

AGENDA

October 05, 2020

**CONSISTENT WITH TERMS OF GOVERNOR HOLCOMB'S
EXECUTIVE ORDER 20-43 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: 173 405 5840

Meeting password: DWs5hN7cHg2

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:1734055840.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 September 21, 2020

5. Petitions, Communications, Remonstrance and Memorials

PETITION NO. 2020-07 PUD Amendment to allow an Elevated Water
Storage System Tank not to exceed 150' in Height

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2020-35 Elected Officials Salary Ordinance for 2021

P.O. NO. 2020-36 Transfer Funds
Public Safety LOIT Fund \$235,010.00

8. Resolutions

R2020-20 Use Variance to allow microblading inside existing
Rootz Salon - 3602 Grape Road, Suite 11

9. Ordinances on Second Reading

P.O. No. 2020-30 Rezone from C-1 General Commercial District to C-4
Auto Oriented Commercial for an Auto sales - 4211 N.
Grape Road
(Assigned to Land Use Planning Committee)

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.
(Assigned to Land Use Planning Committee)

P.O. No. 2020-32 Annexation and Rezoning for a Proposed Multi-Family
Townhome Development - 15165, 15195 & 15201 Cleveland
PUBLIC HEARING-NO VOTE

P.O. NO. 2020-33 Civil City Budget and Tax Levy for 2021
PUBLIC HEARING-NO VOTE

P.O. NO. 2020-34 City Employees Salary Ordinance for 2021
(Assigned to Budget and Finance Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

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 21, 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 21, 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 September 8, 2020 were approved as received from the Clerk's Office.

Clerk Block read the following letters from the Board of Zoning Appeals and City Plan Commission regarding their recommendations from their September 8th and September 9th meetings.

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.

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.

PETITION #20-20 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.

Clerk Block read the following proposed ordinances by title and assigned committee,

PROPOSED ORDINANCE NO. 2020-30

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

Rezone from C-1 General Commercial District to C-4 Auto Oriented Commercial for an Auto sales – 4211 N. Grape Road

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2020-31

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.

Deer Run PUD Amendment to Permit I-1 Light Industrial Uses – Vacant Property at SW corner of Deer Run Drive (South Leg) & Fir Road

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2020-32

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

Annexation and Rezoning for a Proposed Multi-Family Townhome Development – 15165, 15195 & 15201 Cleveland Road

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2020-33

Civil City Budget and Tax Levy for 2021

(Assigned to Budget and Finance Committee)

PROPOSED ORDINANCE NO. 2020-34

AN ORDINANCE AMMENDING THE SALARIES OF ALL EMPLOYEES AT THE CITY OF MISHAWAKA EXCEPT THE MISHAWAKA PARKS DEPARTMENT, ELECTED OFFICIALS, AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 21, 2021

**City Employees Salary Ordinance for 20201
(Assigned to Budget and Finance Committee)**

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

RESOLUTION NO. 2020-19

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA INDTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTY LOCATED AT: SOUTH & EAST OF 1141 & 1241 E. TWELFTH ST.
Fiscal Plan for Annexing adjacent property to be included in subdivision – South & East of 1141 & 1241 E. Twelfth St.**

Ken Prince, City Planner, spoke in favor of **RESOLUTION NO. 2020-19**. Mr. Prince began thanking Christa Hill for preparing the fiscal plan reviewed by the council. Mr. Prince stated the property is located south of the adorned facility on Twelfth Street with two parcels; one on the Southwest corner and the Southeast corner. He said the total amount of acres is 3.46 acres. Mr. Prince explained state law requires a minimum of 12.5% adjacency to the city to consider annexation, with parcel 1 having a contiguity 61% and parcel 2 having 50% adjacency. He stated all city departments have reviewed the request and have identified no additional funds or projects are necessary for the annexation. Mr. Prince concluded stating this is essentially an enlarging of the adorned site for future expansion.

Terry Lang, Lang Feeny & Associates Inc., represented the petition before the council. Mr. Lang stated there were two parcels that were never included as part of the city during the process of preparing to expand the site and it came to light before the building could continue. Mr. Lang concluded stating they will merge the two parcels and a large expansion will be made to connect the two buildings together.

Question was called for at 7:10PM for **RESOLUTION NO. 2020-19**  **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.

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, SUITE 11
Use Variance to allow micro blading inside existing Rootz Salon – 3602 Grape Road, Suite
11**

President Hixenbaugh entertained a motion to postpone the hearing for **RESOLUTION NO. 2020-20** to the next regular council meeting after the petitioner failed to attend, so moved by Mr. Compton and seconded by Mr. Mammolenti the motion passed.

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

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. VOTE ONLY**

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. Banicki asked if the area had other islands or properties in the county and surrounded by the city. Mr. Prince stated there were quite a few. He continued to say what happens when the city grows over time, the annexation law is set up with individuals having to agree and voluntarily annex your property in order for it to come in. Mr. Prince explained in this case, there are a number of properties surrounded by the larger city and this is one of those islands. Mr. Banicki asked if they had to annex the property and if the city could clean it up. Mr. Prince stated per policy, they have not investigated and have not verified annexation law in recent years. Mr. Prince also stated there used to be a provision that if there is an island surrounding a property that you have the ability to annex it without the consent of the property owners only after bringing it up to current city standards.

Mr. Hazen asked if the petitioner would ask to be annexed, do they still have to be brought up to code. Mr. Prince stated no, because the petitioner would have the opportunity to negotiate on what that standard would be with the city. Mr. Prince stated the petitioner would likely point to the other subdivisions in Mishawaka to further negotiate for or against an annexation.

Question was called for at 7:20PM for **PROPOSED ORDINANCE NO. 2020-28**  **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.**

NEW BUSINESS

Mr. Mammolenti wished Clerk Block a happy birthday.

ADJOURNMENT 7:21PM

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

BUILDING - COMMUNITY DEVELOPMENT - PLANNING

April 13, 2020

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

RE: Petition for PUD Amendment

The undersigned, City of Mishawaka Municipal Water Utility, 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:

See attached.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for the existing well field and future redevelopment uses that include commercial, multi-family residential, assisted living and nursing homes. Permitted uses are further restricted with conditions and development regulations as specified in Ordinance 5509. The property is currently vacant.

Petitioner(s) desire said real estate to be amended to allow for an elevated water storage tank not to exceed 150' in height.

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



Kenneth B. Prince, ASLA, AICP
City Planner

Contact Person:

Derek J. Spier, AICP
Senior Planner & Economic Development Specialist
City of Mishawaka
600 E. Third Street
Mishawaka, IN 46544
dspier@mishawaka.in.gov

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

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

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

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

E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

EXHIBIT "A"

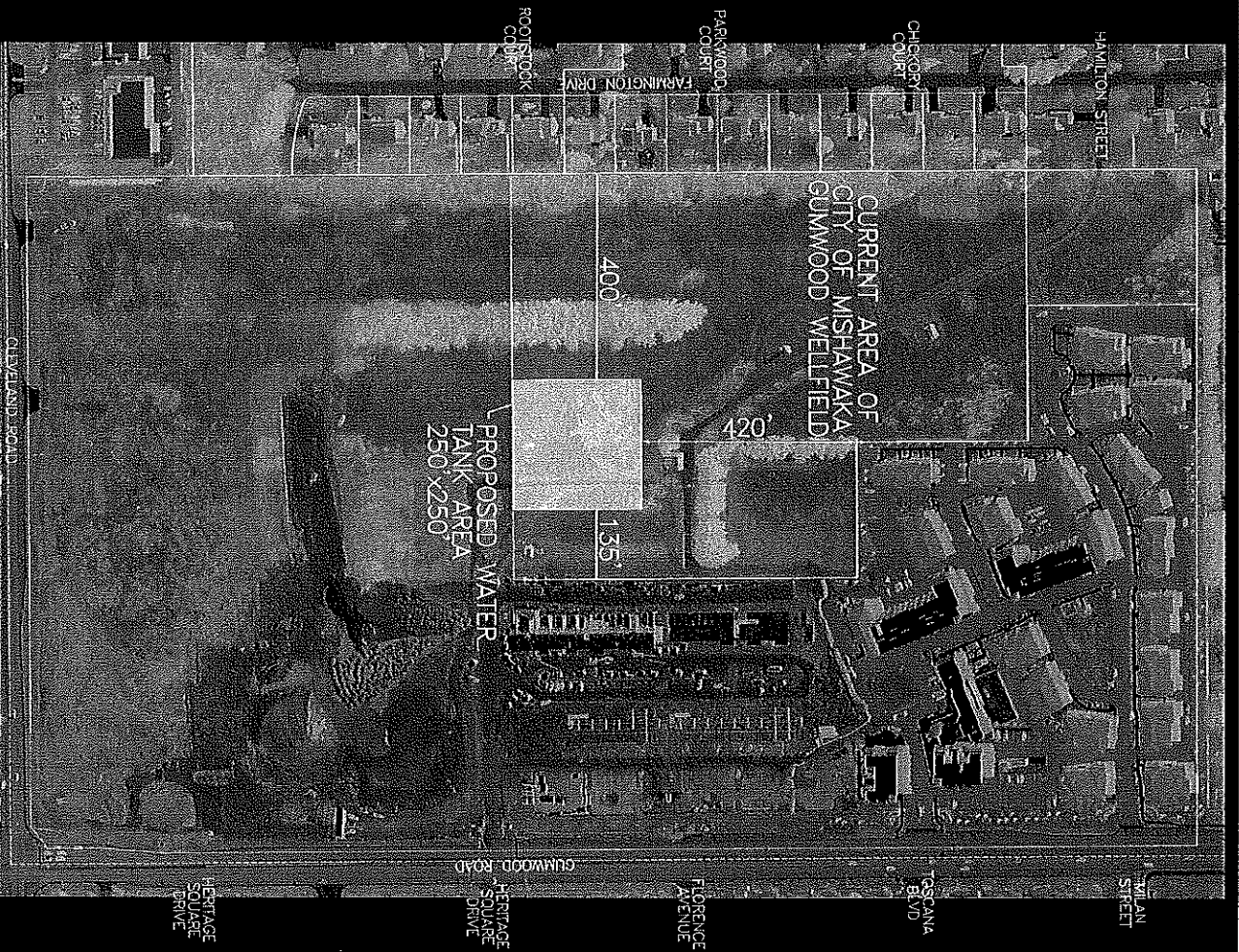
Tower Site

Sheet 1 of 1

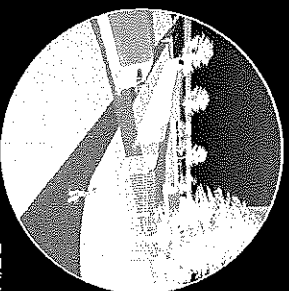
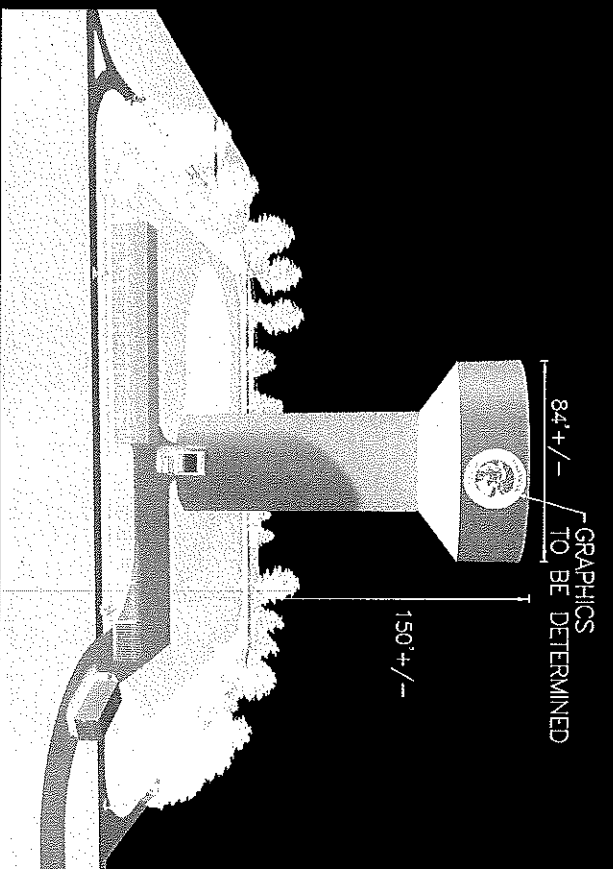
Part of the East half of the Southeast Quarter of Section 21, Township 38 North, Range 2 East of the Second Principal Meridian, in St. Joseph County, Indiana, also being parts of Lots 3 and 4 of the unrecorded Bauer and Geissler's Plat, more particularly described as follows:

Commencing at the Southeast corner of said Section 21, thence South $89^{\circ}27'41''$ West (this and all subsequent bearings based on the Indiana Coordinate System of 1983, East zone), 1324.19 feet along the south line of said Southeast Quarter to the West line of the East half of said Southeast Quarter; thence North $00^{\circ}30'31''$ West, 982.88 feet along said West line; thence North $89^{\circ}27'41''$ East, 397.56 feet to the Point of Beginning,

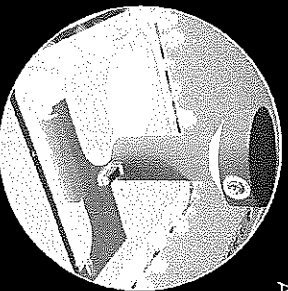
thence North $00^{\circ}28'12''$ West, 250.00 feet; thence North $89^{\circ}27'41''$ East, 250.00 feet; thence South $00^{\circ}28'12''$ East, 250.00 feet; thence South $89^{\circ}27'41''$ West, 250.00 feet to the Point of Beginning, containing 1.435 acres, more or less.



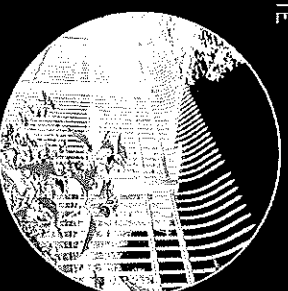
CONTEXT MAP
NOT TO SCALE



DRIVE APPROACH
AND GATE



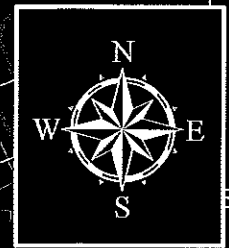
CONCRETE
WALKING PATH



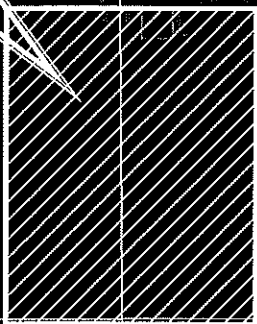
DECORATIVE
STEEL FENCE

MISHAWAKA
INDIANA
UNIVERSITY PARK ELEVATED
WATER STORAGE TANK

PUD AMENDMENT EXHIBIT



PET 20-07



ASPECT DR

GRANDVIEW DR

S-2

S-2

Location Map

PET 20-07

CITY OF MISHAWAKA
CITY NORTH WELLFIELD

PUD AMENDMENT TO ALLOW
AN ELEVATED WATER
STORAGE TANK
NOT TO EXCEED
150' IN HEIGHT

W CLEVELAND RD

S-1

S-2

S-2

SEP 30 2020

PROPOSED ORDINANCE NO. 2020- 35

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL 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 the following elected officials of the City of Mishawaka, Indiana, for the fiscal year beginning January 1, 2021 shall be payable in 26 equal biweekly pay periods beginning January 8, 2021 in the following amounts:

	Biweekly salary
Mayor	\$ 3,169.40
Clerk	2,249.61
Council member	469.22

Section 2. Clerk Certifications

IN ACCREDITED MUNICIPAL CLERK (IAMC)	38.47
CERTIFIED MUNICIPAL CLERK (CMC)	48.08
MASTER MUNICIPAL CLERK (MMC)	67.31
CERTIFIED PUBLIC FINANCE ADMINISTRATOR (CPFA)	38.47

The MMC pay substitutes and replaces the CMC pay. Pursuant to the IIMC rules, the MMC replaces the CMC and that later designation is dropped.

Section 3. Any prior ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after its publication, passage, signing and due attestation.

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

This _____ day of October, 2020, at _____ o'clock, __. m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor, this _____ day of October 2020, at
_____ o'clock, __. m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of October, 2020, at _____ o'clock, __. m.

David A. Wood, Mayor

SEP 30 2020

PROPOSED ORDINANCE NO. 2020-36

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2020

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

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the Public Safety LOIT for the budget adopted for the fiscal year ending December 31, 2020.

Section 2. There is hereby transferred and reappropriated the sum of \$235,010.00 as follows:

Public Safety LOIT Fund

From: Capital Outlays

211-50-445-08	Police Equipment for cars	\$ 78,810.00
211-50-445-09	Police Cars	<u>\$156,200.00</u>
		\$235,010.00

To: Debt Service

211-50-438-01	Principal	\$ 95,687.00
211-50-438-02	Interest	\$ 4,323.00
<u>Repairs and Maintenance</u>		
211-50-436-90	Service Contracts	<u>\$135,000.00</u>
		\$235,010.00

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

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

_____ day of _____, 2020 at _____ o'clock, _____. M.

Gregg Hixenbaugh, 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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurtis D. Vardaman, Deputy Controller

Date: September 30, 2020
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: **Transfer of Funds – Public Safety LIT**

For first reading on October 5th I am requesting a transfer of funds from account lines budgeted to purchase police cars and their equipment to account lines to lease fully equipped police cars and service contracts.

For the 2020 budget it turned out we needed to purchase quite a few cars and the Indiana Bond Bank had a favorable lease rate of 1.8%. I expect we will continue to lease police cars as long as the rates are favorable, and we are purging our fleet of high maintenance vehicles.

The service contract transfer is mostly due to Motorola bringing to our attention a large group of unpaid invoices from previous years that were past due.

Please contact me with any questions.

c: David A. Wood – Mayor
Ken Witkowski – Police Chief

SEP 11 2020

APPEAL #20-43

RESOLUTION NO. 2020- 20CITY CLERK
MISHAWAKA, IN

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

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 $90^{\circ}17'05''$ 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 $\frac{1}{4}$ 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 $90^{\circ}00'00''$ West, parallel with the North line of Section 4, a distance of 55.15 feet to the center line of Grape Road; thence South $00^{\circ}24'37''$ East along said centerline, a distance of 200.00 feet; thence North $90^{\circ}00'00''$ East, a distance of 40.00 feet to a point on the East right-of-way line of said Grape Road; thence South $00^{\circ}24'37''$ East, along said East right-of-way line a distance of 250.33 feet; ; thence North $90^{\circ}00'00''$ East, a distance of 74.00 feet to the place of beginning for this description; thence continuing North $90^{\circ}00'00''$ East a distance of 117.00 feet; thence South $00^{\circ}00'00''$ East, a distance of 103.00 feet; thence South $90^{\circ}00'00''$ West, a distance of 117.00 feet; thence North $00^{\circ}00'00''$ East a distance of 103.00 feet to the place of beginning.

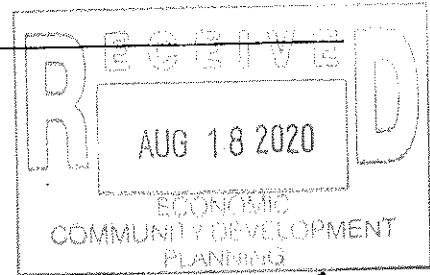
APPEAL #20-43
3602 Grape Road, #11



RECEIVED
DEBORAH S. BLOCK, MMC

AUG 27 2020

CITY CLERK
MISHAWAKA, IN



DATE: August 10, 2020
TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

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.

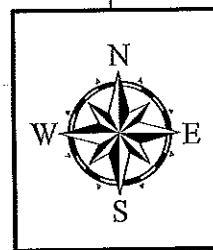
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.

V. Peacock
Print Name Here

Susan J. Peacock
Print Name Here

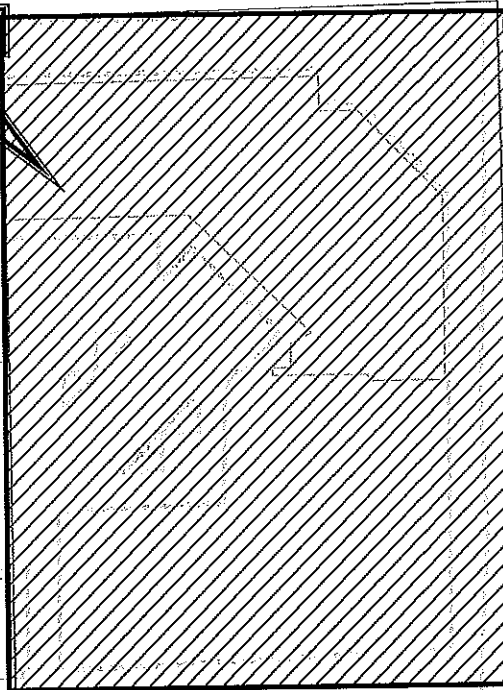
CONTACT PERSON:

Name: Vittoria Giannetto
Address: 51633 Trailwood Court, Granger IN 46530
Day Phone Number: 574-850-7926
Fax Number:
Email: v.giannetto@gmail.com



AP 20-43

GRAPE RD



Location Map

AP 20-43

OWNERS:
JV and SUE PEACOCK

3602 GRAPE RD
SUITE 11

USE VARIANCE
TO ALLOW MICROBLADING
INSIDE EXISTING ROOTZ SALON

W CATALPA DR

PETITION 20-18

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2020-30

ORDINANCE NO. _____

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 11 2020

CITY CLERK
MISHAWAKA, IN

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

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

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

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

The following described real estate in the City of Mishawaka, 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;

Proposed Ordinance No: _____

Ordinance No: _____

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

CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

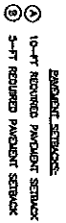
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SUBJECT TO ALL LEGAL PROVISIONS, ESSENTIALS, AND RESTRICTIONS OF RECORD.

1. APOBCE OF PETITION SITE _____ 1925 AGENTS

2. DOMESTIC MARKET OR FOREIGN SITE: "C-1" GENERAL COMMERCIAL.
3. PROPOSED ZONE OF FOREIGN SITE: "C-1" AUTOMOBILE-ORIENTED COMMERCIAL.
4. PROPOSED LAND CHARGE (FOREIGN SITE): SQUARE FEET: 7,500
 A. PROPOSED PRODUCT: 7,500
 B. OPEN SPACE: 0
 TOTAL: 7,500
5. SURFACE, IMPROVEMENTS AND ROADS: WILL BE REQUIRED TO MEET THE LATEST CITY OF HASTENNA STANDARDS.
6. ALL UNDERGROUND SHALL CONFORM TO THE CITY OF HASTENNA COMMERCIAL STANDARDS. ALL UTILITIES SHALL BE DEEPER THAN THE CITY OF HASTENNA STANDARDS. ALL PAVING SPACES ARE TO BE 180 S.F.

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



REVISIONS					
DATE	BY	DESCRIPTION	APPROVED BY	CHECKED BY	DATE
8/19/70					
SOC					
$V = 20^\circ$					
POLYMER					
200187					

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



RECEIVED
DEBORAH S. BLOCK, MMC

AUG 27 2020

CITY CLERK
MISHAWAKA, IN

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

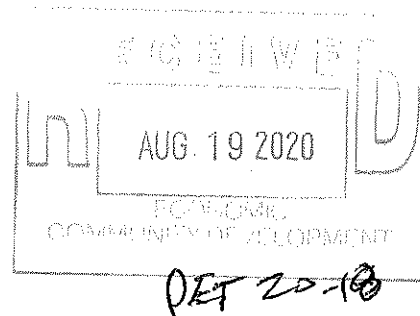
* Also Licensed in IL

* Also Licensed in MI

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

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

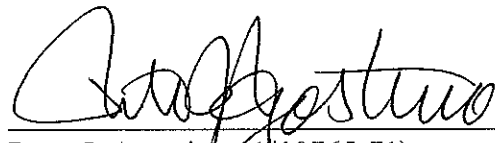
A non-exclusive easement for ingress and egress for the benefit of Parcel I as set forth in a warranty deed by and between Mishawaka Development Company, an Indiana Limited Partnership, and Steven Ross recorded August 14, 1978 as instrument number 7818982 in the Office of the Recorder of St.

Anderson • Agostino & Keller, P.C.

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)*

SURVEYED LEGAL DESCRIPTIONS

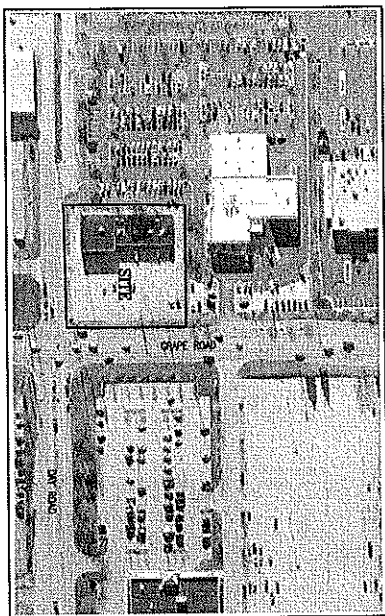
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TABLE 1. A1720 DATA

- | | | |
|----|--|--------------------------------------|
| 1. | ABSENCE OF PETITION SITE..... | 1,922 ACRES |
| 2. | BROWN ZONING OF PETITION SITE..... | "C-1" GENERAL COMMERCIAL |
| 3. | PURPOSED ZONING OF PETITION SITE..... | "C-4" AUTOMOBILE-ORIENTED COMMERCIAL |
| 4. | PROPOSED AND EXISTING (PETITION SITE) SALVAGE STOCKPILE
AND REMOVAL..... | 7,860 TONS OF SOIL |
| 5. | OVER SPACE..... | 2,772 S.F. |
| | TOTAL..... | 44,555 |
| 6. | SUBJECT RAINFALL AND DRAINAGE WILL BE REQUIRED TO KEEP THE
LATEST CITY OF MISSISSAUGA STANDARDS. | 100.00 |
| 7. | ALL LANDSCAPING SHALL CONFORM TO THE CITY OF MISSISSAUGA COMMERCIAL
LANDSCAPE ORDINANCE UNLESS OTHERWISE APPROVED BY INSURANCE. | |
| 8. | ALL PARKING SPACES ARE TO BE 100 S.F. | |

REZONING REQUEST

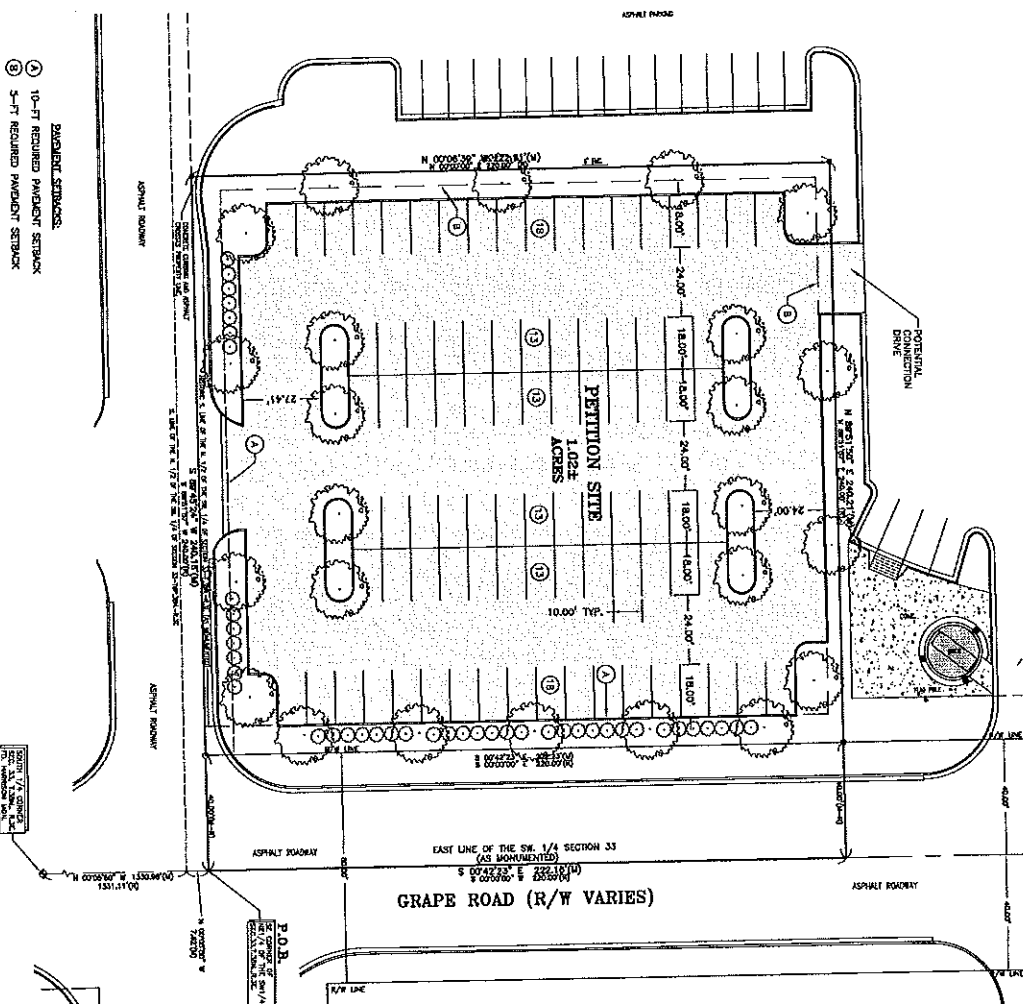
TO REZONE FROM "C-1" GENERAL, COMMERCIAL TO "C-4" AUTOMOBILE-ORIENTED COMMERCIAL TO ALLOW FOR VEHICULAR SALES DISPLAY.



ASTRAL PHOTOGRAPHY & LOCATION, MAY

PRELIMINARY SITE PLAN

PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST,



PAVED WITH SETBACKS

- ① 10-FT REQUIRED PAVEMENT SETBACK
- ⑧ 5-FT REQUIRED PAVEMENT SETBACK

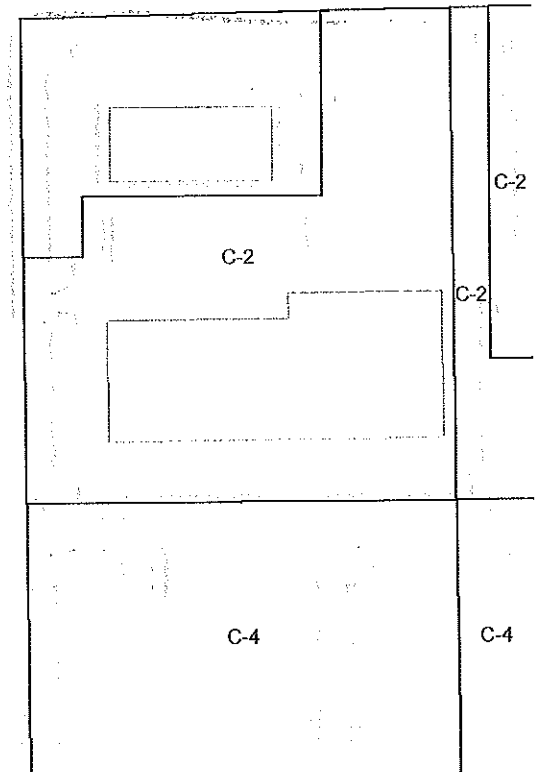
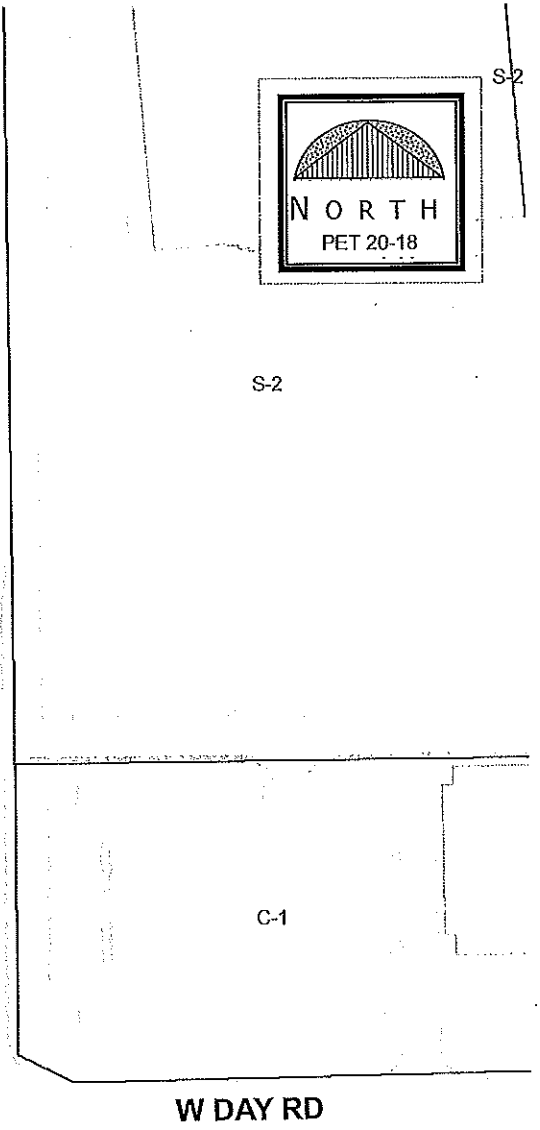
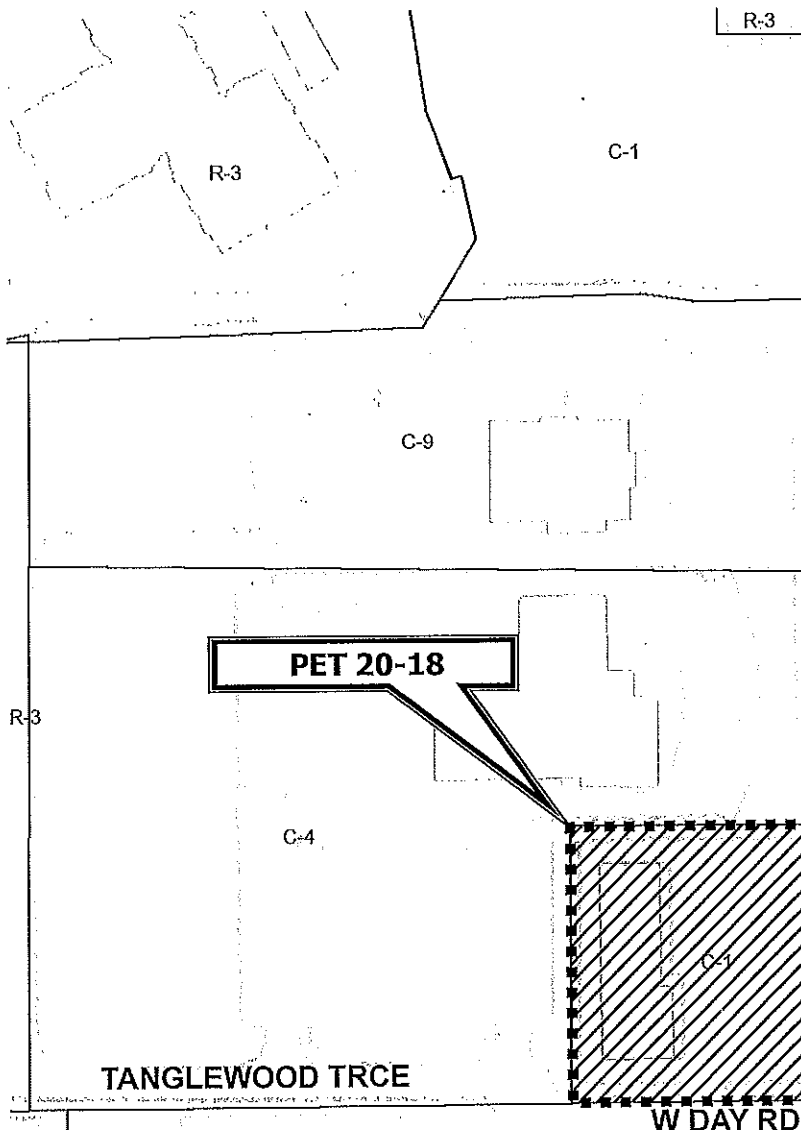
**SURVEYORS & ENGINEERS:
DANCH, HARNER & ASSOCIATES**

INC.
1843 COMMERCE DRIVE
SOUTH BEND, IN 46628
(574) 234-4003
ATTN: MICHAEL DAUCH

DATE		DRAWN BY	
8/19/20		GCS	
SCALE		CHECKED BY	
1" = 30'		GCS	
FILE #		PROJECT NUMBER	
200187		GCS	

DH4 **Dench, Harner & Associates, Inc.**
 Land Surveyors • Professional Engineers
 Landscape Architects • Land Planners

OP#BX (74)324-4053 / (800)444-4053 • Fax (870)34-2119
1403 Duncanson Dr. • 3rd Fl. Rm. 4 • 48428



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

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 11 2020

CITY CLERK
MISHAWAKA, IN

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.

Proposed Ordinance No: 20-31

Ordinance No: _____

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.

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. 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:

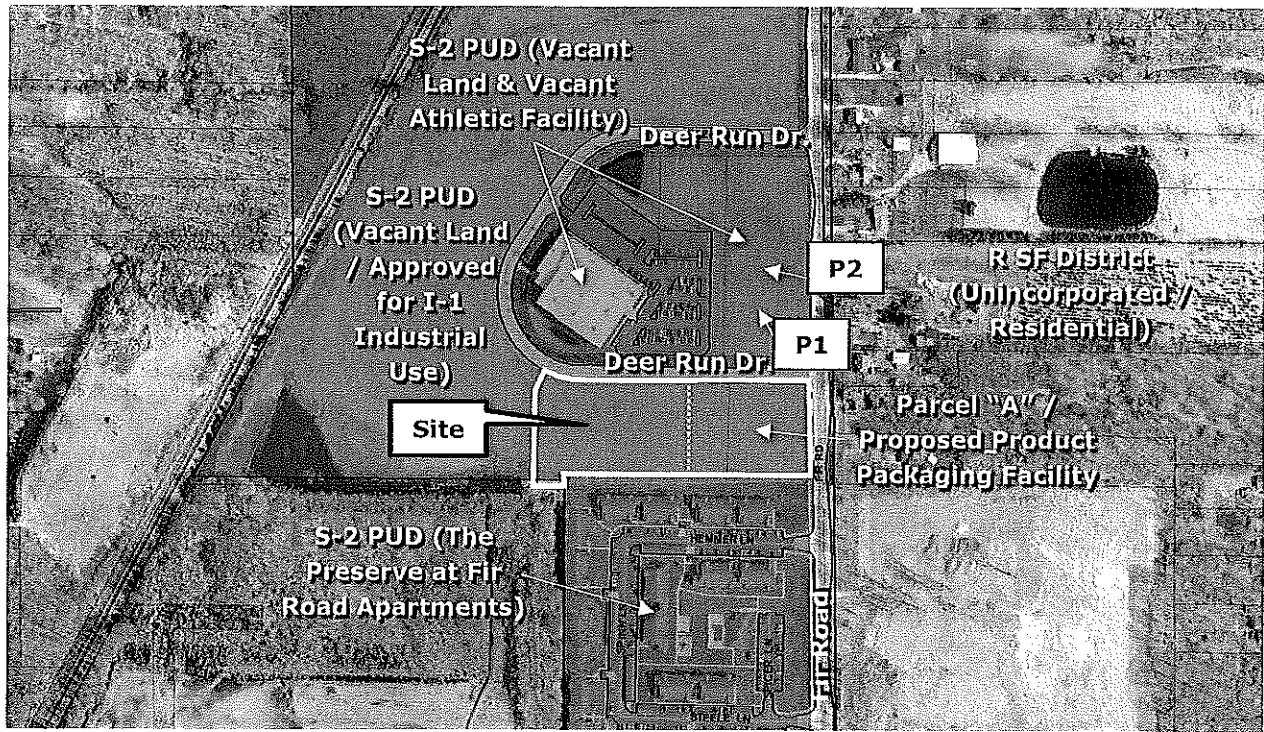
1. Permitted uses shall be amended to include all I-1 Light Industrial Uses.
2. Overstory or understory trees shall be provided along Fir Road at a rate compliant with the C-1 General Commercial District.
3. Parking lot screening per the C-1 General Commercial District shall be provided along the east 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:

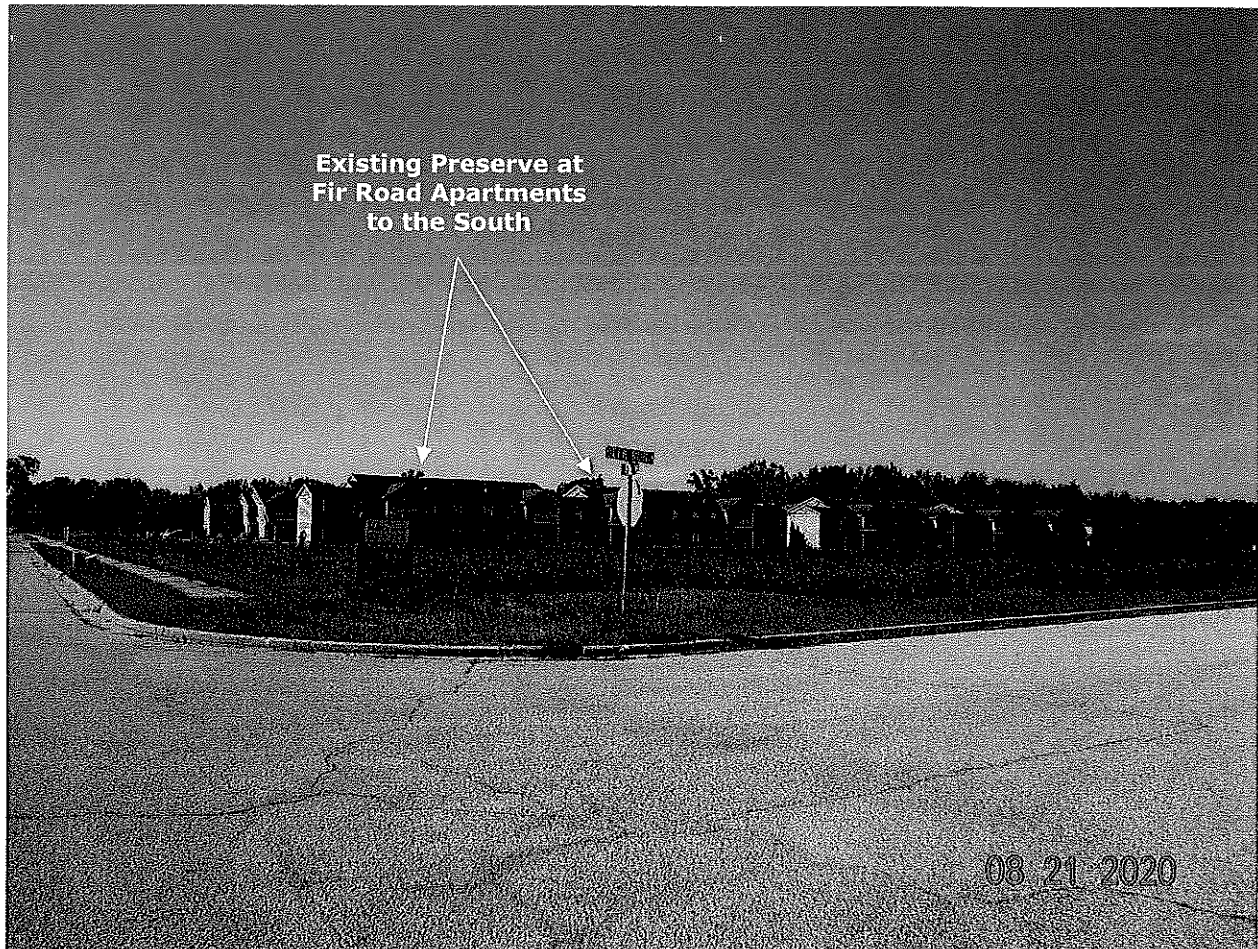
1. Existing Conditions- The amendment will not alter or negatively impact the existing conditions of the surrounding area. Commercial and industrial uses are currently permitted both within the portion of the PUD being amended and within vacant property in the PUD to the west.
2. Character of Buildings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

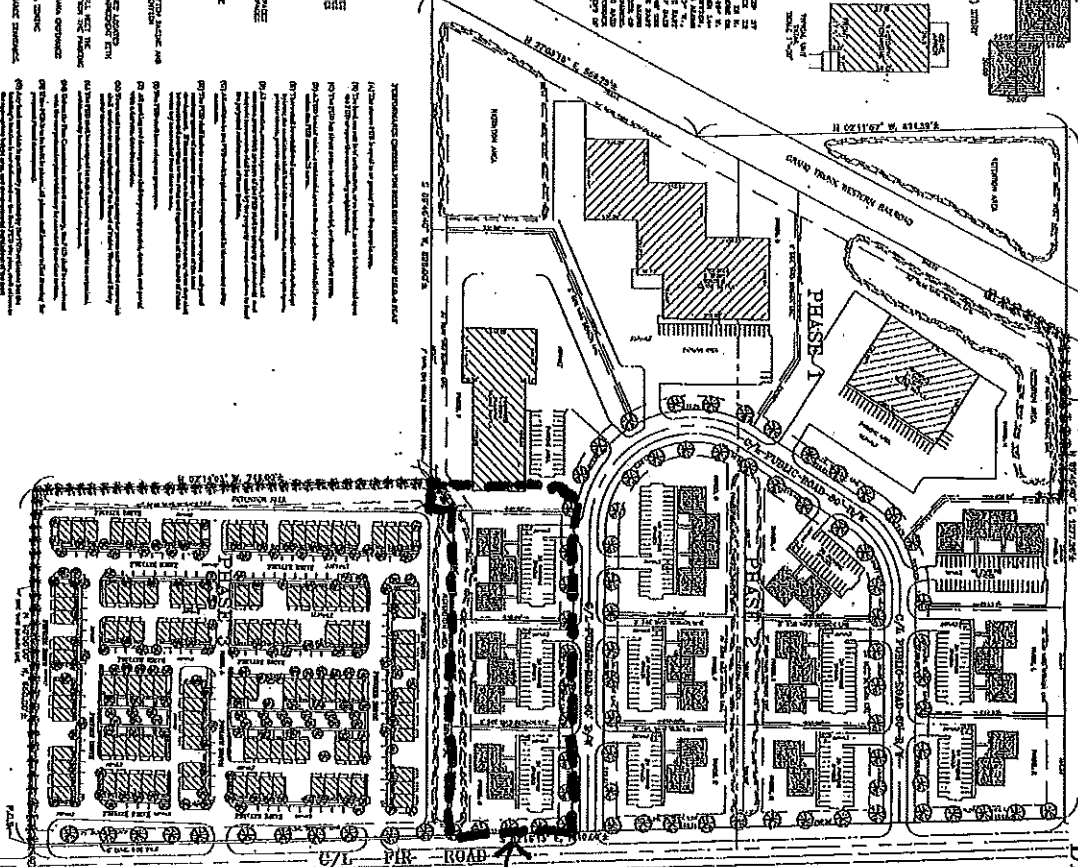
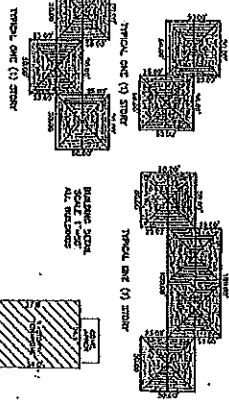


Aerial Photograph
 Deer Run Planned Unit Development
 Lots 2, 3 and 4 in Deer Run Subdivision, Section One
 West of Fir Road between McKinley Avenue and Day Road



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

(PET 03-42)



PART OF PUD
BEING AMENDED

[illegible]

RECEIVED
OCT 16 2003
Mishawaka, IN
Planning Department

DHA **Dunck, Harner & Associates, Inc.**
Land Surveyors • Professional Engineers
Landscaping Architects • Land Planners
214-359-0444 and 359-1100 • 1-800-368-0772
12111 Wilshire Blvd., Suite 111 • Los Angeles, CA 90025

REVISIONS

DATE	BY	REVISION
02/11/2005		
02/11/2005		
02/11/2005		

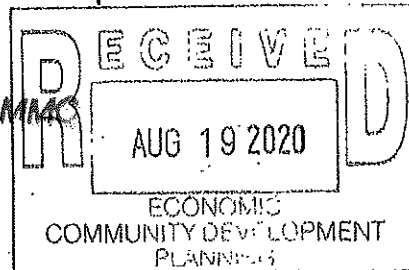
August 19, 2020

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



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

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.

S-2

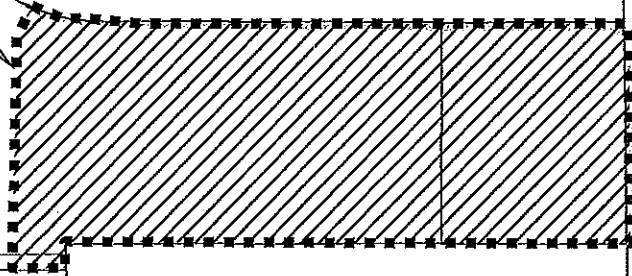
FIR RD



DEER RUN DR

PET 20-19

S-2



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

HEMMER LN

SPINN LN

SPICER LN

STEELE LN

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.

Proposed Ordinance No. 20-32

Ordinance No. _____

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 is 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

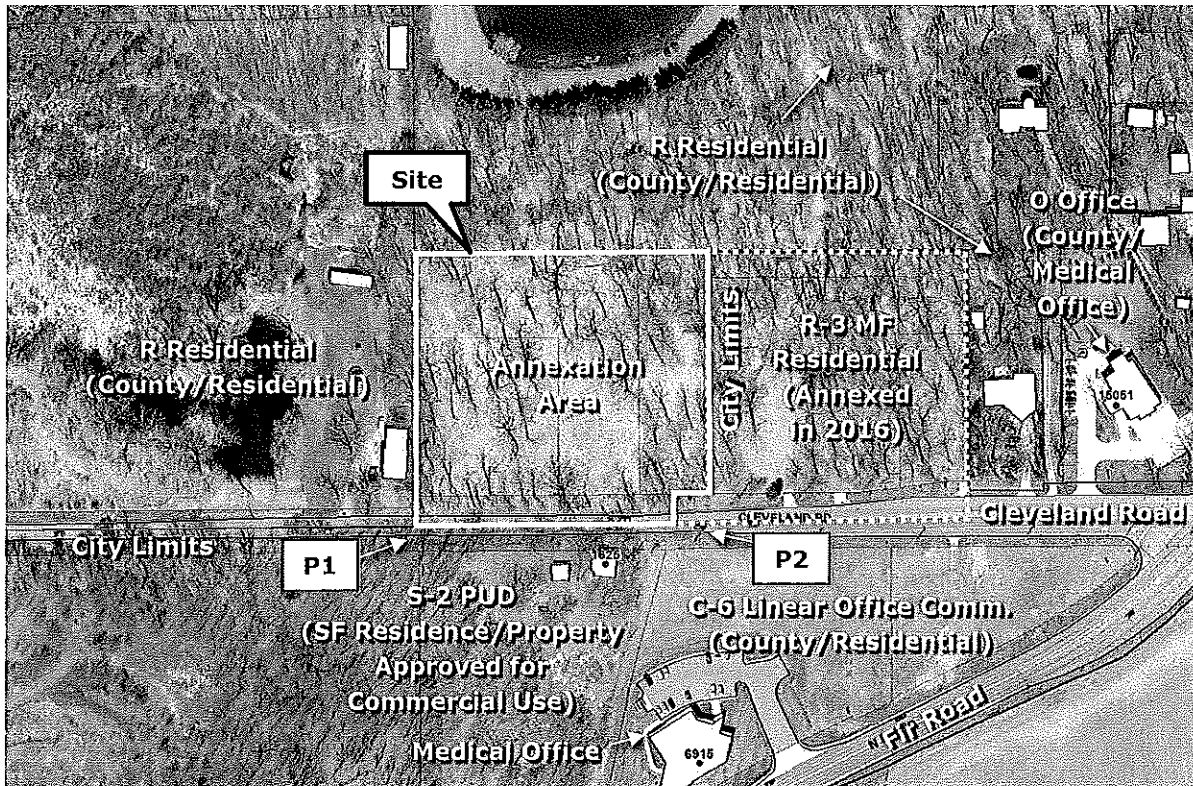
Staff recommends in **favor** of Petition 20-20 to annex, establish zoning, and approve a preliminary site plan for property located on the north side of Cleveland Road west of Fir Road to allow for the construction of a proposed 73 unit multi-family residential townhome development.

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



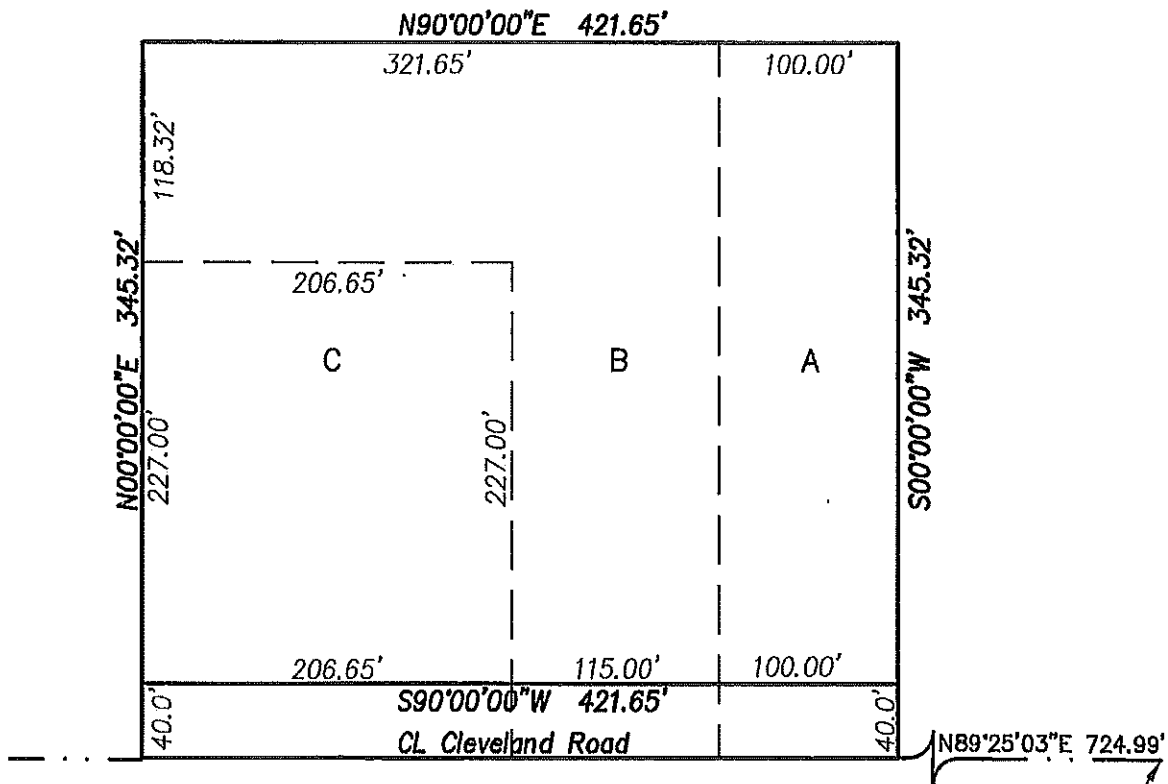
P1. Looking northeasterly from Cleveland Road toward the property to be annexed.



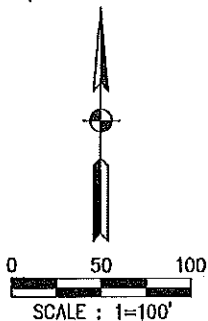
P2. Looking westerly from Cleveland Road toward the site.

EXHIBIT DRAWING

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



SE COR SEC. 22
T38N R3E



ABONMARCHE

315 W. Jefferson Blvd.
South Bend, IN 46601
T 574.232.8700
F 574.251.4440
abonmarche.com

Benton Harbor
Ellettsville
Goshen
Hobart
Lafayette
Engineering • Architecture • Land Surveying

Portage
South Bend
South Haven
Valparaiso

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

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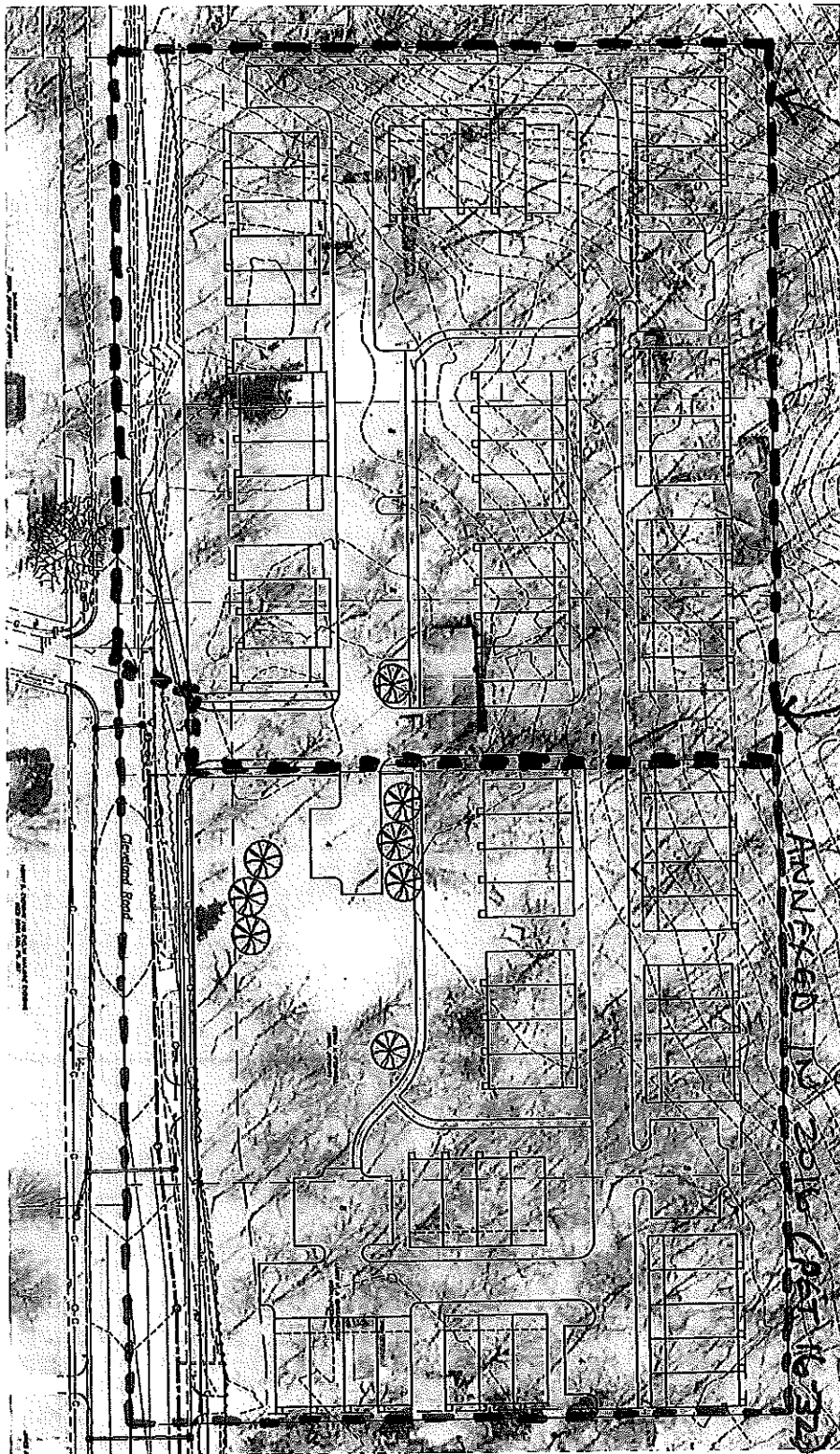
SCALE: 1" = 100'

JOB #: PMT JOB

SHEET 1 OF 5

AREA ANNEXED WITH THIS PETITION

ANNEXED IN 2016 (PET 16-32)



73 Units
48 Visitor Spaces

RECEIVED
AUG 19 2020

ECORP INC
COMMUNITY DEVELOPMENT
PLANNING

CONCEPTUAL LAYOUT

CLEVELAND TOWNHOMES
CLEVELAND ROAD
GRANGER, INDIANA

ABONMARCHE

300 N. 1st Street
Suite 200
Indianapolis, IN 46204
317.444.4444
www.abonmarche.com

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Engineering • Architecture • Land Surveying

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:

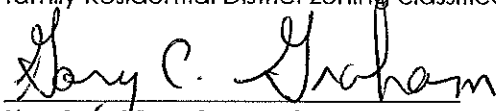
Lots A, B, & C of Wally Boochers Replat of Lots 1, 2, & 3 of Richard C Boocher Cleveland Road Subdivision, including the adjacent 40' south to the centerline of Cleveland Road.

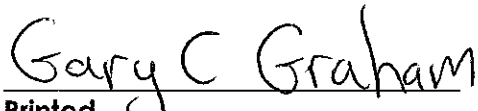
Petitioners own one-hundred (100%) percent of the above-described parcel of land which is located in the State of Indiana and that petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a R-3 Multi-family Residential District. Petitioners further state they intend to utilize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

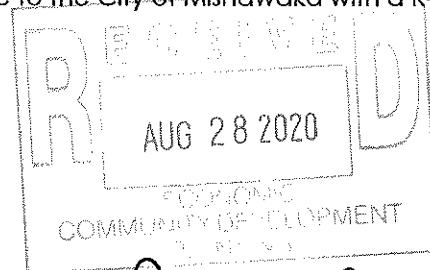

Lionshead Development, LLC


Printed

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DEBORAH S. BLOCK, MMC

AUG 27 2020

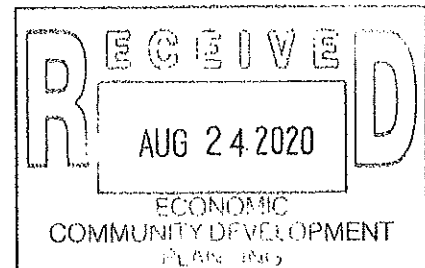
CITY CLERK
MISHAWAKA, IN



**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.



GRANDE VISTA DR



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 CREDIT	\$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
1 st DEPUTY CITY ATTORNEY	\$ 2,474.72
2 nd 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
1 st 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
1 st CLASS OFFICER	\$ 2,366.22
2 nd CLASS OFFICER	\$ 2,114.45
PROBATION	\$ 1,922.54
2 ND SHIFT DIFFERENTIAL	13.46
3 RD 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
2 ND 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.

<u>Years of Service</u>	<u>Annual Increments</u>	<u>Bonus</u>
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