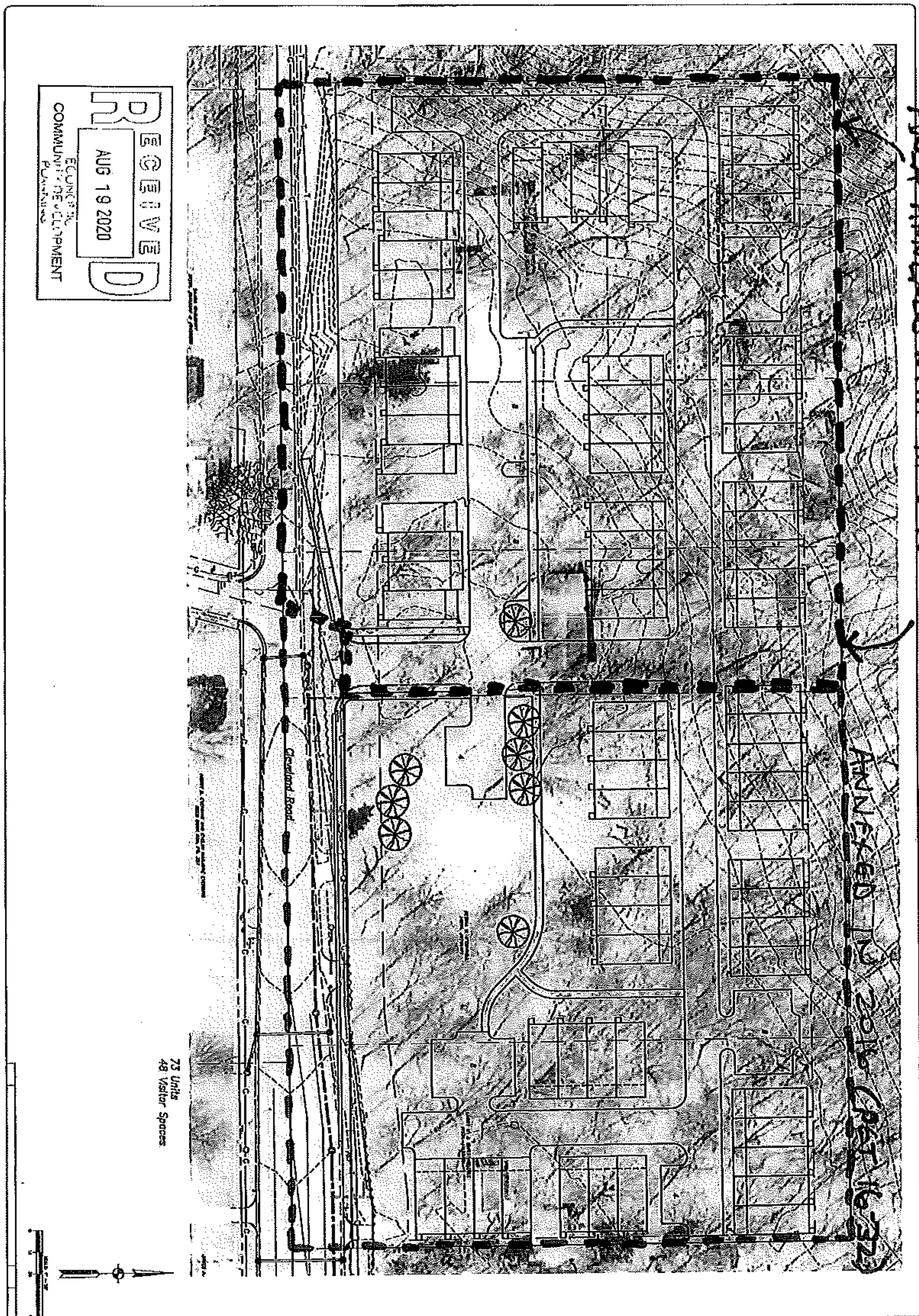
Benton Harbor
Ft. Wayne
Goshen
Hobart
Lafayette

Portage
South Bend
South Haven
Valparaiso

Engineering · Architecture · Land Surveying

PREPARED FOR:
LEGACY HOMES
50525 ARBORWOOD COURT
GRANGER, INDIANA 46530

SCALE:	1" = 100'
JOB #:	PMT JOB
SHEET 1	OF SHT

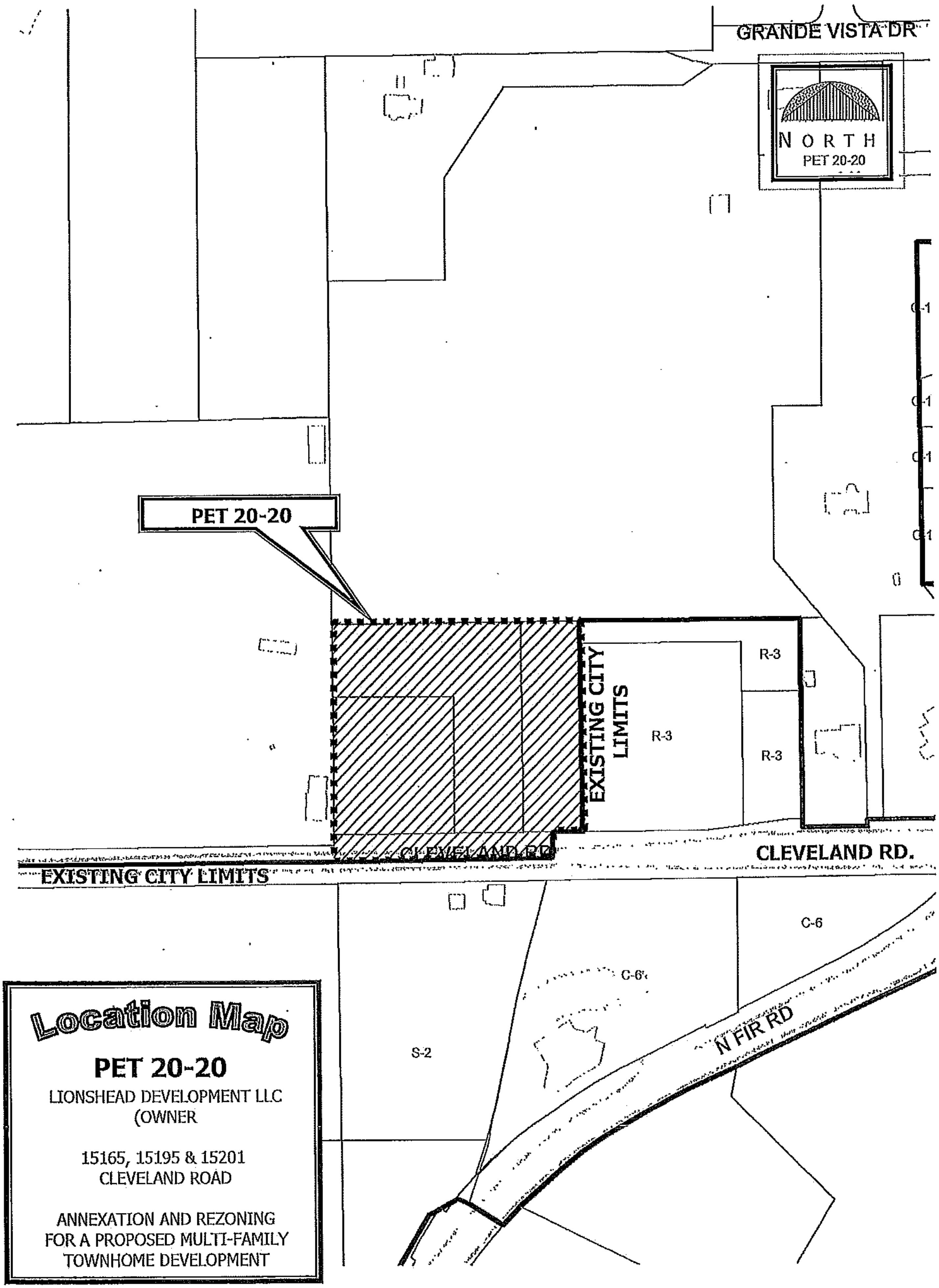


CONCEPTUAL LAYOUT

CLEVELAND TOWNHOMES
CLEVELAND ROAD
GRANGER, INDIANA

ABONMARCHE

1 of 1


GRANDE VISTA DR
NORTH
PET 20-20
C-1
C-1
C-1
C-1
PET 20-20
R-3
R-3
R-3
EXISTING CITY LIMITS
CLEVELAND RD.
EXISTING CITY LIMITS
C-6
C-6
S-2
N FIR RD
Location Map
PET 20-20
LIONSHEAD DEVELOPMENT LLC
(OWNER
15165, 15195 & 15201
CLEVELAND ROAD
ANNEXATION AND REZONING
FOR A PROPOSED MULTI-FAMILY
TOWNHOME DEVELOPMENT

PETITION 20-18

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 11 2020
CITY CLERK
MISHAWAKA, IN

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2020-30

ORDINANCE NO. ______

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

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

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

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

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

Parcel I:
Part of the Northeast Quarter of the Southwest Quarter of Section 33, Township 38 North, Range 3 East, in St. Joseph County, Indiana, more particularly described as follows:

Beginning at the Southeast corner of said quarter quarter section, thence south 89 degree 51 minutes 57 seconds west along the south quarter quarter section line, 240.00 feet; thence north parallel with the east section line (assumed bearing north 00'00'00' East), 220.00 feet, then north 89 degree 51 minutes 57 seconds east and parallel to the south line of said quarter quarter section, 240.00 feet to the east line of said quarter quarter section; thence south 00 degree 00 minutes 00 seconds west along said east quarter quarter section line, 220.00 feet to the place of beginning.

Parcel II:
A non-exclusive easement for ingress and egress for the benefit of Parcel I as set forth in a warranty deed by and between Mishawaka Development Company, an Indiana Limited Partnership, and Steven Ross recorded August 14, 1978 as instrument number 7818982 in the Office of the Recorder of St. Joseph County, Indiana.

COMMON ADDRESS: 4211 Grape Road

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as C-4 Automobile Oriented Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. The majority of the properties in the immediate vicinity are commercial in use and would be compatible to the area;

2. The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given its relationship to surrounding properties, staff feels that the most desirable use for this property C-4 zoning;

3. Because the parcel is located adjacent to C-4 zoned property and due to the proposed sale of the property to the Lexus Dealership, the rezoning to C-4 Automobile Oriented Commercial District is a desirable use for this property;

4. Rezoning to C-4 Automobile Oriented Commercial District will have a favorable and stabilizing impact on the corridor as the existing commercial center has several vacancies and the contingent purchaser is proposing improvements to the property and will continue to upkeep and maintain the property; and,

5. The City's Comprehensive Plan identifies the area as Medium Density Residential mainly due to the senior living facility to the north and west, but this parcel's historical use as commercial is consistent with the Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this __________day of ____________________, 2020, at ________ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________ day of ____________________, 2020, at ____ o'clock ____.M.

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

APPROVED by me this ____________ day of ____________________, 2020, at _________o'clock ____.M.

____
David A. Wood, Mayor

STAFF REPORT

Location: 4211 Grape Road Date: Sept 9., 2020

Petition: 20 18 Prepared By: KM

GENERAL INFORMATION

Applicant:	BFR/RFJ Auto-T Properties, LLC/Peter J. Agostino
Status:	Property Owner/Contingent Purchaser/Legal Representative
Request:	Rezone from C-1 General Commercial District to C-4 Automobile Oriented Commercial District
Zoning Classification:	C-1 General Commercial District
Lot Size:	1.02 acres +/-
Applicable Regulations:	Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern:	North:	C-4 Automobile Oriented Commercial District
	South:	C-1 General Commercial District
	East:	C-1 General Commercial District
	West:	C-4 Automobile Oriented Commercial District
Thoroughfare:	Northwest Corner of Grape and Day	
School District:	South Bend Community School Corporation	
Public Utilities:	Available	
Comprehensive Plan:	Medium Density Residential	

ANALYSIS

The Petitioners are requesting to rezone the above referenced property from C-1 General Commercial District to C-4 Automobile Oriented Commercial District. The property is located on the northwest corner of Grape and Day Roads along the busy Grape Road commercial corridor.

The Petitioner states the property includes several retail shops and states is the subject of a purchase agreement with RFJ Auto-T Properties, LLC. The property would be intended for use by the Lexus Dealership located at 4325 Grape Road to display vehicles.

The Engineering Department had the following comments: No comment on the rezoning, but note the following comments shall be considered for the site plan: 1) Existing stormwater and sanitary forcemain runs along north and west side of property. They shall be protected during construction. Show existing easements. 2) Non-access easement shall be provided along Grape Road frontage. 3) Cross-access easement shall be provided at potential drive connection. 4) Existing site drainage shall be evaluated, and brought up to current standards. All stormwater management shall be handled on-site, or combined with other site.

The Planning Department requires a site plan be submitted if the property is acquired and the use changes to a car lot.

Other pertinent City Departments reviewed and approved the request.

Recommendation

The Planning Department recommends **approval** of Petition #20-18 to rezone 4211 Grape Road to C-4 Automobile Oriented Commercial District. This recommendation is based upon the following findings of fact:

1. The majority of the properties in the immediate vicinity are commercial in use and would be compatible to the area;

2. The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given its relationship to surrounding properties, staff feels that the most desirable use for this property C-4 zoning;

3. Because the parcel is located adjacent to C-4 zoned property and due to the proposed sale of the property to the Lexus Dealership, the rezoning to C-4 Automobile Oriented Commercial District is a desirable use for this property;

4. Rezoning to C-4 Automobile Oriented Commercial District will have a favorable and stabilizing impact on the corridor as the existing commercial center has several vacancies and the contingent purchaser is proposing improvements to the property and will continue to upkeep and maintain the property; and,

5. The City's Comprehensive Plan identifies the area as Medium Density Residential mainly due to the senior living facility to the north and west, but this parcel's historical use as commercial is consistent with the Plan.

Attachments

PHOTOS, PETITION, SITE PLAN, AERIAL, LOCATION MAP

4211 Grape Road

Adjacent Lexus Dealership
4325 Grape Road

PRELIMINARY SITE PLAN

PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

SURVEYED LEGAL DESCRIPTION:

A PARCEL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE NORTH 00°05'50" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 33, A DISTANCE OF 1330.98 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE CONTINUING NORTH 00°05'50" WEST, ALONG SAID NORTH AND SOUTH QUARTER LINE A DISTANCE OF 7.62 FEET TO A POINT ON THE HISTORIC SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION OF SAID SECTION 33 (AS MONUMENTED) AND THE POINT OF BEGINNING; THENCE SOUTH 89°45'24" WEST, A DISTANCE OF 240.16 FEET (REC. SOUTH 89°51'57" WEST, 240.00 FEET) THENCE NORTH 00°06'39" WEST, A DISTANCE OF 222.61 FEET (REC. NORTH 00°00'00" EAST, 220.00 FEET; THENCE NORTH 89°51'50" EAST, A DISTANCE OF 240.21 FEET (REC. NORTH 89°51'57" EAST, 240.00 FEET) TO A POINT ON THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 33; THENCE SOUTH 00°42'23" EAST ALONG SAID NORTH AND SOUTH QUARTER LINE, A DISTANCE OF 222.16 FEET (REC. SOUTH 00°00'00" WEST, 220.00 FEET) TO THE POINT OF BEGINNING.

CONTAINING 1.23 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

TABULATED DATA:

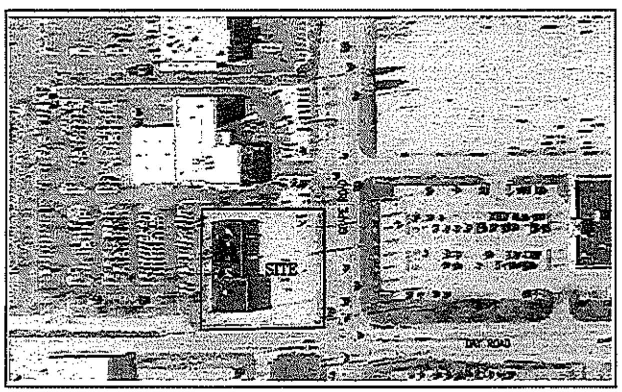
1. ACREAGE OF PETITION SITE ____ 1.02± ACRES
2. EXISTING ZONING OF PETITION SITE ____ "C-1" GENERAL COMMERCIAL
3. PROPOSED ZONING OF PETITION SITE ____ "C-4" AUTOMOBILE-ORIENTED COMMERCIAL
4. PROPOSED LAND COVERAGE (PETITION SITE):

	SQUARE FOOTAGE	% OF SITE
A. PROPOSED PAVEMENT	34,753	78.05
B. OPEN SPACE	9,772	21.95
TOTAL:	44,525	100.00

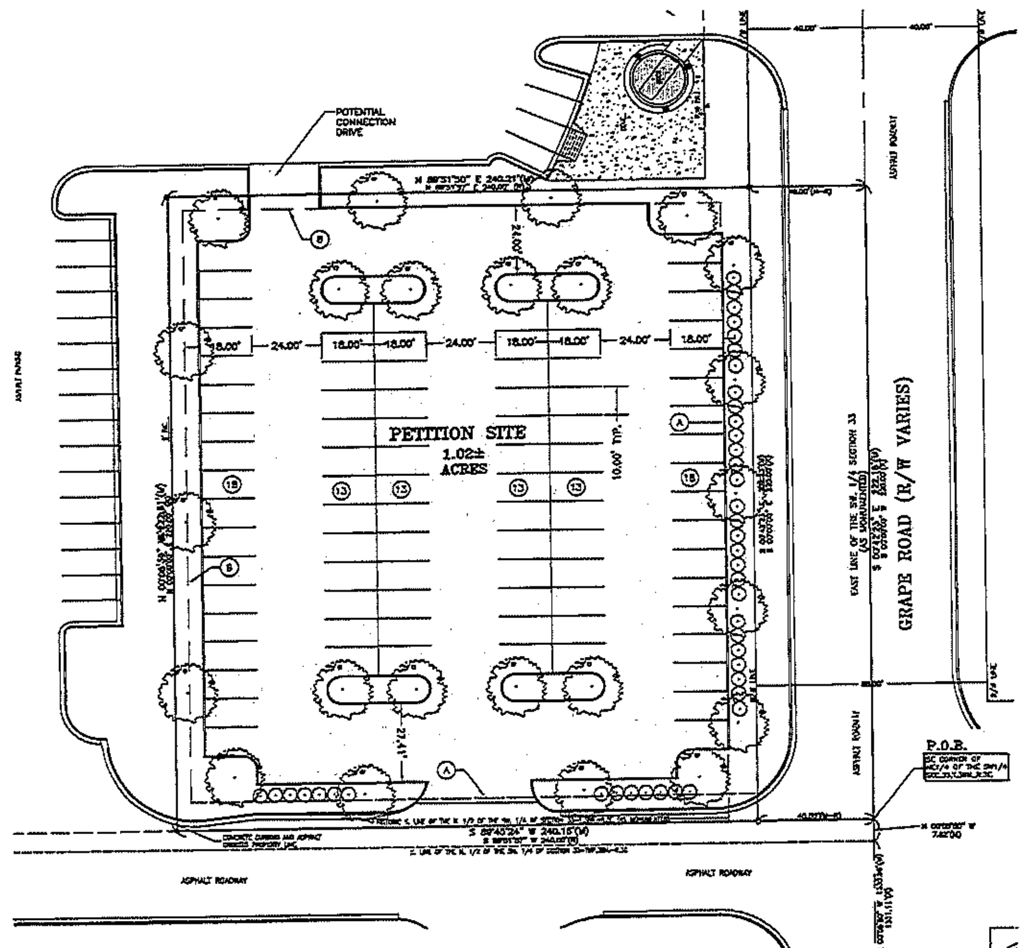
5. SURFACE RUNOFF AND DRAINAGE WILL BE REQUIRED TO MEET THE LATEST CITY OF MISHAWAKA STANDARDS.
6. ALL LANDSCAPING SHALL CONFORM TO THE CITY OF MISHAWAKA COMMERCIAL LANDSCAPE ORDINANCE, UNLESS OTHERWISE APPROVED BY VARIANCE.
7. ALL PARKING SPACES ARE TO BE 180 S.F.

REZONING REQUEST:

TO REZONE FROM "C-1" GENERAL COMMERCIAL TO "C-4" AUTOMOBILE-ORIENTED COMMERCIAL TO ALLOW FOR VEHICULAR SALES DISPLAY.



AERIAL PHOTOGRAPHY & LOCATION MAP



PAVEMENT SETBACKS:

(A) 10-FT REQUIRED PAVEMENT SETBACK

(B) 5-FT REQUIRED PAVEMENT SETBACK

SCALE 1" = 20'

SURVEYORS & ENGINEERS:

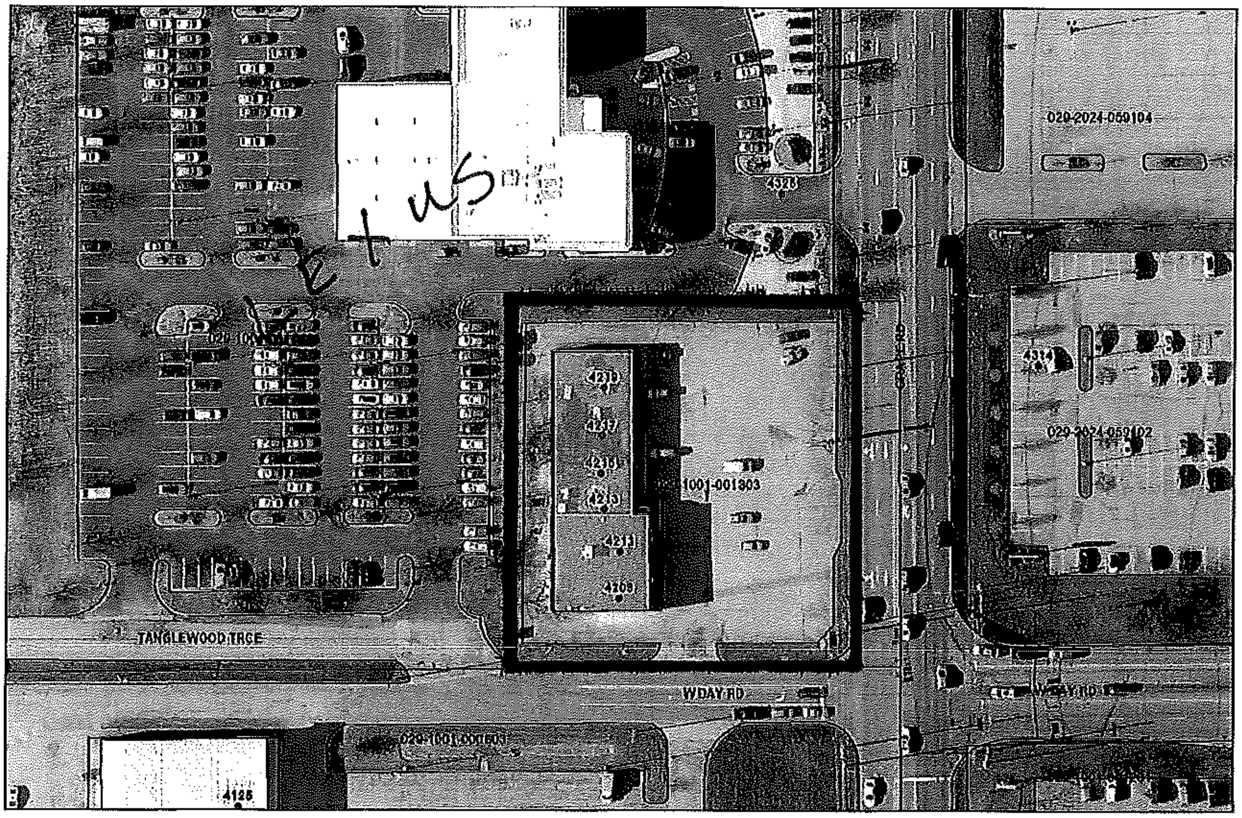
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-4003
ATTN: MICHAEL DANCH

DATE	DRAWN BY:	REVISIONS
8/19/20	GGS	
SCALE 1" = 20'	CHECKED BY: GGS	DATE / BY
FILE # 200187	PROJ. MANGR: GGS	

DHA Danch, Harner & Associates, Inc. Land Surveyors • Professional Engineers Landscape Architects • Land Planners

SHEET 1 of 1

PETITION #20-18
4211 Grape Road



Edward W. Hardig

Michael J. Anderson
Peter J. Agostino
Scott M. Keller
Michael P. Misch*+

Frank J. Agostino, of Counsel
James E. Burke, of Counsel

Gaylen W. Allsop, Retired

AAK LAW

Bernard E. Edwards, Jr.
Loris P. Zappia
Mark F. James
Bradley P. Colborn
Tracey S. Schafer
Stephanie L. Nemeth+
Eli A. Wax
Rachel Luken
Shanon A. Buari
Myra R. Reid
Alexandra K. Keller

* Also Licensed in IL
\+ Also Licensed in MI

RECEIVED
DEBORAH S. BLOCK, MMC
AUG 27 2020
CITY CLERK
MISHAWAKA, IN

August 19, 2020

RECEIVED
AUG 19 2020
COMMUNITY DEVELOPMENT

PET 20-10

Honorable Members of the Common Council
City of Mishawaka, Indiana
and Mishawaka City Plan Commission
600 East Third Street
Mishawaka, Indiana 46544

RE: *Petition to Rezone*
4211 Grape Road from C1 to C4

The undersigned attorney represents the petitioners with respect to the request to rezone property located at 4211 Grape Road, Mishawaka, Indiana from C1 to C4. The petitioners are BFR and RFJ Auto-T Properties, LLC, and its assigns. BFR, an Indiana partnership, is the owner of the real estate. The property's legal description is as follows:

PARCEL I

Part of the Northeast Quarter of the Southwest Quarter of Section 33, Township 38 North, Range 3 East, in St. Joseph County, Indiana, more particularly described as follows:

Beginning at the Southeast corner of said quarter quarter section, thence south 89 degree 51 minutes 57 seconds west along the south quarter quarter section line, 240.00 feet; thence north parallel with the east section line (assumed bearing north 00'00'00" East), 220.00 feet, then north 89 degree, 51 minutes 57 seconds east and parallel to the south line of said quarter Quarter section, 240.00 feet to the east line of said quarter quarter section; thence south 00 degree 00 minutes 00 seconds west along said east quarter quarter section line, 220.00 feet to the place of beginning

PARCEL II

A non-exclusive easement for ingress and egress for the benefit of Parcel I as set forth in a warranty deed by and between Mishawaka Development Company, an Indiana Limited Partnership, and Steven Ross recorded August 14, 1978 as instrument number 7818982 in the Office of the Recorder of St.

Joseph County, Indiana

Petitioner, BFR, owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 District. Several retail shops (including vacant ones) are currently located on the property. Petitioner desires said real estate to be rezoned to C4 District. Petitioners further state the property is the subject of a purchase agreement with RFJ Auto-T Properties, LLC, and its assigns, and the property would be intended for use by the Lexus Dealership located at 4325 Grape Road, Mishawaka, IN.

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

Peter J. Agostino (#10765-71)
ANDERSON, AGOSTINO & KELLER
131 South Taylor
South Bend, Indiana 46601
Telephone: (574) 288-1510
Facsimile: (574) 288-1650
EMAIL: AGOSTINO@AAKLAW.COM

Attorney for BFR (including BFR, LLP) and RFJ Auto-T Properties, LLC (and its assigns)

PRELIMINARY SITE PLAN

PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST,
CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

SURVEYED LEGAL DESCRIPTION:

A PARCEL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE NORTH 00°05'50" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 33, A DISTANCE OF 1330.98 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE CONTINUING NORTH 00°05'50" WEST, ALONG SAID NORTH AND SOUTH QUARTER LINE A DISTANCE OF 7.82 FEET TO A POINT ON THE HISTORIC SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION OF SAID SECTION 33 (AS MONUMENTED) AND THE POINT OF BEGINNING; THENCE SOUTH 89°45'24" WEST, A DISTANCE OF 240.18 FEET (REC. SOUTH 89°51'57" WEST, 240.00 FEET) THENCE NORTH 00°08'39" WEST, A DISTANCE OF 222.61 FEET (REC. NORTH 00°00'00" EAST, 220.00 FEET; THENCE NORTH 89°51'50" EAST, A DISTANCE OF 240.21 FEET (REC. NORTH 89°51'57" EAST, 240.00 FEET) TO A POINT ON THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 33; THENCE SOUTH 00°42'23" EAST ALONG SAID NORTH AND SOUTH QUARTER LINE, A DISTANCE OF 222.16 FEET (REC. SOUTH 00°00'00" WEST, 220.00 FEET) TO THE POINT OF BEGINNING.

CONTAINING 1.23 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

TABULATED DATA:

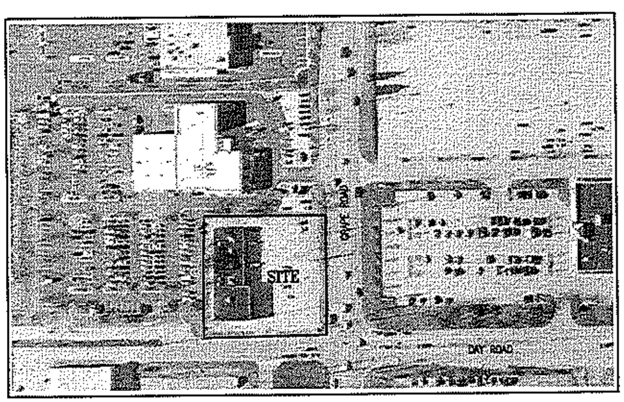
1. ACREAGE OF PETITION SITE.................. 1.02± ACRES
2. EXISTING ZONING OF PETITION SITE......"C-1" GENERAL COMMERCIAL
3. PROPOSED ZONING OF PETITION SITE......"C-4" AUTOMOBILE-ORIENTED COMMERCIAL
4. PROPOSED LAND COVERAGE (PETITION SITE):

	SQUARE FOOTAGE	% OF SITE
A. PROPOSED PAVEMENT	34,753	78.05
B. OPEN SPACE	9,772	21.95
TOTAL:	44,525	100.00

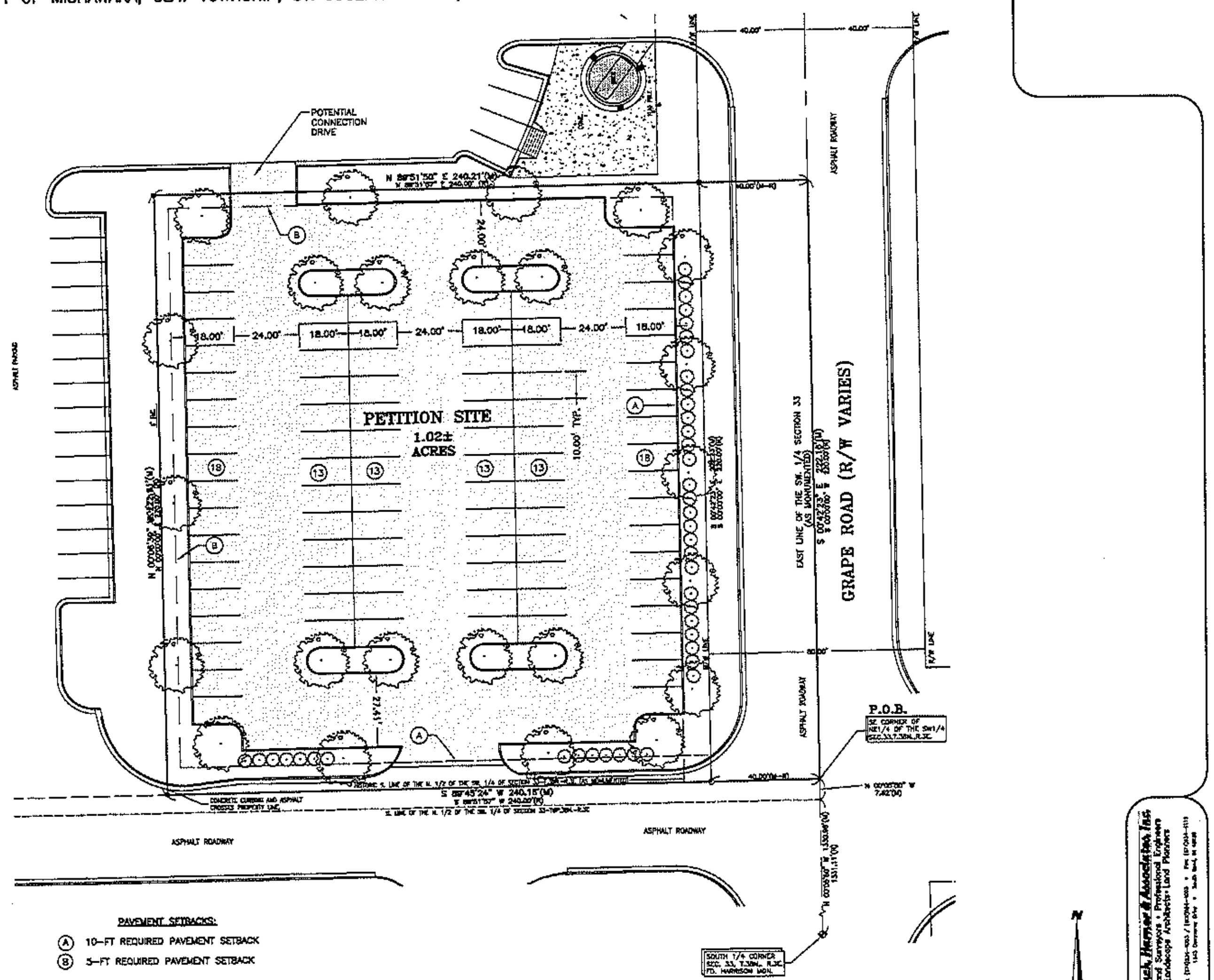
5. SURFACE RUNOFF AND DRAINAGE WILL BE REQUIRED TO MEET THE LATEST CITY OF MISHAWAKA STANDARDS.
6. ALL LANDSCAPING SHALL CONFORM TO THE CITY OF MISHAWAKA COMMERCIAL LANDSCAPE ORDINANCE, UNLESS OTHERWISE APPROVED BY VARIANCE.
7. ALL PARKING SPACES ARE TO BE 180 S.F.

REZONING REQUEST:

TO REZONE FROM "C-1" GENERAL COMMERCIAL TO "C-4" AUTOMOBILE-ORIENTED COMMERCIAL TO ALLOW FOR VEHICULAR SALES DISPLAY.



AERIAL PHOTOGRAPHY & LOCATION MAP



PAVEMENT SETBACKS:

(A) 10-FT REQUIRED PAVEMENT SETBACK

(B) 5-FT REQUIRED PAVEMENT SETBACK

SCALE 1" = 20'

SURVEYORS & ENGINEERS:

DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-4003
ATTN: MICHAEL DANCH

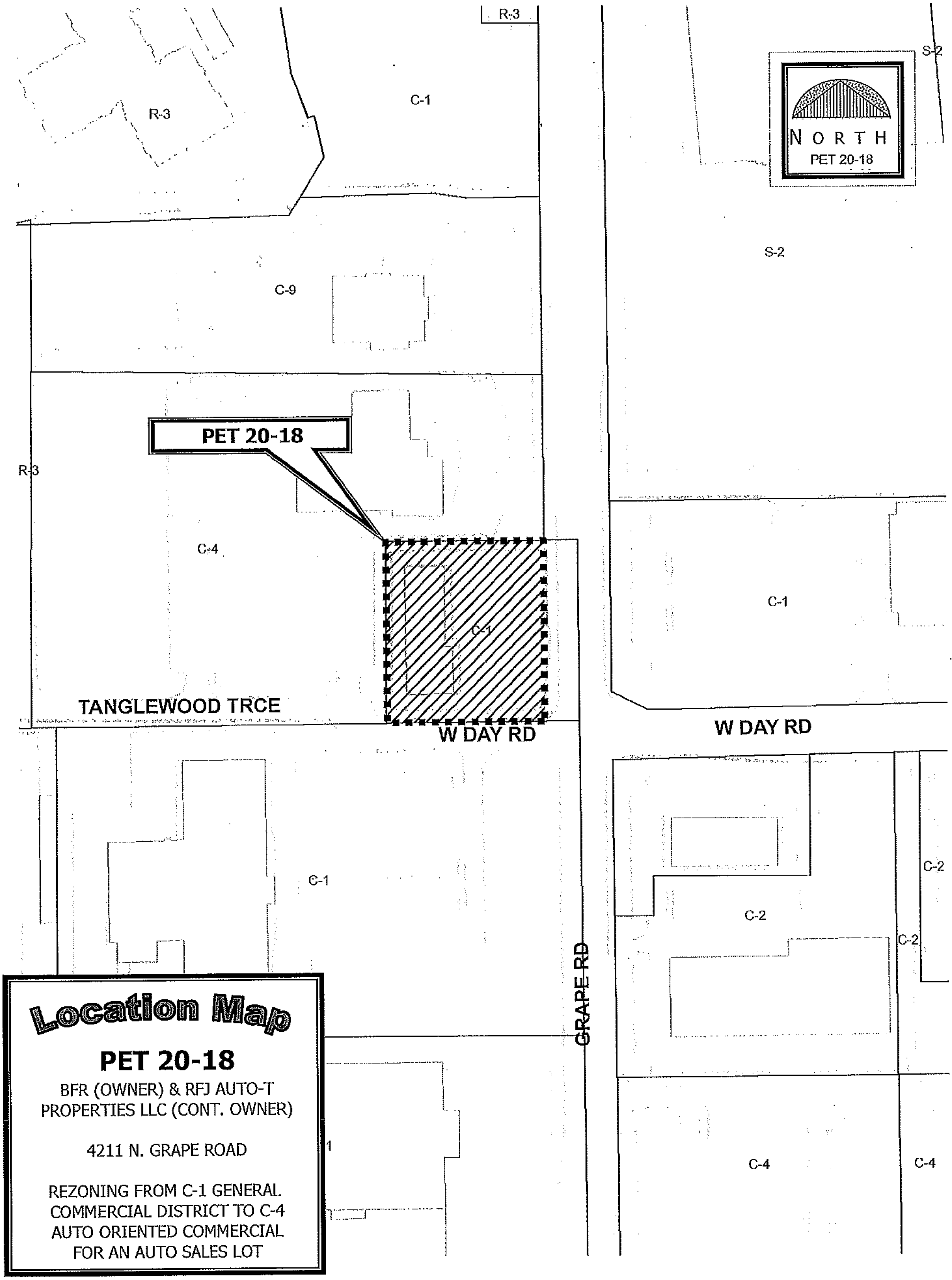
DATE	DRAWN BY:
8/19/20	GGS
SCALE	CHECKED BY:
1" = 20'	GGS
FILE #	PROJ. MANGR:
200187	GGS

REVISIONS

DATE	BY

DHA
Danch, Harner & Associates, Inc.
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

SHEET 1 OF 1



R-3
C-1
R-3
S-2
NORTH
PET 20-18
S-2
C-9
PET 20-18
R-3
C-4
C-1
C-1
TANGLEWOOD TRCE
W DAY RD
W DAY RD
C-1
C-2
C-2
C-2
GRAPE RD
C-4
C-4
Location Map
PET 20-18
BFR (OWNER) & RFJ AUTO-T PROPERTIES LLC (CONT. OWNER)
4211 N. GRAPE ROAD
REZONING FROM C-1 GENERAL COMMERCIAL DISTRICT TO C-4 AUTO ORIENTED COMMERCIAL FOR AN AUTO SALES LOT

PETITION 20-19

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2020-31

ORDINANCE NO. ______

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

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

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

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

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

> A part of the Southeast Quarter of Section 3, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana and being more particularly described as Lot 2, Lot 3 and Lot 4 as shown on the recorded plat of Deer Run Subdivision (Section One) in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 0539422.

COMMON ADDRESS: Southwest Corner of Fir Road and Deer Run Drive

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow for I-1 Light Industrial permitted uses, including but not limited to, a product packaging facility subject to the following conditions:

1. Permitted uses shall be amended to include all I-1 Light Industrial Uses.
2. Overstory or understory trees shall be provided along Fir Road at a rate compliant with the C-1 General Commercial District.
3. Parking lot screening per the C-1 General Commercial District shall be provided along the east side of the parking area adjacent to Fir Road.
4. One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site.
5. Freestanding off-premise signs shall not be permitted.
6. The extension of all utilities to the site shall be at the developer's cost and expense.
7. 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. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.

8. A sidewalk with the appropriate ADA ramp shall be extended along the Fir Road and Deer Run Drive frontage subject to review and approval by the Engineering Department.
9. All other development regulations not specified shall adhere to the I-1 Light Industrial District.

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

1. Existing Conditions - The amendment will not alter or negatively impact the existing conditions of the surrounding area. Commercial and industrial uses are currently permitted both within the portion of the PUD being amended and within vacant property in the PUD to the west.

2. Character of Buildings in Area - Very few buildings are located within the immediate area. A vacant athletic facility to the north and the Preserve at Fir Road apartment complex to the south are within the boundaries of the Deer Road PUD. Low density single-family residential homes and undeveloped property are located predominantly along the east side of Fir Road.

3. The Most Desirable/Highest and Best Use - The proposed S-2 Planned Unit Development amendment for I-1 Light Industrial permitted uses is consistent with surrounding zoning classifications. With adherence to the conditions placed on this amendment and the I-1 Light Industrial development regulations, the proposed use will be compatible with the existing and permitted land uses within the PUD.

4. Conservation of Property Values - The proposed zoning should not be injurious to property values in the surrounding area based upon the conditions included in this amendment and the I-1 Light Industrial development regulations. Currently, commercial land uses, including higher intensive uses than those proposed, are permitted within the portion of the PUD being amended.

5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan, created in 1990, identified this area for low density residential development. However, the presence of the existing apartments and the vacant athletic facility has profoundly changed the character of the area where low density residential development is no longer appropriate.

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 ______________________, 2020, at _________ o'clock ___.M.

____

Presiding Officer

Proposed Ordinance No: 20-31

Ordinance No: ______________________

ATTEST:

____

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ________ day of __________________, 2020, at ________ o'clock ____.M.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this __________ day of _________________, 2020, at ________o'clock ____.M.

____

David A. Wood, Mayor

STAFF REPORT

Location: Southwest corner of Fir Road & Deer Run Drive
Part of the Deer Run PUD including Lots 2, 3 & 4 of the
Deer Run Subdivision, Section One

Date: September 9, 2020

Petition: 20- 19

Prepared By: DJS

GENERAL INFORMATION

Applicant:	Richard LaFree / Lang, Feeney & Associates, Inc.
Status:	Property Owner / Surveyor & Site Design Consultant
Request:	Amend the Deer Run Planned Unit Development (PUD) to allow I-1 Light Industrial permitted uses, including but not limited to, a product packaging facility on part of said real estate
Zoning Classification:	S-2 Planned Unit Development (Permitted Uses on the portion of the PUD to be amended include commercial uses subject to the C-8 Commercial development regulations)
Lot Size:	Approximately 3.9 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 (Vacant Land within the Deer Run PUD approved for Commercial Use & Vacant Athletic Facility)
	South:	S-2 Planned Unit Development (Multi-Family Residential / The Preserve at Fir Road Apartments)
	East:	R Single Family District – Unincorporated St. Joseph County (Residential)
	West:	S-2 Planned Unit Development (Vacant Land within the Deer Run PUD approved for Industrial Uses subject to the I-1 District development regulations)
Thoroughfare:	Fir Road & Deer Run Drive	
School District:	Penn-Harris-Madison School Corporation	
Township:	Penn	
Public Utilities:	All utilities are available and/or will be extended to/throughout the site at the developer's expense	
Comprehensive Plan:	Low Density Residential	

ANALYSIS

The petitioner, Richard LaFree, is requesting to amend a part of the Deer Run Planned Unit Development, originally approved in 2003 (Petition 03-42/Ord. 4818AA & 4819AA), to allow for the development of product packaging facility. At the direction of the Planning Staff, the request states that all I-1 Light Industrial District permitted uses and development regulations be applicable. After review of similar PUD amendment requests, Staff is requesting that other development conditions be placed on the property. These conditions have been included in the staff recommendation.

The Planned Unit Development is located on west side of Fir Road between McKinley Avenue and Day Road. The part of the PUD being amended is bound by vacant land and a vacant building formerly occupied by the ICE Athletic Center to the north, vacant land to the west, the Preserve at Fir Road apartment complex to the south, and single-family residential property to the east in unincorporated St. Joseph County.

The amendment is to allow an approximate 12,800 sq. ft. one-story building at the southwest corner of Fir Road and south portion of Deer Run Drive. The 1.63 acre property is currently undeveloped agricultural land. The site is shown as Parcel A on the attached preliminary site plan and includes all of Lot 2 and part of Lot 3 in the Deer Run Subdivision, Section One (Plat 05-33). The preliminary PUD site plan identifies the Bernell Corporation, as the contingent purchaser. Bernell is a repackaging, light assembly, and distribution business for various ophthalmic products. All business operations will relocate from their current facility on Home Street.

At the direction of the Planning Staff, the petition includes property west of Parcel A to amend the permitted uses within Lots 2, 3, and 4 of the Deer Run Subdivision, Section One. The original preliminary PUD site plan and ordinance permitted commercial uses subject to the C-8 High-Density Suburban Commercial District development standards within these lots. Staff believes that I-1 Light Industrial uses are more appropriate than the previously permitted commercial uses given that a light industrial use is proposed for said Parcel A. Light industrial uses are also currently permitted on the land to the west of the lots included in this amendment.

The parking space requirements identified in the petition are one (1) space per employee based upon the maximum employment level per shift. This is the required parking ratio for all I-1 District permitted uses. The facility shall have 25 employees at a maximum shift requiring a total of 25 spaces. The preliminary site plan shows that 27 spaces will be provided.

The landscaping, as conceptually shown on the preliminary site plan, shows shade trees along Fir Road and Deer Run Drive, and shrubs along the south property line. The C-1 District standards for over-story or under-story trees shall be applicable only to the property frontage along Fir Road. Parking screening shall also be required between the parking area and Fir Road. Perimeter trees will not be required along the north or west property lines. As required per the I-1 District regulations, a 10' wide landscaped area with a minimum 7' high shrubs or trees shall be provided along the south property line where adjacent to any developed industrial property in order to form a permanent, opaque, landscape screen. A 7' high opaque fence shall also be installed along the south property line where adjacent to any developed industrial property. Landscape screening and fencing to the south is required due the adjacent multi-family residential use. A more detailed landscape plan conforming to the PUD conditions shall be submitted with the final planned unit development site plan, and is subject to review and approval by the Planning Staff.

<u>Similar to when the original Planned Unit Development was approved, the petitioner is only proposing to establish, or in this case, amend the permitted uses and basic development requirements of the planned unit development.</u> If approved, a detailed Final Planned Unit Development site plan must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm drainage, electric, gas, etc.), landscaping/screening, grading, erosion control, and any other required improvements.

All pertinent City Departments have reviewed and approved the PUD amendment request.

The Engineering Department provided comments related to stormwater runoff and a sidewalk extension along Fir Road and Deer Run Drive frontage. These comments shall be addressed with the final site plan.

RECOMMENDATION

Staff recommends **approval** of Petition 20-19 to amend a part of the Deer Run PUD, being more specifically Lots 2, 3, and 4 in the Deer Run Subdivision, Section One, to allow I-1 Light Industrial permitted uses, including but not limited to, a product packaging facility on a part of said real estate subject to the following conditions:

1. Permitted uses shall be amended to include all I-1 Light Industrial Uses.
2. Overstory or understory trees shall be provided along Fir Road at a rate compliant with the C-1 General Commercial District.
3. Parking lot screening per the C-1 General Commercial District shall be provided along the east side of the parking area adjacent to Fir Road.
4. One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site.
5. Freestanding off-premise signs shall not be permitted.
6. The extension of all utilities to the site shall be at the developer's cost and expense.
7. 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. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.
8. A sidewalk with the appropriate ADA ramp shall be extended along the Fir Road and Deer Run Drive frontage subject to review and approval by the Engineering Department.
9. All other development regulations not specified shall adhere to the I-1 Light Industrial District.

The recommendation is based on the following findings of fact:

1. Existing Conditions- The amendment will not alter or negatively impact the existing conditions of the surrounding area. Commercial and industrial uses are currently permitted both within the portion of the PUD being amended and within vacant property in the PUD to the west.

2. Character of Buildings in Area- Very few buildings are located within the immediate area. A vacant athletic facility to the north and the Preserve at Fir Road apartment complex to the south are within the boundaries of the Deer Road PUD. Low density single-family residential homes and undeveloped property are located predominantly along the east side of Fir Road.

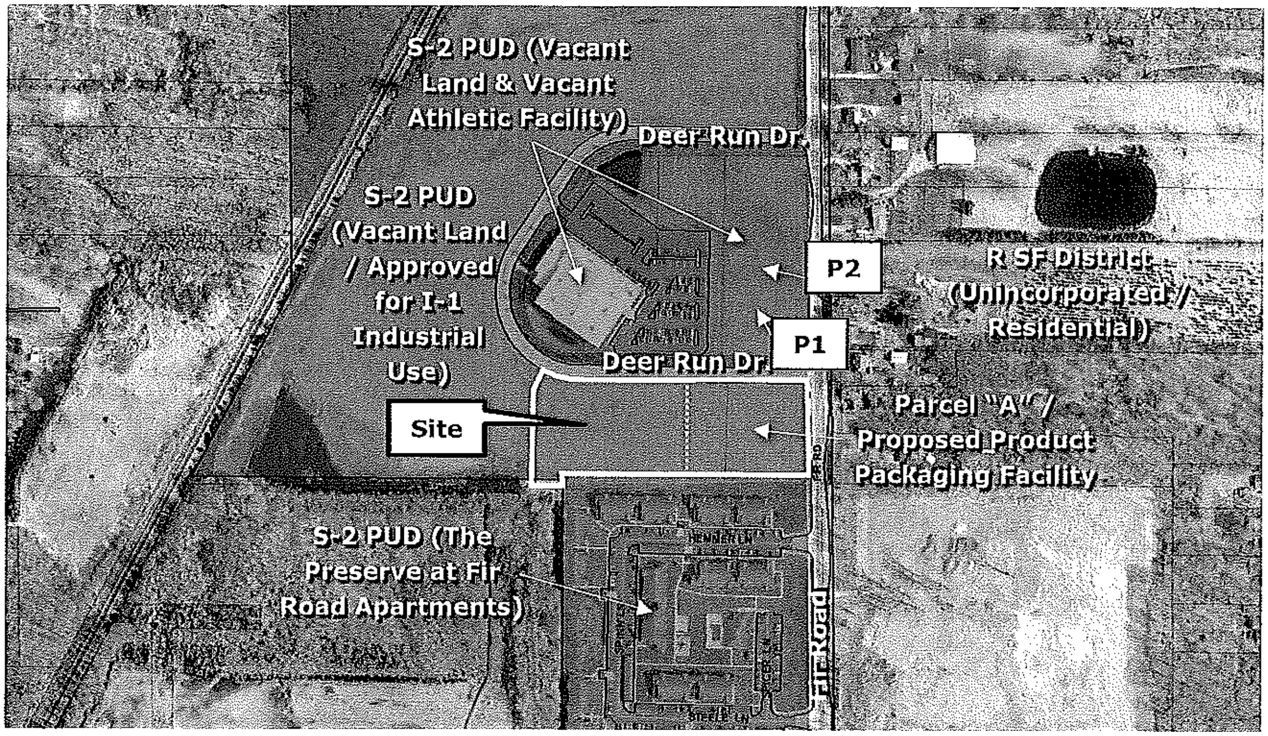
3. The Most Desirable/Highest and Best Use- The proposed S-2 Planned Unit Development amendment for I-1 Light Industrial permitted uses is consistent with surrounding zoning classifications. With adherence to the conditions placed on this amendment and the I-1 Light Industrial development regulations, the proposed use will be compatible with the existing and permitted land uses within the PUD.

4. Conservation of Property Values- The proposed zoning should not be injurious to property values in the surrounding area based upon the conditions included in this amendment and the I-1 Light Industrial development regulations. Currently, commercial land uses, including higher intensive uses than those proposed, are permitted within the portion of the PUD being amended.

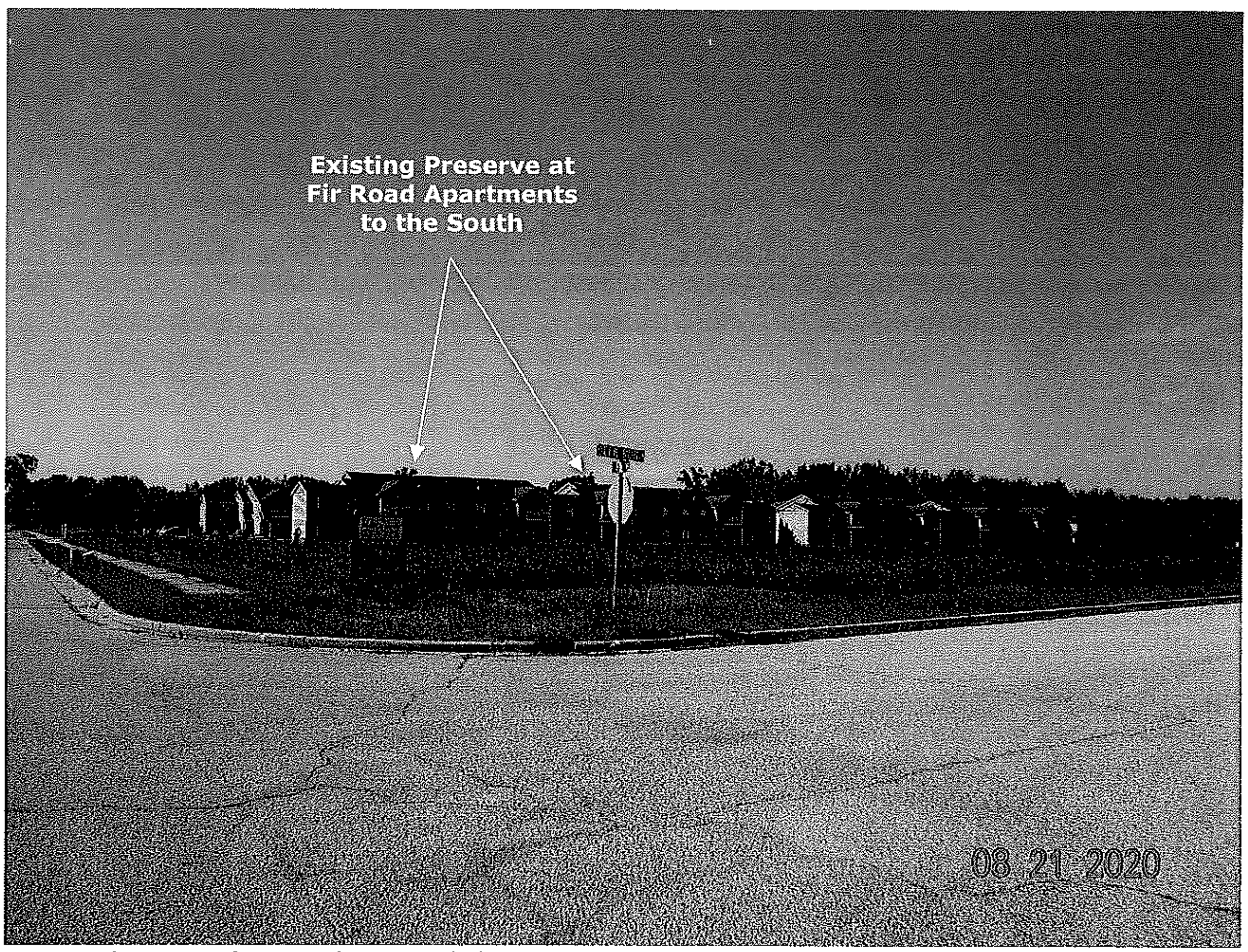
5. Comprehensive Plan- The 2000 Mishawaka Comprehensive Plan, created in 1990, identified this area for low density residential development. However, the presence of the existing apartments and the vacant athletic facility has profoundly changed the character of the area where low density residential development is no longer appropriate.

ATTACHMENTS

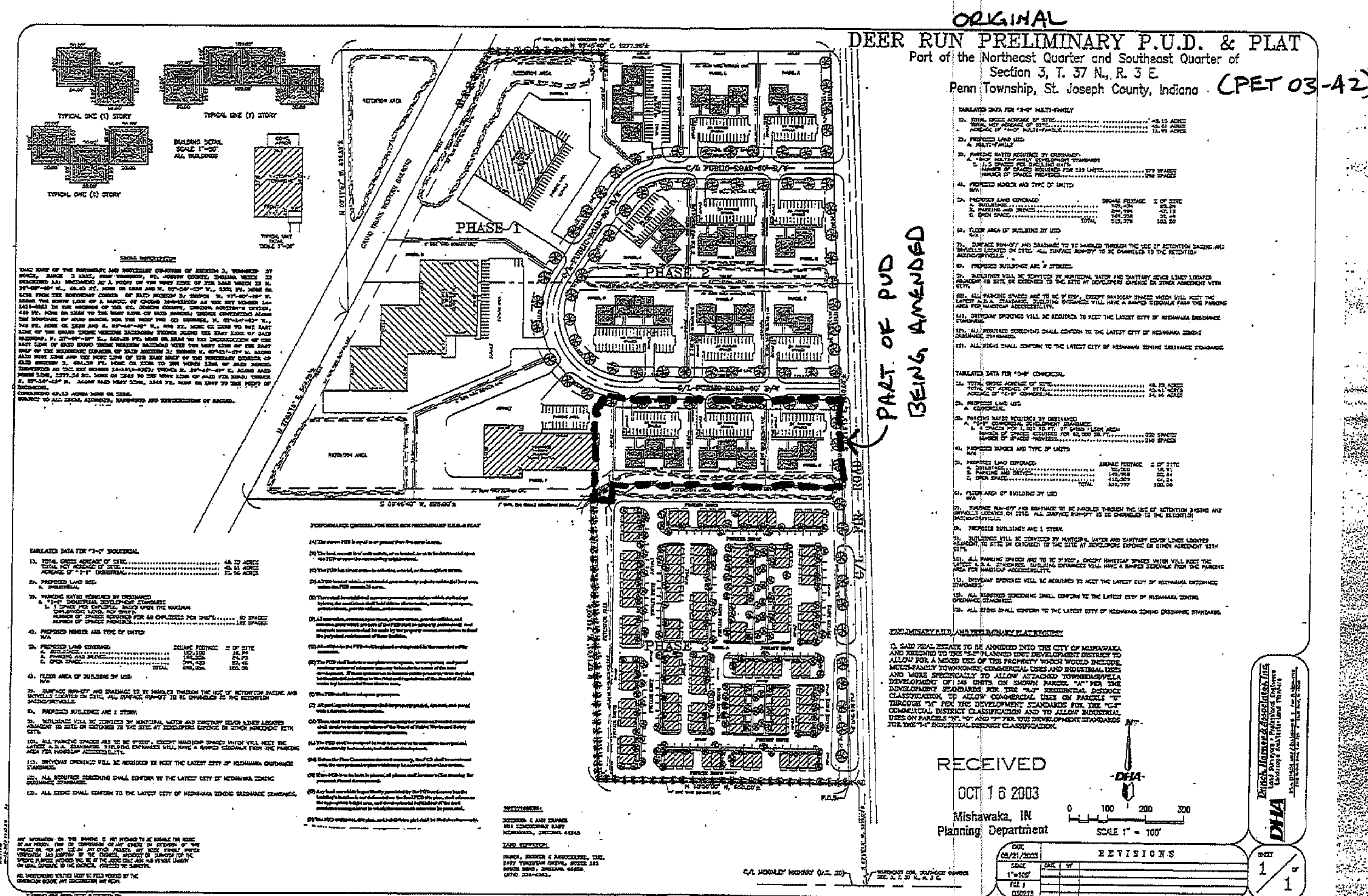
Photographs, Petition, Original Preliminary PUD Plan (Petition 03-42), Amended Preliminary PUD Plan, Location Map



Aerial Photograph
Deer Run Planned Unit Development
Lots 2, 3 and 4 in Deer Run Subdivision, Section One
West of Fir Road between McKinley Avenue and Day Road



P1. Looking southwesterly toward the property from the Fir Rd. & Deer Run Dr. intersection.


ORIGINAL
DEER RUN PRELIMINARY P.U.D. & PLAT
Part of the Northeast Quarter and Southeast Quarter of
Section 3, T. 37 N., R. 3 E.
Penn Township, St. Joseph County, Indiana
(PET 03-42)
TYPICAL ONE (1) STORY
TYPICAL ONE (1) STORY
TYPICAL ONE (1) STORY
BUILDING DETAIL
SCALE 1"=50'
ALL BUILDINGS
TYPICAL UNIT
DETAIL
SCALE 1"=20'
RETENTION AREA
RETENTION AREA
GRAND TRUNK WESTERN RAILROAD
PHASE 1
PHASE 2
PHASE 3
C/L PUBLIC ROAD 60' R/W
C/L FIR ROAD
PART OF PUD
BEING AMENDED
PRELIMINARY P.U.D. AND PRELIMINARY PLAT REQUEST
RECEIVED
OCT 16 2003
Mishawaka, IN
Planning Department
-DHA-
SCALE 1" = 100'
REVISIONS
Danch, Harner & Associates, Inc.
C/L MCKINLEY HIGHWAY (U.S. 20)

OCT 22-19 / REVISED

RECEIVED
AUG 25 2020
ECONOMIC
COMMUNITY DEVELOPMENT

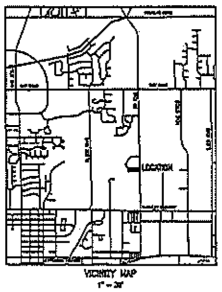
DEER RUN SUBDIVISION

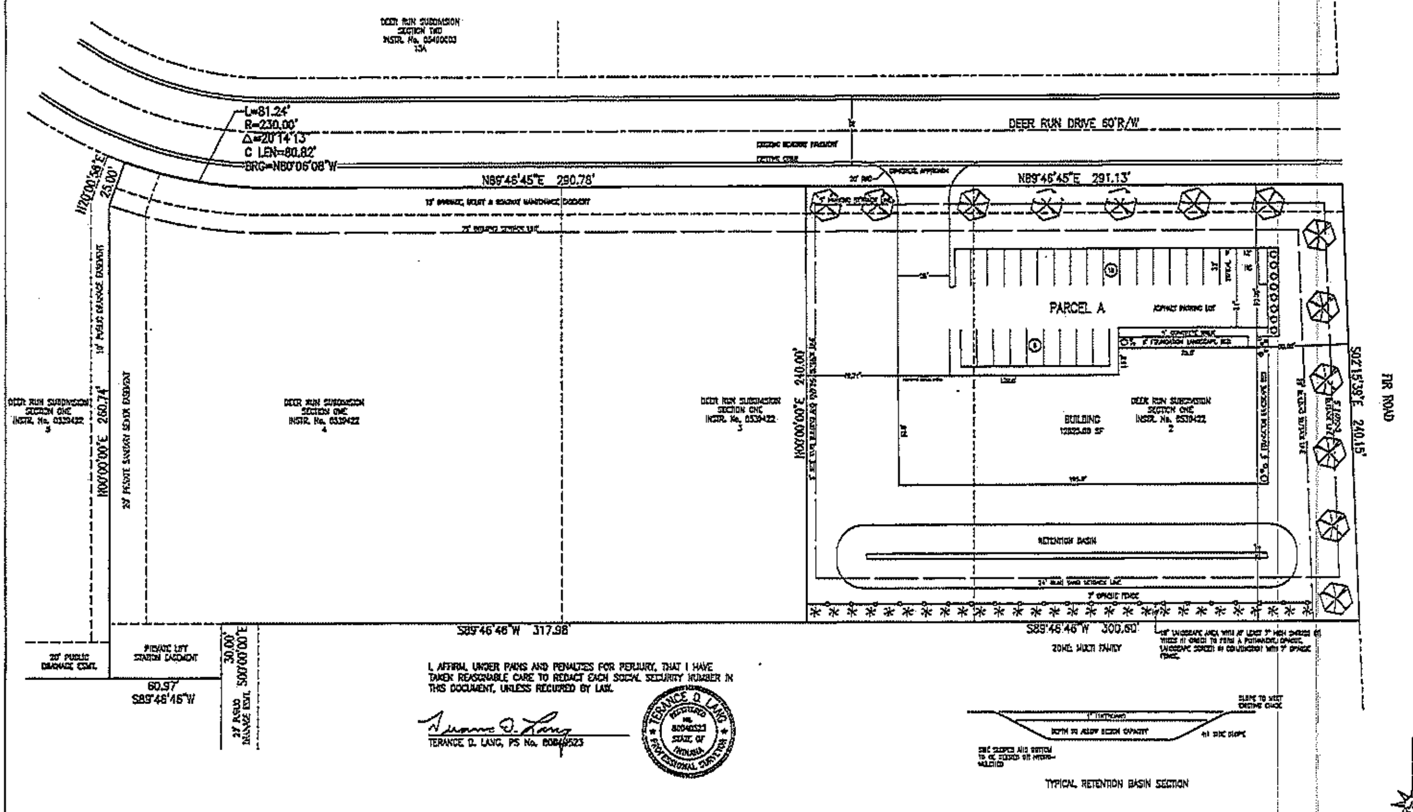
BEING LOT 2 OF DEER RUN SUBDIVISION SECTION ONE
AND A PART OF LOT 3 DEER RUN, SECTION THREE

PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH,
RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA.

AMENDED PUD SITE PLAN

OWNER:
RICHARD LeFREE
C/O BONNIE LeFREE SUTOR
804 LINCOLNWAY EAST
MISHAWAKA, INDIANA





I, AFFIRM, UNDER PAINS AND PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

TERANCE D. LANG, PS No. 80040523

TERANCE D. LANG
REGISTERED No. 80040523
STATE OF INDIANA
PROFESSIONAL SURVEYOR

DESCRIPTION:
A PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS LOT 2, LOT 3 AND LOT 4 AS SHOWN ON THE RECORDED PLAT OF DEER RUN SUBDIVISION (SECTION ONE) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT No. 0539422.

NOTES:
1. CURRENT ZONING: S-2 PLANNED UNIT DEVELOPMENT
2. CURRENT USE: VACANT LAND
3. VACANT LAND LOCATED IN THE 1400 BLOCK OF DEER RUN DRIVE, MISHAWAKA, INDIANA 46545 AREA.
4. PROPOSED ZONING: I-1 LIGHT INDUSTRIAL
4. PROPOSED USE: I-1 LIGHT INDUSTRIAL USES. A PRODUCT PACKAGING FACILITY IS PROPOSED ON PART OF SAID PROPERTY.
5. ANY PROPOSED BUILDINGS SHALL BE SERVED BY MUNICIPAL WATER AND SANITARY SEWER.
6. DRAINAGE CAPACITY SHALL BE BASED ON CALCULATIONS DETERMINED AT A LATER DATE. ALL STORM WATER RUNOFF SHALL BE CONTAINED WITHIN RETENTION BASIN LOCATED ON SITE.

PARCEL A — SITE INFORMATION

DESCRIPTION:
PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING THAT 1.63 ACRE PARCEL DESCRIBED BY LANG, FEENEY & ASSOCIATES, INC. TERANCE D. LANG, INDIANA PROFESSIONAL SURVEYOR NO. 80040523 AND SHOWN ON SITE PLAN OF THAT SURVEY CERTIFIED ON AUGUST 18, 2020 AS 140-04, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 AS SHOWN ON THE RECORDED PLAT OF DEER RUN SUBDIVISION (SECTION ONE) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 0539422; THENCE SOUTH 89°46'46" WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND THE SOUTH LINE OF LOT 3A AS SHOWN ON THE RECORDED PLAT OF DEER RUN SUBDIVISION, SECTION THREE IN SAID RECORDER'S OFFICE AS INSTRUMENT NO. 1105126, A DISTANCE OF 300.60 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 240.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 3A; THENCE NORTH 89°46'45" EAST ALONG SAID NORTH LINE OF LOT 3A AND THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 291.13 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 02°15'39" EAST ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 240.15 FEET TO THE POINT OF BEGINNING.
SUBJECT TO THE LEGAL RIGHTS OF A PUBLIC HIGHWAY, ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.

NOTES:
1. CURRENT ZONING: S-2 PLANNED UNIT DEVELOPMENT
2. CURRENT USE: VACANT LAND
3. VACANT LAND LOCATED IN THE 1400 BLOCK OF DEER RUN DRIVE, MISHAWAKA, IN 46545 AREA.
4. CONTINGENT PURCHASER: BERNELL, CHRIS ANDREWS, PRESIDENT
4016 N. HOME STREET, MISHAWAKA, IN 46545
Ph. 574-259-2070, E-MAIL CHRIS@BERNELL.COM
5. PROPOSED ZONING: I-1 LIGHT INDUSTRIAL
6. PROPOSED USE: PRODUCT PACKAGING SITE.
7. BUILDING SHALL BE SERVED BY MUNICIPAL WATER AND SANITARY SEWER.
8. DRAINAGE CAPACITY SHALL BE BASED ON CALCULATIONS DETERMINED AT A LATER DATE. ALL STORM WATER RUNOFF SHALL BE CONTAINED WITHIN RETENTION BASIN LOCATED ON SITE.

PARKING REQUIREMENTS:
PRODUCT PACKAGING SITE: = 25 MAX EMPLOYEES
REQUIRED PARKING SPACES: 1 PER EMPLOYEE, BASED ON MAX SHIFT = 25 SPACES REQUIRED
SUPPLIED PARKING SPACES: 27, 1 HANDICAP, 26 STANDARD SPACES

PRE CONSTRUCTION — TABULATED DATA

	SF	ACREAGE	%
OPEN AREA	71006.87	1.63	100.00
TOTAL	71006.87	1.63	100.00

POST CONSTRUCTION — TABULATED DATA

	SF	ACREAGE	%
BUILDING	12825.00	0.29	18.06
CONC/ASPH	13324.86	0.31	18.71
OPEN AREA	44857.01	1.03	63.18
TOTAL	71006.87	1.63	100.00

LANDSCAPE REQUIREMENTS
FRONT YARD — ONE DECIDUOUS SHADE EVERY 40'
PARKING LOT SCREENING — HEDGE SCREENING
LANDSCAPE LEGEND
CANOPY/SHADE TREE
SHRUB (HEDGE)

Lang, Feeney & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46601
Phone (574) 233-1541
Land Surveyors • Soil Scientists

Scale	1" = 30'	Drawn	JLS
Date	8-11-20	Job Name	DeerRunL2-3AmendPUD
Rev.	8-25-20	Job No.	140-04
Rev.			

DocuSign Envelope ID: 73126AE7-8C94-4015-B7E7-2F7C4984930A

PET 20-19

August 19, 2020

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

RECEIVED
DEBORAH S. BLOCK, MMC
AUG 27 2020
CITY CLERK
MISHAWAKA, IN

RECEIVED
AUG 19 2020
ECONOMIC
COMMUNITY DEVELOPMENT
PLANNING

Re: PETITION FOR PUD AMENDMENT

The Undersigned, Richard LaFree respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

~~Part of the Southeast Quarter of Section 3, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being that 1.63 acre parcel described by Lang, Feeney & Associates, Inc. Terance D. Lang, Indiana Professional Surveyor No. 80040523 and shown on site plan of that survey certified on August 18, 2020 as 140-04, being more particularly described as follows: Beginning at the southeast corner of Lot 2 as shown on the recorded plat of Deer Run Subdivision (Section One) in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 0539422; thence South 89°46'46" West along the south line of said Lot 2 and the south line of Lot 3A as shown on the recorded plat of Deer Run Subdivision, Section Three in said Recorder's Office as Instrument No. 1105126, a distance of 300.60 feet; thence North 00°00'00" East, a distance of 240.00 feet to a point on the north line of said Lot 3A; thence North 89°46'45" East along said north line of Lot 3a and the north line of said Lot 2, a distance of 291.13 feet to the northeast corner of said Lot 2; thence South 02°15'39" East along the east line of said Lot 2, a distance of 240.15 feet to the point of beginning. Subject to the legal rights of a public highway, any easements, covenants or restrictions of record.~~

SEE ATTACHED REVISED LEGAL EXHIBIT A

Vacant land located in the 1400 block of Deer Run Drive, Mishawaka, Indiana 46545 area.

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for Commercial uses.

Petitioner desire said real estate to be amended to allow for a product I-1 Light Industrial uses. A product packaging facility is proposed for part of said real estate. This facility shall have 25 employees at maximum shift. The developmental regulations for I-1 Industrial District shall be followed. The parking requirements shall be based on 1 space per 1 employee based on maximum shift.

Wherefore, the petitioner pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted amending the PUD of the above described parcel of land located in the City of Mishawaka.

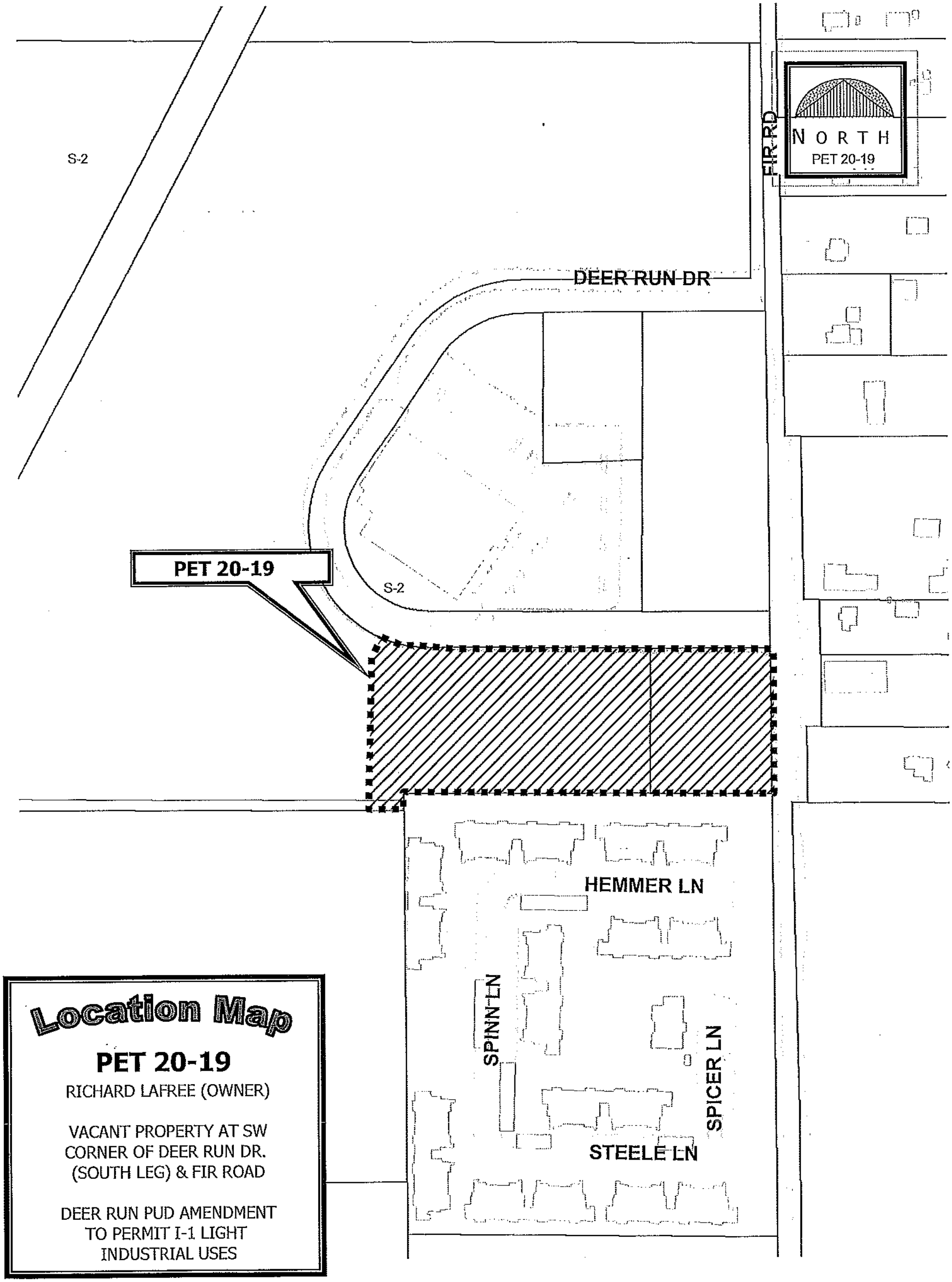
DocuSigned by:
Bonnie LaFree Suttor
7CCB67ADCEC4442...
Richard LaFree

By: 8/18/2020

Contact Person
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 S. Michigan Street
South Bend, Indiana 46601
Phone: 574-233-1841
Terry@LangFeeney.com

EXIHIBIT A

A part of the Southeast Quarter of Section 3, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana and being more particularly described as Lot 2, Lot 3 and Lot 4 as shown on the recorded plat of Deer Run Subdivision (Section One) in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 0539422.



NORTH
PET 20-19
FIR RD
S-2
DEER RUN DR
PET 20-19
S-2
HEMMER LN
SPINN LN
SPICER LN
STEELE LN
Location Map
PET 20-19
RICHARD LAFREE (OWNER)
VACANT PROPERTY AT SW CORNER OF DEER RUN DR. (SOUTH LEG) & FIR ROAD
DEER RUN PUD AMENDMENT TO PERMIT I-1 LIGHT INDUSTRIAL USES

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 11 2020
CITY CLERK
MISHAWAKA, IN

PETITION #20-20

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2020-32

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:

Lots A, B, & C of Wally Boochers Replat of Lots 1, 2, & 3 of Richard C. Boocher Cleveland Road Subdivision, including the adjacent 40' south to the centerline of Cleveland Road

COMMON ADDRESSES: 15165, 15195, and 15201 Cleveland Road, Granger

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 R-3 Multi-Family Residential District.

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

1. Existing Conditions - The subject parcels are located along a moderately travelled section of Cleveland Road on which traffic volumes are expected to remain relatively constant. Cleveland Road between State Road 23 and Fir Road does not serve as a major east-west corridor into the city. Adjacent land uses include single-family residential properties to the north, west, and east, and commercial and single-family residential properties to the south approved for future commercial use.

2. Character of Buildings in Area - The character of buildings and land uses located along the Cleveland Road corridor from State Road 23 to the west to Fir Road to the east vary greatly. Buildings and uses include low-density single-family residential homes, an assisted living/memory care facility, an independent living senior facility, a residential apartment complex, a church, and a medical office building.

3. The most desirable/highest and best use – With the completion of Beacon Parkway to the north, commercial and multi-family residential development along Fir Road, and to a lesser extent along Cleveland Road, is expected to increase. Therefore, the most desirable use for the property is either commercial or multi-family residential reflecting the changing land use patterns in the area.

4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed multi-family residential use is compatible with the adjacent single-family residential and medical office uses.

5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed multi-family use is reasonably consistent with adjacent and changing land uses along the Cleveland and Fir Road corridors.

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 ____________________, 2020, at _______ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ______ day of __________________, 2020, at o'clock ______.M.

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

APPROVED by me this ______ day of _________________, 2020, at ______ _______o'clock _______.M.

____
David A. Wood, Mayor

STAFF REPORT

General Location: Vacant Land North of Cleveland Road approximately 350' West of Fir Road	Date: September 9, 2020
Petition: 20-20 Annexation, Establish Zoning, and Preliminary Site Plan for a proposed multi-family residential townhome development	Prepared By: DJS

GENERAL INFORMATION

Applicants:	Lionshead Development LLC / Legacy Builders & Spalding Design Group
Status:	Property Owner / Contingent Developer & Architect
Request:	To annex, establish zoning, and approve a preliminary site plan to allow for the construction of a 73 unit multi-family residential townhome development
Existing Zoning:	R Single Family Residential (Three western parcels in unincorporated St. Joseph County) & R-3 Multi-Family Residential District (Three eastern parcels annexed in 2016 per Petition 16-32)
Proposed Zoning:	R-3 Multiple Family Residential District
Lot Size:	6.4 acres including 3.4 acres to be annexed with this petition and 3.0 acres currently within city limits
Applicable Regulations:	Section 137-215 thru 137-217 / R-3 Multiple Family Residential Section 137-41 / Amendments to the Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern:	North:	R Single Family Residential – Unincorporated (Vacant Wooded Area & Single-Family Home north of a Pond)
	South:	C-6 Linear Office Commercial (Medical Office / Indiana Pain & Spine Clinic) & S-2 Planned Unit Development (Single Family Home / Approved for C-1 General Commercial District use)
	East:	R Single Family Residential – Unincorporated (Single-Family Residential) & O Office – Unincorporated (Medical Office / Granger Oral Surgery & Dental Implants)
	West:	R Residential – Unincorporated (Single-Family Residential)

Thoroughfare:	Cleveland Road
School District:	Penn-Harris-Madison School Corporation
Public Utilities:	All public utilities are either available or will be extended to/throughout the site at the owner's/developer's expense.
Comprehensive Plan:	This area was not included in the extents of the Mishawaka 2000 Comprehensive Plan.

ANALYSIS

Proposal:
The applicant is proposing to annex, establish zoning, and approve a preliminary site plan to allow for the construction of a 73 unit multi-family residential townhome development.

The 6.4 acre site is located on the north side of Cleveland Road west of Fir Road and consists of six separate parcels. The three eastern parcels, which include tax parcels #030-1007-0076.04, #030-1007-0076.07, and #030-1007-0076.35, are currently within the City limits being annexed in 2016 (Ord. 5557/Petition 16-32). These parcels were initially proposed for development with 29 townhomes. The three western parcels to be annexed with this petition include tax parcels #006-1007-0076.05, #006-1007-0077, and #006-1007-0077.01. All six parcels are vacant.

As indicated on the preliminary site plan, the project will include 73 individually owned units within 17 separate buildings. The project will likely be developed in multiple phases based upon market demand. Specifics on the phasing as to the number of buildings/units and which part of the site will be initially development were not identified. The overall density will be 11.4 units per acre. A total of 110 parking spaces are required for the proposed 73 residential units (1.5 spaces per unit). Although not specified on the preliminary site plan, it appears that 194 parking spaces will be provided with 146 spaces (two per unit) within the attached garages and 48 visitor spaces in surface parking lots. This equates to a ratio of 2.66 spaces per unit. It is assumed that 2 spaces will be provided within each unit based upon the previous townhome design submitted with the prior annexation and zoning petition in 2016. The same architect is involved in the project.

The applicant is requesting a zoning classification of R-3 Multiple Family Residential District for the proposed annexation area to match the existing zoning within the eastern part of the site. The western three parcels were not included in the prior annexation and zoning since they were not under the applicant's control at that time. With the current petition, the applicant is proposing to expand the previously approved multi-family residential use. The preliminary site plan shows the developer's intent to comply with the required height, area, and development regulations for the R-3 District (building and parking setbacks, off-street parking requirements, etc.). Developmental variances may be required based on a refined future final site plan.

One access off of Cleveland Road is proposed to serve the development. The Engineering Department commented that an additional access, or fire lane, will likely be required by the Fire Department. The taper for the proposed deceleration lane appears to be short and will require a 30:1 taper for the posted 40 MPH speed limit. These comments shall be addressed during the final site plan review process. The preliminary site plan shows an existing road on the south side of Cleveland Road near the proposed entrance. It should be noted that this road, previously Fir Trail, was vacated in 2015 (Ord. 5506/Petition 15-33) with new curb being installed to remove access to the south. All drives and parking lots interior to the site will be privately owned and maintained.

Due to the project being located within a future Juday Creek 5-year well head protection area, stormwater runoff cannot be handled on-site via a system of drywells. All runoff will have to be maintained on-site via a surface stormwater retention or detention basin.

All landscaping/screening, architecture materials and colors of the buildings, and screening of the dumpster areas shall comply with commercial district requirements.

If the proposed zoning and annexation request is approved, a detailed final site plan shall be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm water drainage, electric, gas, etc.), landscaping/screening, grading, erosion control, and any other required improvements.

Annexation:
In late 2016, the three eastern parcels within the site were annexed into the City for a proposed 29 unit multi-family residential townhome development (Ord. 5557/Petition 16-32). A 3.4 acre area including the

three western parcels to be annexed with this petition proposes to expand the previously approved multi-family residential use. All six parcels are vacant.

Per Indiana State annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexation as outlined above, approximately 435.32 feet, or 27%, of the total 1613.94 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:
The site is located on the north side of Cleveland Road approximately 350′ west of Fir Road, and is bordered to the north by a heavily wooded single-family residential property and 3.8 acre pond located within unincorporated St. Joseph County; to the west by a single-family residential property located within unincorporated St. Joseph County; to the south by commercial property partially developed with a medical office and a single-family residential property approved for commercial use; and to the east by a single-family residential property and medical office located within unincorporated St. Joseph County.

Zoning Change:
Staff feels that the proposed zoning of the three western parcels for multi-family residential purposes is appropriate given that part of the property was previously approved for the same use and the adjacent commercial growth along Cleveland Road, Fir Road, and East University Drive to the south. With the completion of Beacon Parkway to the north, providing a major gateway into the City from the Toll Road, development pressures along the Fir Road and Cleveland Road corridors will only intensify in the future.

Transportation/Roads:
According to the latest available traffic counts from June 2019, there were 7,500 annual average daily trips (AADT) along Cleveland Road west of Fir Road. This represents a 36% increase over the last five years. Traffic counts at this location were consistently around 5,500 AADT between 2007 and 2015. Traffic likely increased due to the opening of Beacon Parkway in the spring of 2015. Counts are not expected to significantly increase in the future.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Government with input from City staff, does not show any planned added travel lanes along Cleveland Road from State Road 23 to Bittersweet Road. However, the plan does include added travel lanes along Cleveland Road from Bittersweet Road to Ash Road (St. Joseph – Elkhart County line). The projected completion year for this added capacity project is 2045.

All pertinent City Departments have reviewed and approved the proposed annexation, rezoning and preliminary site plan.

In addition to the prior comments in this report, the Engineering, Electric, and Water Departments provided the following comments:

Engineering Department:

1. Sanitary and water lines shall be extended to the site to serve the proposed development.
2. Stormwater management shall be handled on site per City standards.

These comments shall be addressed with the final site plan.

Electric Department:

1. The Mishawaka Utilities Electric Division does not currently serve the proposed annexation area. If the annexation if approved, Mishawaka Utilities Electric Division will attempt to acquire the service area from AEP as it is not already in our franchise boundary.

Water Department:

1. The project is located within a future Juday Creek 5-year well head protection area pending the construction of a new well field to the northeast of the Douglas Road and Fir Road intersection.

RECOMMENDATION

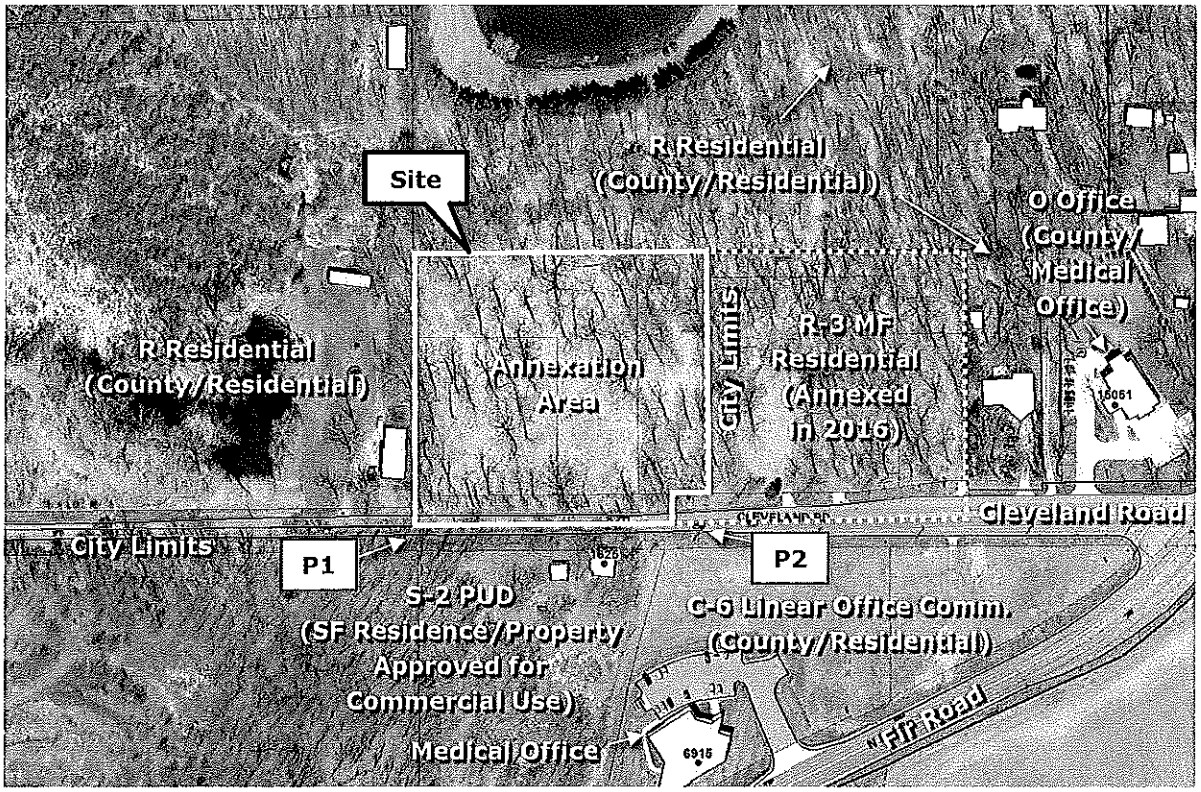
Staff recommends in **favor** of Petition 20-20 to annex, establish zoning, and approve a preliminary site plan for property located on the north side of Cleveland Road west of Fir Road to allow for the construction of a proposed 73 unit multi-family residential townhome development.

This recommendation is based upon the following Findings of Fact:

1. Existing Conditions - The subject parcels are located along a moderately travelled section of Cleveland Road on which traffic volumes are expected to remain relatively constant. Cleveland Road between State Road 23 and Fir Road does not serve as a major east-west corridor into the city. Adjacent land uses include single-family residential properties to the north, west, and east, and commercial and single family residential properties to the south approved for future commercial use.
2. Character of Buildings in Area - The character of buildings and land uses located along the Cleveland Road corridor from State Road 23 to the west to Fir Road to the east vary greatly. Buildings and uses include low-density single family residential homes, an assisted living/memory care facility, an independent living senior facility, a residential apartment complex, a church, and a medical office building.
3. The most desirable/highest and best use – With the completion of Beacon Parkway to the north, commercial and multi-family residential development along Fir Road, and to a lesser extent along Cleveland Road, is expected to increase. Therefore, the most desirable use for the property is either commercial or multi-family residential reflecting the changing land use patterns in the area.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed multi-family residential use is compatible with the adjacent single-family residential and medical office uses.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed multi-family use is reasonably consistent with adjacent and changing land uses along the Cleveland and Fir Road corridors.

ATTACHMENTS

Aerial Photograph, Photographs of Site Area, Zoning & Annexation Petition, Preliminary Site Plan, Location Map



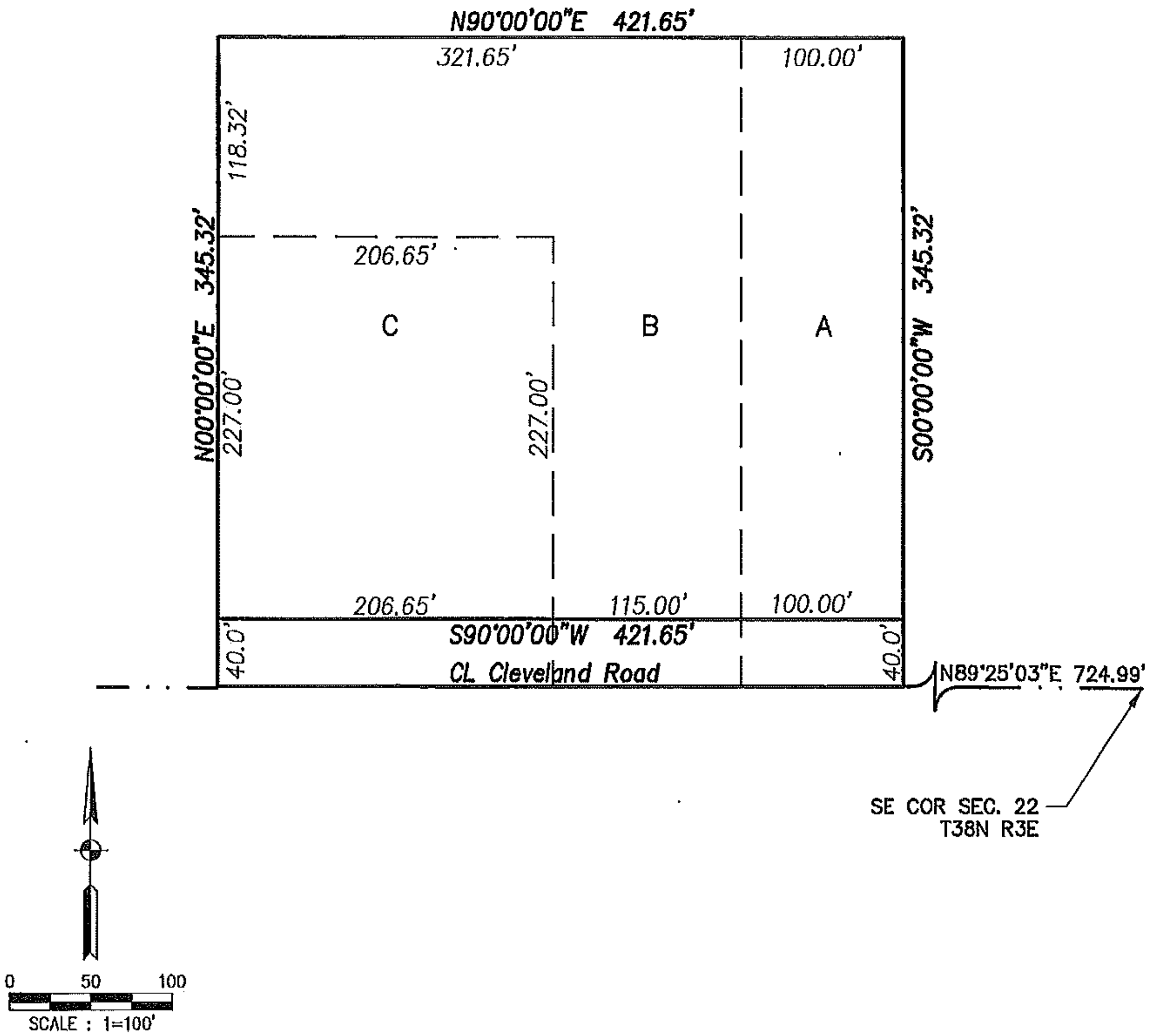
Aerial Photograph - Vacant Land N. of Cleveland Road & W. of Fir Road
Proposed 73 Unit Multi-Family Residential Townhome Development

P1. Looking northeasterly from Cleveland Road toward the property to be annexed.

P2. Looking westerly from Cleveland Road toward the site.

EXHIBIT DRAWING

BEING A PART OF THE SOUTHEAST QUARTER SECTION 22, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA



ABONMARCHE

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South Bend, IN 46601
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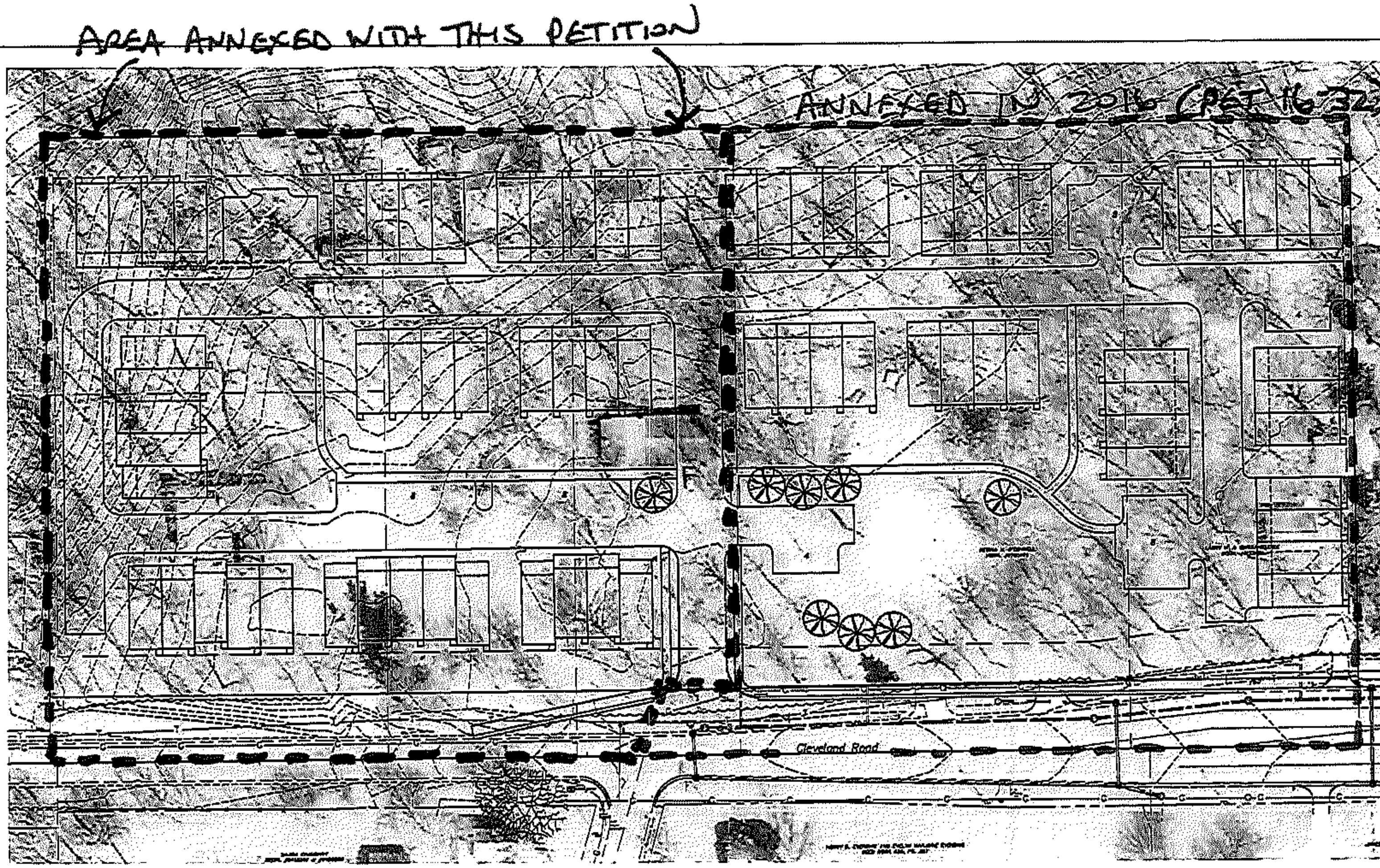
F 574.251.4440
abonmarche.com

Benton Harbor, Ft. Wayne, Goshen, Hobart, Lafayette, Portage, South Bend, South Haven, Valparaiso

Engineering · Architecture · Land Surveying

PREPARED FOR: LEGACY HOMES 50525 ARBORWOOD COURT GRANGER, INDIANA 46530	SCALE: 1" = 100'
	JOB #: PMT JOB
	SHEET 1 OF SHT



73 Units
48 Visitor Spaces

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COMMUNITY DEVELOPMENT
PLANNING

ABONMARCHE

CLEVELAND TOWNHOMES
CLEVELAND ROAD
GRANGER, INDIANA

CONCEPTUAL LAYOUT

ABONMARCHE

Engineering • Architecture • Land Surveying

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DEBORAH S. BLOCK, MMC

AUG 27 2020

CITY CLERK
MISHAWAKA, IN

DATE: August 19, 2020

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

FROM: Mike Huber
Abonmarhce Consultants
315 W. Jefferson Blvd.
South Bend, Indiana 46601
(574) 347-4610
mhuber@abonmarhce.com

RE: Petition for Annexation and Zoning Classification

The undersigned Lionshead Development, LLC respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

Lots A, B, & C of Wally Boochers Replat of Lots 1, 2, & 3 of Richard C Boocher Cleveland Road Subdivision, including the adjacent 40' south to the centerline of Cleveland Road.

Petitioners own one-hundred (100%) percent of the above-described parcel of land which is located in the State of Indiana and that petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a R-3 Multi-family Residential District. Petitioners further state they intend to utilize said land for a townhome style multifamily development.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and the location of the proposed building structures.

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

Wherefore, Petitioners respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a R-3 Multi-family Residential District zoning classification.

Gary C. Graham
Lionshead Development, LLC

Gary C Graham
Printed

RECEIVED
AUG 28 2020
COMMUNITY DEVELOPMENT

PET 20-20

**WALLY BOOCHER'S REPLAT OF LOTS 1, 2 and 3 OF
RICHARD C. BOOCHER CLEVELAND ROAD SUBDIVISION
LEGAL DESCRIPTION**

A part of the East Half of the Southeast Quarter of Section 22, Township 38 North, Range 3 East, Harris Township, St Joseph County, Indiana, described as follows:

Beginning at the Southwest corner of Lot 3 of Richard C Boocher Cleveland Road Subdivision as recorded on May 8, 1968 in Plat Book 23, page B, in the office of the Recorder of St. Joseph County, Indiana; thence North 00*00'00" East 345.32 feet; thence North 90*00'00" East 421.65 feet; thence South 00*00'00" West 345.32 feet, thence South 90*00'00" West 421.65 feet, along the North right-of-way line of Cleveland Road to the Point of beginning and containing 3.34 acres, more or less. The tract described above contains 3 lots lettered A, B and C, along with the adjacent 40' South to the Centerline of Cleveland Road.

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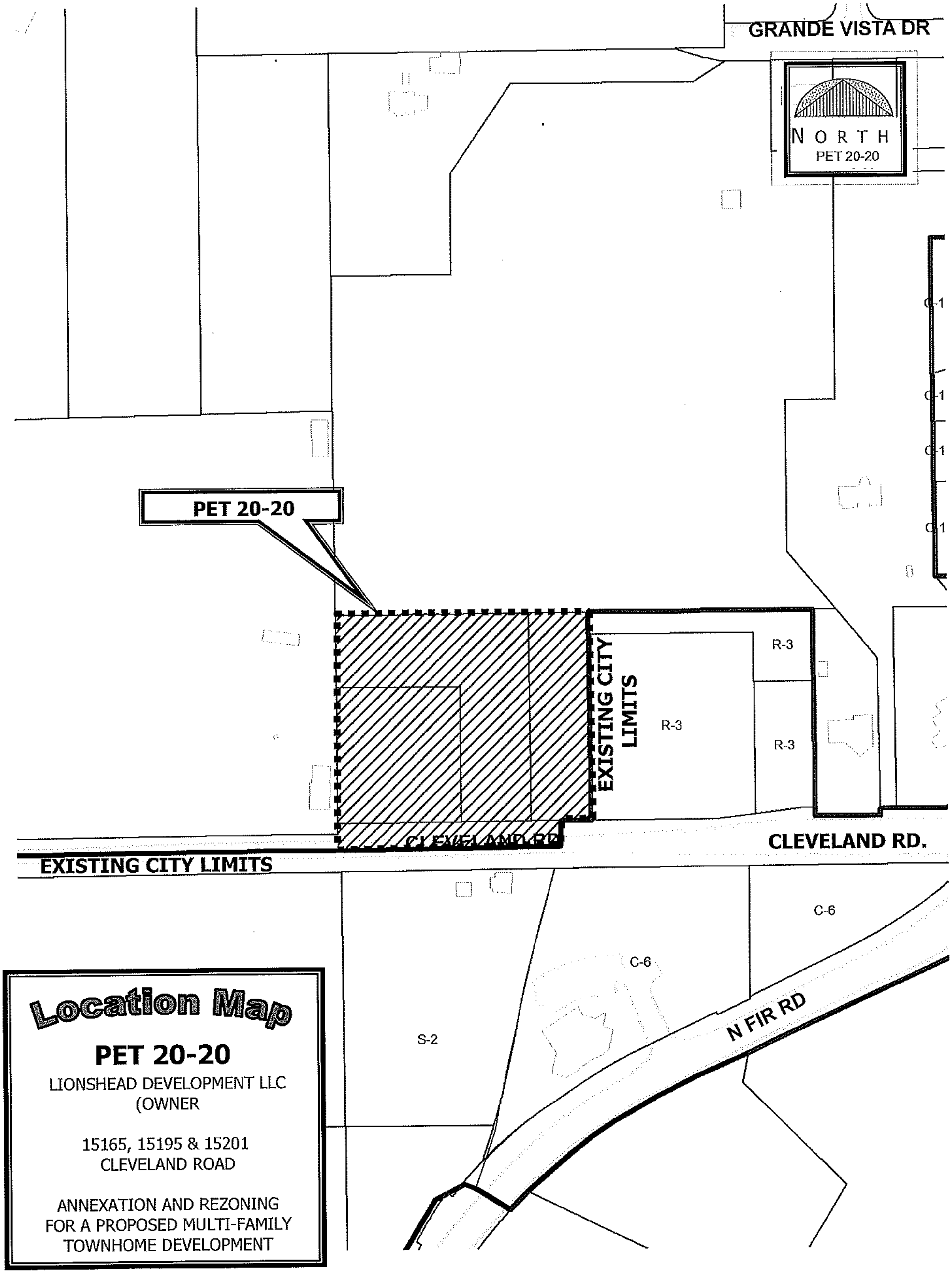
AUG 24 2020
ECONOMIC
COMMUNITY DEVELOPMENT
PLANNING


GRANDE VISTA DR
NORTH
PET 20-20
PET 20-20
EXISTING CITY LIMITS
R-3
R-3
R-3
CLEVELAND RD
CLEVELAND RD.
EXISTING CITY LIMITS
C-6
C-6
S-2
N FIR RD
Location Map
PET 20-20
LIONSHEAD DEVELOPMENT LLC
(OWNER
15165, 15195 & 15201
CLEVELAND ROAD
ANNEXATION AND REZONING
FOR A PROPOSED MULTI-FAMILY
TOWNHOME DEVELOPMENT

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4

Generated 9/18/2020 11:17:40 AM

Proposed Ordinance No. 2020-33
Ordinance / Resolution Number:

Be it ordained/resolved by the **Mishawaka Common Council** that for the expenses of **MISHAWAKA CIVIL CITY** for the year ending December 31, **2021** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MISHAWAKA CIVIL CITY**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **Mishawaka Common Council.**

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
Mishawaka Common Council	Common Council and Mayor	10/19/2020

Funds

Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0101	GENERAL	$36,640,673	$31,231,014	2.5539
0254	LOCAL INCOME TAX	$2,600,562	$0	0.0000
0341	FIRE PENSION	$2,000,000	$0	0.0000
0342	POLICE PENSION	$1,400,000	$0	0.0000
0706	LOCAL ROAD & STREET	$552,000	$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	$3,558,408	$2,438,405	0.1994
1151	CONTINUING EDUCATION	$100,000	$0	0.0000
1301	PARK & RECREATION	$3,904,375	$4,772,073	0.3902
1310	PARK NONREVERTING - CAPITAL	$333,400	$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	$113,739	$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	$650,000	$2,129,533	0.1741
2411	ECONOMIC DEV INCOME TAX CEDIT	$4,154,332	$0	0.0000
6290	CUMULATIVE SEWER	$2,325,000	$0	0.0000
		$58,332,489	**$40,571,025**	**3.3176**

1st Reading 9-21-20
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 18 2020
CITY CLERK
MISHAWAKA, IN

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4

Generated 9/18/2020 11:17:40 AM

Name		Signature
Ronald S Banicki	Aye ☐ Nay ☐ Abstain ☐	
Michael A Bellovich	Aye ☐ Nay ☐ Abstain ☐	
S Michael Compton	Aye ☐ Nay ☐ Abstain ☐	
Margaret DeMaegd	Aye ☐ Nay ☐ Abstain ☐	
Dale E "Woody" Emmons	Aye ☐ Nay ☐ Abstain ☐	
Anthony A Hazen	Aye ☐ Nay ☐ Abstain ☐	
Gregg A Hixenbaugh	Aye ☐ Nay ☐ Abstain ☐	
Matthew T Mammolenti	Aye ☐ Nay ☐ Abstain ☐	
Mary C Willson (Kate Voelker	Aye ☐ Nay ☐ Abstain ☐	

ATTEST

Name	Title	Signature
Deborah S. Block	City Clerk	

MAYOR ACTION (For City use only)

Name		Signature	Date
David A. Wood	Approve ☐ Veto ☐		

PROPOSED ORDINANCE 2020-34

ORDINANCE __________

AN ORDINANCE AMENDING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2021.

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

Section 1. The biweekly salaries of all employees of the City of Mishawaka except the Mishawaka Park Department, Elected Officials and the Mishawaka Utilities for the year beginning January 1, 2021 and shall be payable in 26 bi-weekly pay periods commencing on January 8, 2021.

	BIWEEKLY SALARY
MAYOR'S EXECUTIVE ASSISTANT	$ 1,854.23
MAYOR'S ADMINISTRATIVE ASSISTANT	$ 1,661.91
MAYOR'S EXECUTIVE SECRETARY	$ 1,408.56
CONTROLLER	$ 3,117.01
DEPUTY CONTROLLER	$ 2,137.74
ACCOUNTANT	$ 1,700.88
PAYROLL CLERK	$ 1,550.66
BOOKKEEPER A	$ 1,588.01
BOOKKEEPER B	$ 1,378.88
BOOKKEEPER C	$ 1,290.98
PURCHASING AGENT	$ 1,604.25
CPA CERTIFICATION FT	192.31
CHIEF DEPUTY CLERK I	$ 1,644.04
CHIEF DEPUTY CLERK II	$ 1,594.51
HR DIRECTOR	$2,287.45
ASST DIRECTOR	$1,557.69
OFFICE ADMINISTRATOR	$1,417.60
HR OFFICE MANAGER	$1,407.93
HR CERTIFICATION	19.23
DIRECTOR OF IT	$ 2,637.12
SYSTEM SPECIALIST IV	$ 2,177.53
SYSTEM SPECIALIST III	$ 1,850.29
SYSTEM SPECIALIST II	$ 1,762.59
SYSTEM SPECIALIST I	$ 1,627.80
PUBLIC SAFETY TECHNICIAN	$1,923.07
CORPORATE COUNSEL	$ 2,138.11
1st DEPUTY CITY ATTORNEY	$ 2,474.72
2nd DEPUTY ASST CITY ATTORNEY	$ 711.87
COUNCIL ATTORNEY	$ 711.87

DIRECTOR OF ENGINEERING	$ 3,117.01
ASSISTANT DIRECTOR	$ 2,587.59
TRAFFIC MANAGER	$ 2,138.55
PROJECT MANAGER	$ 2,192.95
CONSTRUCTION COORDINATOR	$1,923.20
TECHNICIAN	$1,910.69
GIS COORDINATOR	$ 2,138.55
PROJECT COORDINATOR	$ 1,593.70
LOCATOR/INSPECTOR	$1,635.38
OFFICE ADMINISTRATOR	$1,417.60
OFFICE MANAGER	$ 1,407.93
PE BONUS FT	192.31
IDEM REVIEW BOARD BONUS	153.85
DIRECTOR OF CODE ENFORCEMENT	$ 2,356.17
OFFICE ADMINISTRATOR	$ 1,407.93
OFFICE MANAGER	$1,417.60
CODE ENF OFFICER A	$ 1,918.50
CODE ENF OFFICER B	$1,610.40
BUILDING COMMISSIONER	$ 2,411.38
ASSISTANT BUILDING COMMISSIONER	$2,271.69
OFFICE ADMINISTRATOR	$1,417.60
OFFICE MANAGER	$ 1,407.93
INSPECTOR A	$ 2,309.88
INSPECTOR B	$2,097.87
FIRE CHIEF	$3,127.54
ASSISTANT CHIEF	$2,901.94
CHIEF FIRE PREVENTION	$2,541.97
BATTALION CHIEF	$2,639.69
CAPTAINS	$2,512.57
FIRE INSPECTOR CAPT	$2,512.57
LIEUTENANT	$2,443.86
FIRE INSPECTOR LT	$2,443.86
DRIVER OPERATOR	$2,376.29
1st CLASS FIREFIGHTER	$2,357.32
MASTER FIREFIGHTER	$2,262.42
PROBATION - FF/EMT	$2,056.92
FIRE ADMINSTRATIVE ASSISTANT	$ 1,661.91
FIRE OFFICE ADMINISTRATOR	$ 1,417.49
FIRE EXECUTIVE SECRETARY	$ 1,408.56
FIRE OFFICE MANAGER	$ 1,404.02
POLICE CHIEF	$ 3,142.30
ASSISTANT CHIEF	$ 2,918.78
CAPTAIN	$ 2,488.93
LIEUTENANT	$ 2,442.04
SERGEANT	$ 2,396.71
1st CLASS OFFICER	$ 2,366.22
2nd CLASS OFFICER	$ 2,114.45
PROBATION	$ 1,922.54
2ND SHIFT DIFFERENTIAL	13.46
3RD SHIFT DIFFERENTIAL	26.92

POLICE RECRUIT	$ 1,682.25
ADMINISTRATIVE ASSISTANT	$ 1,661.91
PROPERTY MANAGER	$ 1,546.60
EXECUTIVE SECRETARY	$ 1,408.91
ADMINISTRATIVE SECRETARY	$ 1,426.48
SERVICES ADMINISTRATOR	$1,596.89
OFFICE MANAGER	$ 1,479.84
PROPERTY CLERK	$ 1,364.68
SECRETARY	$ 1,408.61
PARKING PERSONNEL	$ 1,408.61
CROSSING GUARDS	21 pays@ 369.79
CITY PLANNER	$ 3,117.01
SENIOR PLANNER/ECON DEVEL SPLIST	$ 2,128.81
SENIOR PLANNER	$ 1,939.32
ASSOCIATE PLANNER	$ 1,841.36
ADMINISTRATIVE PLANNER	$ 1,644.04
OFFICE MANAGER	$ 1,397.33
DIRECTOR COMMUNITY DEVELOPMENT	$ 2,646.29
TIF CONSTRUCTION MANAGER	$ 2,508.01
PROGRAM CONSTRUCTION MANAGER	$ 2,276.59
PROGRAM COORDINATOR	$ 1,612.37
GRANT MANAGER	$ 2,088.21
GRANT SPECIALIST	$ 1,422.37
CENTRAL SERVICES ASSISTANT	$ 2,139.36
STREET COMMISSIONER	$ 2,534.81
OFFICE ADMINISTRATOR	$ 1,417.49
OFFICE MANAGER	$ 1,407.93
SECRETARY	$ 1,379.04

	BIWEEKLY HOURLY
PART-TIME HELP	7.25-30.00
CENTRAL SERVICES:	
FLEET MAINTENANCE TECHNICIAN	22.30
CENTRAL SERVICES/MVH:	
GROUP 1	21.19
GROUP 2	20.09
GROUP 3	19.26
NIGHT BONUS/SHIFT DIFFERENTIAL	.55/.60
PROJECT COORDINATOR	1.00

ANNUAL/MISC

FIRE:
SPECIALTY PAY:

	TIER1	TIER 2

ADVANCED EMT	1,000	3,000
PARAMEDIC	2,000	4,000
LEAD PARAMEDIC	4,000	100/shift
2ND SEAT ADV EMT/PARA		50/shift
WATER RESCUE/RECOVERY LEADER	1,050	
WATER DIVE/RESCUE TEAM MEMBER	950	
SELF-CONTAINED BREATHING APPARATUS TEAM TECHNICIAN	1,000	
MECHANIC	2,500	
INFORMATION TECHNOLOGY	1,500	
UNIFORM ALLOWANCE		1,250
POLICE:		
IDACS SPECIALIST		500
PARKING PERSONNEL CLOTHING		600
CROSSING GUARD SUBSTITUTE		20 per day
SUMMER SCHOOL CROSS GUARD		20 per day
UNIFORM ALLOWANCE		2,050
EQUIPMENT MAINT ALLOWANCE		1,250
PLAN COMMISSION		600
BZA MEMBER		375
INSURANCE STIPEND:		
ASST CITY ATTORNEY & COUNCIL ATTORNEY		500 per month

Section 2. The City will contribute the employee portion of 3% to the Public Employees Retirement fund for all employees eligible for participation in the Public Employees Retirement Fund.

Section 3. The City will contribute 3% of the employee portion to the 1977 Fire Pension for all employees eligible for participation in the 1977 Fire Pension Fund.

Section 4. The City will contribute 2% of the employee portion to the 1977 Police Pension for all employees eligible for participation in the 1977 Police Pension Fund.

Section 5. The City will contribute a match of 100% of the employee's contribution not to exceed 1% of the employee's base biweekly pay for all employees eligible for participation in the State's 457(b) plan.

Section 6. Longevity Bonus will be provided annually to the Central Service and Motor Vehicle Highway Teamster employees (as amended). The Longevity Bonus will be offered to the employees as additional pay. The Longevity Bonus shall be payable annually on the first paycheck following each employee's anniversary date with the regular payroll. The annual Longevity Bonus will be based on the following schedule. Said schedule is based upon completed years of service.

Years of Service	Annual Increments	Bonus
5	0	150
6	75	225
7	75	300
8	75	375
9	75	450
10	75	525

An additional $80.00 will be added for each year of service after the 10th year.

Section 7. The Administration may pay up to 15% less than annual salaries listed to new employees during the first twelve-month period, except for those public safety salaries which have been negotiated by the Common Council and all other salaries negotiated as part of a Collective Bargaining Agreement.

Section 8. This ordinance shall be in full force and effect from and after its signing and attestation.

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

this _____ day ____________ 2020, at _______o'clock, p.m.

____
Gregg Hixenbaugh, President

ATTEST:

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

PRESENTED BY ME, to the Mayor on this _day of 2020, at _____o'clock, p.m.

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

APPROVED BY ME this _____day of ________________2020, at _______o'clock, p.m.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

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

September 14, 2020

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 11 2020
CITY CLERK
MISHAWAKA, IN

Mr. Dale Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. Anthony Hazen, 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. Gregg Hixenbaugh, At Large City Council
Mr. Matt Mammolenti, At Large City Council
Mr. Maggie DeMaegd, 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: property south of 1141 and 1241 E Twelfth St., Mishawaka, IN 46544

Dear Council Members and Clerk:

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

Prior to preparing 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 required 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 installing, and if necessary extending, all utilities to the site and constructing any required improvements within the public right-of-way, no additional expenditures are anticipated at this time.

Staff will present a brief summary of the plan and be prepared to respond to questions at the Common Council meeting on September 21, 2020.

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

Sincerely,

Christa Hill

Christa Hill
Associate Planner

cc: David A. Wood, Mayor

RESOLUTION NO. 2020-19

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 PROPERTY LOCATED AT:

AWT, Inc. property located south of 1141 and 1241 E Twelfth St, Mishawaka, IN 46544.

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 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 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:

PARCELS OF LAND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP ST. JOSEPH COUNTY, INDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 00°00'00" WEST ALONG THE EAST LINE OF SAID QUARTER, A DISTANCE OF 759.00 FEET; THENCE SOUTH 89°58'40" WEST, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°58'40" WEST, A DISTANCE OF 165.65 FEET; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 263.87 FEET; THENCE NORTH 89°58'40" EAST, A DISTANCE OF 165.65 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 263.87 FEET TO THE POINT OF BEGINNING. CONTAINING 1.00 ACRE.

PARCEL 2: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 00°00'00" WEST ALONG THE EAST LINE OF SAID QUARTER, A DISTANCE OF 759.00 FEET; THENCE SOUTH 89°58'40" WEST, A DISTANCE OF 1047.66 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°58'16" WEST, A DISTANCE OF 405.58 FEET; THENCE NORTH 00°00'19" WEST, A DISTANCE OF 264.00 FEET; THENCE NORTH 89°58'40" EAST, A DISTANCE OF 405.62 FEET; THENCE SOUTH 00°00'12" WEST, A DISTANCE OF 263.95 FEET TO THE POINT OF BEGINNING. CONTAINING 2.46 ACRES MORE OR LESS.

COMMON ADDRESS: PROPERTY SOUTH OF 1141 & 1241 E TWELFTH ST., MISHAWAKA, IN 46545

Section II. Following the review of documents prepared by the Department of 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 _________________, 2020, at ___________ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________ day of _____________________, _________________ 2020, at _________o'clock ___.M.

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

APPROVED by me this ________ day of __________________ 2020, at

__________ o'clock ___.M.

____
David A. Wood, Mayor

Council / Clerk

City of Mishawaka

AWT, INC
Property south of
1141 and 1241 E Twelfth St
Annexation

Property located on the south side of Twelfth St approximately 500' West of Byrkit Avenue

September 2020

Prepared by:
City of Mishawaka
Department of Planning
600 E. Third Street
Mishawaka, IN
46544-2241

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

AWT, INC.
PROPERTY SOUTH OF 1141 & 1241 E TWELFTH ST
ANNEXATION FISCAL PLAN

TABLE OF CONTENTS

PARCELS OF LAND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP ST. JOSEPH COUNTY, INDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 00°00'00" WEST ALONG THE EAST LINE OF SAID QUARTER, A DISTANCE OF 759.00 FEET; THENCE SOUTH 89°58'40" WEST, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°58'40" WEST, A DISTANCE OF 165.65 FEET; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 263.87 FEET; THENCE NORTH 89°58'40" EAST, A DISTANCE OF 165.65 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 263.87 FEET TO THE POINT OF BEGINNING. CONTAINING 1.00 ACRE.

PARCEL 2: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 00°00'00" WEST ALONG THE EAST LINE OF SAID QUARTER, A DISTANCE OF 759.00 FEET; THENCE SOUTH 89°58'40" WEST, A DISTANCE OF 1047.66 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°58'16" WEST, A DISTANCE OF 405.58 FEET; THENCE NORTH 00°00'19" WEST, A DISTANCE OF 264.00 FEET; THENCE NORTH 89°58'40" EAST, A DISTANCE OF 405.62 FEET; THENCE SOUTH 00°00'12" WEST, A DISTANCE OF 263.95 FEET TO THE POINT OF BEGINNING. CONTAINING 2.46 ACRES MORE OR LESS.

COMMON ADDRESS: PROPERTY SOUTH OF 1141 & 1241 E TWELFTH ST., MISHAWAKA, IN 46545

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.

PARCELS OF LAND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP ST. JOSEPH COUNTY, INDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 00°00'00" WEST ALONG THE EAST LINE OF SAID QUARTER, A DISTANCE OF 759.00 FEET; THENCE SOUTH 89°58'40" WEST, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°58'40" WEST, A DISTANCE OF 165.65 FEET; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 263.87 FEET; THENCE NORTH 89°58'40" EAST, A DISTANCE OF 165.65 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 263.87 FEET TO THE POINT OF BEGINNING. CONTAINING 1.00 ACRE.

PARCEL 2: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 00°00'00" WEST ALONG THE EAST LINE OF SAID QUARTER, A DISTANCE OF 759.00 FEET; THENCE SOUTH 89°58'40" WEST, A DISTANCE OF 1047.66 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°58'16" WEST, A DISTANCE OF 405.58 FEET; THENCE NORTH 00°00'19" WEST, A DISTANCE OF 264.00 FEET; THENCE NORTH 89°58'40" EAST, A DISTANCE OF 405.62 FEET; THENCE SOUTH 00°00'12" WEST, A DISTANCE OF 263.95 FEET TO THE POINT OF BEGINNING. CONTAINING 2.46 ACRES MORE OR LESS.

COMMON ADDRESS: PROPERTY SOUTH OF 1141 & 1241 E TWELFTH ST., MISHAWAKA, IN 46545

TAB B- BASIC DATA & FISCAL ANALYSIS

BASIC DATA & FISCAL ANALYSIS

A. LOCATION AND SIZE

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

PARCELS OF LAND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP ST. JOSEPH COUNTY, INDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMON ADDRESS: PROPERTY SOUTH OF 1141 & 1241 E TWELFTH ST., MISHAWAKA, IN 46545

Annexation Area

The area to be annexed is located on the south side of Twelfth St approximately 400' & 1000' west of Byrkit Avenue, and includes two (2) parcels of property south of and adjacent to 1141 & 1241 E Twelfth Street, Mishawaka, IN 46544. The parcel is vacant and has a current tax identification number of 014-1027-043614. The property touches existing City Limits with approximately 1,197.33 linear feet, filling in gaps in the corporate boundary, while the remaining adjacent property to the south is located in unincorporated St. Joseph County. The property is currently zoned "I" Industrial District within unincorporated St. Joseph County. If annexed, the property will be zoned L-1 Light Industrial District. The property will be combined with other property owned by AWT, Inc via the AWT Subdivision. The property will be used as part of the existing AWT, Inc operation.

Contiguity with the Existing City Limits

The property to be annexed into the City includes 3.46 acres. Parcel 1 has 527.76 feet, or 61%, of the total 859.06 feet of the perimeter of the property will be contiguous with the exiting city limits. Parcel 2 has 669.57 feet, or 50%, of the total 1339.15 feet of the perimeter of the property will be contiguous with the existing city limits. This is in excess of the minimum 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/IMPROVEMENTS

The property is relatively flat with minimal relief across the site. Per the generalized two (2) foot contour topographic maps, elevations range from 726 feet at the boundary of the property to 728 in the center of the parcels. The property is generally vacant with some pavement, a drive connecting both buildings, located at the northeast corner of Parcel 2.

C. LAND USE/CURRENT ZONING

The proposed area to be annexed is currently zoned I Industrial District within unincorporated St. Joseph County and is vacant land. If the Mishawaka Common Council approves the annexation request, the area will be zoned to the I-1 Light Industrial District.

D. ASSESSMENT

The territory to be annexed consists of one (1) tax ID number, but was written as two parcels in the legal description. The total parcel is 8.56 acres, however, approximately 5 acres was annexed in 1996, but the parcel layer does not reflect this. The Land Valuation shown below is based upon current GIS parcel data:

Tax ID Number	Property Owner	Number of Acres	Land & Imp. Valuation
014-1027-043614	AWT, INC	8.56 ACRES	$196,400

E. CURRENT TAX RATE

The City's tax rate 2019 payable 2020 was $2.0226 per $100 of assessed valuation. For property owners in Penn Township, in which this proposed annexation is located, the total taxes will be $3.9458 per $100 of assessed valuation. Property owners in this area currently pay $2.1601 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**
Penn Township	2.1601	3.9458

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

2019	$2.0226
2018	$2.0701
2017	$2.0516
2016	$1.9977
2015	$1.8750
2014	$2.0062
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 [1]
2000	$5.2417

[1] *Change in Tax Code*

F. NEW ADDRESSES

If the proposed annexation is approved, the property will be zoned I-1 Light Industrial District and will be combined with other property owned by AWT, Inc. Although there are no immediate plans for development, the property will be developed in accordance with the requirements of the City of Mishawaka Zoning Ordinance. Given the layout, it is unlikely that a new address would be needed, however by the City of Mishawaka Engineering Department would assign one if needed.

G. DETERMINATION OF SERVICE STANDARDS AND COSTS

Every proposed annexation area to 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 C. 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. It will be the responsibility of any future 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 2020 City budget has been attached to the Summary of Service Report for each applicable non-rate supported department. These budgets identify the costs for personnel, equipment, repairs, and other expenditures anticipated for the budget year. Budgets for any department are available for the review of the public upon request at City Hall.

H. TERMS AND CONDITIONS

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

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

I. FISCAL IMPACT ON TAXPAYERS, MUNICIPAL FINANCES, AND POLITICAL SUBDIVISIONS

Analysis:

The property proposed to be annexed is currently vacant with no taxable improvements or structures.

Since the property will not be developed over the next four years, the current and future assessed valuation for the time period covered by this are identical. Once the property is developed, the assessed valuation should significantly increase providing additional revenue for all taxing units.

The current and future political subdivisions and their associated tax rates were determined by the geography of the property and the attached "Tax Rate Chart for the year 2019 payable 2020". (See Tab "D" / Appendix "C".) This chart is provided by the St. Joseph County Auditor's Office.

Current property assessed valuation:

$196,400

Current Property Taxes Generated from the Property:

The current property taxes that are being generated from the property were determined utilizing on online estimator available through the Indiana Gateway for Government Units > Taxpayer Portal > Tax Bill Estimator website. The current URL address for this estimator is https://gateway.ifionline.org/CalculatorsDLGF/taxcalculator.aspx.

The website requires you to enter the geographic location of the property by County, Township, and School Corporation. You then enter the type of property, if it is a homestead (owner-occupied residential); residential rental, non-homestead residential, and agricultural; or other. You then input the assessed valuation and it estimates the maximum tax bill as well as the property tax cap credit if applicable.

This calculation has been done with a scenario before annexation for other property due to it being vacant property, then following annexation for other (vacant) identifying the property as now being subject to the City tax rate.

The estimated property tax value for the property is as follows:

Prior to annexation: $4,242

Following annexation: $5,892

Political Subdivisions before Annexation:

Percent of tax rate and corresponding yearly estimated property tax revenue*

- St. Joseph County (31.4%) - $1,331.99
- Penn Township (17.7%) - $750.83
- PHM School Corporation (41.9%) - $1,777.40
- Mishawaka Penn Harris Library (7%) - $296.94
- Airport Authority (2%) - $84.84

** Estimates may not equal estimated tax value due to rounding.*

The current tax rate of all of these entities combined is 2.1601%.

The tax rate will increase to 3.9458% upon annexation to the City. The revenue will not increase significantly until the site is developed given that the property is currently close to the tax cap. Thus, the distribution of property tax revenue will decrease for existing taxing entities based on getting a smaller percentage of revenue when the City tax rate and to a very minor extent, the South Bend Transpo rate is added to the overall rate. The following estimate is based on the property remaining undeveloped over the next four years. Significant revenue increases are anticipated for all taxing units after the property is developed.

Political Subdivisions following Annexation:

Percent of tax rate and corresponding yearly estimated revenue including estimated annual decreases for existing taxing units upon annexation*

- St. Joseph County (17.2%) - $1013.12 (-$318.87 per year)
- Penn Township (0.8%) - $49.89 (-$700.94 per year)
- PHM School Corporation (23%) - $1,353.06 (-$424.34 per year)
- Mishawaka Penn Harris Library (3.8%) - $223.74 (-$73.20 per year)
- Airport Authority (1.1%) - $65.27 (-$19.57 per year)
- South Bend Transpo (2.8%) - $165.94
- City of Mishawaka (47.6%) - $3,020.98

** Estimates may not equal estimated tax value due to rounding.*

Four Year Projection of Property Tax Revenue following Annexation (above numbers x4)

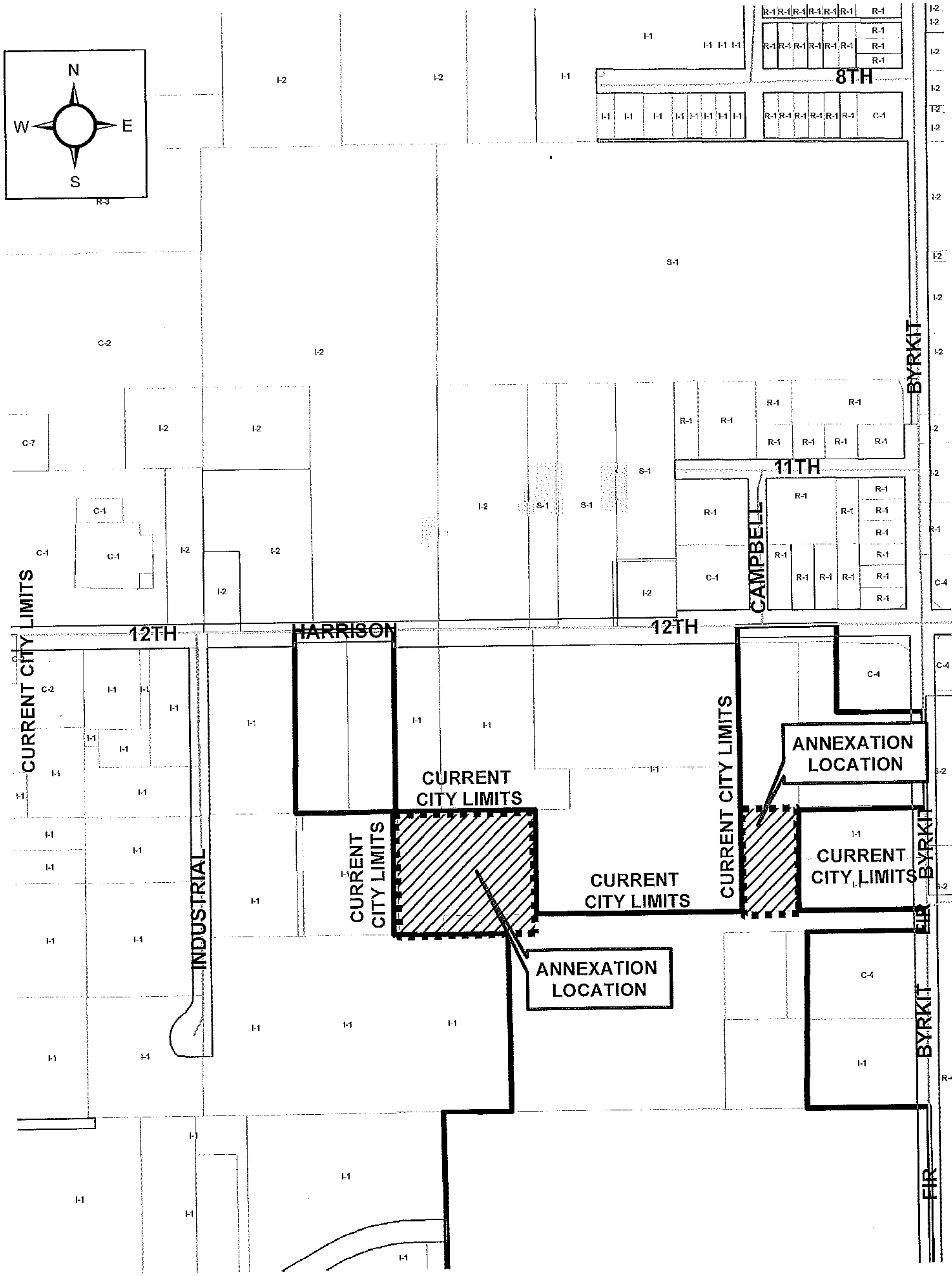
Straight line projection assuming existing use remains and the tax rate and assessed valuation remains constant

- St. Joseph County $4,052.47
- Clay Township $199.55
- PHM School Corporation $5,412.25
- Mishawaka Penn Harris Library $894.97
- Airport Authority $261.08
- South Bend Transpo $663.76
- City of Mishawaka $12,083.92

J. ASSUMED INDEBTEDNESS & COUNTY INFRASTRUCTURE REIMBURSEMENT

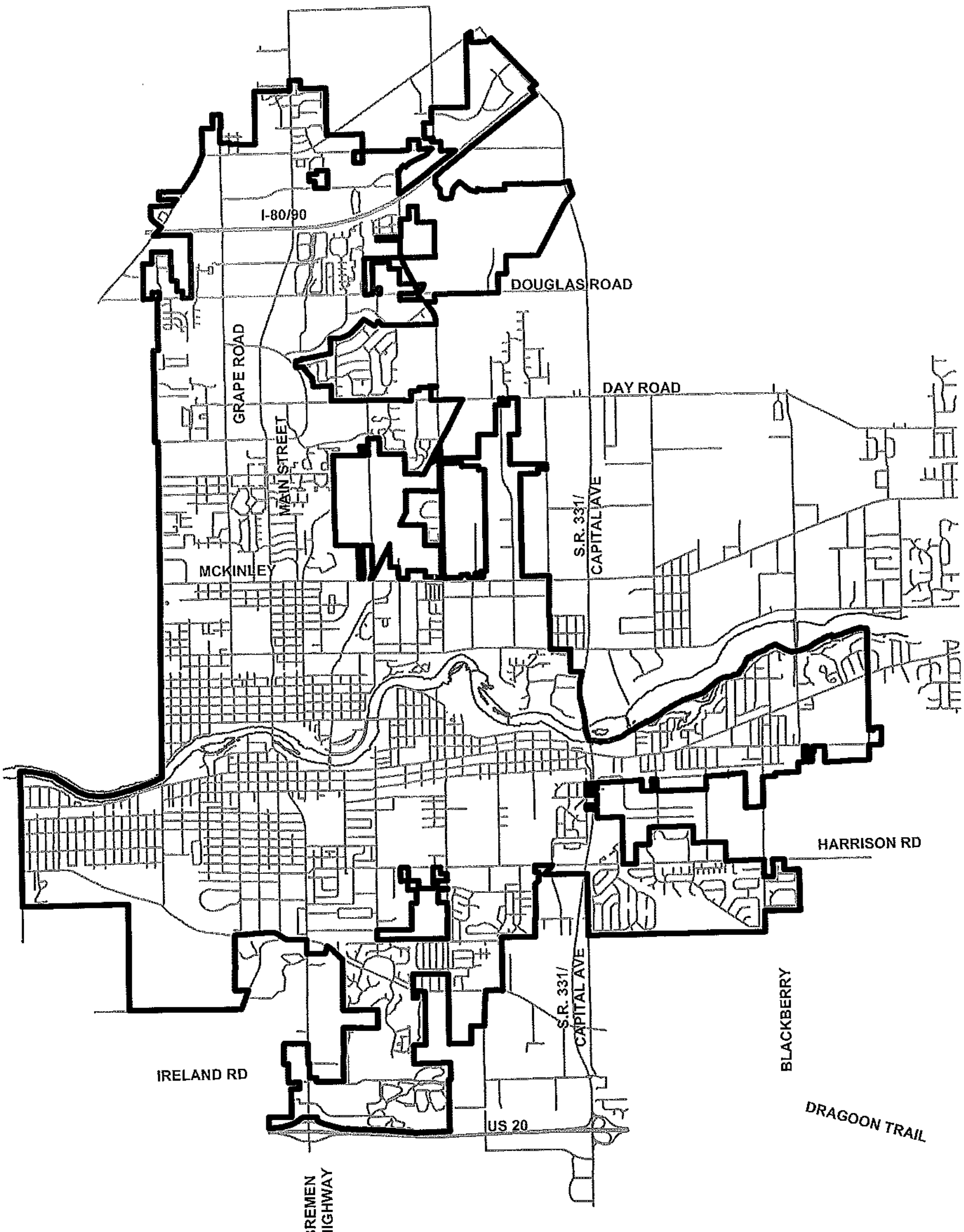
Pursuant to I.C. 36-4-3-4.2 under certain circumstances the City would be required to assume a portion of indebtedness as it would pertain to the proposed annexation area. Specifically, this would be required if the County had used property tax revenue to repay debt used to build infrastructure within the annexation area, or if income tax was being generated from the property in question that was being used to pay off applicable county wide debt that would now be allocated to the City upon annexation.

Upon reviewing the site and the information identified in Tab "D" / Appendix "D", there is no County infrastructure debt associated within the proposed annexation, nor is there any outstanding county debt on infrastructure that is payable by a local option income tax.

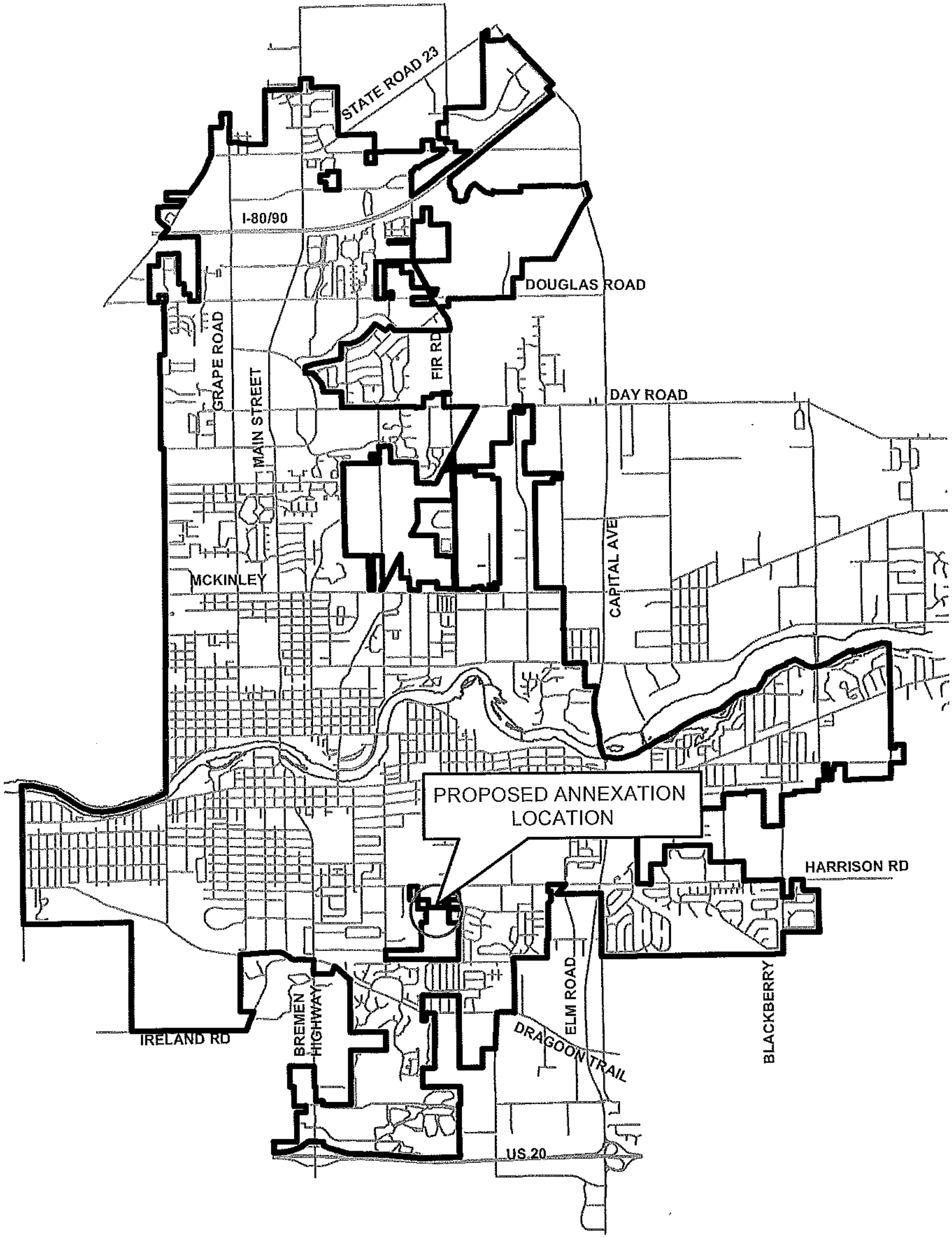


LOCATION MAP

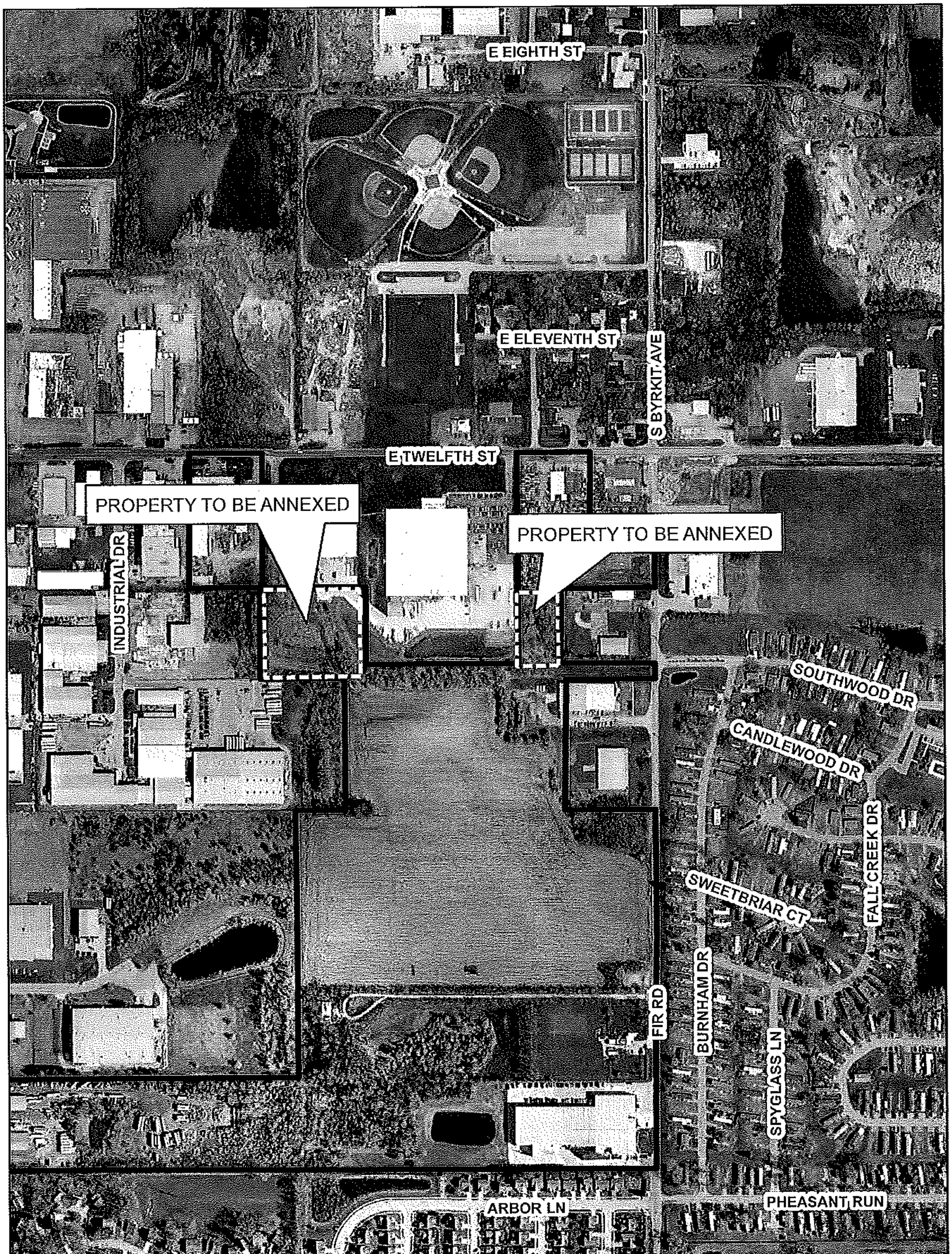
MAP OF EXISTING CITY LIMITS



MAP OF PROPOSED CITY LIMITS



AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED



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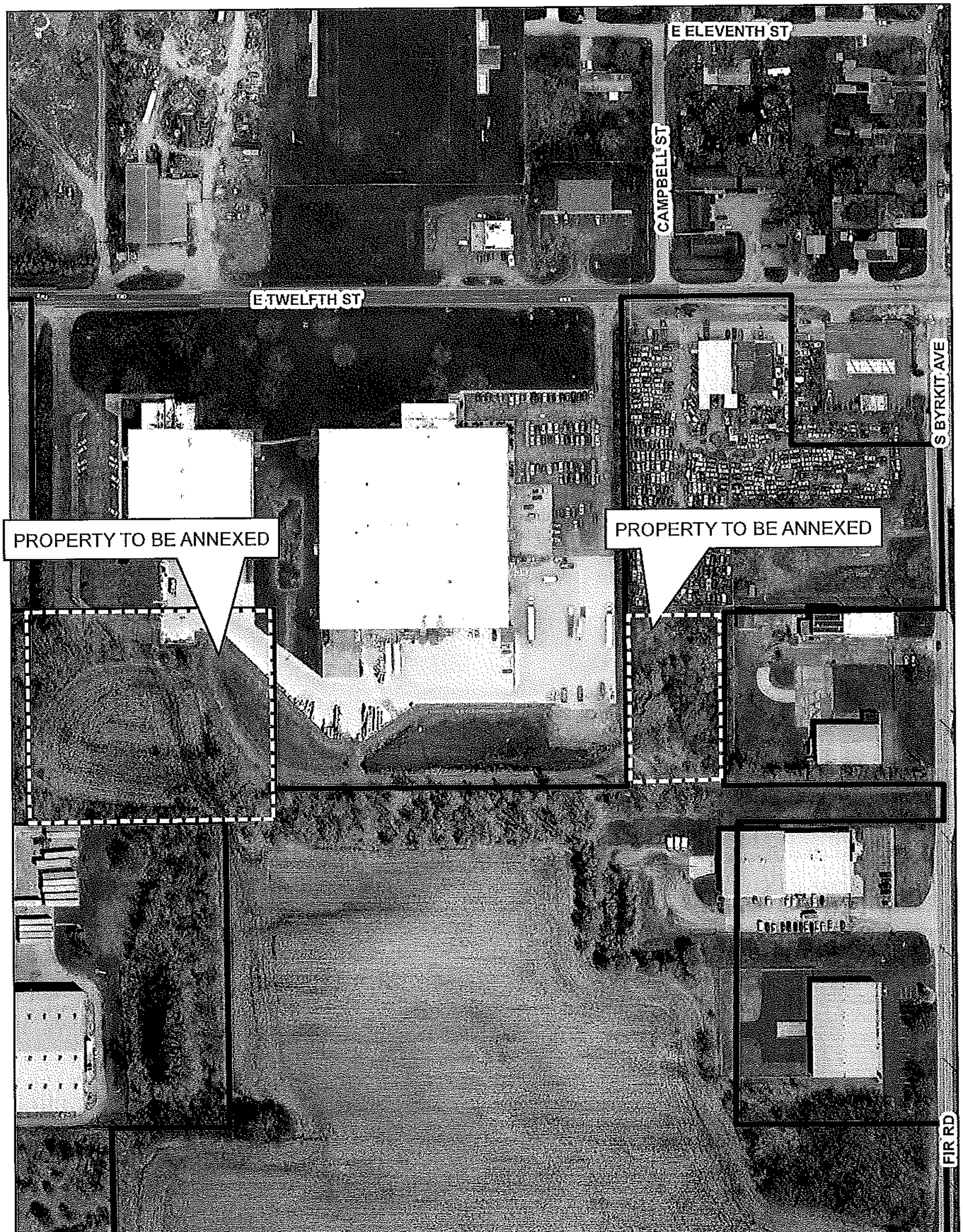


PHOTOGRAPHS OF PROPERTY TO BE ANNEXED

The building at 1241 E Twelfth (annexation Parcel 1 east of parking lot).

The Building at 1141 E Twelfth (annexation Parcel 2 south of parking lot).

July 22, 2020

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 AWT, Inc. respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

Parcels of land being a part of the Northeast Quarter of Section 22, Township 37 North, Range 3 East, Penn Township St. Joseph County, Indian and being more particularly described as follows:
Parcel 1: Commencing at the northeast corner of said Northeast Quarter, thence South 00°00'00" West along the east line of said quarter, a distance of 759.00 feet; thence South 89°58'40" West, a distance of 330.00 feet to the point of beginning; thence continuing South 89°58'40" West, a distance of 165.65 feet; thence North 00°00'00" West, a distance of 263.87 feet; thence North 89°58'40" East, a distance of 165.65 feet; thence South 00°00'00" East, a distance of 263.87 feet to the point of beginning. Containing 1.00 acre.
Parcel 2: Commencing at the northeast corner of said Northeast Quarter, thence South 00°00'00" West along the east line of said quarter, a distance of 759.00 feet; thence South 89°58'40" West, a distance of 1047.66 feet to the point of beginning; thence continuing South 89°58'16" West, a distance of 405.58 feet; thence North 00°00'19" West, a distance of 264.00 feet; thence North 89°58'40" East, a distance of 405.62 feet; thence South 00°00'12" West, a distance of 263.95 feet to the point of beginning. Containing 2.46 acres more or less.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located adjacent to the rear of the property at 1141 and 1241 East 12th Street and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a I-1 Industrial District. Petitioners further state they intend to utilize said land for continued use of the adjacent, existing manufacturing site and it's expansion.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

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

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a I-1 Industrial District.

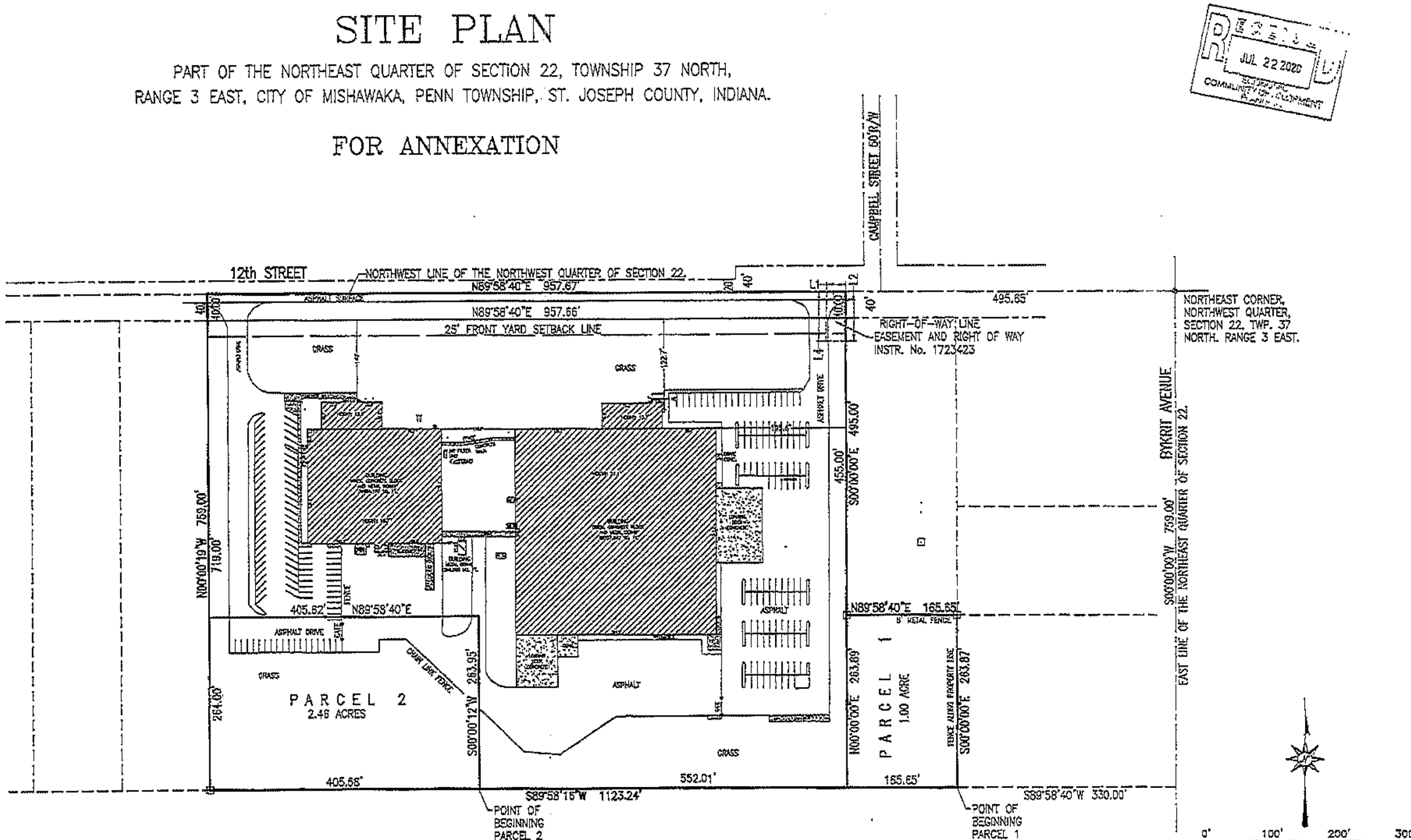
AWT, Inc.
By: Abby Thomas

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

SITE PLAN

PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

FOR ANNEXATION



LINE	BEARING	DISTANCE
L1	N89°58'40"E	28.06'
L2	S00°00'00"E	76.60'
L3	N89°41'56"W	29.61'
L4	N01°09'32"E	76.45'

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

Land Surveyors • Soil Scientists

Scale	1" = 100'	Drawn	JMS
Date	7-22-20	Job Name	
Rev.		Job No.	
Rev.			

PARCELS OF LAND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP ST. JOSEPH COUNTY, INDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMON ADDRESS: PROPERTY SOUTH OF 1141 & 1241 E TWELFTH ST., MISHAWAKA, IN 46545

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 nearly 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 $42 million expansion of the wastewater treatment plant was completed in June 2008. From 2013 to 2020, capital improvements to the wastewater system were made including the replacement of four lift stations, three emergency generators, and final clarifier troughs. Additional plant and system improvements with a focus of implementing the Combined Sewer Overflow Long Term Control Plan are planned in the upcoming years.

The City's water rates have traditionally been among the lowest in the state. The Water Division completed a $26 million capital improvement project in 2003. Several improvements to the overall system were made including the addition of a new well field, the replacement of water mains, and the extension of services to some areas that previously did not have water service. Planned future improvements include a new water treatment facility and well field along Veteran's Parkway near Juday Creek and a new 1.5 million gallon elevated tank in the north part of the City. Construction is anticipated to begin in 2020 and take between 18 months to two years.

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. Mishawaka Utilities is not supported by tax dollars, but rather through revenue generated by the sales of electricity to its consumers.

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 four stations. The Department maintains a Class 2 fire rating with the Insurance Services Office (ISO) rating improving from a Class 3 rating in November 2019. The City nearly received a Class 1 rating of which there are only three in the State of Indiana. It is expected that a Class 1 rating will be achieved during the next reevaluation. 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 90 officers and employees, responds to critical incidents within three to five minutes. The Department offers many personal services within its Community Relations and Street Crimes Units, and the Riverwalk Beat. These services include attendance at neighborhood watch meetings, administering various programs for school-aged children and senior citizens, and focusing on crime reduction in high crime areas of the city.

The City's EMS Department is a centralized system that responded to over 8,300 calls in 2019. The City, with its population of nearly 50,000, responds to about 50% more calls than the County ambulance service does, with its population of over 100,000 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 28 City parks and the Eberhart-Petro golf course. 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, 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 $14.86. For senior citizens, the rate is $12.09. The rates include the cost of recycling and yard waste, 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 15 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 Sanitary Sewer Infrastructure

The City has an existing sanitary sewer manhole that is located on the south side of E. Twelfth St in front of 1141 E. Twelfth St. This connects to the existing 12" gravity sanitary sewer main that continues west along the south side of E. Twelfth St. Currently 1141 and 1241 E. Twelfth St are served by this sanitary sewer main either by private gravity laterals or private force main. If any future connections to sanitary sewer are needed, connection shall be made at the existing on-site sewers. The cost of the connections shall be the responsibility of the owner/developer. This sanitary sewer connection will discharge into the sanitary sewer system that is publicly maintained and ultimately discharges to the City of Mishawaka's Waste Water Treatment Plant. The City's sanitary sewer system has ample capacity to serve this annexation property.

Existing Road/Transportation Infrastructure

Currently E. Twelfth St is a two-lane section with one westbound travel lane, and one eastbound travel lane. In the near future (2025/2026) the City of Mishawaka will be constructing an improvement project along this section of Twelfth St (Twelfth Street, Phase III). After construction is complete, E. Twelfth St will be a three-lane section with one westbound travel lane, one eastbound travel lane, and a shared center left turn lane. The existing drive approaches will be reconstructed at their current location. No further drive approaches will be permitted for this annexation area. With this annexation, and to plan accordingly for the Twelfth St improvement project, the City of Mishawaka will require 40' of R/W be dedicated along the frontage of these properties.

Existing Storm Sewer/Drainage Infrastructure

Regarding any new development or redevelopment within the annexation area, sites are required to retain the stormwater generated by the development on site at the rate of 100-year return storm frequency for a 24-hour duration. If any new on-site improvements are planned, the additional stormwater runoff generated by those improvements shall be retained on-site as stated above. A geotechnical investigation shall be conducted to determine the existing soil conditions and seasonal groundwater table, as they may limit the amount of runoff that will infiltrate into the ground. This requirement provides significant protection to both existing and proposed developments regarding the impact of stormwater run-off. Several different engineering methods are considered acceptable by the City of Mishawaka to calculate this requirement. The simplest method of calculation is using the one-line rational equation. However, the Rational Method, Curve Number Method, and TR-55 Method are also acceptable and tend to be more advanced, taking into consideration the percolation rate of soil types and ratios of developed impervious surfaces. The choice of one method over another is typically due to factors of site size, soil type, and design preference. The developer is required to bear all costs associated with stormwater management and all land disturbing activities shall fully comply with the City's Erosion & Sediment Control Ordinance.

Planned Capital Expenditures, Staff and Rates

If annexed, the City Engineering Department, Street Department, and Sewer Department will be responsible for maintenance of public streets, storm sewers, or sanitary sewer systems within dedicated City right-of-way. Any streets and utilities within the annexed parcel will remain privately maintained by the site owners and/or a Commercial Owners Association if established. The City Departments do not require any additional funds than what is currently allocated within the present City budget. For general information, the repair and maintenance of sanitary sewers is supported by rates paid by its users. Otherwise, as a general percentage of City expenditures, approximately 15 cents of every dollar of the City budget is allocated for street and storm sewer expenditures.

Personal Service Programs

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

Specifically, the Sewer Lateral Insurance Program covers each single-family residential homeowner connected to the public sewer system within the City of Mishawaka. For a $2.20 monthly fee, which is included in the Mishawaka Utilities sewer bill, the homeowner is protected from paying catastrophic sanitary sewer repair costs for the portion of sewer lateral between the street right-of-way and outside of foundation wall of the home. Currently, this annexation area proposes a I-1 Light Industrial District, and therefore is not eligible for this program.

CITY OF MISHAWAKA
2020 BUDGET

ENGINEERING DEPARTMENT
101-13

1 PERSONAL SERVICES			
Salaries and Wages			biweekly
411-01	Director of Engineering	79,352.00	3,052.00
411-02	Assistant Director	65,791.00	2,530.40
	Project Manager	55,682.00	2,141.60
	Traffic Manager	54,288.00	2,088.00
	Project Coordinator	40,332.00	1,551.20
	Office Manager	35,573.00	1,368.18
	City GIS Coordinator	54,288.00	2,088.00
			385,306.00
Other Personal Services			
411-65	PE Certification	10,000.00	192.31
			395,306.00
2 SUPPLIES			
Office Supplies			
421-90	General Supplies	8,000.00	
			8,000.00
3 OTHER SERVICES AND CHARGES			
Professional Services			
431-06	Consulting	5,000.00	
Communication and Transportation			
432-03	Travel and Training	6,000.00	
Repairs and Maintenance			
436-01	Equipment Repair	2,500.00	
Other Services and Charges			
439-03	Subscriptions, Dues, etc.	1,000.00	
			14,500.00
			417,806.00

ELECTRIC SERVICE

Services and Rates

Mishawaka Utilities – Electric Division *currently serves the proposed annexation area as it is already in our franchise boundary.*

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 (i.e., net revenue) as estimated by the Utility for a period of two and one-half (2½) years to be realized by the Utility from permanent and continuing Customers on such an extension is at least equal to the estimated cost of such extension.

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

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

Personnel

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

Engineering:	Consists of the System Reliability Supervisor, Substation Supervisor, Substation Technician, Engineering Projects Manager, and support engineering personnel.
Construction:	Consists of the Construction Superintendent, two Construction Foremen, and support construction personnel (Journeymen, 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.

Electric Division

Electric

Revenue

610.00

361.00	Interest Income	1,800.00	
371.12	Residential Sales	17,930,200.00	
371.14	Commercial Sales	4,555,200.00	
371.18	Customer Charge	2,423,000.00	
371.20	Customer Sales - Municipal Sales	1,391,411.00	
371.22	Customer Charges - Municipal Sales	62,389.00	
371.23	Outdoor Protective Lights	171,503.00	
371.24	Commercial Heating	266,500.00	
371.28	OPL - Municpal	34,897.00	
371.29	Commercial Power	20,409,904.00	
371.33	Commercial Primary Power	435,210.00	
371.35	Power Transformers Owned	2,950,944.00	
371.39	I&M Municipal	89,233.00	
371.40	Industrial Power Service	6,131,426.00	
371.41	School Service	796,216.00	
371.42	I&M Cost Adjustment	4,756,767.00	
373.11	Municipal Street Lighting	533,100.00	
380.10	Penalty	300,000.00	
381.05	Construction	10,000.00	
381.12	Reconnect/Service Charges	128,000.00	
381.14	Overhead or Underground Lines	224,000.00	
381.15	Transformers	8,000.00	
381.16	Street Lights	32,000.00	
381.21	Sale of Scrap Metal	16,000.00	
381.23	Turn on Electric	168,000.00	
381.30	Cablevision	2,032.00	
381.40	Operational Revenue	218,000.00	
391.06	B.O. Shared Expense Reimbursement	772,918.00	
			64,818,650.00

1 Personal Services

610.55

Salaries & Wages

			biweekly
411.02	Division Manager	83,450.00	3,209.60
	Superintendent	88,484.00	3,403.20
	Systems Reliability Supervisor	76,004.00	2,923.20
	Construction Foreman	85,904.00	3,304.00
	Substation Supervisor	62,692.00	2,411.20
	Project Manager	62,338.00	2,397.60
	Operations Coordinator	54,455.00	2,094.40
	Senior Engineering Assistant		
	3 @ 54,288	162,864.00	2,088.00
	Substation Technician	53,248.00	2,048.00
	Engineering Assistant	53,144.00	2,044.00
	Project Coordinator	41,496.00	1,596.00
	Metering Manager	66,456.00	2,556.00
	GIS Engineering Assistant	47,050.00	1,809.60
	Journeyman Lineman		
	7 @ 41.20/Hour	599,872.00	3,296.00
	Apprentice Level 8		
	2 @ 35.02/Hour	72,842.00	2,801.60
	Apprentice Level 7		
	2 @ 34.40/Hour	71,557.00	2,752.16
	Apprentice Level 4		
	2 @ 31.93/Hour	66,415.00	2,554.40
	Apprentice Level 3		
	8 @ 30.08/Hour	250,236.00	2,406.08
	Apprentice Level 2		
	6 @ 29.46/Hour	183,819.00	2,356.64
	Machine Operator A		
	2 @ 26.78/Hour	111,405.00	2,142.40
	Clerk/Dispatcher A		
	1 @ 23.74/Hour	49,383.00	1,899.32
	Clerk/Dispatcher B		
	1 @ 22.40/Hour	46,598.00	1,792.20
	Meter Reader		
	5 @ 22.36/Hour	232,560.00	1,788.91
	Service Representative		
	5 @ 24.05/Hour	250,130.00	1,924.04
	Crew Leader - .75/Hour	9,360.00	
	Journeyman CL - 1.50/Hour	15,600.00	
	Instructor Trainer Certification Bonus - .75/Hour	3,120.00	
	Thermographer Certification Bonus - .75/Hour	1,560.00	
			2,902,042.00

<u>Other Personal Services</u>			
411.60	Overtime	100,711.00	
411.63	Longevity	40,870.00	
411.64	FTO (Flexible Time Off) Plan	20,000.00	
			161,581.00
<u>Employee Benefits</u>			
413.01	Social Security Taxes	189,945.00	
413.02	Medicare	44,423.00	
413.05	Health Insurance	900,000.00	
413.06	Life Insurance	2,511.00	
413.08	Deferred Compensation Match	28,725.00	
413.12	Pension Benefit	441,600.00	
			1,607,204.00

2 Supplies

610

<u>Office Supplies</u>			
54.42122	Office Supplies	5,000.00	
54.42273	Computer Expenses	2,500.00	
			7,500.00
<u>Other Supplies</u>			
54.42276	Uniforms	30,000.00	
56.42229	Plant Operation	75,000.00	
56.42318	Plant Maintenance Supplies	15,000.00	
			120,000.00

3 Other Services and Charges

610

<u>Professional Charges</u>			
52.45915	Purchase Power	42,000,000.00	
54.43102	Legal Fees	25,000.00	
54.43103	Outside Services	150,000.00	
54.43104	Professional Fees	25,000.00	
			42,200,000.00
<u>Communication and Transportation</u>			
54.43210	Transportation Expense	65,000.00	
54.43212	Travel Expense	15,000.00	
54.43930	Education Expense	10,000.00	
54.43931	Apprentice Program	10,000.00	
54.43932	Rodeo	5,000.00	
			105,000.00

Insurance			
54.43410	Insurance - Property, Auto, WC	205,000.00	
			205,000.00
Utilities			
54.43511	Natural Gas Purchase	15,000.00	
54.43512	Water Purchase	7,200.00	
54.43581	CMP Fuel Purchase	50,000.00	
54.45915	Electric Purchase	28,000.00	
			100,200.00
Repairs and Maintenance			
54.42200	Street Lights	15,000.00	
54.42263	Meters Expense	5,000.00	
54.42264	Underground Line Expense	50,000.00	
54.42265	Distribution Construction Expense	5,000.00	
54.42266	Substation Expense	25,000.00	
54.42267	Overhead Line Expense	75,000.00	
54.42274	Stores Equipment	2,000.00	
54.42300	Structures	30,000.00	
54.42302	Small Tools Repair	12,000.00	
54.42307	Equipment and Service	7,000.00	
54.42330	Transformers	3,000.00	
54.42334	Maintenance of Substation Equipment	75,000.00	
54.42350	Maintenance of Equipment and Service	45,000.00	
54.42365	Small Tools Expense	35,000.00	
54.42366	Maintenance of Grounds	2,000.00	
54.43100	Contracted Services	10,000.00	
54.43101	Contracted Services - Line Clearing	225,000.00	
54.43161	Contracted Services - Substations	300,000.00	
			921,000.00

Other Services and Charges

50.45200	Transfer to City	1,000,000.00	
50.49500	PiLoT	519,840.00	
54.42310	Safety Equipment/Expense	50,000.00	
54.43900	Operational Expense	15,000.00	
54.43928	Permit Fees	55,000.00	
54.43929	Dues, Fees, Subscriptions	50,000.00	
61.49400	Indiana Gross Income Tax	884,110.00	
			2,573,950.00
			50,903,477.00

4 Capital Outlays

612

164.13	Poles, Towers and Fixtures	500,000.00	
164.15	Underground Conduit	450,000.00	
164.16	Underground Conductors and Wire	500,000.00	
164.17	Line Transformers	125,000.00	
164.19	Structures/Improvements	400,000.00	
164.22	Street Lights	300,000.00	
164.26	Pad Mount Transformers	400,000.00	
165.13	Office Furniture, Equipment	5,000.00	
165.14	Testing Equipment	5,000.00	
165.15	Tools/Garage/Shop Equipment	10,000.00	
165.16	Power Operated Equipment	50,000.00	
165.17	Meters	275,000.00	
165.30	Construction Tools	10,000.00	
165.31	Plant in Service	100,000.00	
165.44	Computer Equipment Hardware	20,000.00	
165.46	Computer Equipment Software	10,000.00	
165.47	Computer Equipment GIS	10,000.00	
167.20	Transportation Equipment	300,000.00	
170.01	Substation Equipment	5,200,000.00	
170.05	Overhead Conductors and Devices	400,000.00	
			9,070,000.00

Net Surplus/Deficit 3,067,475.00

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 four stations located strategically throughout the City of Mishawaka. The Fire Department and the Emergency Medical Services Department merged January 1, 2002.

In accordance with the firefighter's union Collective Bargaining Agreement and the City of Mishawaka, minimum staffing of 29 personnel are available at all times. The department also has three 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 four 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 eleven (11) firefighters manning one Sutphen pumper truck, one aerial truck, a 105' Sutphen aerial/pumper combination), one heavy-duty K.M.E. rescue truck and one A.L.S. Paramedic ambulance unit.

Station No. 2, located at 2332 N. Main St., is staffed by five (5) to six (6) firefighters at all times, manning one Sutphen pumper truck, and one A.L.S. Paramedic ambulance unit. If annexed, this would be the primary responding station since it is the nearest to the site.

Station No. 3, located at 333 E. Douglas Road, is staffed by eight (8) firefighters at all times, manning one Seagrave pumper truck, one aerial truck (a 105' Sutphen aerial/pumper combination,) and one A.L.S. Paramedic ambulance unit.

Station No. 4, located at 3000 Harrison Road, is staffed by 5 firefighters manning one Seagrave pumper truck, and one Battalion Chief Vehicle.

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

For the year 2019 out of 8,330 runs 6,136 or roughly 74% were medical in nature. The Mishawaka Fire Department restructured going to a three-platoon system in 2013. With the addition of a third ambulance we were able to move ambulances out of one central location to be closer to the neighborhoods they served. This and the availability of paramedics on some engine companies have decreased the time in which it takes to start lifesaving interventions if needed. Engine and ladder companies also have Advanced E.M.T.'s on board who may begin vital treatment such as 12 lead E.K.G.'s, establishing I.V. lines, and administration of a handful of drugs. Once the ambulance arrives the paramedics take over in the continuum of care depending upon the severity of the call.

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. By having 29-36 firefighters on duty at any given time Mishawaka is able to send more resources depending upon the nature of the call. The Mishawaka Fire Department has three ladder/pumper trucks available for emergencies. Two of these are in service at all times with the third being a reserve. Depending upon the location, some outside fire departments utilize mutual aid agreements in the event of the need for an aerial device.

The City maintains a fifteen (15) member Dive/Rescue team for water emergencies.

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 two additional levels, Advanced EMT, (IV therapy, cardiac monitoring) and Paramedic, (addition of several other medications). The EMS division is highly regarded by other services and municipalities in our area offering paramedic service.

All firefighters hired by the City of Mishawaka must become an Advanced level E.M.T within eighteen (18) months of hiring and maintain it throughout their career.

In the calendar year 2019 each firefighter took part in an average of 200+ hours of continuing education.

Complete training records for all personnel are available.

Fire Insurance Rating

Mishawaka maintains a Class 2 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.

During the last audit in November of 2019 Mishawaka's rating improved from 78.65% out of a maximum of 100% in 2012 to 88.35% out of 100% in 2019.

We are currently only 1.65% away from a Class one (1) designation of which there are only three (3) in the State of Indiana.

We are waiting for improvements as a result of the ongoing Public Safety Answering Point mergers and some other internal improvements to occur before we asked to be reevaluated by the I.S.O.

Of course, the only way to determine if a reduction will occur is to contact applicable insurance providers. Homeowner's insurance portion that is fire related would benefit the least while those of a business would have a much larger impact.

For comparison, many township departments have ratings of 7 to 9. After our next reevaluation we believe Mishawaka's fire insurance rating will be the highest possible a Class one (1).

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.

The next Station slated for major improvements is Station #2 located at 2332 North Main Street. Planning and funding are being researched now.

Plans are also underway to place a fourth A.L.S. Paramedic ambulance in service as future growth of the department allows.

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 2019 the Fire Prevention Bureau performed 1,849 fire inspections of new and existing buildings in Mishawaka.

In addition, residents are encouraged to take part in the department's smoke detector giveaway and installation programs.

Fire Marshals give extinguisher demonstrations and emergency planning procedures upon request to businesses in the City. Participants use real extinguishers on mock up fires to prepare them for the real thing.

The department also participates in drive through flu clinics, C.P.R. classes, Triad pill drops, car seat installations and clinics throughout the year.

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, 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 2020 budget has been included for reference.

CITY OF MISHAWAKA
2020 BUDGET

FIRE/EMS DEPARTMENT
101-19

1 PERSONAL SERVICES

Salaries and Wages			biweekly
411-01	Fire Chief	79,527.00	3,058.72
411-02	Assistant Chief 3 @ 73,791	221,373.00	2,838.08
	Battalion Chief 3 @ 67,122	201,366.00	2,581.60
	Captains 15 @ 63,890	958,350.00	2,457.28
	Lieutenants 15 @ 62,143	932,145.00	2,390.08
	Fire Inspectors 3 @ 62,143	186,429.00	2,390.08
	Driver Operator 30 @ 60,424	1,812,720.00	2,324.00
	1st Class Firefighter 34 @ 59,942	2,038,028.00	2,305.45
	Master Firefighters 11@ 57,529	632,819.00	2,212.64
			7,062,757.00
	Civilian		
	Executive Secretary	35,589.00	1,368.80
			35,589.00
Other Personal Services			
411-12	Specialty Pay	264,800.00	
411-60	Overtime	650,000.00	
411-66	Uniform Allowance 115 @ 1,250	143,750.00	
411-67	Pension Equalization	10,900.00	
			1,069,450.00
Employee Benefits			8,167,796.00
413-01	Social Security	13,300.00	
413-02	Medicare	119,000.00	
413-03	PERF-14.2%	30,500.00	
413-05	Health Insurance	2,975,000.00	
413-06	Life/Disability Insurance	6,500.00	
413-08	Deferred Comp Match	70,000.00	
413-09	77 Pension 20.5%	1,400,000.00	
			4,614,300.00
			12,782,096.00

CITY OF MISHAWAKA
2020 BUDGET

FIRE/EMS DEPARTMENT
101-19

2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	6,000.00	
Operating Supplies			
422-01	Operating Supplies	200,000.00	
422-03	Medical Supplies	125,000.00	
Other Supplies			
429-10	Public Education Training/ Seminar Supplies/Refreshments	6,000.00	
			337,000.00
3 OTHER SERVICES AND CHARGES			
Repairs and Maintenance			
436-01	Building/ Equipment Repair	100,000.00	
436-91	Laundry Maintenance	3,000.00	
Other Services and Charges			
439-03	Subscriptions, Dues, etc.	3,000.00	
			106,000.00
			13,225,096.00

PARKS AND RECREATION OPPORTUNITIES

Parks and Recreation

Mishawaka offers 28 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. 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 Ball-Band Biergarten, opening in July 2020, is a unique event and gathering space along the popular Riverwalk and increasingly vibrant downtown. The center of the building will provide a service area for beverages and limited concessions to be enjoyed by all ages.

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 Coordinator, and Community Center Director. There are 5 Park Divisions (Recreation, Special Events, Golf, Aquatics/Ice Rink, and Landscape). Four (4) 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 2020 budget has been included for reference.

CITY OF MISHAWAKA
2020 BUDGET

PARK AND RECREATION
204-50

1 PERSONAL SERVICES

Salaries and Wages			biweekly
411-01	Department Head	68,788.00	2,645.66
411-02	Regular Employees	510,426.00	
	Group 1: 14@20.64*2092	604,505.00	
411-03	Temporary/Summer Help	500,000.00	1,683,719.00
	CS reimburse - 54,309* 1.55 for assts.	65,906.00	
	Reimburse MVH Director - 64,439*5%	3,222.00	69,128.00
			1,752,847.00
Other Services Personal			
411-60	Overtime	25,000.00	
411-63	Longevity	13,835.00	
411-64	FTO	10,000.00	48,835.00
Employee Benefits			
413-01	Social Security	107,000.00	
413-02	Medicare	25,000.00	
413-03	PERF 14.2%	174,400.00	
413-04	Unemployment	5,000.00	
413-05	Employee Insurance Benefits	390,000.00	
413-06	Life Insurance	1,500.00	
413-08	Deferred Comp Match	8,000.00	
			710,900.00
			2,512,582.00

2 SUPPLIES

Office Supplies			
421-90	Office Supplies	8,000.00	
Operating Supplies			
422-02	Gas, Oil, Parts, etc.	73,000.00	
Other Supplies			
429-09	Merrifield Complex Supplies	32,000.00	
429-14	Maintenance Supplies	70,000.00	
429-15	Program Supplies	30,000.00	
429-16	Golf Course Concessions	40,000.00	
429-18	Athletic Event Supplies	36,000.00	
429-19	Battell Center Supplies	22,500.00	
429-20	Golf Course Supplies	40,000.00	
429-21	Other Concessions	5,000.00	
429-23	Merrifield Concessions	25,000.00	
429-24	Battell Center Concessions	3,000.00	
			384,500.00

CITY OF MISHAWAKA
2020 BUDGET

PARK AND RECREATION
204-50

3 OTHER SERVICES AND CHARGES

Professional Services			
431-09	Health Screenings/Vaccines	8,000.00	
Communication and Transportation			
432-02	Postage and Freight	2,000.00	
432-03	Travel and Training	8,000.00	
432-04	Telephone	7,000.00	
Printing and Advertising			
433-01	Printing/Newsletter etc.	10,000.00	
Insurance			
434-90	Insurance Premiums/Deductibles	120,000.00	
Utility Services			
435-01	MU/AEP Charges	450,000.00	
435-02	NIPSCO	30,000.00	
Repairs and Maintenance			
436-01	Equipment/Facility Repair	75,000.00	
436-90	Service Contracts	100,000.00	
Rentals			
437-05	Uniforms/Port-o-lets	11,500.00	
Other Services and Charges			
439-03	Subscription, Dues, etc.	3,000.00	
439-09	Miscellaneous/Charges	1,000.00	
439-18	Instructor Fees	15,000.00	
439-19	Official/Referee Fees	10,000.00	
439-21	Recreation Event/Entertainment	48,000.00	
439-93	Sales Tax	25,000.00	
			923,500.00
			3,820,582.00

CITY OF MISHAWAKA
2020 BUDGET

PARK AND RECREATION NON-REVERTING
214-50

1 PERSONAL SERVICES			
Salaries and Wages			
411-03	Temporary Help	15,000.00	
			15,000.00
2 SUPPLIES			
Other Supplies			
	Merrifield Supplies and Repairs	19,300.00	
	Wilson Supplies and Repairs	15,000.00	
429-17	Landscaping/Chemical Supplies	70,000.00	
			104,300.00
3 OTHER SERVICES AND CHARGES			
Professional Services			
431-06	Consulting	75,000.00	
Communication and Transportation			
432-04	Wilson Hill Phone and Internet	2,500.00	
Repairs and Maintenance			
436-01	Golf Cart Repair	5,000.00	
436-90	Animal Control	15,000.00	
	Henry Frank fence	5,000.00	
	GPS Contract	28,200.00	
			130,700.00
			250,000.00

POLICE AND CRIME PREVENTION

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

Staffing

There are currently a total of 7 full time civilians within the Mishawaka Police Department, and are budgeted for 106 sworn officers. The Department has 23 officers on the day shift, 23 on the afternoon shift, and 25 on midnights, making for a total of 71 officers in the Uniform Division.

Because of a State Mandate, effective on January 1, 2015, the four dispatch centers in St. Joseph County (including the Mishawaka Public Safety Dispatch Center) were required to consolidate into two Dispatch Centers. The former Mishawaka Police Dispatchers are now employed by St. Joseph County; hence the reduction in civilian employees for the MPD.

There are also 9 officers in the Investigative Division and 6 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 three School Resource officers available with School City of Mishawaka. One officer is assigned to Mishawaka High School, one officer is assigned to John Young Middle School and one is assigned to the elementary schools. The cost of these officers is shared with School City.

The Community Relations Unit

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.

Street Crimes Unit

The Street Crimes Unit was implemented in July of 2009. There are 4 officers assigned to the Unit. 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 has seen crime decrease in the high crime neighborhoods.

Riverwalk Beat

A "Riverwalk beat" was implemented in 2015 and determined to very successful. Several methods of patrol have been utilized, including the Kawasaki mule, bicycles and motorcycle. The extra patrols have minimized reported vandalism that was seen in previous years. The renovation of Central Park has brought an increase of visitors to both the park and Riverwalk. The MPD continues its patrol efforts in the parks enhanced with the installation of a video camera surveillance system throughout the Riverwalk, Beutter and Central Park. Several emergency call boxes will also be installed, thus enhancing the safety of all Riverwalk users.

CAPS Program

The Citizens in Alliance with Police (CAPS) Program has much success in patrolling the Riverwalk and City parks and has expanded to two teams of volunteers that can be seen on the weekends.

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.

The Uniform Division was tasked with covering over 40,000 calls for service in 2019. That number also reflects reporting on 2,246 vehicle crashes.

Mishawaka crime rates in general continue to remain low for cities of comparable sizes. Serious crimes such as homicides, robberies, burglaries, auto thefts and thefts have dropped from 2018 to 2019. There was an increase in rape and assaults from 2018 to 2019. Overall there was an 8% decrease in crime in 2019. Mishawaka had 5 homicides in 2018.

For general information purposes, a copy of the year 2020 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
2020 BUDGET

POLICE DEPARTMENT
101-20
1 PERSONAL SERVICES

Salaries and Wages				biweekly
411-01	Police Chief		80,000.00	3,076.92
411-02	Assistant Chief			
	3 @ 74,275		222,823.00	2,856.70
	Captain			
	6 @ 63,263		379,580.00	2,433.20
	Lieutenant			
	14 @ 62,062		868,868.00	2,387.00
	Sergeant			
	20 @ 60,901		1,218,017.00	2,342.34
	1st Class Patrol Officer			
	46 @ 60,120		2,765,523.00	2,312.31
	2nd Class Patrol Officer			
	18 @ 57,998		1,043,964.00	2,230.69
				6,578,775.00
	Civilians			
	Administrative Assistant		42,079.00	1,618.40
	Administrative Secretary		36,048.00	1,386.45
	Secretary 2 @ 35,590		71,180.00	1,368.85
	Parking Personnel		35,590.00	1,368.85
	Property Manager		39,125.00	1,504.80
	Office Manager		37,415.00	1,439.02
				261,437.00
	Crossing Guards 20 @ 7,651		153,020.00	
411-03	Substitute Crossing Guard		2,000.00	
	Temporary Help/Part-time		20,000.00	
411-65	IDACS Specialist		500.00	175,520.00
Other Personal Services				
411-02	Shift Differential 2nd @350 3rd @ 700		57,600.00	
411-60	Overtime/ Court-time Officer-Non Officer		500,000.00	
411-66	Uniform Allowance 1@600, 108@2050		222,000.00	
411-66	Equipment Allowance 108@1250		135,000.00	
411-66	Off Duty Weapon Stipend 108@400		43,200.00	957,800.00
Employee Benefits				
413-01	Social Security		30,000.00	
413-02	Medicare		114,000.00	
413-03	PERF 14.2%		45,000.00	
413-05	Health Insurance		2,650,000.00	
413-06	Life Insurance		6,250.00	
413-08	Deferred Comp Benefit		65,000.00	
413-10	77 Pension 19.5%		1,224,000.00	4,134,250.00
				12,107,782.00

CITY OF MISHAWAKA
2020 BUDGET

POLICE DEPARTMENT
101-20

2 SUPPLIES			
Operating Supplies			
422-01	Operating Supplies	35,000.00	
Other Supplies			
429-11	Seminars/ Community Relations	1,000.00	
			36,000.00
3 OTHER SERVICES AND CHARGES			
Communication and Transportation			
432-03	Travel and Training	2,000.00	
Printing and Advertising			
433-01	Printing	1,800.00	
Repairs and Maintenance			
436-01	Building Repair/ Maintenance Service Contracts	90,000.00	
Other Services and Charges			
439-03	Subscriptions, Dues, etc.	3,000.00	
439-09	Miscellaneous Charges	5,000.00	
439-11	Special Expense	13,000.00	
439-12	Canine Expenses	3,000.00	
			117,800.00
			12,261,582.00

STREET DEPARTMENT

The Mishawaka Street Department, with its large staff and several trucks and multiple 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 32 union employees, two clerical personnel and two assistant street commissioners. The telephone is staffed 24 hours a day, and one manager is 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, two 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 done by quadrants.

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 reopened, 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 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 2020 budget has been included for reference.

CITY OF MISHAWAKA
2020 BUDGET

CENTRAL SERVICES DEPARTMENT
101-22

1 PERSONAL SERVICES			
Salaries and Wages			biweekly
411-02	Assistant 4 @ 54,309	217,236.00	2,088.80
	Fleet Maintenance Technician		
	6 @ 21.73*2092	272,755.00	
	Group 1: 4 @ 20.64*2092	172,716.00	
	PT maintenance 1040 hrs @ 11.00	11,440.00	
	Reimburse MVH Director - 64,439*5%	3,222.00	
			677,369.00
Other Services Personal			
411-60	Overtime	15,000.00	
411-63	Longevity	6,370.00	
			21,370.00
			698,739.00
2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	2,000.00	
Operating Supplies			
422-02	Gas, Oil, etc.	800,000.00	
422-05	Equipment/ Vehicle/Maint Supplies	110,000.00	
Other Supplies			
429-08	Uniform/ Supplies	5,750.00	
			917,750.00
3 OTHER SERVICES AND CHARGES			
Professional Services			
431-09	Health Screenings/ Vaccines	1,000.00	
Communication and Transportation			
432-03	Travel and Training	1,000.00	
Repairs and Maintenance			
436-01	Building Repair / Equipment/Maint	70,000.00	
Rentals			
437-05	Uniforms	5,000.00	
Other Services and Charges			
439-09	Miscellaneous Charges	1,500.00	
			78,500.00
			1,694,989.00

CITY OF MISHAWAKA
2020 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

1 PERSONAL SERVICES			
Salaries and Wages			biweekly
411-01	Street Commissioner	64,439.00	2,478.40
411-02	Office Administrator	35,818.00	1,377.60
	Office Manager	35,573.00	1,368.18
	Group 1: 32 @ 20.64*2092	1,381,725.00	
	CS reimburse - 54,309* 1.55 for assts.	84,179.00	
			1,601,734.00
Other Services Personal			
411-60	Overtime	80,000.00	
411-63	Longevity	17,335.00	
411-64	FTO (Flexible Time Off) Plan	8,000.00	
			105,335.00
Employee Benefits			
413-01	Social Security	98,000.00	
413-02	Medicare	21,000.00	
413-03	PERF 14.2%	226,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Ins Benefits	680,644.00	
413-06	Life Insurance	1,900.00	
413-07	Deferred Comp Benefit	8,100.00	
			1,040,644.00
			2,747,713.00
2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	1,500.00	
Other Supplies			
429-08	Uniform Supplies	7,000.00	
429-13	Traffic Supplies	35,000.00	
			43,500.00
3 OTHER SERVICE AND CHARGES			
Professional Services			
431-09	Health Screenings/ Vaccines	5,000.00	
Communication and Transportation			
432-03	Travel and Training	3,000.00	
432-04	Telephone/ Paging	7,500.00	

CITY OF MISHAWAKA
2020 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

Printing and Advertising			
433-02	Publications	500.00	
Rentals			
437-05	Uniforms	8,000.00	
Other Services and Charges			
439-09	Miscellaneous Charges	3,000.00	
			27,000.00
4 CAPITAL OUTLAYS **MVHR**			
Improvements Other than Buildings			
442-01	Street Repair	1,000,000.00	
			1,000,000.00
			3,818,213.00

LOCAL ROAD AND STREET
202-50

4 CAPITAL OUTLAYS			
Improvements other than Buildings			
442-04	Sidewalk and Curb Program	300,000.00	
445-02	MVH Equipment	370,000.00	
			670,000.00

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 $14.86. 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 $12.09 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 varies 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 the Organic Center

The leaf pick-up and Christmas tree pick-up programs are done through the City's Street Department. The Organic Center offers recycling for residents of Mishawaka only. Brush, grass and leaves may be brought in, by residents at no charge.

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 2019, an average flow of 14.30 MGD was treated. The average cBOD removal was 98% and the average suspended solids removal was 98%.

Staff

Twenty-five people staff the wastewater utility. There are 5 managers/supervisors, 4 chemists, 9 operators, 6 maintenance technicians, and 1 biosolids 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.

Past and Planned Capital Improvements

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

In 2013, the Carriage Lane and Winding Brook lift stations were replaced and stand-by emergency generators were added. The Southampton lift station was upgraded to include a stand-by emergency generator as well.

In 2017, the Oakland St. lift station was replaced.

Construction of miscellaneous plant improvements to include replacement of the manual bar screen with a new automated fine screen, improvements the hypochlorite disinfection system, improvements to CSO 009, and replacement of the existing air monitoring systems in the Headworks and Digester Control Buildings was substantially completed in 2019. Also, replacement of the Home St. lift station was completed in 2019.

Future capital improvements focusing on the Combined Sewer Overflow Long Term Control Plan 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.

Statistical Information

Mishawaka's wastewater treatment plant exhibits outstanding performance. For the year 2019 the average removals and effluent concentrations were as follows:

	Percent Removal	Effluent Concentration mg/l
CBOD	98%	<2.3
Total Suspended Solids	98%	<2.5
Phosphorus	83%	0.49
Ammonia Nitrogen	97%	<0.46

During 2019 there were 5 exceedances of NPDES permit effluent mercury limitations. The permit limit for mercury is 3.2 parts per trillion as an annual average over the most recent (rolling) 12 month period. This is a very low limit and treatment plants are not designed specifically for mercury removal. A part per trillion is the equivalent of one inch in sixteen million miles. Compliance with this limit is dependent on controlling discharges of mercury at their source. The Utility instituted a Mercury Minimization Plan to address source control of mercury discharges.

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 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 $3.36 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.

Wastewater Division

Wastewater

Revenue

606.00			
371.10	Commercial/Industrial Sales	9,378,314.00	
371.15	Commercial Pretreatment Sales	93,001.00	
371.21	Residential Sales	9,182,427.00	
371.27	Industrial Pretreatment Sales	20,342.00	
371.30	Municipal Sales	424,579.00	
371.31	Municipal Pretreatment Sales	2,606.00	
380.10	Penalty	180,091.00	
380.20	Penalty/Pretreatment	501.00	
381.71	Connection Fees	25,000.00	
381.73	Inspection Fees	8,000.00	
			19,314,861.00
Operational Revenue			
381.10	Meter Charge	11,641.00	
381.26	Industrial Permits	4,816.00	
381.28	Customer Service Charge	40.00	
381.61	Televising Lines	9,000.00	
381.75	Sewer - FOG Fees	9,000.00	
381.76	Sale of Scrap	1,000.00	
399.00	Other Revenue	25,000.00	
			60,497.00
Interest Income			
361.00	Interest	50,000.00	
			50,000.00
607.00			
381.41	T. I. F. Credit	3,360,000.00	
			3,360,000.00
			22,785,358.00

1 Personal Services

606.80

<u>**Salaries & Wages**</u>		biweekly
411.02 Division Manager	78,770.00	3,029.60
Assistant Manager	67,101.00	2,580.80
Operations Manager	63,981.00	2,460.80
Chief Chemist	61,236.00	2,355.20
Chemist		
3 @ 56,659	169,978.00	2,179.20
Maintenance Manager	59,426.00	2,285.60
Project Coordinator	41,496.00	1,596.00
Chief Operator		
1 @ 25.14/Hour	52,297.00	2,011.39
Utility Operator A		
4 @ 23.89/Hour	198,736.00	1,910.89
Utility Operator B		
3 @ 22.33/Hour	139,344.00	1,786.46
Utility Operator C		
3 @ 21.47/Hour	133,947.00	1,717.25
Dewatering Mechanic		
1 @ 26.85/Hour	55,853.00	2,148.18
Maintenance Technician A		
5 @ 24.52/Hour	255,055.00	1,961.95
Certification Premium Class II - 2 @ 1,200	2,400.00	
Certification Premium Class IV - 4 @ 3,000	12,000.00	
Certification Bonus Class I - .35/Hour	1,456.00	
Certification Bonus Class II - .45/Hour	1,872.00	
Certification Bonus Class IV - 1.00/Hour	6,240.00	
Shift Premium (1st Shift) - .40/Hour	1,664.00	
Shift Premium (2nd Shift) - .30/Hour	1,248.00	
Swing Shift Premium - .50/Hour	2,080.00	
Holiday Pay	27,116.00	
Seasonal Part-Time		
10.50/Hour for 85 Hours	893.00	
		1,434,189.00

Other Personal Services

411.60	Overtime	120,000.00	
411.63	Longevity	19,080.00	
411.64	FTO (Flexible Time Off) Plan	4,301.00	
			143,381.00

Employee Benefits

413.01	Social Security Taxes	97,810.00	
413.02	Medicare	22,875.00	
413.05	Health Insurance	600,000.00	
413.06	Life Insurance	1,350.00	
413.08	Deferred Compensation Match	13,773.00	
413.12	Pension Benefit	240,000.00	
			975,808.00

2 Supplies

606

Office Supplies

80.42122	Office Supplies	5,000.00	
80.42212	Operation Supplies/Maintenance	50,000.00	
80.42226	Lab Supplies/Equipment	25,000.00	
			80,000.00

Other Supplies

80.42276	Uniforms	8,000.00	
			8,000.00

3 Other Services and Charges

606

Professional Charges

80.43102	Legal Fees	200,000.00	
80.43104	Professional Services	190,000.00	
80.43116	Outside Lab Analysis	12,000.00	
			402,000.00

Communication and Transportation

80.43200	Travel	5,500.00	
80.43210	Transportation Expense	500.00	
80.43930	Education	4,000.00	
			10,000.00

Insurance

80.43410	Insurance - Property, Auto, WC	170,000.00	
			170,000.00

Utilities

80.43511	Natural Gas Purchase	75,000.00	
80.43512	Water Purchase	80,000.00	
80.43581	CMP Fuel Purchase	2,500.00	
80.45915	Electric Purchase	550,000.00	
			707,500.00

Repairs and Maintenance

80.42509	Hypochlorite Solution	50,000.00	
80.42510	Pretreatment Materials	7,500.00	
80.42511	Ferrous Chloride & Parts	75,000.00	
80.42512	Sodium Bisulfite	40,000.00	
80.42513	Polymer	80,000.00	
84.42224	Sludge Thickening	5,000.00	
84.42227	Biosolids Dewatering	20,000.00	
84.42313	Disinfection Equipment	20,000.00	
84.42314	Digester System	305,000.00	
84.42315	Primary Tank	1,000.00	
84.42316	Secondary Tank	307,500.00	
84.42317	Grit System	10,000.00	
84.42319	Blowers	3,000.00	
84.42321	Buildings & Grounds	133,000.00	
84.42322	Equipment	3,000.00	
84.42325	Lift Station Maintenance	50,000.00	
84.42326	SCADA - Telemetry System	30,000.00	
84.42328	Screening Equipment	10,000.00	
84.42333	Pumps & Motors	25,000.00	
84.43140	Biosolids Land Application	100,000.00	
			1,275,000.00

Other Services and Charges

50.45200	Debt Service	8,088,488.00	
50.49500	PiLoT	1,967,110.00	
80.42310	Safety Equipment/Expense	3,000.00	
80.43114	Permit Fees	25,000.00	
80.43900	Operational General Expense	3,000.00	
80.43929	Dues, Fees, Subscriptions	1,000.00	
80.43165	B.O. Shared Expenses	386,459.00	
			10,474,057.00
			15,679,935.00

4 Capital Outlays

608

162.03	Lift Station Structures	425,000.00	
164.02	Plant - Structures & Improvements	60,000.00	
164.19	Structures & Improvements	150,000.00	
167.20	Transportation Equipment	35,000.00	
			670,000.00

Sewer

1 Personal Services

606.86

			biweekly
Salaries & Wages			
411.02	Department Manager	63,212.00	2,431.20
	MS4 Coordinator	53,914.00	2,073.60
	Assistant Manager	52,936.00	2,036.00
	Project Coordinator	41,496.00	1,596.00
	Locate/Bonds/Permit Coordinator	36,608.00	1,408.00
	Assistant Director of Engineering	6,344.00	244.00
	Advanced Operator		
	4 @ 23.73/Hour	197,448.00	1,898.53
	GIS Coordinator		
	2 @ 22.97/Hour	95,552.00	1,837.52
	Repairman		
	3 @ 22.73/Hour	141,852.00	1,818.58
	Utility Operator		
	4 @ 22.25/Hour	185,104.00	1,779.84
	General Laborer I		
	2 @ 20.44/Hour	85,014.00	1,634.85
			959,480.00
Other Personal Services			
411.60	Overtime	6,000.00	
411.63	Longevity	8,105.00	
411.64	FTO (Flexible Time Off) Plan	1,000.00	
411.65	Professional Certification	14,000.00	
			29,105.00
Employee Benefits			
413.01	Social Security Taxes	61,293.00	
413.02	Medicare	14,335.00	
413.03	PERF	136,247.00	
413.05	Health Insurance	500,000.00	
413.06	Life Insurance	1,042.00	
413.08	Deferred Compensation Match	9,595.00	
			722,512.00

2 Supplies

606

Office Supplies			
86.42122	Office Supplies	5,500.00	
			5,500.00
Other Supplies			
86.42276	Uniform Expense	10,500.00	
			10,500.00

3 Other Services and Charges

606

Communication and Transportation			
86.43200	Travel	1,000.00	
86.43930	Education	2,000.00	
			3,000.00

Insurance			
86.43412	Insurance	100,000.00	
			100,000.00
Utilities			
86.42215	Utilities	4,000.00	
86.43581	CMP Fuel Purchase	35,000.00	
			39,000.00
Repairs and Maintenance			
86.42231	Technology	11,000.00	
86.42309	Buildings & Grounds	2,000.00	
86.42310	Safety Equipment	6,000.00	
86.42311	Sewer Line Maintenance	275,000.00	
86.42320	Equipment Rental	500.00	
86.42364	Equipment Maintenance	60,000.00	
			354,500.00
Other Services and Charges			
86.42212	Operational Expense	5,000.00	
86.42228	Tools	1,000.00	
86.43115	Dues/Fees/Subscriptions	100.00	
			6,100.00
			2,229,697.00

4 Capital Outlays

608			
164.04	Sewer Repair/Replace	450,000.00	
164.21	Transportation Equipment	78,000.00	
165.00	Machinery & Equipment	50,000.00	
165.49	Pipe Lining/Rehab	990,000.00	
			1,568,000.00

Net Surplus/Deficit 2,135,336.00

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 25 mgd and a maximum capacity of 32 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

There is a 20" water main running east and west along East Twelfth Street on the north side of the street at approximately the curb line. A water main extension and tap would need to be done to extend water to the property.

The costs associated with the extension of water service to the individual property, including tap fees, are paid by developer's/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 any future proposed development 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-seven (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.

Water Division

Water

Revenue

601.00

361.00	Interest	72,084.00	
370.10	Unmetered Sales	5,600.00	
371.11	Municipal Sales	336,000.00	
371.21	Residential Metered Sales	4,424,000.00	
371.25	Commercial Metered Sales	4,284,000.00	
372.10	Municipal Fire Protection	22,000.00	
372.11	Municipal Fire Protection - Hydrant Fees	35,800.00	
372.20	Private Fire Protection	655,800.00	
372.21	Private Fire Protection - Hydrant Fees	1,712,100.00	
380.10	Penalty	45,396.00	
381.06	Water Taps	300,000.00	
381.20	Water Tower Attachments	53,136.00	
381.22	Service Charges	75,000.00	
381.27	Meters	28,245.00	
381.29	Hydrants	10,000.00	
381.39	Services	500.00	
381.76	Sale of Scrap	4,161.00	
399.00	Other Revenue	54,127.00	

Additional Revenue

601

253.12	Advance Construction	450,000.00	
			12,567,949.00

1 Personal Services

601.70

Salaries & Wages

			biweekly
411.02	Division Manager	78,770.00	3,029.60
	Assistant Manager	67,101.00	2,580.80
	Meter/Backflow Supervisor	64,522.00	2,481.60
	Quality Control Assistant B	50,149.00	1,928.80
	Procurement, Inventory, & Staff Coordinator	51,376.00	1,976.00
	System Technical & Telemetry Reliability Coordinator	58,178.00	2,237.60
	Distribution System Supervisor	64,522.00	2,481.60
	GIS Coordinator	54,288.00	2,088.00
	Well Head Protection Coordinator	47,570.00	1,829.60
	Heavy Equipment Operator A 5 @ 26.13/Hour	271,770.00	2,090.50
	Heavy Equipment Operator C 1 @ 24.00/Hour	49,918.00	1,919.92
	Intermediate Utilityman 3 @ 24.52/Hour	153,033.00	1,961.95
	Pipefitter A 1 @ 24.11/Hour	50,154.00	1,928.99
	Pipefitter B 1 @ 22.72/Hour	47,262.00	1,817.75
	Pipefitter C 1 @ 21.87/Hour	45,484.00	1,749.38

Maintenance Technician		
1 @ 24.52/Hour	51,011.00	1,961.95
Chief Meter/Backflow Inspector		
1 @ 26.63/Hour	55,382.00	2,130.04
Senior Utilityman		
1 @ 26.59/Hour	55,308.00	2,127.20
Meter/Backflow Inspector		
1 @ 24.63/Hour	51,225.00	1,970.19
Meter Repairman A		
1 @ 24.11/Hour	50,154.00	1,928.99
Meter Installer A		
1 @ 24.11/Hour	50,154.00	1,928.99
Meter Installer B		
1 @ 22.72/Hour	47,262.00	1,817.75
Working Foreman - Distribution Systems		
1 @ 27.63/Hour	57,460.00	2,209.98
Chief Mechanic - Water Treatment		
1 @ 27.62/Hour	57,450.00	2,209.60
Salary 1 State License - 1 @ 1,500	1,500.00	
Salary 2 or More State Licenses - 4 @ 3,500	14,000.00	
DS-L Certification Bonus - .75/Hour	20,280.00	
WT3 Certification Bonus - .75/Hour	10,920.00	
Crew Leader - .75/Hour	1,560.00	
		1,677,763.00

Other Personal Services

411.60	Overtime	60,000.00	
411.63	Longevity	40,000.00	
411.64	FTO (Flexible Time Off) Plan	6,000.00	
			106,000.00

Employee Benefits

413.01	Social Security Taxes	110,594.00	
413.02	Medicare	25,865.00	
413.05	Health Insurance	550,000.00	
413.06	Life Insurance	1,512.00	
413.08	Deferred Compensation Match	16,296.00	
413.12	Pension Benefit	288,000.00	
			992,267.00

2 Supplies

601

Office Supplies

70.42122	Office Supplies	5,000.00	
70.42273	Computer Expenses	5,000.00	
			10,000.00

Other Supplies

75.41313	Employee Other Benefits	10,000.00	
75.42272	Water Quality/Lab Supplies/Construction/Meter Maintenance Materials and Supplies	550,000.00	
75.42276	Uniforms	13,000.00	
75.42508	Concrete Material	110,000.00	
			683,000.00

3 Other Services and Charges

601

Professional Charges

70.43102	Legal Fees	4,000.00	
70.43103	Outside Services	200,000.00	
70.43104	Professional Services	600,000.00	
70.43116	Outside Lab Analysis	25,500.00	
			829,500.00

Communication and Transportation

70.43200	Travel	5,000.00	
70.43930	Education	4,000.00	
			9,000.00

Insurance

601

70.43410	Insurance - Property, Auto, WC	173,000.00	
			173,000.00

Utilities

70.43511	Natural Gas Purchase	45,000.00	
70.43581	CMP Fuel Purchase	40,000.00	
70.43582	Wastewater Utility Charge	35,000.00	
70.45915	Electric Purchase	750,000.00	
			870,000.00

Repairs and Maintenance

70.43210	Transportation Expense	23,500.00	
75.42241	Equipment Rental	10,000.00	
75.42530	Chemicals/Water Treatment	250,000.00	
75.43210	Construction Equipment Expense	40,000.00	
75.42332	Maintenance Repairs Expense	20,000.00	
			343,500.00

Other Services and Charges

50.45200	Debt Service	2,379,815.00	
50.49500	PiLoT	513,050.00	
61.49411	Indiana Gross Income Tax	87,737.00	
70.43165	B.O. Shared Expense	386,459.00	
70.43900	Operational General Expense	10,000.00	
70.42310	Safety Equipment/Expense	5,000.00	
70.43929	Dues, Fees, Subscriptions	40,000.00	
			3,422,061.00
			9,116,091.00

4 Capital Outlays

603

164.19	Structures/Improvements	100,000.00	
164.25	Hydrants	50,000.00	
165.13	Office Furniture and Equipment	25,000.00	
165.15	Tools, Implements, Equipment	40,000.00	
165.28	Vehicles	80,000.00	
170.00	Wells Source of Supply Cost	30,000.00	
170.02	Treatment Equipment Cost	50,000.00	
170.04	Equipment	125,000.00	
170.06	Pumping Equipment	25,000.00	
170.09	Water Treatment	20,000.00	
170.11	Supply Mains	5,000.00	
170.15	Meters	250,000.00	
170.22	Distribution Mains Cost	290,000.00	
			1,090,000.00

Net Surplus/Deficit	1,859,468.00

PARCELS OF LAND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP ST. JOSEPH COUNTY, INDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 00°00'00" WEST ALONG THE EAST LINE OF SAID QUARTER, A DISTANCE OF 759.00 FEET; THENCE SOUTH 89°58'40" WEST, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°58'40" WEST, A DISTANCE OF 165.65 FEET; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 263.87 FEET; THENCE NORTH 89°58'40" EAST, A DISTANCE OF 165.65 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 263.87 FEET TO THE POINT OF BEGINNING. CONTAINING 1.00 ACRE.

PARCEL 2: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 00°00'00" WEST ALONG THE EAST LINE OF SAID QUARTER, A DISTANCE OF 759.00 FEET; THENCE SOUTH 89°58'40" WEST, A DISTANCE OF 1047.66 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°58'16" WEST, A DISTANCE OF 405.58 FEET; THENCE NORTH 00°00'19" WEST, A DISTANCE OF 264.00 FEET; THENCE NORTH 89°58'40" EAST, A DISTANCE OF 405.62 FEET; THENCE SOUTH 00°00'12" WEST, A DISTANCE OF 263.95 FEET TO THE POINT OF BEGINNING. CONTAINING 2.46 ACRES MORE OR LESS.

COMMON ADDRESS: PROPERTY SOUTH OF 1141 & 1241 E TWELFTH ST., MISHAWAKA, IN 46545

TAB D - APPENDICES

Appendix "A"
Fiscal Plan Resolution

RESOLUTION NO. 2020-19

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 PROPERTY LOCATED AT:

AWT, Inc. property located south of 1141 and 1241 E Twelfth St, Mishawaka, IN 46544.

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 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 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:

PARCELS OF LAND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP ST. JOSEPH COUNTY, INDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 00°00'00" WEST ALONG THE EAST LINE OF SAID QUARTER, A DISTANCE OF 759.00 FEET; THENCE SOUTH 89°58'40" WEST, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°58'40" WEST, A DISTANCE OF 165.65 FEET; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 263.87 FEET; THENCE NORTH 89°58'40" EAST, A DISTANCE OF 165.65 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 263.87 FEET TO THE POINT OF BEGINNING. CONTAINING 1.00 ACRE.

PARCEL 2: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 00°00'00" WEST ALONG THE EAST LINE OF SAID QUARTER, A DISTANCE OF 759.00 FEET; THENCE SOUTH 89°58'40" WEST, A DISTANCE OF 1047.66 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°58'16" WEST, A DISTANCE OF 405.58 FEET; THENCE NORTH 00°00'19" WEST, A DISTANCE OF 264.00 FEET; THENCE NORTH 89°58'40" EAST, A DISTANCE OF 405.62 FEET; THENCE SOUTH 00°00'12" WEST, A DISTANCE OF 263.95 FEET TO THE POINT OF BEGINNING. CONTAINING 2.46 ACRES MORE OR LESS.

COMMON ADDRESS: PROPERTY SOUTH OF 1141 & 1241 E TWELFTH ST., MISHAWAKA, IN 46545

Section II. Following the review of documents prepared by the Department of 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 _________________, 2020, at ___________ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________ day of ____________________, __________________

2020, at _________o'clock ___.M.

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

APPROVED by me this ________ day of __________________ 2020, at

__________ o'clock ___.M.

____
David A. Wood, Mayor

Appendix "B"
Annexation and Rezoning Ordinance

PETITION #20-16

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:

Parcels of land being a part of the Northeast Quarter of Section 22, Township 37 North, Range 3 East, Penn Township St. Joseph County, Indian and being more particularly described as follows:

Parcel 1: Commencing at the northeast corner of said Northeast Quarter, thence South 00°00'00" West along the east line of said quarter, a distance of 759.00 feet; thence South 89°58'40" West, a distance of 330.00 feet to the point of beginning; thence continuing South 89°58'40" West, a distance of 165.65 feet; thence North 00°00'00" West, a distance of 263.87 feet; thence North 89°58'40" East, a distance of 165.65 feet; thence South 00°00'00" East, a distance of 263.87 feet to the point of beginning. Containing 1.00 acre.

Parcel 2: Commencing at the northeast corner of said Northeast Quarter, thence South 00°00'00" West along the east line of said quarter, a distance of 759.00 feet; thence South 89°58'40" West, a distance of 1047.66 feet to the point of beginning; thence continuing South 89°58'16" West, a distance of 405.58 feet; thence North 00°00'19" West, a distance of 264.00 feet; thence North 89°58'40" East, a distance of 405.62 feet; thence South 00°00'12" West, a distance of 263.95 feet to the point of beginning. Containing 2.46 acres more or less.

COMMON ADDRESSES: Property South of 1141 and 1241 East Twelfth Street

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 I-1 Light Industrial District.

Proposed Ordinance No. ______________

Ordinance No. __________

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

1. Existing Conditions – The subject property is vacant industrial land in Unincorporated St. Joseph County, purchased by AWT, Inc. in 2016.

2. Character of Buildings in the Area – The character of buildings and land uses located along Twelfth Street, between Merrifield Ave and Byrkit Ave are primarily industrial, with a few other commercial land uses.

3. The most desirable/highest and best use – Because of the property's location adjacent existing industrial development, the most desirable use for the property is industrial.

4. Conservation of property values – The proposed zoning will not be injurious to the property values in the surrounding area. The combining of all property owned with a possibility for expansion of the existing adjacent industrial use is compatible with industrial and commercial uses.

5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, identified this area as industrial, which is how it has developed.

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 _________________, 2020, at ______ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ______ day of _______________, 2020, at o'clock _____.M.

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

Proposed Ordinance No. ______________

Ordinance No. ___________

APPROVED by me this _____ day of _______________, 2020, at _____ _______o'clock ______.M.

____
David A. Wood, Mayor

Tab Rate Chart for the year 2019 payable 2020

Fund	Fund Name	71 022 Mishawaka - Phm School	71 023 Mishawaka- Penn	71 025 Portage Township	71 026 South Bend - Portage	71 027 Union Township	71 028 Lakeville	71 029 Warren Township	71 030 Osceola	71 031 Penn Township
101	County General	0.5368	0.5368	0.5368	0.5368	0.5368	0.5368	0.5368	0.5368	0.5368
124	Cumulative Reassessment	0.0138	0.0138	0.0138	0.0138	0.0138	0.0138	0.0138	0.0138	0.0138
180	Debt Service	0.0085	0.0085	0.0085	0.0085	0.0085	0.0085	0.0085	0.0085	0.0085
702	Highway									
706	LR & S									
720	Major Moves SPC									
790	Cumulative Bridge	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098
792	Major Cumulative Bridge	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333
801	Health	0.0191	0.0191	0.0191	0.0191	0.0191	0.0191	0.0191	0.0191	0.0191
822	Medical Center									
1301	Park & Recreation	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237
2391	Cumulative Capital Development	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333
71 1	Total COUNTY	0.6783	0.6783	0.6783	0.6783	0.6783	0.6783	0.6783	0.6783	0.6783
61	Township Rainy Day									
101	Township General Fund	0.0136	0.0136	0.0163	0.0163	0.0876	0.0876	0.0401	0.0136	0.0136
180	TOWNSHIP DEBT SERVICE								0.0747	0.0747
601	Twp Community Bldg									
840	Twp Poor Relief/Twp Assistance	0.0208	0.0208	0.0339	0.0339				0.0208	0.0208
1101	Twp EMS Fund									
1111	Twp Fire							0.3010		
1181	Twp Fire Bldg Debt Fund					0.0979	0.0979			
1187	Twp Emerg Fire Loan									
1190	Twp Cum Fire							0.0333		
1312	Twp Recreation									
8604	Twp Fire Territory General			0.4487		0.1024	0.1024		0.2400	0.2400
8692	Twp Fire Terrority Equip Repla			0.0266		0.0279	0.0279		0.0333	0.0333
71 2	Total TOWNSHIP	0.0344	0.0344	0.5255	0.0502	0.3158	0.3158	0.3744	0.3824	0.3824
61	City/Town Rainy Day									
101	City General	1.6990	1.6990		2.6687		0.6738		0.2602	
180	City Debt Service									
181	City/Town Debt Payment									
341	City Fire Pension									
342	City Police Pension									
706	City/Town LR & S									
708	City MVH	0.0468	0.0468				0.2733		0.0096	
720	City/Town Major Moves Spc									
1301	City Park & Rec	0.2307	0.2307		0.6279					
1303	City/Town Park									
1380	Park Bond				0.0405					
2120	City Cemetary									
2379	City/Town CCI									
2391	City Cum Cap Development	0.0461	0.0461		0.0285		0.0421		0.0434	
6290	City Cum Sewer									
8604	City Town Fire Territory Gen									
8692	City Town Fire Terr Eqp Replac									
71 3	Total CITY/TOWN	2.0226	2.0226	0.0000	3.3656	0.0000	0.9892	0.0000	0.3132	0.0000
22	Referendum-Exempt Operating		0.2434							
61	School Rainy Day									
180	School Debt Service	0.3555	0.6287	0.2943	0.2943	0.4898	0.4898	0.2943	0.3555	0.3555
186	School Retirement/Pension Debt			0.0351	0.0351			0.0351		
287	Referendum Debt-Exempt Capital		0.1326							
3101	Education									
3300	Operations	0.5504	0.4374	0.7120	0.7120	0.5554	0.5554	0.7120	0.5504	0.5504
71 4	Total SCHOOL	0.9059	1.4421	1.0414	1.0414	1.0452	1.0452	1.0414	0.9059	0.9059
61	Rainy Day									
101	Library General	0.1315	0.1315	0.2883	0.2883	0.2883	0.2883	0.2883	0.1315	0.1315
180	Library Debt Service	0.0183	0.0183	0.0313	0.0313	0.0313	0.0313	0.0313	0.0183	0.0183
283	LIBRARY L/R PAYMENT									
2011	Library LIRF									
71 5	Total LIBRARY	0.1498	0.1498	0.3196	0.3196	0.3196	0.3196	0.3196	0.1498	0.1498
8001	So Bend Transpo	0.1111	0.1111		0.1111					
8090	So Bend Transpo Spec Tran Cum									
8101	Airport Authority General	0.0304	0.0304	0.0304	0.0304	0.0304	0.0304	0.0304	0.0304	0.0304
8180	Airport Sp Airport Debt									
8190	Airport Authority Cum Bldg	0.0133	0.0133	0.0133	0.0133	0.0133	0.0133	0.0133	0.0133	0.0133
8210	Sp Solid Waste Ma									
71 6	Total SPECIAL UNIT	0.1548	0.1548	0.0437	0.1548	0.0437	0.0437	0.0437	0.0437	0.0437
	Total Tax Rates (Less Convervancy)	3.9458	4.4820	2.6085	5.6099	2.4026	3.3918	2.4574	2.4733	2.1601

Property Tax System 02/03/2020 10:26 AM by Kgregori

Penn Township, St. Joseph County
Submitted to the State on Tuesday, January 22, 2019
Report printed on Friday, September 04, 2020
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: Republic First National-Sutphen Pumper
Debt Status: Outstanding
Type of Indebtedness: Lease
Base CUSIP Number:
Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N
Applicable Issuer:
Current Debt Limit:
Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution:
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 1/1/2024

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation): Republic First National
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Lease Purchase of Sutphen Pumper
Total Project Cost: $511,509.50

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
7/1/2019								$57,617		
1/1/2020								$57,617		$427,200
7/1/2020								$57,617		$376,871
1/1/2021								$57,617		$325,755
7/1/2021								$57,617		$273,757
1/1/2022								$57,617		$220,862
7/1/2022								$57,617		$167,055
1/1/2023								$57,617		$112,320
7/1/2023								$57,617		$56,640
1/1/2024								$57,617		$0
Total								**$576,170**		

Penn Township, St. Joseph County
Submitted to the State on Tuesday, October 06, 2015
Report printed on Friday, September 04, 2020
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: Republic First National Corporation Sutphen Shield 2 Pumper Lease II
Debt Status: Outstanding
Type of Indebtedness: Lease
Base CUSIP Number:
Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N
Applicable Issuer:
Current Debt Limit:
Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution:
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 7/1/2020

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Lease Purchase of Sutphen Shield 2 Pumper II
Total Project Cost: $441,457.70

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
1/1/2016	$40,245		$7,370					$47,614		
7/1/2016	$42,246		$5,368					$47,614		
1/1/2017	$42,811		$4,803					$47,614		$319,169
7/1/2017	$43,384		$4,230					$47,614		$275,049
1/1/2018	$43,965		$3,650					$47,614		$230,447
7/1/2018	$44,553		$3,061					$47,614		$185,356
1/1/2019	$45,149		$2,465					$47,614		$139,771
7/1/2019	$45,753		$1,861					$47,614		$93,687
1/1/2020	$46,365		$1,249					$47,614		$47,099
7/1/2020	$46,986		$629					$47,614		$0
Total	**$441,457**		**$34,686**					**$476,140**		

Penn Township, St. Joseph County
Submitted to the State on Tuesday, January 22, 2019
Report printed on Friday, September 04, 2020
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: Republic First National-SCBA
Debt Status: Outstanding
Type of Indebtedness: Lease
Base CUSIP Number:
Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N
Applicable Issuer:
Current Debt Limit:
Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution:
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 7/1/2022

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation): Republic First National
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Lease Purchase of self Contained Breathing Apparatuses
Total Project Cost: $179,247.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
1/1/2019								$21,271		$138,652
7/1/2019								$21,271		$119,898
1/1/2020								$21,271		$100,802
7/1/2020								$21,271		$81,361
1/1/2021								$21,271		$61,566
7/1/2021								$21,271		$41,412
1/1/2022								$21,271		$20,892
7/1/2022								$21,271		$0
Total								**$170,168**		

Penn Township, St. Joseph County
Submitted to the State on Tuesday, November 12, 2019
Report printed on Friday, September 04, 2020
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: Penn Township General Obligation Series 2019
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number: 707678
Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y
Applicable Issuer: Penn Township
Current Debt Limit: $5,146,901.00
Current Debt Capacity (after issuance of this debt): $1,046,901.00

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution:
Date of Appropriation Resolution: 10/7/2019
Date of Debt Sale: 10/22/2019
Date of Debt Closing: 11/7/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Construction of a Fire Station
Total Project Cost: $4,100,000.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
6/30/2020	$270,000	2.00	$53,072	$323,072						$3,830,000
12/30/2020	$270,000	2.00	$38,300	$308,300		$631,372				$3,560,000
6/30/2021	$280,000	2.00	$35,600	$315,600						$3,280,000
12/30/2021	$285,000	2.00	$32,800	$317,800		$633,400				$2,995,000
6/30/2022	$285,000	2.00	$29,950	$314,950						$2,710,000
12/30/2022	$290,000	2.00	$27,100	$317,100		$632,050				$2,420,000
6/30/2023	$290,000	2.00	$24,200	$314,200						$2,130,000
12/30/2023	$295,000	2.00	$21,300	$316,300		$630,500				$1,835,000
6/30/2024	$300,000	2.00	$18,350	$318,350						$1,535,000
12/30/2024	$300,000	2.00	$15,350	$315,350		$633,700				$1,235,000
6/30/2025	$305,000	2.00	$12,350	$317,350						$930,000
12/30/2025	$305,000	2.00	$9,300	$314,300		$631,650				$625,000

6/30/2026	$310,000	2.00	$3,250	$313,250						$315,000
12/30/2026	$315,000	2.00	$3,150	$318,150		$631,400				$0
Total	**$4,100,000**		**$324,072**	**$4,424,072**		**$4,424,072**				

Notes

St. Joseph County
Submitted to the State on
Report printed on Friday, September 04, 2020
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: Mental Health Revenue Refunding Bonds, Series 2012 (Limited Tax)
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number: 79062V
Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized: 5-1-5 and 36-2-6-18
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y
Applicable Issuer: St. Joseph County, Indiana
Current Debt Limit: $53,332,514.00
Current Debt Capacity (after issuance of this debt): $41,332,514.00

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution:
Date of Appropriation Resolution:
Date of Debt Sale: 9/13/2012
Date of Debt Closing: 9/27/2012

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other (Mental Health Property Tax Levy) : Primary

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? Yes

Purpose/Cost

Purpose of Debt: Current refunding of outstanding Economic Development Refunding Revenue Bonds, Series 1997
Total Project Cost: $4,355,660.76

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
10/30/2012	$0	0.00	$0	$0		$0				$4,080,000
2/15/2013	$170,000	2.00	$38,103	$208,103		$208,103				$3,910,000
8/15/2013	$225,000	2.00	$48,000	$273,000		$0				$3,685,000
2/15/2014	$225,000	2.00	$45,750	$270,750		$543,750				$3,460,000
8/15/2014	$225,000	2.00	$43,500	$268,500		$0				$3,235,000
2/15/2015	$235,000	2.00	$41,250	$276,250		$544,750				$3,000,000
8/15/2015	$235,000	2.00	$38,900	$273,900		$0				$2,765,000
2/15/2016	$235,000	3.00	$36,550	$271,550		$545,450				$2,530,000
8/15/2016	$235,000	2.00	$33,025	$268,025		$0				$2,295,000
2/15/2017	$250,000	2.00	$30,675	$280,675		$548,700				$2,045,000
8/15/2017	$250,000	2.00	$28,175	$278,175		$0				$1,795,000

2/15/2018	$250,000	2.50	$25,675	$275,675		$553,850				$1,545,000
8/15/2018	$250,000	2.50	$22,550	$272,550		$0				$1,295,000
2/15/2019	$250,000	3.00	$19,425	$269,425		$541,975				$1,045,000
8/15/2019	$255,000	3.00	$15,675	$270,675		$0				$790,000
2/15/2020	$260,000	3.00	$11,850	$271,850		$542,525				$530,000
8/15/2020	$265,000	3.00	$7,950	$272,950		$0				$265,000
2/15/2021	$265,000	3.00	$3,975	$268,975		$541,925				$0
Total	**$4,080,000**		**$491,028**	**$4,571,028**		**$4,571,028**				

Notes

St. Joseph County
Submitted to the State on
Report printed on Friday, September 04, 2020
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: Economic Development Income Tax Revenue Bonds of 2014
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number: 790607
Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized: 6-3.5-7
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y
Applicable Issuer: St. Joseph County
Current Debt Limit: $52,426,723.00
Current Debt Capacity (after issuance of this debt): $35,171,723.00

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution: 9/16/2014
Date of Appropriation Resolution:
Date of Debt Sale: 12/11/2014
Date of Debt Closing: 12/30/2014

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: Primary
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Construct a new Public Safety Answering Point and renovate existing facility to serve as a backup
Total Project Cost: $9,155,000.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received: 11/18/2014
Date Construction Started: 9/30/2014
Estimated Date of Substantial Completion: 9/30/2015

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
6/30/2015	$210,000	2.00	$131,866	$341,866						$8,945,000
12/31/2015	$215,000	2.00	$129,766	$344,766		$686,631				$8,730,000
6/30/2016	$215,000	2.00	$127,616	$342,616						$8,515,000
12/31/2016	$220,000	2.00	$125,466	$345,466		$688,081				$8,295,000
6/30/2017	$220,000	2.00	$123,266	$343,266						$8,075,000
12/31/2017	$225,000	2.00	$121,066	$346,066		$689,331				$7,850,000
6/30/2018	$225,000	2.00	$118,816	$343,816						$7,625,000
12/31/2018	$225,000	2.00	$116,566	$341,566		$685,381				$7,400,000
6/30/2019	$230,000	2.00	$114,316	$344,316						$7,170,000
12/31/2019	$230,000	2.00	$112,016	$342,016		$686,331				$6,940,000
6/30/2020	$235,000	2.00	$109,716	$344,716						$6,705,000

12/31/2020	$235,000	2.00	$107,366	$342,366		$687,081				$6,470,000
6/30/2021	$240,000	3.00	$105,016	$345,016						$6,230,000
12/31/2021	$240,000	3.00	$101,416	$341,416		$686,431				$5,990,000
6/30/2022	$245,000	3.00	$97,816	$342,816						$5,745,000
12/31/2022	$250,000	3.00	$94,141	$344,141		$686,956				$5,495,000
6/30/2023	$255,000	3.00	$90,391	$345,391						$5,240,000
12/31/2023	$255,000	3.00	$86,566	$341,566		$686,956				$4,985,000
6/30/2024	$260,000	3.00	$82,741	$342,741						$4,725,000
12/31/2024	$265,000	3.00	$78,841	$343,841		$686,581				$4,460,000
6/30/2025	$190,000	3.00	$74,866	$264,866						$4,270,000
12/31/2025	$195,000	3.00	$72,016	$267,016		$531,881				$4,075,000
6/30/2026	$200,000	3.00	$69,091	$269,091						$3,875,000
12/31/2026	$200,000	3.00	$66,091	$266,091		$535,181				$3,675,000
6/30/2027	$205,000	3.13	$63,091	$268,091						$3,470,000
12/31/2027	$205,000	3.13	$59,888	$264,888		$532,978				$3,265,000
6/30/2028	$210,000	3.25	$56,684	$266,684						$3,055,000
12/31/2028	$215,000	3.25	$53,272	$268,272		$534,956				$2,840,000
6/30/2029	$215,000	3.38	$49,778	$264,778						$2,625,000
12/31/2029	$220,000	3.38	$46,150	$266,150		$530,928				$2,405,000
6/30/2030	$225,000	3.38	$42,438	$267,438						$2,180,000
12/31/2030	$225,000	3.38	$38,641	$263,641		$531,078				$1,955,000
6/30/2031	$230,000	3.50	$34,844	$264,844						$1,725,000
12/31/2031	$235,000	3.50	$30,819	$265,819		$530,663				$1,490,000
6/30/2032	$240,000	3.50	$26,706	$266,706						$1,250,000
12/31/2032	$240,000	3.50	$22,506	$262,506		$529,213				$1,010,000
6/30/2033	$245,000	3.63	$18,306	$263,306						$765,000
12/31/2033	$250,000	3.63	$13,866	$263,866		$527,172				$515,000
6/30/2034	$255,000	3.63	$9,334	$264,334						$260,000
12/31/2034	$260,000	3.63	$4,713	$264,713		$529,047				$0
Total	**$9,155,000**		**$3,027,870**	**$12,182,870**		**$12,182,857**				

Notes

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St. Joseph County
Submitted to the State on Friday, February 17, 2017
Report printed on Friday, September 04, 2020
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: St. Joseph County Redevelopment District, Special Taxing District Bonds of 2016
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number: 79062M
Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized: I.C. 36-7-14 & I.C. 36-7-25
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y
Applicable Issuer: St. Joseph County Redevelopment District
Current Debt Limit: $28,513,058.00
Current Debt Capacity (after issuance of this debt): $15,333,058.00

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s): Tri-County News and South Bend Tribune
Date of Public Hearing: 7/1/2016
Date of Final Approval/Lease Execution:
Date of Appropriation Resolution: 7/12/2016
Date of Debt Sale: 11/21/2016
Date of Debt Closing: 11/30/2016

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Provide funds to finance various improvements in or serving the NewCarlisle EconomicDevelopmentArea
Total Project Cost: $9,197,753.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
8/1/2017			$196,716	$196,716						$8,730,000
2/1/2018			$146,925	$146,925		$343,641				$8,730,000
8/1/2018			$146,925	$146,925						$8,730,000
2/1/2019	$565,000	3.00	$146,925	$711,925		$858,850				$8,165,000
8/1/2019			$138,450	$138,450						$8,165,000
2/1/2020	$490,000	3.00	$138,450	$628,450		$766,900				$7,675,000
8/1/2020			$131,100	$131,100						$7,675,000
2/1/2021	$505,000	3.00	$131,100	$636,100		$767,200				$7,170,000
8/1/2021			$123,525	$123,525						$7,170,000
2/1/2022	$520,000	3.00	$123,525	$643,525		$767,050				$6,650,000
8/1/2022			$115,725	$115,725						$6,650,000

2/1/2023	$535,000	3.00	$115,725	$650,725		$766,450				$6,115,000
8/1/2023			$107,700	$107,700						$6,115,000
2/1/2024	$550,000	3.00	$107,700	$657,700		$765,400				$5,565,000
8/1/2024			$99,450	$99,450						$5,565,000
2/1/2025	$565,000	3.00	$99,450	$664,450		$763,900				$5,000,000
8/1/2025			$90,975	$90,975						$5,000,000
2/1/2026	$585,000	3.00	$90,975	$675,975		$766,950				$4,415,000
8/1/2026			$82,200	$82,200						$4,415,000
2/1/2027	$600,000	3.00	$82,200	$682,200		$764,400				$3,815,000
8/1/2027			$73,200	$73,200						$3,815,000
2/1/2028	$620,000	3.00	$73,200	$693,200		$766,400				$3,195,000
8/1/2028			$63,900	$63,900						$3,195,000
2/1/2029	$265,000	4.00	$63,900	$328,900		$392,800				$2,930,000
8/1/2029			$58,600	$58,600						$2,930,000
2/1/2030	$275,000	4.00	$58,600	$333,600		$392,200				$2,655,000
8/1/2030			$53,100	$53,100						$2,655,000
2/1/2031	$290,000	4.00	$53,100	$343,100		$396,200				$2,365,000
8/1/2031			$47,300	$47,300						$2,365,000
2/1/2032	$300,000	4.00	$47,300	$347,300		$394,600				$2,065,000
8/1/2032			$41,300	$41,300						$2,065,000
2/1/2033	$310,000	4.00	$41,300	$351,300		$392,600				$1,755,000
8/1/2033			$35,100	$35,100						$1,755,000
2/1/2034	$325,000	4.00	$35,100	$360,100		$395,200				$1,430,000
8/1/2034			$28,600	$28,600						$1,430,000
2/1/2035	$335,000	4.00	$28,600	$363,600		$392,200				$1,095,000
8/1/2035			$21,900	$21,900						$1,095,000
2/1/2036	$350,000	4.00	$21,900	$371,900		$393,800				$745,000
8/1/2036			$14,900	$14,900						$745,000
2/1/2037	$365,000	4.00	$14,900	$379,900		$394,800				$380,000
8/1/2037			$7,600	$7,600						$380,000
2/1/2038	$380,000	4.00	$7,600	$387,600		$395,200				$0
Total	**$8,730,000**		**$3,306,741**	**$12,036,741**		**$12,036,741**				

Notes

St. Joseph County
Submitted to the State on Thursday, April 12, 2018
Report printed on Friday, September 04, 2020
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Basic Debt Information

Debt Name: 2017 General Obligation (Guaranteed Energy Savings) Bonds
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number:
Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y
Applicable Issuer: Saint Joseph County
Current Debt Limit: $54,674,687.00
Current Debt Capacity (after issuance of this debt): $44,174,687.00

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing: 8/8/2017
Date of Final Approval/Lease Execution: 8/15/2017
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 10/12/2017

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Capital improvements to County facilities for energy savings
Total Project Cost: $10,574,935.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
12/30/2017	$0	2.00	$53,062	$53,062		$53,062	$0			$10,500,000
6/30/2018	$260,000	2.00	$122,450	$382,450			$0			$10,240,000
12/30/2018	$315,000	2.00	$119,850	$434,850		$817,300	$0			$9,925,000
6/30/2019	$320,000	2.00	$116,700	$436,700			$0			$9,605,000
12/30/2019	$325,000	2.00	$113,500	$438,500		$875,200	$0			$9,280,000
6/30/2020	$325,000	2.00	$110,250	$435,250			$0			$8,955,000
12/30/2020	$330,000	2.00	$107,000	$437,000		$872,250	$0			$8,625,000
6/30/2021	$330,000	2.00	$103,700	$433,700			$0			$8,295,000
12/30/2021	$335,000	2.00	$100,400	$435,400		$869,100	$0			$7,960,000
6/30/2022	$340,000	2.00	$97,050	$437,050			$0			$7,620,000
12/30/2022	$345,000	2.00	$93,650	$438,650		$875,700	$0			$7,275,000
6/30/2023	$345,000	2.00	$90,200	$435,200			$0			$6,930,000

12/30/2023	$350,000	2.00	$86,750	$436,750		$871,950	$0			$6,580,000
6/30/2024	$355,000	2.00	$83,250	$438,250			$0			$6,225,000
12/30/2024	$355,000	2.00	$79,700	$434,700		$872,950	$0			$5,870,000
6/30/2025	$360,000	2.00	$76,150	$436,150			$0			$5,510,000
12/30/2025	$365,000	2.00	$72,550	$437,550		$873,700	$0			$5,145,000
6/30/2026	$365,000	2.13	$68,900	$433,900			$0			$4,780,000
12/30/2026	$370,000	2.25	$65,022	$435,022		$868,922	$0			$4,410,000
6/30/2027	$375,000	2.38	$60,859	$435,859			$0			$4,035,000
12/30/2027	$380,000	2.38	$56,406	$436,406		$872,266	$0			$3,655,000
6/30/2028	$385,000	2.50	$51,894	$436,894			$0			$3,270,000
12/30/2028	$390,000	2.50	$47,082	$437,082		$873,975	$0			$2,880,000
6/30/2029	$395,000	2.75	$42,206	$437,206			$0			$2,485,000
12/30/2029	$400,000	2.75	$36,775	$436,775		$873,981	$0			$2,085,000
6/30/2030	$405,000	3.00	$31,275	$436,275			$0			$1,680,000
12/30/2030	$410,000	3.00	$25,200	$435,200		$871,475	$0			$1,270,000
6/30/2031	$415,000	3.00	$19,050	$434,050			$0			$855,000
12/30/2031	$425,000	3.00	$12,825	$437,825		$871,875	$0			$430,000
6/30/2032	$430,000	3.00	$6,450	$436,450		$436,450	$0			$0
Total	**$10,500,000**		**$2,150,156**	**$12,650,156**		**$12,650,156**	**$0**			

Notes

2017 GO Energy Savings Bond. Closed 10/12/17. Gateway debt unlocked and information updated on 4/12/18.

St. Joseph County
Submitted to the State on Thursday, October 19, 2017
Report printed on Friday, September 04, 2020
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: 2015 PSAP Equipment Lease (US Bank)
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number:
Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N
Applicable Issuer:
Current Debt Limit:
Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution: 3/31/2015
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 3/31/2015

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other (PSAP Charges) : Primary

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Technology and Equipment for a 911 Center
Total Project Cost: $12,000,000.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
6/30/2015	$601,375	2.22	$67,188					$668,563		$11,398,625
12/31/2015	$542,324	2.22	$126,240			$1,337,127		$668,563		$10,856,301
6/30/2016	$548,329	2.22	$120,234					$668,563		$10,307,972
12/31/2016	$554,403	2.22	$114,161			$1,337,127		$668,563		$9,753,569
6/30/2017	$560,543	2.22	$108,021					$668,563		$9,193,026
12/31/2017	$566,751	2.22	$101,813			$1,337,127		$668,563		$8,626,275
6/30/2018	$573,027	2.22	$95,536					$668,563		$8,053,248
12/31/2018	$579,374	2.22	$89,190			$1,337,127		$668,563		$7,473,874
6/30/2019	$585,790	2.22	$82,773					$668,563		$6,888,084
12/31/2019	$592,278	2.22	$76,286			$1,337,127		$668,563		$6,295,806
6/30/2020	$598,838	2.22	$69,724					$668,571		$5,696,968
12/31/2020	$605,469	2.22	$63,094			$1,337,125		$668,563		$5,091,499

6/30/2021	$612,175	2.22	$56,388					$668,563		$4,479,324
12/31/2021	$618,955	2.22	$49,609			$1,337,127		$668,563		$3,860,369
6/30/2022	$625,810	2.22	$42,754					$668,563		$3,234,559
12/31/2022	$632,741	2.22	$35,823			$1,337,127		$668,563		$2,601,818
6/30/2023	$639,748	2.22	$28,815					$668,563		$1,962,070
12/31/2023	$646,833	2.22	$21,730			$1,337,127		$668,563		$1,315,237
6/30/2014	$653,997	2.22	$14,566					$668,563		$661,240
12/30/2014	$661,240	2.22	$7,323			$1,337,127		$668,563		$0
Total	**$12,000,000**		**$1,371,268**			**$13,371,268**		**$13,371,268**		

Notes

2015 PSAP Equipment and Technology Lease. US Bank. $12,000,000 original principal amount.

St. Joseph County
Submitted to the State on Wednesday, November 15, 2017
Report printed on Friday, September 04, 2020
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: 2017 PSAP US Bank Technology Lease Amendment
Debt Status: Outstanding
Type of Indebtedness: Lease
Base CUSIP Number:
Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N
Applicable Issuer:
Current Debt Limit:
Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution: 11/14/2017
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 11/14/2017

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other (PSAP Charges for Services) : Primary

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation): Saint Josephy County
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Technology Improvements at County 911 Center
Total Project Cost: $2,500,000.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
5/16/2018	$111,034	2.46	$30,713					$141,747		$2,388,966
11/16/2018	$112,398	2.46	$29,348			$283,494		$141,747		$2,276,568
5/16/2019	$113,779	2.46	$27,968					$141,747		$2,162,789
11/16/2019	$115,177	2.46	$26,570			$283,494		$141,747		$2,047,612
5/16/2020	$116,592	2.46	$25,155					$141,747		$1,931,020
11/16/2020	$118,024	2.46	$23,723			$283,494		$141,747		$1,812,996
5/16/2021	$119,474	2.46	$22,273					$141,747		$1,693,522
11/16/2021	$120,942	2.46	$20,805			$283,494		$141,747		$1,572,580
5/16/2022	$122,428	2.46	$19,319					$141,747		$1,450,152
11/16/2022	$123,932	2.46	$17,815			$283,494		$141,747		$1,326,220
5/16/2023	$125,454	2.46	$16,293					$141,747		$1,200,766
11/16/2023	$126,996	2.46	$14,751			$283,494		$141,747		$1,073,770

5/16/2024	$128,556	2.46	$13,191					$141,747		$945,214
11/16/2024	$130,135	2.46	$11,612			$283,494		$141,747		$815,079
5/16/2025	$131,734	2.46	$10,013					$141,747		$683,345
11/16/2025	$133,352	2.46	$8,395			$283,494		$141,747		$549,993
5/16/2026	$134,990	2.46	$6,757					$141,747		$415,003
11/16/2026	$136,659	2.46	$5,098			$283,494		$141,747		$278,344
5/16/2027	$138,327	2.46	$3,420					$141,747		$140,017
11/16/2027	$140,017	2.46	$1,730			$283,494		$141,747		$0
Total	**$2,500,000**		**$334,949**			**$2,834,940**		**$2,834,940**		

Notes

2017 PSAP Technology Lease Amendment in the amount of $2,500,000 with U.S. Bank. Approved by Commissioners on 11/14/17.

St. Joseph County
Submitted to the State on Monday, January 22, 2018
Report printed on Friday, September 04, 2020
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: 2015 Taxable Economic Development Revenue Bonds (General Sheet Metal)
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number:
Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N
Applicable Issuer:
Current Debt Limit:
Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination: 1/7/2015
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution: 5/1/2015
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 5/27/2015

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other (Company Guarantee) : Primary

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: General Sheet Metal Expenditures
Total Project Cost: $3,300,000.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
2/1/2016		3.00	$67,100	$67,100	$67,100					$3,300,000
8/1/2016		3.00	$49,500	$49,500	$49,500	$116,600				$3,300,000
2/1/2017		3.00	$49,500	$49,500	$49,500					$3,300,000
8/1/2017		3.00	$49,500	$49,500	$49,500	$99,000				$3,300,000
2/1/2018		3.00	$49,500	$49,500	$49,500					$3,300,000
8/1/2018	$90,000	3.00	$49,500	$139,500	$0	$189,000				$3,210,000
2/1/2019	$100,000	3.00	$48,150	$148,150	$0					$3,110,000
8/1/2019	$105,000	3.00	$46,650	$151,650	$0	$299,800				$3,005,000
2/1/2020	$105,000	3.00	$45,075	$150,075	$0					$2,900,000
8/1/2020	$105,000	3.00	$43,500	$148,500	$0	$298,575				$2,795,000
2/1/2021	$110,000	3.00	$41,925	$151,925	$0					$2,685,000
8/1/2021	$110,000	3.00	$40,275	$150,275	$0	$302,200				$2,575,000

2/1/2022	$110,000	3.00	$38,625	$148,625	$0					$2,465,000
8/1/2022	$115,000	3.00	$36,975	$151,975	$0	$300,600				$2,350,000
2/1/2023	$120,000	3.00	$35,250	$155,250	$0					$2,230,000
8/1/2023	$135,000	3.00	$33,450	$168,450	$0	$323,700				$2,095,000
2/1/2024	$135,000	3.00	$31,425	$166,425	$0					$1,960,000
8/1/2024	$135,000	3.00	$29,400	$164,400	$0	$330,825				$1,825,000
2/1/2025	$140,000	3.00	$27,375	$167,375	$0					$1,685,000
8/1/2025	$140,000	3.00	$25,275	$165,275	$0	$332,650				$1,545,000
2/1/2026	$145,000	3.00	$23,175	$168,175	$0					$1,400,000
8/1/2026	$145,000	3.00	$21,000	$166,000	$0	$334,175				$1,255,000
2/1/2027	$150,000	3.00	$18,825	$168,825	$0					$1,105,000
8/1/2027	$150,000	3.00	$16,575	$166,575	$0	$335,400				$955,000
2/1/2028	$155,000	3.00	$14,325	$169,325	$0					$800,000
8/1/2028	$155,000	3.00	$12,000	$167,000	$0	$336,325				$645,000
2/1/2029	$160,000	3.00	$9,675	$169,675	$0					$485,000
8/1/2029	$160,000	3.00	$7,275	$167,275	$0	$336,950				$325,000
2/1/2030	$160,000	3.00	$4,875	$164,875	$0					$165,000
8/1/2030	$165,000	3.00	$2,475	$167,475	$0	$332,350				$0
Total	**$3,300,000**		**$968,150**	**$4,268,150**	**$265,100**	**$4,268,150**				

Notes

Debt Schedule No. 15 2015 Taxable Economic Development Revenue Bonds (General Sheet Metal).

St. Joseph County
Submitted to the State on Monday, February 11, 2019
Report printed on Friday, September 04, 2020
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: 2019 Motorola PSAP CAD System Capital Lease
Debt Status: Outstanding
Type of Indebtedness: Lease
Base CUSIP Number:
Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N
Applicable Issuer:
Current Debt Limit:
Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution: 1/15/2019
Date of Appropriation Resolution:
Date of Debt Sale: 1/15/2019
Date of Debt Closing: 1/15/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation): Saint Joseph County
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: New PSAP 911 CAD System
Total Project Cost: $2,976,131.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received: 8/24/2018
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
2/1/2020	$377,837	3.91	$116,367			$494,204		$494,204		$2,598,294
2/1/2021	$392,611	3.91	$101,593			$494,204		$494,204		$2,205,683
2/1/2022	$407,962	3.91	$86,242			$494,204		$494,204		$1,797,721
2/1/2023	$423,913	3.91	$70,291			$494,204		$494,204		$1,373,802
2/1/2024	$440,488	3.91	$53,716			$494,204		$494,204		$933,319
2/1/2025	$457,711	3.91	$36,493			$494,204		$494,204		$475,608
2/1/2026	$475,608	3.91	$18,596			$494,204		$494,204		$0
Total	**$2,976,130**		**$483,298**			**$3,459,428**		**$3,459,428**		

Notes

Debt Schedule No. 25
2019 Motorola PSAP Lease
Approved by PSAP Executive Board on 12/14/18

Approved by County Commissioners on 12/15/19

St. Joseph County
Submitted to the State on Thursday, October 24, 2019
Report printed on Friday, September 04, 2020
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: St. Joseph County Redevelopment District Special Taxing District Bonds of 2019 (SS Double Tracking)
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number: 79062M
Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized: 36-7-14 and 36-7-25
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y
Applicable Issuer: St. Joseph County Redevelopment District
Current Debt Limit: $33,579,426.00
Current Debt Capacity (after issuance of this debt): $16,039,426.00

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution: 8/13/2019
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 10/17/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Finance a portion of County's share of the South Shore Double Tracking Project
Total Project Cost: $9,508,859.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
8/1/2020			$213,740			$213,740				$9,375,000
2/1/2021			$135,469							$9,375,000
8/1/2021			$135,469			$270,938				$9,375,000
2/1/2022			$135,469							$9,375,000
8/1/2022			$135,469			$270,938				$9,375,000
2/1/2023			$135,469							$9,375,000
8/1/2023			$135,469			$270,938				$9,375,000
2/1/2024			$135,469							$9,375,000
8/1/2024			$135,469			$270,938				$9,375,000
2/1/2025			$135,469							$9,375,000
8/1/2025			$135,469			$270,938				$9,375,000

2/1/2026			$135,469							$9,375,000
8/1/2026			$135,469			$270,938				$9,375,000
2/1/2027			$135,469							$9,375,000
8/1/2027			$135,469			$270,938				$9,375,000
2/1/2028			$135,469							$9,375,000
8/1/2028			$135,469			$270,938				$9,375,000
2/1/2029			$135,469							$9,375,000
8/1/2029			$135,469			$270,938				$9,375,000
2/1/2030			$135,469							$9,375,000
8/1/2030			$135,469			$270,938				$9,375,000
2/1/2031			$135,469							$9,375,000
8/1/2031			$135,469			$270,938				$9,375,000
2/1/2032			$135,469							$9,375,000
8/1/2032			$135,469			$270,938				$9,375,000
2/1/2033			$135,469							$9,375,000
8/1/2033			$135,469			$270,938				$9,375,000
2/1/2034	$750,000		$135,469							$8,625,000
8/1/2034			$124,219			$1,009,688				$8,625,000
2/1/2035	$800,000		$124,219							$7,825,000
8/1/2035			$112,219			$1,036,438				$7,825,000
2/1/2036	$2,475,000		$112,219							$5,350,000
8/1/2036			$75,094			$2,662,313				$5,350,000
2/1/2037	$2,600,000		$75,094							$2,750,000
8/1/2037			$36,094			$2,711,188				$2,750,000
2/1/2038	$2,750,000		$36,094			$2,786,094				$0
Total	**$9,375,000**		**$4,566,655**			**$13,941,655**				

Notes

Debt Schedule No. 32 - 2019 Redevelopment South Shore Double Tracking Bond. County Share. Closing on October 17, 2019. Financial advisor - Cender & Company. Bond Counsel - Barnes & Thornburg and Thorne Grodknik.

St. Joseph County
Submitted to the State on Thursday, October 24, 2019
Report printed on Friday, September 04, 2020
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: 2019 U.S. Bank Police Radio Lease
Debt Status: Outstanding
Type of Indebtedness: Lease
Base CUSIP Number:
Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N
Applicable Issuer:
Current Debt Limit:
Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution: 7/2/2019
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 8/15/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation): Saint Joseph County
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Purchase of radios for the police department
Total Project Cost: $1,760,003.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
2/15/2020	$115,840	2.49	$21,947	$137,787				$137,787		$1,644,163
8/15/2020	$117,285	2.49	$20,502	$137,787		$275,574		$137,787		$1,526,878
2/15/2021	$118,747	2.49	$19,040	$137,787				$137,787		$1,408,131
8/15/2021	$120,228	2.49	$17,559	$137,787		$275,574		$137,787		$1,287,903
2/15/2022	$121,727	2.49	$16,060	$137,787				$137,787		$1,166,176
8/15/2022	$123,245	2.49	$14,542	$137,787		$275,574		$137,787		$1,042,931
2/15/2023	$124,782	2.49	$13,005	$137,787				$137,787		$918,149
8/15/2023	$126,338	2.49	$11,449	$137,787		$275,574		$137,787		$791,811
2/15/2024	$127,914	2.49	$9,874	$137,787				$137,787		$663,897
8/15/2024	$129,509	2.49	$8,279	$137,787		$275,574		$137,787		$534,388
2/15/2025	$131,124	2.49	$6,664	$137,787				$137,787		$403,264
8/15/2025	$132,759	2.49	$5,029	$137,787		$275,574		$137,787		$270,505

2/15/2026	$134,414	2.49	$3,373	$137,787				$137,787		$136,091
8/15/2026	$136,091	2.49	$1,699	$137,794		$275,581		$137,794		$0
Total	**$1,760,003**		**$169,022**	**$1,929,025**		**$1,929,025**		**$1,929,025**		

Notes

Debt Schedule No. 30. U.S. Bank Capital Lease for police radios. seven years. 14 semi-annual payments.

St. Joseph County
Submitted to the State on Friday, October 25, 2019
Report printed on Friday, September 04, 2020
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: 2019 U.S. Bank Election Equipment Lease
Debt Status: Outstanding
Type of Indebtedness: Lease
Base CUSIP Number:
Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N
Applicable Issuer:
Current Debt Limit:
Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution: 7/2/2019
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 7/19/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation): Saint Joseph County
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Purchase of new election equipment
Total Project Cost: $2,500,000.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
1/15/2020	$235,946	2.56	$31,975	$267,921				$267,921		$2,264,054
7/15/2020	$238,964	2.56	$28,957	$267,921		$535,842		$267,921		$2,025,090
1/15/2021	$242,021	2.56	$25,901	$267,921				$267,921		$1,783,069
7/15/2021	$245,116	2.56	$22,805	$267,921		$535,842		$267,921		$1,537,953
1/15/2022	$248,251	2.56	$19,670	$267,921				$267,921		$1,289,702
7/15/2022	$251,426	2.56	$16,495	$267,921		$535,842		$267,921		$1,038,276
1/15/2023	$254,642	2.56	$13,280	$267,921				$267,921		$783,634
7/15/2023	$257,899	2.56	$10,023	$267,921		$535,842		$267,921		$525,735
1/15/2024	$261,197	2.56	$6,724	$267,921				$267,921		$264,538
7/15/2024	$264,538	2.56	$3,384	$267,925		$535,846		$267,925		$0
Total	**$2,500,000**		**$179,214**	**$2,679,214**		**$2,679,214**		**$2,679,214**		

Notes

Debt Schedule No. 31. 2019 U.S. Bank Election Equipment Lease. 5-year lease. Paid with Cumulative Capital Development Fund. Vendor RBM Consulting.

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 11 2020

CITY CLERK
MISHAWAKA, IN

APPEAL #20-43

RESOLUTION NO. 2020-20

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:

3602 Grape Road #11, Mishawaka, Indiana

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

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

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

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

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **3602 Grape Road #11, Mishawaka, Indiana**, more particularly known and described as follows:

A part of the North Half of the Northeast Quarter and the North Half of the Northwest Quarter of Section 4, Township 37 North, Range 3 East, in the City of Mishawaka, St. Joseph County Indiana, more particularly described as follows: Beginning at a point on the West line of the Northwest Quarter of the Northeast Quarter of said Section 4, 329 feet South of the Northwest corner of the Northeast Quarter; thence West parallel with the North line of said Section 4, 55.15 feet to the centerline of Grape Road; thence Southerly along said centerline of Grape Road, 200 feet to the true place of beginning; thence continuing Southerly along said centerline 178.74 feet; thence East parallel with the North line of said Section 4, 247.02 feet; thence South parallel with the said West line of the Northwest Quarter of the Northeast Quarter, 184.86 feet; thence deflecting to the left an angle of 90°17'05" in an Easterly direction a distance of 250 feet; thence North parallel with said West line of the Northwest Quarter of the Northeast Quarter, 363.14 feet to a point 529 feet South of the North line of said Section 4; thence West parallel with said North line of Section 4, 498.97 feet to the place of beginning.

Along and together with the following; Part of the Northeast Quarter of Section 4, Township 37 North, Range 3 East of the Second Principal Meridian, described as follows: Beginning at a point 707.73 feet south of the North ¼ post of said Section 4 and 51.02 feet east of the centerline of Grape Road; thence N89-45-22E, 196.00 feet; thence S00-00-00W, 184.86 feet; thence S89-42-54W, 196.00 feet to a point on the east right-of-way line of Grape Road; thence N00-38-44E, 185.04 feet to the point of beginning, containing 1.04 acres more or less subject to legal highways and easements.

Excepting therefrom; a part of the North Half of the Northeast Quarter and the North Half of the Northwest Quarter of Section 4, Township 37 North, Range 3 East, in the City of Mishawaka, St. Joseph County, Indiana, more particularly described as follows: Beginning at a point on the West line of the Northwest Quarter of the Northeast Quarter of said Section 4, 329 feet South of the Northwest corner of said Northeast Quarter; thence West parallel with the North line of said Section 4, 55.15 feet to the centerline of Grape Road; thence Southerly along said centerline of Grape Road, 200 feet to the true place of beginning; thence continuing Southerly along said centerline 210 feet; thence East parallel with the North line of said Section 4, 188 feet; thence North to a point 529 feet South of the North line of said Section 4; thence West to the point of beginning. Located on the East side of Grape Road, approximately 500 feet South of Edison Road. (Part of the Outpost Shopping Center.)

Also excepting therefrom; commencing at the Northwest corner of the Northeast Quarter of said Section 4; thence South, along the West line thereof, 329 feet; thence South 90°00'00" West, parallel with the North line of Section 4, a distance of 55.15 feet to the center line of Grape Road; thence South 00°24'37" East along said centerline, a distance of 200.00 feet; thence North 90°00'00" East, a distance of 40.00 feet to a point on the East right-of-way line of said Grape Road; thence South 00°24'37" East, along said East right-of-way line a distance of 250.33 feet; ; thence North 90°00'00" East, a distance of 74.00 feet to the place of beginning for this description; thence continuing North 90°00'00" East a distance of 117.00 feet; thence South 00°00'00" East, a distance of 103.00 feet; thence South 90°00'00" West, a distance of 117.00 feet; thence North 00°00'00" East a distance of 103.00 feet to the place of beginning.

The Use Variance will allow microblading/semi-permanent make-up services in C-2 Shopping Center Commercial District.

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

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

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the existing business provides similar personal services/salon uses;

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because it is included in a commercial development;

3. The need for the variance arises from some condition peculiar to the property involved in that the C-2 zoning does not permit a tattoo establishment, but does allow the salon where the process is taking place, thus requiring the Use Variance for the proposed use;

4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the nature of the business is similar to that of a salon and

should not generate more traffic than any of the existing businesses within the development; and

5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area for general commercial and is in close proximity to one of the largest consolidated retail areas in the State of Indiana.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ________ day of ________________________, 2020, at _______o'clock _____ .m.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _________day of _______________________2020, at _______ o'clock ___m.

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

APPROVED by me this ________ day of________________________, 2020, at _______o'clock ______.m.

____
David A. Wood, Mayor

STAFF REPORT

Location: 3602 Grape Rd., #11

Date: Sept 9, 2020

Appeal: 20 43

Prepared By: KM

GENERAL INFORMATION

Applicant:	JV and Sue Peacock C/O Outpost Sports/Rootz Salon
Status:	Property Owner/Tenant
Request:	Use Variance to allow microblading/semi-permanent make-up services
Zoning Classification:	C-2 Shopping Center Commercial
Lot Size:	Approximately 2.2 acres, more or less
Applicable Regulations:	137.42 Board of Zoning Appeals (4) Variance of Use

SPECIAL INFORMATION

Area Development Pattern:	North:	C-2 Shopping Center Commercial
	South:	S-2 Planned Unit Development
	East:	S-2 Planned Unit Development
	West:	C-1 General Commercial and C-4 Automobile Oriented Commercial
Thoroughfare:		Grape Road
School District:		Penn-Harris-Madison
Public Utilities:		All utilities are available
Comprehensive Plan:		General Commercial

ANALYSIS

The Appellants are requesting a Use Variance to allow for microblading services within the Rootz Salon, Unit #11 at the Outpost Center. Microblading is a form of semi-permanent makeup that provides a means to partially or fully camouflage missing eyebrow hair with the appearance of simulated hair using fine deposits of cosmetic tattoo pigments.

In the past year, we have received several requests for microblading. The latest request is inside an existing salon at the Outpost Center.

It should be noted that while microblading is a service that can be found in a spa or beauty salon, it is a form of tattoo and not specifically permitted within the zoning district. The need for a Use Variance arises from the fact that a tattoo establishment is not an approved use within the C-2 zoning district.

All pertinent City departments have reviewed and approved of the request.

Recommendation (s)

Staff recommends in ***favor*** of Appeal #20-43 to allow microblading services in Suite #11 Rootz Salon at Outpost Center, 3602 Grape Road. This recommendation is based upon the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the existing business provides similar personal services/salon uses;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because it is included in a commercial development;
3. The need for the variance arises from some condition peculiar to the property involved in that the C-2 zoning does not permit a tattoo establishment, but does allow the salon where the process is taking place, thus requiring the Use Variance for the proposed use;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the nature of the business is similar to that of a salon and should not generate more traffic than any of the existing businesses within the development; and
5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area for general commercial and is in close proximity to one of the largest consolidated retail areas in the State of Indiana.

Attachments

Photographs, Appeal, Aerial, Location Map

View of Rootz Salon

View of Outpost Center from Grape Road

Outpost Sport Legal

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Along and together with the following; Part of the Northeast Quarter of Section 4, Township 37 North, Range 3 East of the Second Principal Meridian, described as follows: Beginning at a point 707.73 feet south of the North ¼ post of said Section 4 and 51.02 feet east of the centerline of Grape Road; thence N89-45-22E, 196.00 feet; thence S00-00-00W, 184.86 feet; thence S89-42-54W, 196.00 feet to a point on the east right-of-way line of Grape Road; thence N00-38-44E, 185.04 feet to the point of beginning, containing 1.04 acres more or less subject to legal highways and easements.

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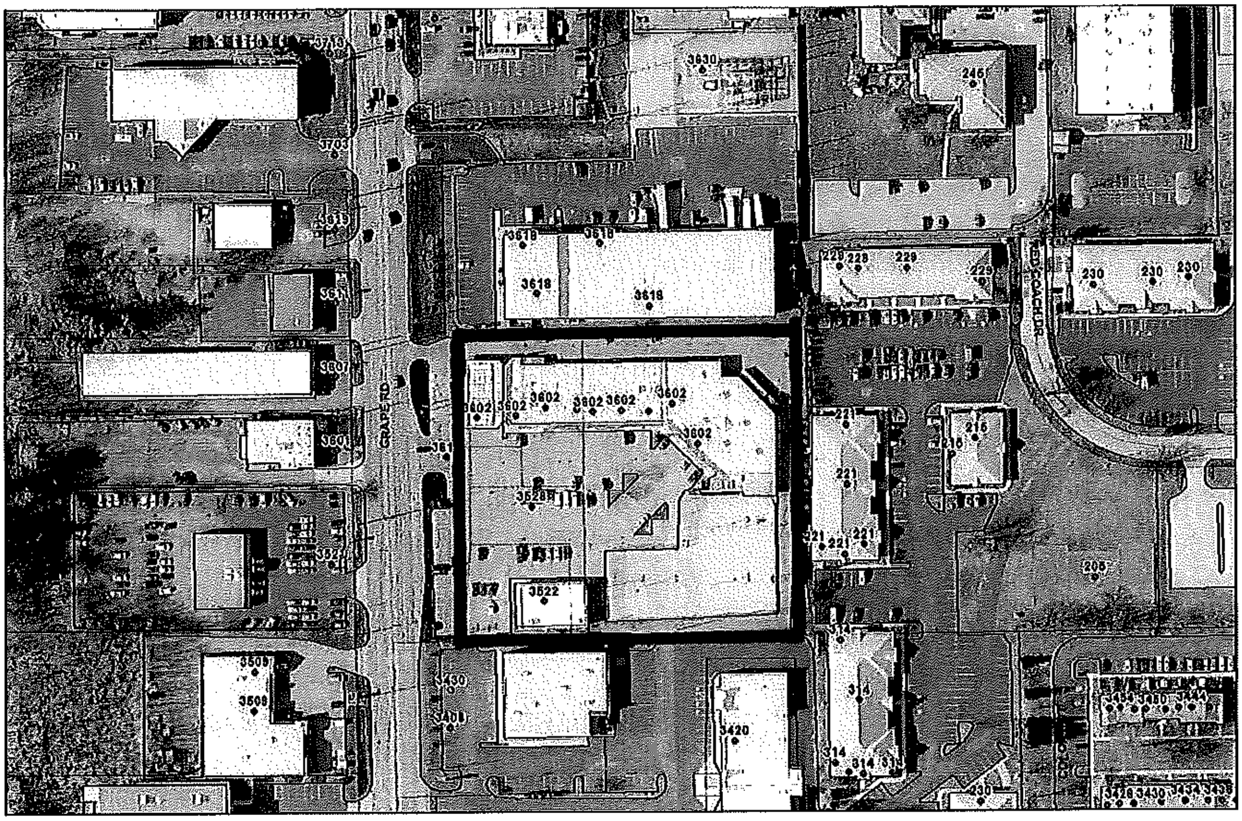
Also excepting therefrom; commencing at the Northwest corner of the Northeast Quarter of said Section 4; thence South, along the West line thereof, 329 feet; thence South 90°00'00" West, parallel with the North line of Section 4, a distance of 55.15 feet to the center line of Grape Road; thence South 00°24'37" East along said centerline, a distance of 200.00 feet; thence North 90°00'00" East, a distance of 40.00 feet to a point on the East right-of-way line of said Grape Road; thence South 00°24'37" East, along said East right-of-way line a distance of 250.33 feet; ; thence North 90°00'00" East, a distance of 74.00 feet to the place of beginning for this description; thence continuing North 90°00'00" East a distance of 117.00 feet; thence South 00°00'00" East, a distance of 103.00 feet; thence South 90°00'00" West, a distance of 117.00 feet; thence North 00°00'00" East a distance of 103.00 feet to the place of beginning.

APPEAL #20-43
3602 Grape Road, #11



RECEIVED
DEBORAH S. BLOCK, MMC
AUG 27 2020
CITY CLERK
MISHAWAKA, IN

RECEIVED
AUG 18 2020
ECONOMIC
COMMUNITY DEVELOPMENT
PLANNING

DATE: August 10, 2020

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

V 20-43

1. I, ***JV and Sue Peacock C/O Outpost Sports***, am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to- wit:

DEED

2. The above-described real estate presently has a zoning classification of C-2 Shopping Center Commercial District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant presently occupies the above-described property in the following manner: Hair Salon ***(Business Name: Rootz Salon, 3602 Grape Rd #11, Mishawaka, IN 46545)***

4. Appellant desires to add microblading service to the already existing hair salon that resides in the complex. Microblading is semi-permanent tattoo technique that enhances the visual look of eyebrows and is considered more of a cosmetic service than a tattoo in the beauty industry because it is not permanent. It is semi-permanent and lasts on the skin for approximately 1-2 years.

5. The Zoning Ordinance of the City of Mishawaka requires *137-326*

6. The strict adherence to the ordinance requirements creates an unusual hardship because it doesn't list microblading as a use in the zoning area. Microblading involves hand drawing small hair strokes using a needle under the top layer of the skin and not with a tattoo machine. The microblading is a semi-permanent procedure, and requires a touch up every 12 to 24 months, due to fading of the hair strokes. The focus is only to enhance the natural eyebrows.

7. Answer the following necessary questions for a **USE VARIANCE**:

(1) Will approval be injurious to the public health, safety, morals or general welfare of the community?

No, it will not be injurious to the public health, safety, morals or general welfare of the community. Vittoria Giannetto has had training in the field of microblading and will be in continuous training for her career in permanent cosmetics. Microblading is a semi-permanent makeup technique that visually enhances the look of the eyebrows. Vittoria Giannetto is certified in bloodborne pathogens and is fully aware of the importance of safety during a microblading procedure

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the business will be located in a building that is surrounded by various commercial uses.

(3) Does the need for the variance arise from some condition peculiar to the property involved?

Yes, the need for the variance arises from some condition peculiar to the property involved. The current zoning does not permit microblading/ semi-permanent cosmetic/ tattoo services, but does allow the salon where the process is taking place, thus requiring the use variance for the proposed use.

(4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?

Yes, this constitutes as an unnecessary hardship because the current zoning does not permit microblading/ semi permanent cosmetics/ tattoo services, but does allow the salon where the process is taking place.

(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?

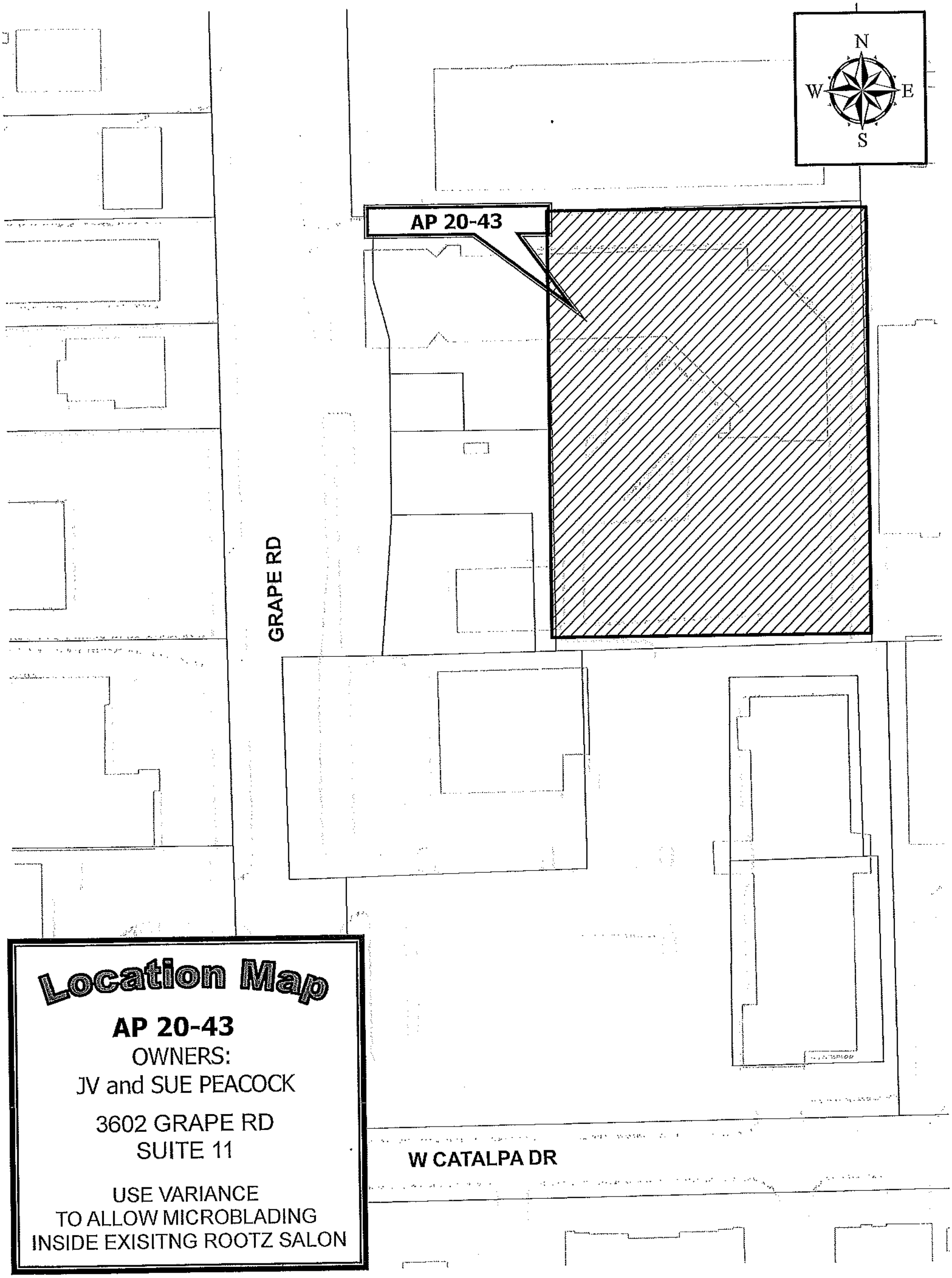
No, this approval will not interfere substantially with the Mishawaka 2000 Comprehensive plan. This is a personal/cosmetic service similar to the hair/beauty salon that currently resides in the complex. Microblading is considered a tattoo due to it being a new cosmetic process and is a specialized very high end cosmetic service that visually enhances the look of the face and has emerged as a popular beauty service within the last 5 years.

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

J.V. Peacock
Print Name Here

Susan J. Peacock
Print Name Here

CONTACT PERSON:
Name: Vittoria Giannetto
Address: 51633 Trailwood Court, Granger IN 46530
Day Phone Number: 574-850-7926
Fax Number:
Email: v.giannetto@gmail.com


N
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AP 20-43
GRAPE RD
W CATALPA DR
Location Map
AP 20-43
OWNERS:
JV and SUE PEACOCK
3602 GRAPE RD
SUITE 11
USE VARIANCE
TO ALLOW MICROBLADING
INSIDE EXISITNG ROOTZ SALON

1st Reading 8-17-20
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 13 2020

CITY CLERK
MISHAWAKA, IN

PETITION #20-16

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2020-28

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:

Parcels of land being a part of the Northeast Quarter of Section 22, Township 37 North, Range 3 East, Penn Township St. Joseph County, Indian and being more particularly described as follows:

Parcel 1: Commencing at the northeast corner of said Northeast Quarter, thence South 00°00'00" West along the east line of said quarter, a distance of 759.00 feet; thence South 89°58'40" West, a distance of 330.00 feet to the point of beginning; thence continuing South 89°58'40" West, a distance of 165.65 feet; thence North 00°00'00" West, a distance of 263.87 feet; thence North 89°58'40" East, a distance of 165.65 feet; thence South 00°00'00" East, a distance of 263.87 feet to the point of beginning. Containing 1.00 acre.

Parcel 2: Commencing at the northeast corner of said Northeast Quarter, thence South 00°00'00" West along the east line of said quarter, a distance of 759.00 feet; thence South 89°58'40" West, a distance of 1047.66 feet to the point of beginning; thence continuing South 89°58'16" West, a distance of 405.58 feet; thence North 00°00'19" West, a distance of 264.00 feet; thence North 89°58'40" East, a distance of 405.62 feet; thence South 00°00'12" West, a distance of 263.95 feet to the point of beginning. Containing 2.46 acres more or less.

COMMON ADDRESSES: Property South of 1141 and 1241 East Twelfth Street

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 I-1 Light Industrial District.

Proposed Ordinance No. 20-28

Ordinance No. ___________

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

1. Existing Conditions – The subject property is vacant industrial land in Unincorporated St. Joseph County, purchased by AWT, Inc. in 2016.

2. Character of Buildings in the Area – The character of buildings and land uses located along Twelfth Street, between Merrifield Ave and Byrkit Ave are primarily industrial, with a few other commercial land uses.

3. The most desirable/highest and best use – Because of the property's location adjacent existing industrial development, the most desirable use for the property is industrial.

4. Conservation of property values – The proposed zoning will not be injurious to the property values in the surrounding area. The combining of all property owned with a possibility for expansion of the existing adjacent industrial use is compatible with industrial and commercial uses.

5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, identified this area as industrial, which is how it has developed.

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 __________________, 2020, at ______ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ______ day of _________________, 2020, at o'clock _____.M.

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

Proposed Ordinance No. 20-28

Ordinance No. __________

APPROVED by me this _____ day of _______________, 2020, at _____ ______o'clock ______.M.

____

David A. Wood, Mayor

STAFF REPORT

Location: Property south of 1141 and 1241 E Twelfth St. Date: August 11, 2020

Petition: 20- 16 Prepared By: DJS

GENERAL INFORMATION

Applicant:	AWT, Inc.
Status:	Property Owner
Request:	To annex and establish zoning to the I-1 Light Industrial District for the expansion of an adjacent business
Existing Zoning:	Unincorporated St. Joseph County (I Industrial District)
Proposed Zoning:	I-1 Light Industrial District
Lot Size:	3.46 acres
Applicable Regulations:	Section 137-585 to 137-587 / I-1 Light Industrial & Section 137-41 / Amendments to Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern:	North: I-1 Light Industrial (AWT owned property) South: Unincorporated St. Joseph County – I Industrial District East: I-1 Light Industrial West: I-1 Light Industrial
Thoroughfare:	Twelfth Street
School District:	Penn-Harris-Madison
Township:	Penn
Public Utilities:	All utilities are available and/or will be extended to/throughout the site at the developer's/owner's expense.
Comprehensive Plan:	The Mishawaka 2000 Comprehensive Plan identifies a preferred or planned use for this property as Industrial (Manufacturing, Warehousing, and Distribution).

ANALYSIS

Proposal:
The applicants are proposing to annex and establish zoning for part of a vacant parcel of land (Tax Parcel 014-1027-043614), located south of property located at 1141 and 1241 E Twelfth Street.

The 3.46 acre area, which is two separate pieces, is immediately adjacent to and south of Adorn, a manufacturing business at 1141 and 1241 E Twelfth Street. AWT, Inc, is the current property owner of all the property.

The purpose of the proposed annexation and required zoning to the I-1 Light Industrial District is allow for the future expansion of the Adorn business. A subdivision was also submitted to combine all property owned by AWT, Inc. into one lot. Normally when an annexation and zoning petition is filed, a preliminary site plan is required to conceptually show how the property will be developed. In this case, a preliminary site plan was not provided since there are no immediate development plans.

If the proposed annexation and rezoning request is approved, a detailed final site plan must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm water drainage, electric, gas, etc.), landscaping/screening, grading, erosion control, and any other required improvements.

Annexation:
1141 E Twelfth was annexed in 1971. 1241 E Twelfth was annexed in 1973. The southern part of 1241 E Twelfth was annexed in 1996 prior to a building addition.

Per the State of Indiana's annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. Based on the existing city boundary, Parcel 1 has 527.76 feet, or %, of the total 859.06 feet of the perimeter of the property will be contiguous with the exiting city limits. Parcel 2 has 669.57 feet, or 61%, of the total 1339.15 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:
The site is located on the south side of Twelfth Street, between Merrifield Ave and Byrkit Ave. It is bordered to the north by Toot & Tell'em in Unincorporated St. Joseph County and the existing Adorn business within the City; to the west by a vacant industrial building within the City and the existing Adorn business within the City; to the south by vacant land in Unincorporated St. Joseph County; and to the east an industrial business and the existing Adorn business both within the City. The area between Merrifield Avenue and Bykit Avenue is primarily industrial.

Zoning Change:
Staff believes that the proposed zoning of this property to the I-1 Industrial District is <u>appropriate</u> given that the property will be added to the adjacent business for possible future expansion. The subsequent subdivision will clean up the parcel layer by combining all property owned by AWT, Inc, currently three parcels, into one parcel.

Transportation/Roads:
According to the latest available traffic counts, there were 8,300 annual average daily trips (AADT) (June 2015) along Twelfth Street just east of Byrkit Ave. According to the latest available traffic counts, there were 7,897 annual average daily trips (AADT) (June 2015) along Twelfth Street just west of Industrial Dr. The counts at these locations have been relatively constant over the past 20, actually decreasing from a high of almost 12,000 AADT in 2000. Due to the widening of Twelfth Street, as outlined in the 2045 Transportation Plan below, traffic volumes are expected to increase after the project is completed.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff and the County Engineering Department, shows planned added travel lanes along Twelfth Street, from Dodge to Campbell. The projected completion year for this project is 2030. It should be noted that the plan may be amended in future years dependent on infrastructure priorities, projected travel demand, and available funding.

All pertinent City Departments have reviewed and approved the request for annexation and zoning.

Recommendation

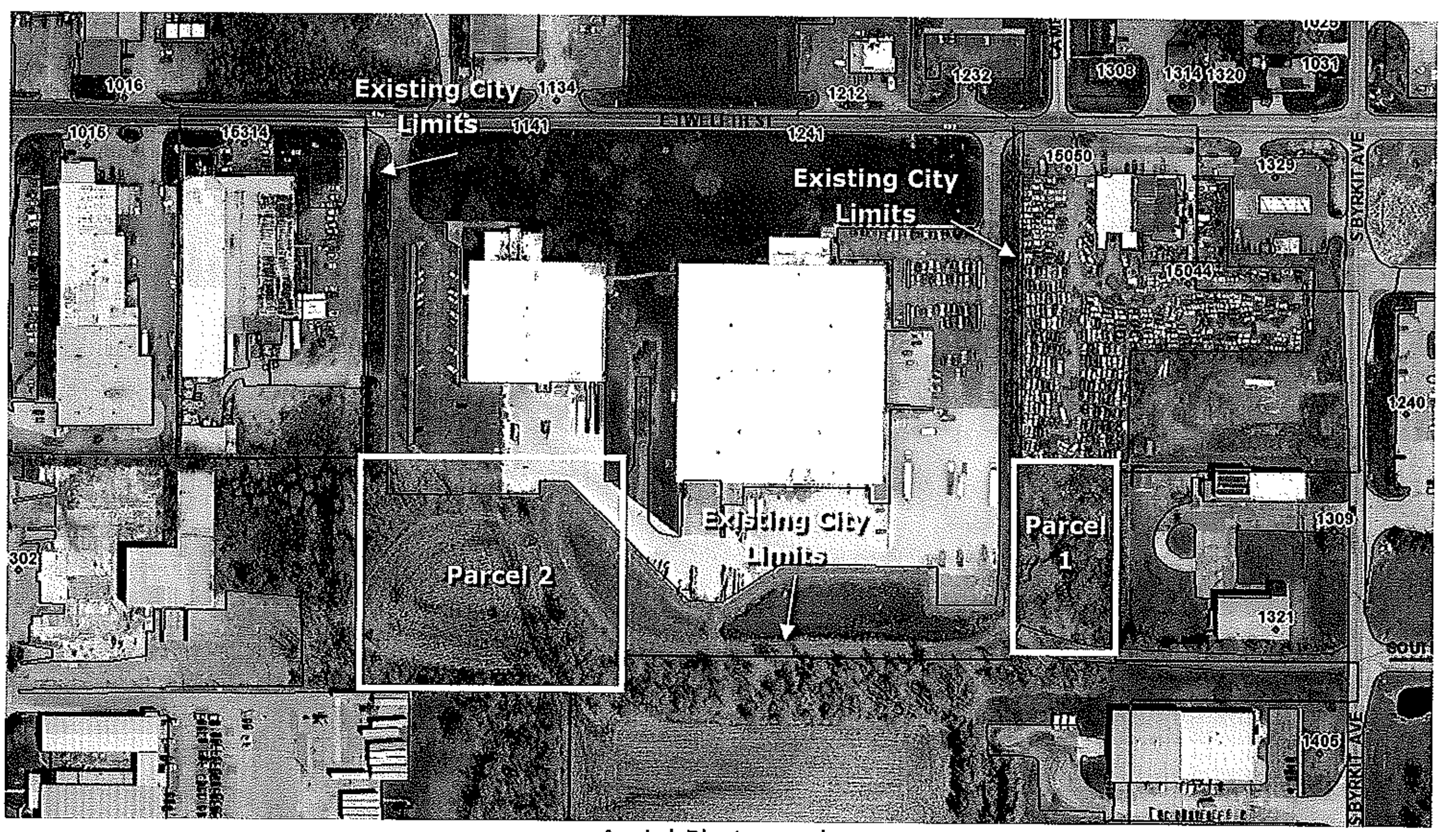
Staff recommends approval of Petition 20-16 to annex and establish zoning to the I-1 Light Industrial District for property south of and adjacent to 1141 and 1241 E Twelfth Street. The property will be combined with adjacent property owned by the same property owner to create one legal lot of record.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is vacant industrial land in Unincorporated St. Joseph County, purchased by AWT, Inc. in 2016.
2. Character of Buildings in the Area – The character of buildings and land uses located along Twelfth Street, between Merrifield Ave and Byrkit Ave are primarily industrial, with a few other commercial land uses.
3. The most desirable/highest and best use – Because of the property's location adjacent existing industrial development, the most desirable use for the property is industrial.
4. Conservation of property values – The proposed zoning will not be injurious to the property values in the surrounding area. The combining of all property owned with a possibility for expansion of the existing adjacent industrial use is compatible with industrial and commercial uses.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, identified this area as industrial, which is how it has developed.

Attachments

Aerial Map, Photographs of the Annexation Area, Rezoning & Annexation Petition, and Location Maps



Aerial Photograph

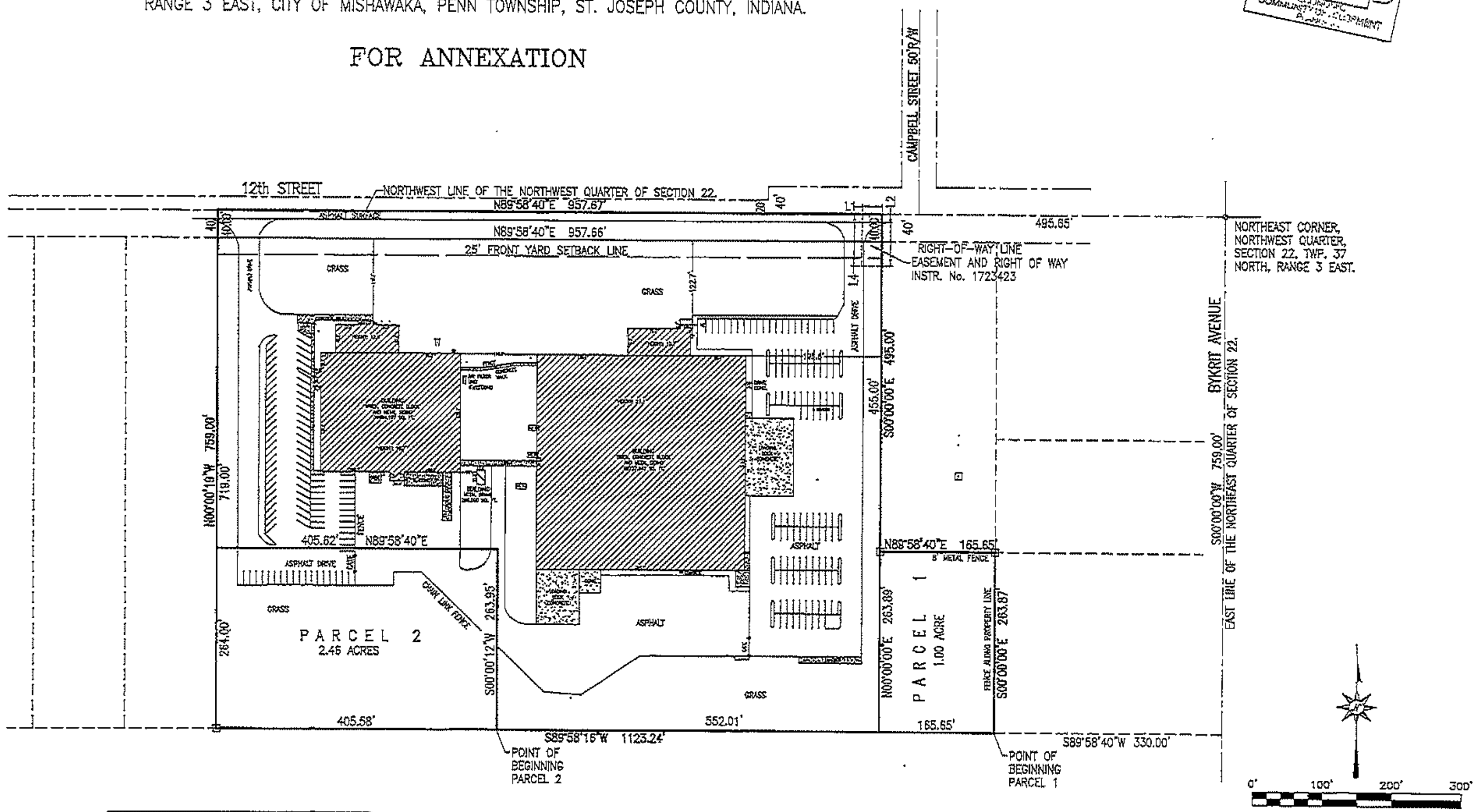
The building at 1241 E Twelfth (annexation Parcel 1 east of parking lot).

The Building at 1141 E Twelfth (annexation Parcel 2 south of parking lot).

SITE PLAN

PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

FOR ANNEXATION



LINE	BEARING	DISTANCE
L1	N89°58'40"E	28.06'
L2	S00°00'00"E	76.60'
L3	N89°41'56"W	29.51'
L4	N01°09'32"E	76.45'

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

Scale	1" = 100'	Drawn	JMS
Date	7-22-20	Job Name	
Rev.		Job No.	
Rev.			

July 22, 2020

RECEIVED
DEBORAH S. BLOCK, MMC
JUL 24 2020
CITY CLERK
MISHAWAKA, IN

Pet 20-16

RECEIVED
JUL 22 2020
ECONOMIC
COMMUNITY DEVELOPMENT
PLANNING

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 AWT, Inc. respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

Parcels of land being a part of the Northeast Quarter of Section 22, Township 37 North, Range 3 East, Penn Township St. Joseph County, Indian and being more particularly described as follows:
Parcel 1: Commencing at the northeast corner of said Northeast Quarter, thence South 00°00'00" West along the east line of said quarter, a distance of 759.00 feet; thence South 89°58'40" West, a distance of 330.00 feet to the point of beginning; thence continuing South 89°58'40" West, a distance of 165.65 feet; thence North 00°00'00" West, a distance of 263.87 feet; thence North 89°58'40" East, a distance of 165.65 feet; thence South 00°00'00" East, a distance of 263.87 feet to the point of beginning. Containing 1.00 acre.
Parcel 2: Commencing at the northeast corner of said Northeast Quarter, thence South 00°00'00" West along the east line of said quarter, a distance of 759.00 feet; thence South 89°58'40" West, a distance of 1047.66 feet to the point of beginning; thence continuing South 89°58'16" West, a distance of 405.58 feet; thence North 00°00'19" West, a distance of 264.00 feet; thence North 89°58'40" East, a distance of 405.62 feet; thence South 00°00'12" West, a distance of 263.95 feet to the point of beginning. Containing 2.46 acres more or less.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located adjacent to the rear of the property at 1141 and 1241 East 12th Street and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a I-1 Industrial District. Petitioners further state they intend to utilize said land for continued use of the adjacent, existing manufacturing site and it's expansion.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

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

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a I-1 Industrial District.

AWT, Inc.
By: ABBY Thomas

Contact Person:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 S. Michigan Street
South Bend, Indiana 46601
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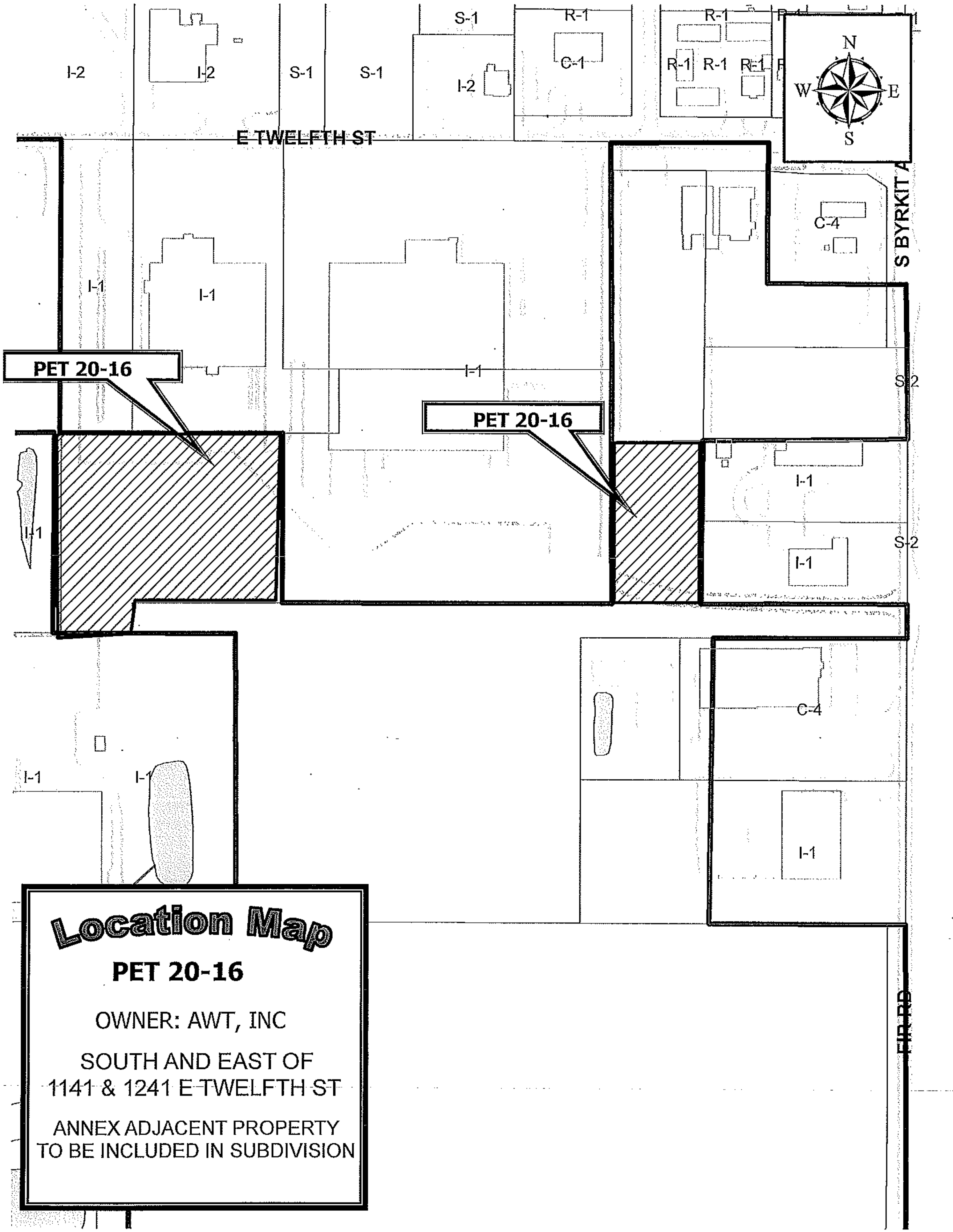
Terry@LangFeeney.com



S-1
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PET 20-16
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PET 20-16
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I-1
FIR RD
Location Map
PET 20-16
OWNER: AWT, INC
SOUTH AND EAST OF
1141 & 1241 E TWELFTH ST
ANNEX ADJACENT PROPERTY
TO BE INCLUDED IN SUBDIVISION

City of Mishawaka

OFFICE OF THE CITY CLERK **Deborah S. Block, IAMC, MMC, City Clerk**

NOTICE OF HEARING

PROPOSED ORDINANCE NO.	**2020-28**
PETITION NO.	**2020-16**
DATE of HEARING	**9-08-20**
TIME of HEARING	**7:00PM**

An ordinance for annexation for the following property located;

Parcels of land being a part of the Northeast Quarter of Section 22, Township 37 North, Range 3 East, Penn Township St. Joseph County, Indian and being more particularly described as follows:

Parcel 1: Commencing at the northeast corner of said Northeast Quarter, thence South 00°00'00" West along the east line of said quarter, a distance of 759.00 feet; thence South 89°58'40" West, a distance of 330.00 feet to the point of beginning; thence continuing South 89°58'40" West, a distance of 165.65 feet; thence North 00°00'00" West, a distance of 263.87 feet; thence North 89°58'40" East, a distance of 165.65 feet; thence South 00°00'00" East, a distance of 263.87 feet to the point of beginning. Containing 1.00 acre.

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COMMON ADDRESSES: Property South of 1141 and 1241 East Twelfth Street

Subject to all legal highways, easements and restrictions of record. NOTICE IS HEREBY GIVEN that a regular meeting of the Mishawaka Common Council will be held on **September 08, 2020** at 7:00 pm in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Public hearing will be conducted on the proposed ordinance at which time any interested person may appear, be represented by agent or present in writing any reasons they may have for the granting or denying of a proposed ordinance. You are requested to prepare your case, in detail, and present all evidence relating to this proposed ordinance at the time of scheduled hearing.

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

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

Raven S. Boston, Chief Deputy Michael Hixenbaugh, Deputy
City Hall, 600 East Third Street Mishawaka, IN 46544-2241 (574) 258-1616 FAX (574) 258-1728
E-mail: dblock@Mishawaka.in.gov Website: Mishawaka.in.gov