

AGENDA

October 17, 2022

**MEETING WILL BE HELD AT
THE New City Hall
Located at 100 Lincolnway WEST**

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
Meeting Number (access code): 2336 364 4854
Meeting password: q4A8b23gT7p

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: 23363644854@mishawaka.webex.com

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of October 03, 2022

5. Petitions, Communications, Remonstrance and Memorial

A Letter from the City Plan Commission regarding their recommendation from their October 11, 2022 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2022-37	Rezone from C-1 to S-2 Planned Unit Development to all mixed use Commercial and Residential Development- NE Corner of N. Main St. & E. University Dr.
P.O No. 2022-38	PUD Amendment for a restaurant with Drive- Thru Reduced Parking and Fiber Cement Board- 5540 N. Main St.

8. Resolutions

R2022-29	Confirming Resolution for Real Property Tax Abatement for vacant land bound by W. Front, North Hill, W. First, and N. Spring Streets
R2022-30	Confirming Resolution for Real Property Tax Abatement for 1811 N. Home St. - Helios Hydraulics Americas LLC
R2022-31	Confirming Resolution for Personal Property Tax Abatement for 1811 N. Home St. - Helios Hydraulics Americas LLC

9. Ordinances on Second Reading

P.O. No. 2022-32AA	Civil City Budget and Tax Levy for 2023 (Assigned to Budget and Finance Committee)
P.O. NO. 2022-34	Elected Officials Salary Ordinance for 2023 (Assigned to Budget and Finance Committee)
P.O. NO. 2022-35	Civil City Employee salary Ordinance for 2023 (Assigned to Budget and Finance Committee)
P.O. NO. 2022-36	Public Safety Salary Ordinance for 2023 (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 via live stream:

An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook page, <https://www.facebook.com/cityofmishawaka/> and on the Michiana Access TV Facebook page, <https://www.facebook.com/MichianaAccessTV>

Council Packet Link:

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.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

October 3, 2022

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the New Mishawaka City Hall and via telephone on Monday, October 3, 2022 at 7:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance, followed by a moment of silence in remembrance of Mike Faulkner, who was a friend to many and beloved in the city of Mishawaka. Mr. Faulkner was a lifelong resident who served as Parks Superintendent for many years and then went on to a distinguished career with School City of Mishawaka as an Assistant Athletic Director and Director of Operations. Mr. Hixenbaugh offered condolences on behalf of the council to Mike and his family.

Clerk Block called the roll.

Roll Call.

Present: Mrs. DeMaegd (P), Mr. Banicki (P), Mr. Hazen (E), Mr. Mammolenti (P), Mr. Emmons (P), Mr. Bellovich (P), Mr. Compton (A), Mrs. Voelker (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Others Present: Clerk Block, Mike Trippel

Members attending virtually do so by WebEx. Public that attend can participate by WebEx or observe meetings by YouTube or Facebook live. The Council meetings are also streamed live on Michiana Access on Comcast/AT&T U-verse Channel 99.

Mr. Hixenbaugh stated for the record their colleague Tony Hazen was participating in the meeting remotely. Mr. Hixenbaugh stated unfortunately, given one of the idiosyncrasies of state law with regard to remote participation on the part of governmental officials because that evening's agenda had an item on it that fell into the category of the establishment of a fee after consulting with their council attorney, Mr. Hazen would be participating remotely but would not be able to participate as a voting member of the meeting from that point forward. Mr. Hixenbaugh stated he had a conversation with Tony before the meeting about it and appreciated his understanding as they would work through it that evening.

Minutes for the Regular Meeting of September 19, 2022 were approved as received from the Clerk's Office.

Clerk Block read the following petition by title.

Petition No. 2022-18

PUD Amendment for a restaurant with Drive- Thru Reduced Parking and Fiber Cement Board- 5540 N. Main St.

A public hearing on Vacation 2022-02 required by State Statute on behalf of Thomas McLaughlin, Cory Smith & Erin Corcoran, the first east/west alley, north of Wilson Blvd. between Lot 44 and (Combined lot) 45, 46, and 47 in Battell's 2nd addition.

Brian McLaughlin, 515 Clay Street, spoke in favor of the Proposed Vacation. Mr. McLaughlin stated they were just vacating the alley between theirs and their neighbor's house. Mr. McLaughlin stated by getting it vacated, that would keep the city from having to repave in that alleyway and the other adjacent alley.

Mrs. Voelker stated she got the chance to talk to Mr. McLaughlin one day when she was wandering by one day and they took a look at the alley and he showed her the problems he was having and she appreciated him taking the time to do that. Mrs. Voelker stated she would be voting in favor of it.

The public hearing was closed on the matter and pursuant to state law, they would vote on the related ordinance later in the evening under ordinances in the second reading.

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

PROPOSED ORDINANCE NO. 2022-34

AN ORDINANCE FIXING SALARIES OF CERTAIN ELECTED OFFICIALS IN THE CITY OF MISHAWAKA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023

**Elected Officials Salary Ordinance for 2023
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2022-35

AN ORDINANCE FIXING SALARIES OF ALL SWORN EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT FOR PUBLIC SAFETY, MISHAWAKA PARKS DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2023

**Civil City Employee Salary Ordinance for 2023
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2022-36

AN ORDINANCE FIXING THE SALARIES OF ALL SWORN PUBLIC SAFETY OFFICERS FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2023

**Public Safety Salary Ordinance for 2023
(Assigned to Budget & Finance Committee)**

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

RESOLUTION R2022-24

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA INTRODUCING AN ORDINANCE FOR ANNEXATION AND ADOPTION
OF A WRITTEN FISCAL PLAN FOR PROPERTY LOCATED AT 14325 CLEVELAND
ROAD GRANGER, INDIANA INCLUDING 4 TAXED PARCELS AND THE
ADJACENT CLEVELAND ROAD AND CAPITAL AVENUE PUBLIC RIGHT-OF-WAY
Fiscal Plan for Annexation 14325 Cleveland Road**

Ken Prince, Director of Planning, spoke in favor of **RESOLUTION R2022-24**. Mr. Prince stated the first thing he needed to clarify, with a lot of people there that evening to talk about the potential annexation of the property on Cleveland Road, that the purpose of a fiscal plan was to identify the city's cost associated with the annexation and not whether or not the annexation should be approved. Mr. Prince stated as the council knew, it was part of each annexation request they routed and solicited input from each applicable department that was required to provide service for the property should it be annexed and in this case, it was routed to Engineering for the evaluation of sanitary sewer, transportation and drainage issues, Mishawaka Electric for electric service, Mishawaka Fire for fire and ENMF services, the Parks and Recreation Department for park services, the Police Department for police services, Street and Central Services for road repairs, Maintenance for waste disposal and they contracted that service out but they solicited a response for the services as well. Mr. Prince stated their Wastewater Treatment Department for wastewater treatment through Mishawaka Utilities and From the Mishawaka Utilities Water Division for Water Service. Mr. Prince stated each applicable department with the exception of Mishawaka Electric who noted that American Electric Power had not been willing to compromise or lose any of their properties due to the annexation, so when they changed the state law a number of years ago, their boundaries were essentially locked for electric service. Mr. Prince stated outside of that, each department had identified that they could provide service within the confines of their existing city budget and to put that into perspective, the proposed property was 60 acres and this was about half of 1% of the 18 square miles that existed in the city. Mr. Prince stated you could see the actual impact of the annexation of those 60 acres was relatively diminutive. Mr. Prince stated with that, a key principle of any development proposed annexation was that the infrastructure required was installed with the cost of the development. Mr. Prince stated the real cost that would be millions of dollars for the property was the extension of sewer, water and road improvements associated with the development and those were specifically going to be borne by the developer. Mr. Prince stated as identified in the Draft Commission Conditions of Approval of the Planned Unit Development, the developer was required to perform a traffic study. Mr. Prince stated that dictated the type and scope of the improvements that would occur concurrently with the proposed development. Mr. Prince stated as he would anticipate on this project, there would be turn lanes with not only a center turn lane but a designated right turn lanes. Mr. Prince stated if a traffic warranted, they would bear that cost as well as part of the development. Mr. Prince stated in terms of the annexation specifics,

the property was 27.1% contiguous to the city and this was an excess of 12.5% minimum required by Indiana Code. Mr. Prince stated there was a little over 2100 linear feet of property adjacent to the city along its northern border which was adjacent to the Indiana Toll Road, which was annexed as part of the Beacon Parkway property annexations. Mr. Prince stated for reference, the closest point other than the adjacent boundary was the south border or south of Cleveland Road was the north part of the Penn Family Farm, which was about 1300 feet south of Cleveland Road. Mr. Prince stated this would also likely be the route the developer would take to extend sewer and water to the property and it was the closest point. Mr. Prince stated he was happy to answer any questions.

Mr. Hixenbaugh reiterated that they were only talking about the fiscal plan, so he asked that comments about the annexation itself be held until they got to that appropriate point agenda. Mr. Hixenbaugh stated they were happy to hear from them but if they could, stick to the topic then they would move into the broader discussion later.

Question was called for at 7:17PM for **RESOLUTION R2022-24 Motion carried by unanimous roll call vote (summary: Yes = 7).**

Yes: Mrs. DeMaegd, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 7-0.

RESOLUTION R2022-25

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA DECLARING CERTAIN AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA COMMONLY KNOWN AS VACANT LAND BOUND BY WEST FRONT STREET, NORTH HILL STREET, WEST FIRST STREET AND NORTH SPRING STREET TO BE AN ECONOMIC REVITALIZATION AREA AND ECONOMIC DEVELOPMENT TARGET AREA FOR PURPOSES OF A REAL PROPERTY TAX ABATEMENT FOR FRONT STREET, LLC AND OR ITS ASSIGNS.

Declaratory Resolution for Tax Abatement for Front Street, LLC. And/or ITS Assigns – W. Front, N. Hill, W. First and N. Spring Streets

Derek Spier, City Planner, spoke in favor of **RESOLUTION R2022-25**. Mr. Spier stated before them that evening was a petition for a tax abatement that was submitted by Front Street LLC and this was a block that was immediately adjacent to City Hall right to the northwest. Mr. Spier stated the proposal consisted of a mixed-use building and it was a four-story, 79,000 square foot building with a first floor, restaurant, along with commercial and residential units. Mr. Spier stated the upper floors were going to be exclusively residential and the bottom floor would include 4600 square feet of commercial space for three tenants, 106 to 109 apartment units in the entire building and there would be a rooftop deck and a 110 parking space surface parking lot. Mr. Spier stated construction was anticipated to begin in November with a 15-month construction schedule. Mr. Spier stated the completion of the project was expected in spring of 2024 and construction costs were estimated to be approximately \$25 million. Mr. Spier stated

when the developer brought the project before the Redevelopment Commission in April, there was not an intent to file an abatement however, since that time, there had been inflationary pressures and increased cost of financing. Mr. Spier stated it had changed the project so it led to the filing of the abatement and the developer did proposed initially a much larger abatement. Mr. Spier stated they prepared a 10-year abatement at 100 percent but what they encouraged was that they file what had historically been approved for residential property tax abatements in which they had two in the downtown area and one that was recently from the Mishawaka Inn that was done and all three of those were 5-year abatements. Mr. Spier stated the purpose of the abatement was not to further incentivize the project but to help mitigate the increased cost of the financing to allow it to move forward and the project was located within a TIF district. Mr. Spier stated the last Monday, the Redevelopment Commission considered it and forwarded it to the council with a favorable recommendation and this was just the first of a two-step process, so this was the declaratory resolution and it just established the TIF area. Mr. Spier stated if it was considered and approved that evening, a more detailed financial analysis would be brought before the council in two weeks when the confirming was out and would answer any questions they had.

Mr. Hixenbaugh thanked him for the information he always put together on the proposals and made a reference to a statement he made about the staff report regarding the change in market conditions and the cost of development that had occurred since this was originally considered. Mr. Hixenbaugh stated he loved this idea, thought it was a great location and would be an added benefit to Mishawaka, but asked how did the market forces that the developer was now subject to impact development in a site where originally they were not going to ask for a tax abatement and now they were. Mr. Spier stated Pat Matthews was present that evening and he could speak on the specifics on that but that was one of the conversations they had with staff as far as change in the market from April. Mr. Hixenbaugh stated he appreciated that and supposed there was no need to labor the point that evening but as the process proceeded, he was inclined to support it but would like to have a little more conversation with regard to how it was. Mr. Hixenbaugh stated they made a big investment in the River Center and they had incentivized other development and now, things were really starting to cook down there. Mr. Hixenbaugh stated anecdotally, people asked from time to time what they needed to provide the same incentives now that they provided in the past since people were already building and there was already that positive momentum. Mr. Hixenbaugh stated perhaps at the next stage of the process as they advanced, if he or the developer could talk a little bit more about why was it that they still needed to incentivize and to support development in an area that appeared to the common man to be taken off and going strong. Mr. Hixenbaugh stated he thought there was an argument or an explanation to be made but he'd rather have Mr. Spier and the developer make it than for him to make it.

Mr. Mammolenti stated he shared the same thoughts and concerns as Mr. Hixenbaugh and prior to his comments, Mr. Spier made a statement that really stuck his interest and he was going to ask him to repeat it. Mr. Mammolenti stated it was something along the lines of this was to

incentivize the project and it was to continue to allow it to move forward in the process. Mr. Spier reiterated that statement back to Mr. Mammolenti.

Pat Matthews, representative of Front Street LLC and the development project, spoke in favor of **RESOLUTION R2022-25**. Mr. Matthews first congratulated the council everyone for the beautiful new city hall. Mr. Matthews stated they were developing the Front Street building to be named later and the property development would be about 108 units and almost 80,000 square feet. Mr. Matthews stated it was a unique project and they had a very strong, overweight and studio apartments. Mr. Matthews stated the project was originally slated for 2020 and back in 2019, it was their original intent to provide market rate development without any financial assistance or ready grants and they were ready to go. Mr. Matthews stated their initial pre-covid estimate not including land, soft cost or financing was about \$10 million back in 2019 and they'd already vested significant expense in design. Mr. Matthews stated then the city asked them to move the building by 35 feet to the east in order to accommodate the planned North Hill expansion and widen the street and they were excited about this and wanted to be a good neighbor and partner and went back. Mr. Matthews stated they wanted to accommodate this request. But then covid hit. Mr. Matthews stated since 2019, they had experienced significant cost escalation both in terms of labor and materials but also in the significant increase of cost of financing. Mr. Matthews stated their most recent construction estimate had increased more than 48% since the 2019 budget. Mr. Matthews stated they performed a market study in 2019 and recently had that study updated and the market study that was updated in June stated that the demand for market rate apartments was likely to exceed supply over the next five years in St. Joseph County. Mr. Matthews stated they believe Mishawaka wanted the new market rate units to be built in the downtown area of Mishawaka. Mr. Matthews stated it was often which came first, commercial or housing and it was always housing. Mr. Matthews stated they respectfully requested that the Mishawaka Redevelopment Commission which they had already been with and the council grant them a request for a 5-year property tax abatement and he was happy to answer any questions.

Mrs. Voelker asked if he could give her the data behind the 48% increase from the market study. Mr. Matthews stated that was their vertical construction costs, so that would be from the foundation up to the roof. Mrs. Voelker asked for clarification if that did not include financing. Mr. Matthews stated that was correct and it was just an estimate or their bid from their general contractor.

Mr. Bellovich asked if that cost included labor as well. Mr. Matthews stated that would be construction labor and not necessarily operating labor. Mr. Matthews stated once the project was complete, they would have operations going on.

Mr. Hixenbaugh thanked him for the information he shared and stated what he would take from what he shared with them that evening was that even with the positive development that had taken place in close proximity to the site, there were still some challenges to developing their project down there and asked if that was accurate. Mr. Matthews stated that was 100% accurate and they were still experience challenges in supply chain issues and delays which were costly

and they were experiencing issues in cost escalation and what he referred to as bricks and sticks and materials, cost of vendors, painters, drywallers, electricians, etc. and cost escalation in financing. Mr. Hixenbaugh asked wouldn't that be true for wherever they were building and if there was anything unique to the site that was being considered and if there were any particular challenges to the site itself. Before Mr. Matthews answered, Mr. Hixenbaugh made it clear that he loved the concept and thought it would be a great addition to the community and was excited it was going to be a part of downtown Mishawaka. Mr. Matthews stated generally when he was building, the vertical cost they were talking about were the same whether you would be in their current space or two blocks down the street. Mr. Matthews stated there were certainly issues with respect to that individual lot and they still had several hurdles to go through with planning of the North Hill Street Expansion and they had some water issues and they did not realize that the elevation of the water table was as high as it was. Mr. Matthews stated they also had some risk with respect to site mitigation and they did some test digs and still uncovered debris that remained from the demolition 20 years ago. Mr. Hixenbaugh stated just so he understood, there was still some challenges presented by the parcel that would not be present in other places if they had chosen to build and asked if that was accurate. Mr. Matthews stated that was accurate and also wanted to make a comment with respect to the layperson. Mr. Matthews stated people who were not familiar with development and look out there and see how beautiful it was and see what a great job Mishawaka had done, did not realize the amount of effort and work that went into these projects both on behalf of the city and the developer. Mr. Matthews stated they had been working on this project for years. Mr. Hixenbaugh stated they appreciated it and it was why he asked those kind of questions, since he did not do his work and liked to further his understanding of it. Mr. Matthews stated they were not really comparing apples to apples and when the units were built or the existing development was done, it was a different world than it was today.

Mr. Banicki stated looking through five of the top vendors that he talked about having, it looked like a couple of them were construction groups out of the state and asked if they would have local people working on this or would there be general contractors hiring local people and how it would work. Mr. Matthews stated that was correct and they would have general contractors hiring local vendors. Mr. Banicki asked if there was no one closer than Wisconsin or Michigan capable of doing this and was it a bid process. Mr. Matthews stated it was a bid process and they bid DJ that had done work down there in the area and majority.

Mr. Mammolenti asked if this was still currently city owned property and they did not own that lot yet. Mr. Matthews stated that was correct and they had not closed on the parcel.

Mr. Hixenbaugh thanked Mr. Matthews for his patience with them and appreciated the information. Mr. Matthews thanked the council for consideration.

Mayor Wood welcomed the council to the new city hall building and spoke in favor of **RESOLUTION R2022-25**. Mayor Wood stated this, as Mr. Spier said, was not precedent setting downtown and in fact they had done this very abatement for a somewhat similar kind of development residential mixed use on the north side of the river at Mishawaka Avenue. Mayor

Wood stated while it was rare that they did a residential abatement and even rarer that he would speak in favor of one, he told them that downtown was a different kind of issue. Mayor Wood stated as Mr. Matthews mentioned, this was a former industrial site turned industrial wasteland turned somewhat clean site, but you were still encountering things that were buried in the past. Mayor Wood stated Mr. Matthews also mentioned they were at least partially responsible for the delay because they were going to do an infrastructure street improvement on Hill Street in front, so that caused a little bit of a redesign and a little bit of a time delay as well. Mayor Wood when looking around the north side of the city in particular, you look at Grandview where there might be similar kinds of character projects up there with mixed use, residential, restaurant and maybe others in that area. Mayor Wood stated the abatements were done in Greenfield where they could maybe assist with some infrastructure along the road, but it was much easier and much more cost effective to build in areas like that where there were no such obstruction that they were going to and have encountered there. Mayor Wood stated downtown, they had not seen a new residential development happen without incentives. Mayor Wood stated The Mill did not have direct incentive from the city but it likely would not be there without regional cities injecting about \$5 million into that as well as some other city infrastructure that went into that. Mayor Wood stated in The Mill phase two, they received several million dollars in industrial tax credits because of the very site that it would occupy was a former industrial site. Mayor Wood stated the stated had a program that also incentivized redevelopment of old industrial properties into new uses and so the developer in that case was successful in getting some of those funds from the state but he just wanted to share with them that they did not support these things often but when they did it was for very good reason. Mayor Wood stated also this was phased in new taxes and was not the city just opening up the checkbook and writing a big check to the developer and this was going to be privately owned with the city selling the property. Mayor Wood stated he was certain it would succeed.

Mr. Mammolenti thanked everyone who presented and gave their thoughts. Mr. Mammolenti stated just because this was a declaratory resolution, he would be voting in favor of it and he would have to do some research and have some conversations with some folks if he was going to be in favor of the confirming resolution. Mr. Mammolenti stated he knew they had done them in the past as the Mayor mentioned, but he personally thought this area was already booming and he did not think that there really was an incentive to come down there and Mr. Spier said himself it was not to incentivize but to allow the project to move forward and that was where his struggle lied. Mr. Mammolenti stated it would be going against what he had approved and voted for in the past for tax abatements but he would vote in favor of the resolution that evening even with being very unsure of how he would move forward in this process and wanted to make that known.

Mrs. Voelker stated the property had not produced any taxes at that time and had not produced any property taxes for 40 years, so she thought it was about time the city of Mishawaka got revenue from the property that they had been taking care of for 40 years. Mrs. Voelker stated secondly, she just wanted to comment that Mr. Matthews said that in the next 5 years, there was going to be a shortage for this type of housing in their area and they were building a community in the downtown area that she believed would support that housing and thirdly, she wanted to

express her appreciation for the risk they were taking and not everyone would be willing to take a risk such as this one. Mrs. Voelker stated she would be supporting this.

Mr. Hixenbaugh thanked everyone for the information they shared including Mr. Matthews and he could understand both perspectives of Mrs. Voelker and Mr. Mammolenti and would also vote to advance this process. Mr. Hixenbaugh stated he felt like the Mayor's comments were very helpful as well in terms of tying this back to the site itself and the industrial nature of the site and he looked forward as they moved into the next stage of the hearing perhaps hearing more about the challenges. Mr. Hixenbaugh stated Mr. Matthews, Mr. Spier and Mayor Wood did a good job, but really talking about the challenges that were unique and a reality to the sight was what would be important to him. Mr. Hixenbaugh stated he thought this was the type of project they wanted to invite into Mishawaka and this would round out their downtown and some further conversation about why it was that tax abatement was a benefit that needed to be part of the package should be discussed. Mr. Hixenbaugh thought they were close but some further conversation as they moved forward would be helpful. Mr. Hixenbaugh stated he would be voting in favor of this and looked forward to ongoing dialogue.

Question was called for at 7:40PM for **RESOLUTION R2022-25 Motion carried by unanimous roll call vote (summary: Yes = 7).**

Yes: Mrs. DeMaegd, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 7-0.

RESOLUTION R2022-26

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA AN ECONOMIC REVITALIZATION ARE HELIOS HYDRAULICS, AMERICAS, LLC 1811 NORTH HOME STREET

Declaratory Resolution for a Tax Abatement for Helios Hydraulics Americas, LLC – 1811 N. Home Street

Derek Spier, City Planner, spoke in favor of **RESOLUTION R2022-26**. Mr. Spier stated this resolution pertained to two petitions for a tax abatement that had been submitted by Helios Hydraulic Americas, LLC and they recently purchased Daman Products. Mr. Spier stated they manufactured hydraulic manifolds and they were located at 1811 North Home Street and they had been at that facility since 1977. Mr. Spier stated with the acquisition, they were proposing to expand the facility including a significant building addition and installation of new equipment to expand their current product lines and create new product lines. Mr. Spier stated the total investment in both real estate and manufacturing equipment was \$16.3 million. Mr. Spier stated the real property improvements were estimated at \$4.8 million and the building expansion would include an approximate 53,000 square foot addition to the west side of the building. Mr. Spier stated the personal property abatement was for \$11.5 million of primarily new manufacturing equipment and a very limited amount of IT equipment. Mr. Spier stated construction on the

building addition and equipment installation was supposed to begin that year and completion of the entire project was anticipated during the second quarter of 2026. Mr. Spier stated Helios Hydraulics currently employed 139 employees and with the abatement, they anticipated on adding an additional 73 jobs as a result of the expansion. Mr. Spier stated per the anticipated capital investment employment growth, the staff was recommending a five-year abatement for both the real and personal property. Mr. Spier stated for the real property abatement, they recommended the standard phase in and that was the 20% decline every year of the five-year abatement, so it would be 180, 160 and so forth over the life of the abatement. Mr. Spier stated for the equipment, they were recommending a little bit higher instead of the standard 20% decline and they were recommending a 10% decline just to do the levels of investment because of the \$11.5 million and that was a little bit larger of an investment than they'd seen in some of the manufacturing they considered and approved. Mr. Spier stated this was also specifically just for the declaratory resolution so if approved that evening, they would put together a more detailed financial analysis on the tax impacts that this would have to the property and to the city. Mr. Spier stated he would answer any questions they had.

Mr. Bellovich asked if he could mention the number of jobs once again. Mr. Spier stated they had 139 total and they said they were estimating an additional 73 jobs.

Mr. Hixenbaugh thanked him again for the information and stated it was always very helpful.

Lori Sweitzer, Helios Americas, spoke in favor of **RESOLUTION R2022-26**. Mrs. Sweitzer stated she had a representative from Daman Products and another representative from Helios with her as well. Mrs. Sweitzer stated they were looking at expanding their hydraulics product line and were looking at a couple different states and would like to do business in Indiana. Mrs. Sweitzer stated like Derek mentioned, it was a \$60 million expansion and they intended on investing in their business and their motto was in the region for the region and so so they would like to expand on that. Mrs. Sweitzer stated they would be using a local contractor to do the expansion and they used local suppliers and anticipated that it would significantly increase their volume to those local suppliers and create at least 73 more jobs. Mrs. Sweitzer stated they only did a five-year forecast but they thought it would go up over that time period.

Mrs. Voelker stated the thing that stood out to her was she indicated that Indiana was a possible location for the business they were discussing and asked what other states they were looking at. Mrs. Sweitzer stated they were looking at Florida and Ohio as their two other states and their hydraulics business was in Florida at that time. Mrs. Voelker asked if this abatement did not go through, would that mean the expansion would take place in Florida or Ohio instead. Mrs. Sweitzer stated she thought that at that point, they would have to contemplate further within the organization whether or not they would expand in Indiana.

Mr. Emmons asked what the amount of money they were planning to invest was. Mrs. Sweitzer stated it would be \$16 million with \$11.5 million in equipment and \$4.8 in building expansion.

Mr. Emmons asked what the square footage of their building was. Mrs. Sweitzer stated it was 75,000.

Chris Cole, Helios Technologies, spoke in favor of **RESOLUTION R2022-26**. Mr. Cole stated the earlier question was about other states and currently, Sun Hydraulics was the largest company they owned and it was in Sarasota where the headquarters for Helios was. Mr. Cole stated there was additional property there and prior to them finding Daman and negotiating that purchase, they already engaged with a builder to potentially build a facility there, but they held off on that and they wanted to build in Indiana, because this was where a lot of their customers were located. Mr. Cole stated they really believed in when they brought a company into their organization that they were part of their family and they wanted to invest locally where the company was. Mr. Cole stated they had already started the process of working with the local builder there to estimate costs and they were ready to go. Mr. Cole stated it was important that they looked at the tax abatement because it was a big part of their decision but if they were to vote against it, it did not mean they were going to go away. Mr. Cole stated they did not know when the answer to that would be.

Mrs. Voelker asked when he said they wouldn't go away, what that meant. Mr. Cole stated they were invested in Daman completely and it was about the level of expansion they would do.

Mr. Hixenbaugh stated he appreciated his candor and quite frankly, that did not change his opinion and would rather have him be upfront about that than try to indicate that they would pack up shop and that spoke highly of him and the organization that they were not going to hold employees hostage upon the tax appeal. Mr. Hixenbaugh thanked him for that.

Mr. Bellovich thanked them for coming that evening and he wanted to say that they had a very good labor climate in Mishawka and they never shut down. Mr. Cole stated the employment aspect was something that made them really excited about Indiana.

Dave Mischler, Outgoing President of Daman Products, spoke in favor of **RESOLUTION R2022-26**. Mr. Mischler stated he just wanted to let the council know that the reason they picked Helios was because of growth and what they would do not just for new employees but the opportunities for existing employees as well. Mr. Mischler stated they had strategic and definite plans in place on what they would do if they decided to move forward with them and they were clearly the number one candidate relative to employment both for their current people and the community. Mr. Mischler stated they typically hired unskilled labor for manufacturing and they had a robust training program and they put them through that to become really excellent machinists, so that had been their model since 1977 and they would continue down that path. Mr. Mischler stated they were head and shoulders above the other suitors.

Mr. Hixenbaugh stated Daman had been before the council in the past and asked to receive a tax abatement and it was referenced in the staff report and he thought Mr. Spier mentioned it but they surpassed what they told the council they would do in terms of the number of people they

hired and the payroll that he brought online to Mishawaka. Mr. Hixenbaugh stated Daman was a success story and it looked like they found a good partner for the next step evolutionarily wise in the business so they appreciated what they had done to be good corporate citizens in Mishawaka.

Mrs. Voelker stated she happened to have a conversation with one of Daman Product now Helios employees and he was very excited about the future and she wanted to share that.

Question was called for at 7:54PM for **RESOLUTION R2022-26 Motion carried by unanimous roll call vote (summary: Yes = 7).**

Yes: Mrs. DeMaegd, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 7-0.

RESOLUTION R2022-27

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA AUTHORIZING THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION TO SELL MUNICIPALLY OWNED PROPERTY IN ACCORDANCE WITH THE CITY OF MISHAWAKA MUNICIPAL CODE CHAPTER 2 ARTICLE 5 DIVISION 3 SECTION 2-492 & 493

Authorizing the Sell of City Owned Property (Current Police Station)

Ken Prince, Director of Planning and Community Development, spoke in favor of **RESOLUTION R2022-27**. Mr. Prince stated the property was the soon to be former Mishawaka Police Station on 200 North Church Street. Mr. Prince stated in preparation for opening the new building, last winter they went in with an offering sheet and he needed to describe the process through the Redevelopment Commission. Mr. Prince stated normally, when you were a private entity and had a piece of property or land, you would hire a realtor and sell it to the highest bidder unless there were extending circumstances involved. Mr. Prince stated state law afforded the Redevelopment Commission additional latitude to prepare an offering sheet of what they saw wanted to see on the property as far as part of the potential sale. Mr. Prince stated as part of the potential sale consistent with their River Center master plan, they identified they wanted a mixed-use facility on that property and they identified that they wanted shared parking as part of their use of that facility because it was downtown. Mr. Prince stated they solicited proposals for the appraised value of \$1.7 million and received one offer of \$500,000. Mr. Prince stated the \$500,000 also then, in terms of the offering sheet identified what they were going to be putting into the building for the remodel and that was \$2 million. Mr. Prince stated the proposed user, Cressy Commercial for their corporate offices as well as for an unnamed restaurant wine bar, high-end that would go into that building. Mr. Prince stated Mr. Chris Fielding said he was going to attend that evening and Mr. Fielding could present the specifics of the proposal, but from the city perspective, city staff and administration perspective, they were very happy with the offer that they had because it fit into their master plan. Mr. Prince stated as they could imagine, they would not want to offer the police station for a remodel that wouldn't be consistent with their plan and because of that one offer they were recommending the sale of the property at the

\$500,000 offer. Mr. Prince stated they had a development agreement that had been approved from the Redevelopment Commission with Cressy Commercial that was distribution and tonight was only asking for their authorization of the sale. Mr. Prince stated if the authorization was not granted, they would go back to the drawing board and look for another offer on the property but the intent would be to go out with a similar offering sheet at that time.

Mr. Hixenbaugh stated in the past when they had transactions come before the, there had been some that had been related to a purchase price much less than half a million dollars and he had always done a good job of explaining to them and the public why many times that was in the city's long-term best interest to structure a transaction that way. Mr. Hixenbaugh stated he agreed with that, but he was also pleased that this transaction had the half a million dollar price component and this again was another bit of good news for downtown Mishawaka and an exciting addition to what they could offer. Mr. Hixenbaugh stated he appreciated the fact that not every transaction was a dollar transaction and that they looked at things on a case by case basis and make decisions in the best interest of the community. Mr. Prince thanked him for that and noted the highest that they had sold any property down there previously was \$20,000.

Chris Fielding, 318 E 3rd Street, spoke in favor of **RESOLUTION R2022-27**. Mr. Fielding congratulated the council on the new facility and it was much more representative of where they wanted their city to be in the next 20 years and thanked them for the investment. Mr. Fielding stated Cressy had long been part of the fabric of the community in Mishawaka going all the way back to University Park Mall, Edison Lakes, Main Street and half of Grape Road. Mr. Fielding stated this was just an investment in the community on their behalf. Mr. Fielding stated they had approximately 93 employees at that current time and their intent was to move out of Edison Lakes and move their headquarters into the facility in downtown Mishawaka. Mr. Fielding stated they believed with all of the apartments and multi-family development that was happening in downtown, the one thing that had been missing until the facility opened was a corporate presence in the downtown that had employees and customers spend their money from 8 to 5 versus retailers and restaurateurs waiting until 5 for people to get off and come to their establishment. Mr. Fielding stated they felt like this fit well into their master plan and they were very excited along with their employees and their board. Mr. Fielding stated this was a 50-year play and they had no intent of occupying the building and flipping it and they would be there for decades.

Mr. Mammolenti gave Mr. Fielding a sincere thank you for their investment and interest in supporting their downtown efforts and continuing their master plan and welcomed them with open arms if this passed.

Mrs. Voelker also offered her thanks for making an investment in Mishawaka and she could not wait for the wine bar to open.

Question was called for at 8:02PM for **RESOLUTION R2022-27 Motion carried by unanimous roll call vote (summary: Yes = 7).**

Yes: Mrs. DeMaegd, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 7-0.

RESOLUTION R2022-28

A JOINT RESOLUTION OF THE CITY OF MISHAWAKA MAYOR CLERK AND COMMON COUNCIL SUPPORTING INSPIRE MISHAWAKA IN ITS EFFORTS TO CATALYZE GROWTH AND ACTIVITY AND COMMERCE IN OUR HISTORIC DOWNTOWN IN PARTNERSHIP WITH THE INDIANA MAIN STREET PROGRAM Joint Resolution Supporting Inspire Mishawaka

Brian Tanner, 525 Calhoun Street, spoke in favor of **RESOLUTION R2022-28**. Mr. Tanner stated he was representing Inspire Mishawaka as the President of the Board of Directors. Mr. Tanner stated Inspire Mishawaka was a relatively new 501 C3 nonprofit community organization. Mr. Tanner stated it was something that was probably unrecognizable to most people but they hoped to change that rather rapidly. Mr. Tanner stated as was mentioned by Clerk Block in the premise of the joint resolution, they were seeking support of city elected officials for the actual intent of Inspire Mishawaka, with the primary intent being becoming a Main Street accredited community in the state of Indiana. Mr. Tanner stated unlike most nonprofits, Main Street accredited communities must have a strong partnership between Inspire Mishawaka and the elected officials and government as a whole. Mr. Tanner stated it was a program run by the Indiana Office of Community and Rural Affairs and it was a structured program that enabled all partners who became accredited to receive a resources support from many peer organizations which was approaching a little over communities in the state of Indiana that are accredited Main Street communities. Mr. Tanner stated one of the additional benefits to becoming a Main Street community was that it also opened up some tax incentives and potential grant opportunities specifically for historic properties and the downtown area. Mr. Tanner stated Inspire Mishawaka was an organization which grew out of a committee effort with the Mishawaka Business Association and that was an organization that had grown over decades and represented communities and businesses that simply do business in the city of Mishawaka. Mr. Tanner stated Inspire Mishawaka had a particular focus on downtown within a historic landmark district and with that strong partnership with the community in order to establish it as a Main Street accredited organization. Mr. Tanner stated this was a community-driven effort to supplement that and also provide some other incentives for the downtown community. Mr. Tanner stated he would answer any questions the council had.

Mr. Hixenbaugh thanked him for the information and for bringing this the council that evening. Mr. Hixenbaugh stated he knew that it started way back before the pandemic and then went in a slightly different direction based upon some other factors but thanked him and Mrs. Burbank and the other members of the board of directors of the MBA for following up on this and nudging it forward in the process. Mr. Tanner thanked the council, Clerk and Mayor for sponsoring their recent outdoor movie night event that they had several hundred members of their community at and was a successful event in part because of the support they provided.

Mrs. Voelker stated she was really happy that Inspire Mishawaka was moving forward. Mrs. Voelker stated after their meetings in 2019 and then COVID putting a stop to everything, she

was really happy that they were able to get it started again and she knew it as chair of the Historic Commission. Mrs. Voelker stated she was looking forward to supporting them.

Question was called for at 8:08PM for **RESOLUTION R2022-28 Motion carried by unanimous roll call vote (summary: Yes = 7).**

Yes: Mrs. DeMaegd, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 7-0.

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

PROPOSED ORDINANCE NO. 2022-22

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY IN THE CITY OF MISHAWAKA, INDIANA PROVIDING ZONING CLASSIFICATION THEREFORE Annexation and Rezone to S-2 PUD for commercial use – 14325 Cleveland Rd. 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 and upon a second by Mr. Banicki, the motion carried.

Mr. Hixenbaugh stated they would move into a new public hearing on **PROPOSED ORDINANCE NO. 2022-22**. Mr. Hixenbaugh stated as Clerk Block accurately indicated, state law did not require them to reopen the public hearing but in light of their request that the developer participate in some further conversation with surrounding neighbors and with what looked to be an outstanding attendance at that meeting, they were going to open up another public hearing. Mr. Hixenbaugh asked if people could try not to be repetitive of what had already been shared with them.

Stephen Studer, Kreig Devault Law Firm, spoke in favor of **PROPOSED ORDINANCE NO. 2022-22**. Mr. Studer stated first having appeared countless times in the old chambers for over two and a half decades, the new facility was absolutely beautiful and the council along with the administration should be rightfully proud and wished them a congratulations. Mr. Studer stated at the September meeting, they requested that the owners and respective developers meet with the neighbors of Juday Creek and they did that when he and Mr. Danch met with them on September 2nd for approximately two hours. Mr. Studer stated prior to that, Mr. Prince had responded to written questions from the Homeowners Association and answered approximately 17 questions in writing and some of the questions came up that evening but Mr. Prince had done an admirable job of responding to the questions. Mr. Studer stated he and Mr. Danch met with approximately 50 members of the Juday Creek Homeowners Association with the bulk of the questions regarding traffic and they explained that before the development were to move forward that a traffic impact study would be conducted at the developer's cost and that was clearly a condition that was set forth. Mr. Studer stated the other concerns had to do with them believing no one was looking out for their interests and they replied that Mr. Prince and his staff did an incredible job of requiring nearly two and a half pages almost thirty different conditions as a requirement for the annexation and rezoning to come into the city of Mishawaka. Mr. Studer

stated they were excited about this project and excited about adding almost 60 acres to the city of Mishawaka, therefore they asked for a favorable vote that evening and he would answer any questions.

Mrs. Voelker asked about one of the guidelines that the city put in place with it saying filling stations shall be prohibited and she asked on the site itself, if there would be fuel tanks or how would cars get fuel. Mr. Studer stated he did not know that answer whether there would be on-site fuel tanks for the automobile mall but there would not be any filling stations and the conditions people put on fuel tanks were incredibly safe compared to what they were 15, 20 years ago. Mr. Studer stated they used double wall tanks and alarm systems. Mr. Studer stated he was sure any fuel tanks would be on site to fuel automobiles for their use would take into account all environmental requests for both the state and the city.

Mr. Mammolenti thanked him for being present that evening and also taking the time to meet with the neighborhood association per request by the council. Mr. Mammolenti stated he knew it was very well attended and he thought they provided some information that they were looking to receive. Mr. Mammolenti asked since that evening and the meeting itself, if he had been in contact with anyone from the association in regards to any concerns that they had or any additions or subtractions to Mr. Prince's extensive list of guidelines. Mr. Studer thanked Mr. Mammolenti for attending the meeting and stated he likely remembered that they were specifically seeing if there were any parts of project that they may be able to improve upon. Mr. Studer stated with traffic, they could not really address it until the impact study was completed. Mr. Studer stated that was the cost of \$100,000 or more for a traffic impact study for that area and Mr. Prince already alluded to the public turn lanes, center lanes and possibly signalization, all of which had to be underwritten and paid for by the developer. Mr. Studer stated they asked that night if there was anything specific about the project and they did receive some positive responses after the meeting that they appreciated the fact that it was coming in as a planned unit development as opposed to that property becoming a piecemeal, acre time, two acres of time etc. and he thought most of the attendees recognized it would not be farm land forever given the beacon project to the north of the toll road. Mr. Studer stated now that it was contiguous to the city that this was going to be developed in some manner. Mr. Studer stated several members commented that they appreciated the fact it was a planned unit development. Mr. Studer stated they had not heard as far as they knew one word yet from any of the attendees that night and they answered all of their questions the best they could. Mr. Studer stated they respected the fact that they were all there and appreciated the fact that they were all there and there was some confusion as to why they did not receive notice earlier and they explained at the time why it did not happen but they were thankful for the opportunity to meet with fifty plus people that evening for almost two hours. Mr. Studer stated he thought it was well attended and both parties were respectful of one another and hoped they answered as many questions as they could but there were some questions they did not have an answer for at that time either for competitive reasons or because they wouldn't have the answers until the annexation and rezoning took place in order for the developer to actually put real dollars into the project.

Joe Grabel. 602 Lincoln way West, spoke in favor of **PROPOSED ORDINANCE NO. 2022-22**. Mr. Grabel stated he appeared before the body and its predecessors countless times in capacity as a real estate broker and then the capacity as a real estate developer but in this case, he

was just coming before them as a common citizen in Mishawaka. Mr. Grabel stated he had no financial stake in the development and was not involved in the brokerage. Mr. Grabel stated he thought that it was important that if the city was not growing, the city was dying and sometimes they failed to recognize that. Mr. Grabel stated this was an incredible opportunity and there were instances like in South Bend when they had the opportunity to have University Park Mall and they chose not to because they did not want to extend the infrastructure and he thought University Park Mall had been a huge boom. Mr. Grabel stated he grew up in Winding Brook and there were people in Winding Brook opposed to Edison Lakes and he heard them speak about how the traffic was going to negatively impact Winding Brook. Mr. Grabel stated his parents still lived in Winding Brook and they loved living there and Edison Lakes was not in any vision a detriment. Mr. Grabel he was there when folks spoke against the Meijer project and they were told that there was going to be an increase in crime and likewise, the apartment complex behind Meijer on the south side there was going to see a dramatic increase in crime and the traffic would be unmanageable and he thought it had be an incredible asset to the community. Mr. Grabel stated he was there as a citizen of Mishawaka and was excited about the development, excited about seeing more growth for Mishawaka and he encouraged folks as the came up with their potential opposition to ask themselves how many of them were citizens of Mishawaka.

Mr. Mammolenti thanked Mr. Grabel for his comments and opinions. Mr. Mammolenti asked based on his experience and expertise as a real estate agent how he would foresee some of the concerns the folks had that it would have a negative impact on their property home value. Mr. Grabel stated he wanted to clarify by saying he sold commercial real estate for a living and he was not a residential real estate broker. Mr. Grabel stated with that said, he appeared as an expert witness on numerous occasions including the lawsuit related to the bridge that crossed from Kamms Island where the condominium owners next door claimed the pedestrian traffic would have a detrimental impact and they conducted a study and demonstrated that the units had actually out appreciated those. Mr. Grabel stated the same thing was true for Winding Brook, which performed extremely well and oftentimes when these kinds of developments occurred, they actually enhanced value and Mr. Matthews did a development in South Bend that was somewhat controversial at the time. Mr. Grabel stated there were homeowners that showed up complaining and were worried that the intensive residential development for his project would be detrimental to their property value and most of those homes traded for less than \$200,000. Mr. Grabel stated the homes Mr. Matthews built were \$500,000 or more and they were on, in many cases, considerably smaller lots. Mr. Grabel stated his experience was often times those concerns were wildly overblown, especially a market like they were in today.

Martha Bennett, 53131 County Kerry Drive Juday Creek Estates, spoke in opposition of **PROPOSED ORDINANCE NO. 2022-22**. Mrs. Bennett stated they were not talking about Grape Road, Winding Brook or the UP Mall. Mrs. Bennett stated they were number 7 to take occupancy in Juday Creek with farms all around them, just the right spot closest to everything that they could possibly want and moved in 35 years ago. Mrs. Bennett stated they knew this would probably happen, but she had a good feeling she was speaking for most of them that evening in saying a car dealership widening the road, bringing in more lights and had only one way in and one way out of the neighborhood and it was a pretty safe neighborhood for that reason alone and they liked it that way. Mrs. Bennett stated they did not completely understand

what the car dealership entailed, because they really did not know there was a meeting before and it was a surprise. Mrs. Bennett stated when you added fueling, the potential of another stop sign and another road back there, whether or not they were going to connect it, the lines did not add up and they knew it was going to be developed into something because that's what they did. Mrs. Bennett stated she wanted it considered and taken into close context of what this was going to do as they moved forward and decided what was going to be right there and how they would develop it and what it was going to mean. Mrs. Bennett stated they did not want another Grape Road right there or another UP Mall across the street from there or a car dealership. Mrs. Bennett thanked them for their time.

Sean Hawkins, Juday Creek Blvd, spoke in opposition to **PROPOSED ORDINANCE NO. 2022-22**. Mr. Hawkins stated there were 4 families that were going to be most adversely affected by this. Mr. Hawkins stated if this did go through, the roadway needed to be widened. Mr. Hawkins stated he appreciated that this could have happened and yes, they moved in there knowing it would get developed and it was not going to be that way forever. Mr. Hawkins stated was curious as to why it had to be a car dealership. Mr. Hawkins stated there was the place right across from Meijer, the agricultural property that was sitting right there that was prime area for a car dealership. Mr. Hawkins stated if they moved forward with any of the development, he would ask that first the traffic study be put ahead of any development and put some skin in the game. Mr. Hawkins asked if they had or could also look at an environmental impact study. Mr. Hawkins stated they had issues as homeowners with the aquifer that had been polluted by the county property across the street. Mr. Hawkins stated putting a commercial property where they were going to have high traffic with cars, potential fuel there as well as a body shop so there would be all kind of solvents and there would be a garage where you had solvents and chemicals that were being used and what about those getting into the aquifer. Mr. Hawkins stated he also saw where there was suggestion of using retention ponds and was curious how that would not get down into their aquifer. Mr. Hawkins suggested they do more homework first and look at the traffic study ahead of any movement and then do an environmental impact study. Mr. Hawkins stated going forward, he also wanted to suggest that they put the property use for development for homeowners, for apartment complexes and they knew that they were short on that and not short on car dealerships.

Mr. Banicki asked if instead of a car dealership, what if a Menards wanted to go in there and they had a bunch of truck traffic, then what would they say about that. Mr. Hawkins stated he should have been clearer about it but they did not want to see a commercial property there and that part of town was still farmland outside of their commercial area on the outer bubble. Mr. Hawkins stated they would prefer to see homes whether that be apartments or single-family dwellings, something along those lines and not something that would increase traffic. Mr. Hawkins stated they already had issues getting out of the neighborhood from about 4:30 to 6:30 and once the holidays and Black Friday hit, making a left turn out of there was even more difficult. Mr. Hawkins stated they had done such a great job of developing that area and pulling traffic off the toll road and out of Elkhart County that they were the thoroughfare. Mr. Hawkins stated Douglas was supposed to be a thoroughfare, but Cleveland had really been the main artery. Mr. Hawkins stated anything that could be done to lessen the amount of traffic was preferred and he could not see how they would push this forward without doing the traffic study to determine the impact of this. Mr. Banicki stated if somebody wanted to buy this piece of

property and they wanted to sell it to someone, maybe someone in commercial business, they would be getting paid and should be able to sell it. Mr. Hawkins stated they should be able to sell it and should be able to develop it, but be a good neighbor. Mr. Banicki stated he did not think they were bad neighbors yet. Mr. Hawkins stated there were several things he would not go into at that time like property values because he was sure other people would want to discuss that. Mr. Hawkins stated the potential loss they could take in their respect property values could be substantial. Mr. Banicki stated he kind of understood a bit, because when he bought his house he lived in the county and all of the sudden got annexed into the city of Mishawaka but it turned out being a great thing. Mr. Hawkins stated the difference was, they were not getting annexed yet but eventually they probably would be getting taken over. Mr. Banicki stated they were expanding. Mr. Hawkins stated he understood and they were not trying to slow Mishawaka down, but he was also asking consideration for the people who were there first.

Mrs. Voelker commented Mishawaka would not take them over and they would never annex property that did not want to be annexed. Mrs. Voelker then asked if he could explain to her their water problems. Mr. Hawkins stated the county had not admitted to it yet and they went back and forth on it, but for years they stored their salt on grade so they had higher levels of sodium and chloride in their water. Mr. Hawkins stated the garage itself, it was his understanding, for years there was not a concrete floor where they did repair work so diesel, fuel and solvents leached down into the ground and they would be directly affected by this with the car dealership moving in there. Mr. Hawkins stated they had homes with high level of salt and residents if they were on a low sodium diet, they were warned not to drink the water and this is where the concern lied. Mr. Hawkins stated with the commercial property going there, this could further make the problem worse.

Mr. Mammolenti asked how many homes there were at the Juday Creek Estates. Mr. Hawkins stated 137. Mr. Mammolenti stated he was looking at the aerial view and tried put that into the proposed annexation in his mind and he was trying to wrap his head around that amount of homes or apartments he said that they wanted there as opposed to the car dealership. Mr. Mammolenti stated in his opinion, he would think that would create more traffic in the same fashion as they were having the current issues and now was thinking of it as just another Juday Creek across the street. Mr. Hawkins stated it was a possibility and they were just speculating and stated they needed to put a traffic study in. Mr. Hawkins stated they knew there was a safety factor at hand here with increased traffic and knew that there would have to be threshold for accidents or for something to happen before the next step was taken and would rather that not happen.

Matt Smith, 53154 County Kerry Drive Juday Creek Estates, spoke in opposition to **PROPOSED ORDINANCE NO. 2022-22**. Mr. Smith thanked them for postponing the discussion on this and they were appreciative of the council taking the time to do so. Mr. Smith stated he was also the HOA president for Juday Creek and while the Danch group did reach out to them per the council's recommendation after the fact, it was he himself that conducted the meeting. Mr. Smith stated he put the schedule together, worked with the Juday Creek Golf Course to establish a location for the meeting and since then they had not heard a thing from the developer or from the law firm representing them. Mr. Smith stated so while they were very appreciative of their time that evening, they had not heard any sort of follow up since then. Mr.

Smith stated he was from Mishawaka born and raised and wanted to raise a family in the area, so he was a proponent of Mishawaka but he thought where the disconnect was forming was yes, traffic was going to be repeated multiple times and this was an island community out there where they served. Mr. Smith stated it was already mentioned the city did not have interest in the 136 homes and tax value that would bring but it was coming in around them kind of on the north edge. Mr. Smith stated they would have to traverse through open cornfields that were still undetermined with what their use would be to make the final connection to allow the property group to develop. Mr. Smith stated understanding that investment was on the developer to do so, that was a timeline that put the project out many years. Mr. Smith stated he thought what they would find many of them asking that evening was they could slow down a little bit and this was not something that needed to come to fruition in the next 2 or even 5 years. Mr. Smith stated he did not see the harm in slowing this project down and covering all of the bases. Mr. Smith asked that be taken into consideration as well as the water issue. Mr. Smith stated the county was working with them on the water and they were doing a great job of helping them understand what the remediation process looked like for them but it was a very real impactful problem in their neighborhood and they felt this project in particular may have an impact on that. Mr. Smith stated this was a unique project that for where it was located and they had several other areas in the community that could be developed in similar fashion with much less expense to the developer and would not entail some of the other environmental impacts they saw in their neighborhood and community. Mr. Smith stated they wanted what was best for their neighborhood and community and understood things were going to develop, but they were not sure if this was in the overall best interest in their community and the one thing that concerned him was this was not just projected to be a car dealership or a car lot, there were several other layers of commercial zoning that were mixed into the staff report and it felt like a microcosm of what could happen over the next 10 years, as opposed to if there were a very directive project, they would see more comfort from some of the residents. Mr. Smith thanked the council again for allowing to voice their concerns and they greatly appreciated it and it certainly would not be overlooked by any means.

Mr. Mammolenti thanked Mr. Smith for his efforts that evening and the work he put forth for the meeting at Juday Creek. Mr. Mammolenti referred back to Mr. Smith's statement regarding not hearing back from Mr. Studer and his group after the meeting and they had the very informative meeting with a lot of concerns and information given. Mr. Mammolenti asked if they gave Mr. Studer and his group any questions or concerns that they could work on or any questions after reading the staff report. Mr. Mammolenti stated he was concerned that neither party had reached out since that meeting. Mr. Smith stated that was a fair statement and thought from their perspective it was a 'we were here first' type of approach and this was a project they would want to present to them as a neighborhood or as an area to the them as a council. Mr. Smith stated in his opinion, it really should fall to their responsibility to initiate those conversations and initiate the responses. Mr. Smith stated they did send a list of questions and concerns over that was not a fully exhausted list and that night he felt got a little of topic, because he was just trying to keep it on cue there but it was getting heated and things were becoming repetitive. Mr. Smith stated they also had to be respectful of the space provided to them from a timing perspective, so no he did not think anything was really resolved and they came away a little more inquisitive on what the next step would be from the group and how they would approach it. Mr. Smith stated there were comments about potentially adding a stoplight for the neighborhood and was curious who that

would fall on. Mr. Smith stated it was worth noting that the section of land where their entrance was located would remain county, at least that was his understanding, and so as you were heading to the west you would come up over the toll road and as soon as you crossed the bottom of the bridge, traverse back into the city of Mishawaka. Mr. Smith stated to the east out of their neighborhood, it was currently county to the Capital Road intersection. Mr. Smith stated his understanding was with the annexation that would pull a Mishawaka responsibility into maintaining that property of the roadways after they made the additions and modifications that were needed and so one of their concerns became whose responsibility was that section of the road there that serviced their neighborhood. Mr. Mammolenti believed he spoke for not only himself but for the majority of the council when saying the reason that meeting occurred was because when a developer tended to come to them and one of them ask them if they had met with the association or the surrounding neighbors and in this case they had not yet, so that was why they postponed and promoted and encouraged the meeting in hopes that when this happened in the past, their hope was the developer and residents could come to a solution or negotiation. Mr. Mammolenti stated he made some suggestions to some folks there to look over the staff report, look over some of the restrictions, stipulations and perhaps add some that they wanted, delete some that they would like and then go back to the developer and then it was his hope that they would attend the council meeting and the dialogue would continue and come to an agreement. Mr. Mammolenti stated he was a little disappointed in the fact that that dialogue had not continued and kind of stalled. Mr. Smith stated in fairness, while they appreciated the extension and continuance, it was still a very narrow window of time with that meeting taking place September 22nd and it was now October 3rd and they did not have a ton of time to traverse through it.

Mr. Emmons asked when they had that meeting, if he felt that they did come to some kind of consensus and that there was some give and take with some of the concerns they had and they were met and was anything agreed upon or was it just kind of a one-way street. Mr. Smith stated he did not think any consensus was made there and felt more of their neighborhood was against it after the meeting because he felt they hid a little bit behind the council's recommendations and relied on the two and a half pages of what Mishawaka was doing to protect them and that was not intended to be a negative towards the council, they certainly appreciated them, but he felt there was not any effort put towards helping them or supporting them. Mr. Emmons stated he kept bringing up a car dealership and immediately focused just on the dealership but nothing else. Mr. Smith stated that was mainly it and there was slight discussion in the layering of the additional zonings that had been requested for the property, but primarily it was focused around the auto mall as they called it. Mr. Emmons asked if they had another meeting if he and the rest of the parties involved could come to more of a consensus and addressing more concerns than just the one auto concern. Mr. Smith stated he thought it went back to the fact that it felt like they were putting the cart before the horse and they wanted some studies done to make sure this was what the area needed to grow. Mr. Smith stated the other concern, from his perspective, was the relocation of a current automobile park and what happened to that property in existence now and those tax dollars were just shifted from one location to another and then turned that into a development there. Mr. Smith stated he did not know that to be true, but that would be his assumption. Mr. Emmons stated so he addressed with them their concerns about not addressing some of the things such as traffic flow. Mr. Emmons asked how they related to that. Mr. Smith stated everything was deferred to the traffic study that would be done, so it was a kind of hands

off of them saying they would get to that part later and himself and the rest of the neighbors were looking for some firmer answers. Mr. Emmons asked if it reached a give and take at all. Mr. Smith stated the conversation did not get to that point and felt they showed up to present their side of it and they were kind of just pushing back on their side of it. Mr. Emmons asked if having another meeting would solve those concerns. Mr. Smith stated potentially it could and a group of neighbors would be open to that.

Mr. Hixenbaugh wanted to make sure he was fully understanding what he shared that evening and stated in terms of changes they would ask the developer to consider, what he heard him talking about was the timing of the traffic study versus the annexation and the project moving forward. Mr. Hixenbaugh asked if he would like to see the traffic study first before any activity occurred. Mr. Smith stated he thought so and he would state that as a resident as he had not had the chance to meet with their board on it but as a resident and neighbor in the community, he would say yes. Mr. Hixenbaugh asked if there were any other tangible items like that that he was aware of or he had communicated to him by one of the neighbors that they would ask them to consider. Mr. Smith stated from his understanding, there was also a natural gas line that ran underneath the roadway there. Mr. Smith stated it was a 12 or 14-inch main that serviced from Elkhart County through that corridor of St. Joe County and he would like to see what that would do to the job and how that would impact things. Mr. Smith stated also, the widening of the roadway there and not only was that coming into backyards and there would be a personal impact from a financial standpoint on the homes, but they needed to know how that would impact children playing in the backyards there. Mr. Smith stated the Capital and Cleveland intersection was extremely narrow and tight and so his understanding was there was a potential for a roadway extension to grab Douglas and make that connection outside of that intersection there, which could defer the traffic down but that would only solidify his point on why a dealership in that location if it was going to divert traffic away from that location. Mr. Hixenbaugh appreciated his comment with regard to the gas line because that triggered another tangible item he heard from him and the other speakers as far as the generalized environmental concern was because of what he showed them on the map he had and what he experienced as a neighborhood. Mr. Hixenbaugh stated he also heard him and others say they would like to hear a little bit more about that concern and how this proposal would impact the environmental integrity of the neighborhood. Mr. Smith stated he would think they would expect that as well, with all due respect, given the recent purchase of the Juday Creek Golf Course for the wellfields underneath there and the aquifer the city would now be pulling from was a deeper aquifer, but nonetheless if they contaminated the one above, it certainly could find its way in the other aquifer. Mr. Hixenbaugh stated he agreed with that and once they heard from all of the other speakers and it was time for the council to ask questions, he was going to ask the developer's attorney to address that and when it came to traffic, he would ask their staff who put together the report and mentioned traffic in the report and talk a little bit about that. Mr. Hixenbaugh stated just as a general comment, he appreciated the dialogue with regard to holding another meeting and he was certainly never adverse to that as a concept as long as there was a reason for it and going back to Mr. Mammolenti's comment, he appreciated the fact he facilitated the meeting and did what he did but it had been his experience that when people want to compromise whoever has some ideas would reach out to the other and he wasn't as worried as who called who but that it did not take place and quite frankly, he held everyone equally accountable for that. Mr. Hixenbaugh stated that's what he was trying to get at with what the areas of lingering concern

that needed to be vetted through were and they would try to work through it that evening and see where it went. Mr. Smith appreciated the council for their time.

Matt Davis, 53178 County Kerry Drive, spoke in opposition to **PROPOSED ORDINANCE NO. 2022-22** and stated he was also an officer on the HOA. Mr. Davis stated he thought in the sentiments they were hearing that evening, there was a lack of trust on how this project was going to move forward on behalf of the development team. Mr. Davis stated that was in place due to how they had gotten to that spot and thought what they'd see from himself and the other neighbors would have to do with the timing and how it felt like the project had been pushed very quickly on them even though he knew it wouldn't feel like that from the council. Mr. Davis stated this did not rise to their attention until very recently. Mr. Davis thanked Councilman Banicki directly for recommending the meeting that happened on the 22nd as well as President Hixenbaugh for pushing it forward and that was really the first step in dialogue. Mr. Davis stated there had not been dialogue since that point and they were residents in the neighborhood, not lawyers and they did not deal with developments, commercial or otherwise, and they did not know what they were supposed to do through the process. Mr. Davis stated this was a planned unit development that they should have had lots of information on what to do when approaching neighborhoods that might have a concern with a plan that was going into place. Mr. Davis stated whether they reached out or the other group reached out, they hoped there would have been some outreach and direction on how to move this forward. Mr. Davis stated being able to say one meeting from now like Mr. Emmons stated and having things figured out; he did not think that was realistic but he did think there was an opportunity for the dialogue to figure out a pathway where both parties felt their voices were heard and that the development was able to take place at a certain point and time. Mr. Davis stated it felt like along the process, the development team had done the minimum required by the law in the run up to this and this was why it had been delayed until that evening for the public hearing. Mr. Davis stated they only reached out to properties 300 feet within the development site and in fact, at the meeting on the 22nd, Mr. Danch said he would have reached put to the HOA had he known there was an HOA. Mr. Davis stated anyone could google Juday Creek Estates and in the top 10 responses, you would see that Juday Creek Estates had an HOA and it was not difficult to find out. Mr. Davis asked they allow some time for that trust and collaboration to take place. Mr. Davis stated they all thought the developer, being that they did these all the time, would be the proactive step and that did not mean they would not own responsibility for doing something, but at the end of the day it felt it had been pushed upon them.

Mr. Banicki appreciated him saying he did not know the process and things of that nature and asked if there were any attorneys that lived within the 136 homes in their neighborhood. Mr. Davis stated they had one attorney. Mr. Banicki asked if he was willing to help them with some of these type of things. Mr. Davis stated yes, he had helped on other matters in the past. Mr. Banicki stated when he lived in the neighborhood and they were getting ready to be annexed, they retained an attorney and everyone kicked in a few bucks to make sure they had the negotiating power, so he could appreciate that he did not understand the process but the attorney may know a little bit or be able to contact somebody that could. Mr. Banicki stated when some of those negotiations were happening, he did not know if it was easier having minimal amount of people at the table or having 100 people there. Mr. Banicki stated he would think having more people there would make communication easier. Mr. Davis stated he agreed and it spoke to the importance of the timeline they were talking about, with them just having the meeting on the

22nd and to go from that to getting everyone's thoughts together as a board to figure out what their stance was going to be to try to put forward those suggestions to be included in the planned unit development was a pretty escalated timetable. Mr. Davis stated being asked to do all of that in two weeks was not realistic to him and it certainly did not materialize and that was why they were asking for a bit of a delay so there could be some common ground. Mr. Banicki stated he was not sure how many days they were into this, but the council had x amount of days to react and they could not continue it indefinitely, so sooner or later they had to make some determinations. Mr. Davis asked they vote it down, and he knew that put a one-year pause on things but he saw this as a decade-long development and he did not think that would be a big ask for the pause. Mr. Davis stated they would like to see some of the specific concerns heard from the neighbors happened before the development moved forward. Mr. Banicki stated he thought that they had a little better control if it were to be annexed into the city and they could do this in the county right along Capital Avenue or somewhere else and not meet the rules and regulations that they had. Mr. Davis stated that was a risk they put in place, but thought they would all be comfortable with that risk for a one-year delay. Mr. Banicki stated yes and no, and stated they could not guarantee their prices wouldn't go up as far as construction costs were concerned. Mr. Davis stated with his professional life in Greenfield startups, you planned on a lengthy timeframe and it was budgeted for and he did not think a year would be a lengthy delay.

Tim Buczynski, 14700 County Kerry Drive, spoke in opposition to **PROPOSED ORDINANCE NO. 2022-22**. Mr. Buczynski stated he had lived in Juday Creek Estates for 32 years and was an HOA board member. Mr. Buczynski stated Mr. Studer had spoken earlier that Ken Prince had been involved with the HOA and to his knowledge, the HOA weren't involved with any of this until after they heard about it on the news and the staff report actually went out and got a favorable ruling from the council prior to any involvement from the neighborhood. Mr. Buczynski stated after that happened, there was a single homeowner that did contact Mr. Prince but he was not a board member and they did not receive any response related to that, so as a HOA and a neighborhood, they had not had any direct involvement with Mr. Prince or the developer. Mr. Buczynski stated he believed here were a few inherent problems with the project going where it was and it was not so much that they just did not want it there, but there were some specific things. Mr. Buczynski stated it was going to be a 51 acre auto park and within about 500 feet of their entrances and as discussed earlier, they only had one entrance to the neighborhood. Mr. Buczynski stated the developer actually mentioned that generally speaking when you had a neighborhood put in, there was at least usually two entrances and that was not done in their neighborhood when it was developed back in the 80s and that was the first problem. Mr. Buczynski stated the second problem was the development proposed to go on the north side of Cleveland Road was proposed to have two entrances and it was pretty much landlocked to the east, west and north which would result in two entrances going onto Cleveland Road. Mr. Buczynski stated when having the meeting with the developer, the subject of possibly having a traffic light going in there came up and the developer seemed to be interested in that and said it could be looked into. Mr. Buczynski stated the traffic study not happening until later was a problem because they did not fully know if something was going to happen. Mr. Buczynski stated the only thing he was thinking about was that about 500 feet or so to the west of their entrance, there was a bridge that went over the toll road and even if there was a traffic light put in there, he thought with the volume of cars it would be so backed up and cause a traffic hazard.

Mr. Buczynski thanked the council for the opportunity to talk about this some more and listen to their comments.

Tressa Decker, 53095 Juday Creek Boulevard, spoke in opposition to **PROPOSED ORDINANCE NO. 2022-22**. Mrs. Decker stated she was also a Mishawaka girl, cared very much about the city and appreciated all the council was doing throughout this process. Mrs. Decker stated she wanted to point out a couple of things in addition to what they already had heard. Mrs. Decker stated in the proposal that was shared with them at their meeting and the previous council meeting, the proposed development was described as 52 acres and on the sheet that the developer gave at their common meeting it said 50.15 acres and now that evening they were hearing 60 acres. Mrs. Decker stated she was just pointing that out for their reference and wanted some clarification on what the amount of land that was being proposed for annexation was. Mrs. Decker stated the other thing was Mr. Grabel made a comment that if the city was not growing, it was dying and she believed it and they wanted Mishawaka to grow and it was amazing to see the different developments happen, but this particular location for this particular development did raise questions. Mrs. Decker stated they had a two-lane road that was a major artery between St. Joe County and Elkhart and they had a uniquely developed subdivision with one exit point and she was concerned that the description they received from the developer said that Mishawaka would be responsible for the road in front of the development and the county would be responsible for the roads on the sides. Mrs. Decker stated she was concerned about the continuity on Cleveland Road between the Capital intersection and the Fir Road intersection. Mrs. Decker stated it sounded like they had the wide intersection at Capital that narrowed to two lanes quickly right after that intersection and might widen out to four lanes then narrow back up to two lanes before you got to the bridge to go back over the toll road. Mrs. Decker stated all of that traffic merging and expanding was going to happen right in front of their subdivision entrance since there was nowhere else for it to really happen. Mrs. Decker stated that was a huge concern and had not been spoken to and wanted to know if there was a possibility of a continuity conversation and wanted to know how they would have continuity and safety on that road, with that being the main road they were on every day. Mrs. Decker stated she also wanted to point out that PHM school buses were up and down Cleveland Road on all three of their bus routes for elementary, middle and high school routes in and out of Juday Creek Estates, so another consideration for that was how access would be affected with that kind of development right there. Mrs. Decker appreciated Mr. Mammolenti attending their meeting and appreciated all of their time.

Roger Lumm, 53208 Saint Matthews Court Juday Creek Estates, spoke in opposition to **PROPOSED ORDINANCE NO. 2022-22**. Mr. Lumm stated he was not an HOA board member but he was the originator of all of the questions. Mr. Lumm thanked Ken Prince for responding to the questions and they had heard nothing from Danch other than what they talked about in the meeting at Juday Creek and that was one of the concerns they had in lack of trust. Mr. Lumm stated that was the only point he wanted to make and they were not developers and they did have a lawyer in their neighborhood, but they did not want to incur more costs and he may not do this type of law. Mr. Lumm stated from his standpoint, he expected a response and got one from Ken but not from anyone else. Mr. Lumm stated if he wanted to live in Mishawaka, he would move there but he did not want to and he did not think any of them in the Juday Creek

Estates did but they were now becoming an island with Mishawaka surrounding them. Mr. Lumm stated the biggest issue though was the lack of response to their questions.

Mr. Hixenbaugh wanted to go on record in saying he had not been involved in one conversation with regard to the annexation of this subdivision and in his time on the council, he did not recall one involuntary annexation that they had entertained in front of the council. Mr. Hixenbaugh stated this was a voluntary annexation with this landowner having asked to have the property come into Mishawaka and that was overwhelmingly so unanimously always the case in his experience, but he appreciated his concern. Mr. Lumm stated Ken Prince made a comment saying the same thing in his written response along with the redirection of the road to get around to Douglass overpass for the railroads and in all of this, he responded and he gave him all the credit in the world. Mr. Hixenbaugh stated he was also on that email and thought he did a fine job and thought his questions were very well posed and hopefully it gave him some comfort hearing the same thing from Mr. Hixenbaugh as he did from Mr. Prince.

Brian Tanner, 525 Calhoun Street, spoke in opposition to **PROPOSED ORDINANCE NO. 2022-22**. Mr. Tanner stated he was not planning on speaking on this topic, but he was speaking simply as a tax paying resident of Mishawaka. Mr. Tanner stated the comment was made how great Edison Lakes was and he could not agree more with the aspect that he worked in Edison Lakes but if they were going to talk about how grand it was, they must also accept the fact that the corporate founder of Edison Lakes development was moving to downtown Mishawaka. Mr. Tanner stated he found that great but you could not exactly use it as a universal accolade as to how great the north side of Mishawaka was. Mr. Tanner stated University Park Mall may have started a tremendous amount of growth on the north side of Mishawaka, but if you had been there recently there were a lot of vacant stores, large vacant stores, and some of the infill within the mall was borderline flea market, so you could not exactly talk about the grandeur of University Park Mall that was years ago, you must talk about that today whenever it came to the commercial development of the north side of Mishawaka. Mr. Tanner asked the council to consider that there had been a lot of legal meandering toward dark store reassessments and legal challenges to the assessed value of dark stores and big box stores in the city of Mishawaka as well as the whole region and quite frankly the country. Mr. Tanner stated this development would not be under consideration if not for a dealership which already existed in the city that was spending a considerable amount of money for this development to move from their current location, unless it were an expansion. Mr. Tanner stated if this was a move from a current location inside the city of Mishawaka that created a significant vacancy and exacerbates the legal capacity of big box stores along their major commercial corridors on the north side of town to devalue their assessed values, which meant it was in decreased capacity for the city of Mishawaka to collect what was already its tax base through the corridors. Mr. Tanner stated the cost for infrastructure was not just upfront, so even though this was a new development and the developer would be responsible for the cost of installation of new infrastructure that was only representative of the upfront cost. Mr. Tanner stated as Mr. Prince mentioned, this was one half of 1% of the landmass of the city of Mishawaka but they were talking about several million dollars worth of infrastructure to build not just roadways but sewer, water and other utilities to extend to this location and that was also landlocked to already county established properties that limited the amount of development that could happen inside Mishawaka, which limited the ability of Mishawaka to capitalize on any future development in the area to offset those long-

term maintenance and eventual replacement costs to that infrastructure. Mr. Tanner stated a growing city did not have to be outward and it could be inward, upward and could be in place of where it was at currently. Mr. Tanner stated that was the extent of how he believed the project would affect himself and other existing tax paying residents of Mishawaka, even though this may be on the opposite side of where he resided, it had a tangible financial impact on himself, other residents and quite frankly other business owners in the city. Mr. Tanner stated it was not that he was against the development, he just thought these were considerations that must be weighed on every development that was in Greenfield areas outward from the current boundaries of Mishawaka.

Mr. Hixenbaugh thanked Mr. Tanner for sharing his thoughts and just had a couple of follow ups. Mr. Hixenbaugh stated he suspected he would agree with him particularly since he was a former member of the council that that type of expansive review he encouraged the council to do had long been their practice and they did consider these issues from all angles. Mr. Hixenbaugh asked if he agreed with that. Mr. Tanner stated he agreed. Mr. Hixenbaugh stated while he made some valid points and he appreciated him sharing them with the council, asked if he also would agree that it was not an either or whether a city could develop internally or externally and that ideally, high quality well thought out development could take place in both manners, not to the detriment to anyone within the city but that it was not an either or dichotomy that both can occur at the same time. Mr. Tanner stated he did agree with that and also would counter that there was a tremendous amount of developable land to this order of magnitude immediately adjacent or within the city of Mishawaka boundary as it stood. Mr. Hixenbaugh stated it was a point he agreed with, but also asked if he would agree that part of the American dream was for an individual who had an opportunity to sell their property, be able to exercise that opportunity and be able to benefit themselves and their family. Mr. Tanner stated he did not content or did he wish to debate constitutional law, property rights and the strength of them throughout the land that they loved and this was strictly his opinion as it applied to the consideration of costs and the long-term expenses that were interred to the city by way of a development of this nature. Mr. Hixenbaugh asked finally if he would agree with him that when property was annexed into the city and then ultimately developed, that also had a positive impact on the community with regard to maintaining stable financial posture and a stable tax rate, so while there were some expenses that were attended to this and they already heard earlier in the evening that in the opinion of all of their departments that there was not going to be any quantifiable expense per se that Mishawaka was going to incur here. Mr. Hixenbaugh asked if he would agree that there was also a countervailing benefit to the city when there was growth internally and on their outskirts. Mr. Tanner stated yes to a degree and the analogy that he would refer to was that in the 1970s, the federal government provided a lot of subsidies to expand infrastructure for water, wastewater and things of that nature that a many communities are paying for today without the capacity or ability to pay for that growth, so sometimes induced growth that did not pay for itself was bad growth. Mr. Hixenbaugh stated he agreed and they could find examples on either side of the equation but his focus was not what was on the 1970s and was on what was in front of them that evening and appreciated the information he shared with them. Mr. Tanner thanked them for their consideration and appreciated the time.

Mr. Hixenbaugh had a few questions for Mr. Studer. Mr. Studer offered clarification for some of the comments that were made with Mr. Buczynski stating that as a member of the Homeowners

Association, he did not receive a copy of written comments from Mr. Prince. Mr. Studer stated he was happy to introduce to the record a letter from Mr. Lumm and an email from Mr. Smith thanking Mr. Prince for the response amongst other things. Mr. Studer stated so in fact the HOA did receive these written comments and wanted that on the record and did not want them thinking a non-board member, Mr. Lumm who initiated the comments, did not share the information but Mr. Smith was actually an attendee. Mr. Studer also stated there were a number of people who received the email in Mr. Prince's written conversations and his comments regarding the 17 questions. Mr. Hixenbaugh stated he appreciated that and it was duly noted, but at that point in time he had little interest in who notified who via email or otherwise about anything there and wanted to focus on the issues in front of them and answer some of the questions. Mr. Hixenbaugh stated having had interaction with him in the past, he knew that he practiced in the area of environmental law in addition to other areas he practiced in. Mr. Hixenbaugh stated they had heard some concerns that evening with regard to the development as it impacted environmental related concerns in the vicinity and asked if he could address those. Mr. Studer stated he would be happy to and began with just for the terms of background, he represented the city in connection with the removal of 57 buildings from downtown Mishawaka and he also helped form the Regional Water Sewer District for this county and still acted as counselor to them. Mr. Studer stated Mr. Prince noted in his comments that they had more septic systems in this county more than any other county in the state of Indiana, which was a huge concern and one of the issues that Mr. Prince addressed that he was insisting as part of his recommendation for the annexation and the rezoning to go forward that they bring sewer and water at the expense of several million dollars. Mr. Studer stated when people were concerned about where did the stuff go and if it would go into their sewer system and Mishawaka had a very strong ordinance with respect to what went with the sewer and they were going to be committed and had to follow Mishawaka's ordinance with respect to sewer. Mr. Studer stated they were bringing sewer and water to the site and yes they were retention ponds but there were two conditions, 12 and 13, that Mr. Prince addressed in terms of the storm water detention and that was only for storm water detention. Mr. Studer stated as they all knew, the city required that any rains that fell upon the property could not be put in the sewer system. Mr. Studer stated those waters had to be retained on site and that was standard procedure for every development within the city of Mishawaka but in terms of anything with anything to do with environmental issues, they would have sewer on site and that was a condition to bring the project to Mishawaka and costed several million dollars. Mr. Studer stated as Mr. Hixenbaugh mentioned, there were taxes that would be paid by the development to support those utilities and that was why the fiscal plan which was adopted 7 to 0 that evening indicated that all of those departments could support services to the community. Mr. Studer stated they did not have environmental concerns and those were going to be addressed and Mr. Prince gave him conditions of the recommendation. Mr. Studer stated as Mr. Hixenbaugh indicated, he had been an environmental lawyer for a number of years of there was no realistic concern about what was going to happen at the site. Mr. Studer stated there was actually probably more issues with the farmland with chemicals being placed on the farmland than it would be from sewer and water being placed out there. Mr. Studer stated in terms of the salt condition brought up, that was a county issue and they had nothing to do with it and they understood there was a concern with well systems and that's what they were trying to help bring to the community. Mr. Hixenbaugh asked if he could address the specific, well-taken point raised by several speakers with regard to the natural gas line and how that would be impacted, if at all, by this development. Mr. Studer stated they were aware of that and Mr. Danch

was aware of that line and lines could be moved if they had to be moved. Mr. Studer stated it was part of the traffic impact study and all those issues had to be addressed. Mr. Studer stated the traffic impact study should be conducted by a professional organization paid for by and to be conducted in large part by the city and the county because of the joint ownership of some of the roads there. Mr. Studer stated they worked with them all the time and the city worked with the county in terms of maintaining the road but that road could have to be developed in a connection with the traffic impact study and that may require civilization as Mr. Prince noted and their people would have to pay for that, with this being a multi-million dollar project. Mr. Studer stated as far as the comments about the one-year pause not hurting the project, he made clear that the project would not be there in a year and this was a time critical project that needed 50 acres. Mr. Studer stated the development was 50 acres but the annexation was 60 acres and it could include other areas of property that through the annexation laws they had to acquire as well, which made the difference between the 50 and 60 numbers. Mr. Studer stated they were only building 50 acres but had to acquire 60 acres and acquire the roadway as well, just like Beacon had to acquire that portion of the toll road in order to get continuity in the south side of the toll road. Mr. Hixenbaugh stated one of the other points brought up that he thought was a legitimate question was with regard to the acreage and it may seem inconsequential to folks but he did not at all dispute that he would want to know that he was receiving accurate information if he was in their shoes and suspected he would as well. Mr. Hixenbaugh stated when looking at the staff report, it referred to this at 51.528 acres and asked what they were talking about here as far as the acreage on the site. Mr. Studer provided the council with a site plan which was also presented to the members of the public at the HOA meeting as well.

Mike Danch, Danch Harner Associates, spoke in favor of **PROPOSED ORDINANCE NO. 2022-22**. Mr. Danch stated he was representing the petitioner in this case. Mr. Danch stated the 50 acres was basically the development itself and what Ken had also asked them to do was take an additional land for Capital Avenue so that took in both sides of Capital Avenue and it had a varied right of way in some places or more. Mr. Danch stated they also had to take in both sides of Cleveland Road along their entire frontage so that was what they called gross acres, net acres as far as the 50 acres went.

Mr. Hixenbaugh went back to Mr. Studer and asked if there was anything else he wanted to add for the record in terms of a response to what they had heard that evening. Mr. Studer stated he thought one of the last speakers said it best and they did look for compromises and asked specifically what they could do to make the project more palatable and the answer was they did not want commercial property. Mr. Studer stated they were of the opinion that if you put high-density residential there as an alternative there would be even more traffic and more issues. Mr. Studer stated this site would not generate nearly as much traffic as 50 acres of residential property would. Mr. Studer stated beyond that, it became clear to them at that meeting and that night as well that many homeowners simply did not want commercial property there and did not want to be encroached by Mishawaka and they appreciated that, but one of the comments was made that there were other places to put this. Mr. Studer they all knew that in the real estate market, you had to have willing buyers and willing sellers and they don't always get a chance. Mr. Studer stated there may be another 50 acres in the city but it was not available and there might be 50 acre sites outside of the city and there were a lot of 50 acre sites in the county and other nearby areas. Mr. Studer stated this particular developer wanted to be in Mishawaka and

was willing to spend millions of dollars to do so and make this a first-class development with very expensive conditions as well. Mr. Studer stated the developer wanted to be annexed into the city and it was important to them to be part of the city and they understood there were people who did not want the project in the city but they thought this was a great project for Mishawaka. Mr. Studer stated from their perspective, they did not hear one argument that evening that this was not good for the city of Mishawaka, it may not be good for the people of Juday Creek and they may not want that but they thought this would be good for the city and encouraged the council to vote in favor of this.

Mr. Mammolenti thanked him for the clarification and answers to Mr. Hixenbaugh's questions. Mr. Mammolenti asked if they had given the name of the dealership or the group or whomever was taking up that business at that time. Mr. Studer stated they had not and for competitive reasons, he could not comment on that and he could not even comment on the speculation made there that evening. Mr. Studer stated all he could tell them was it was a first class operator and would be an incredible citizen of Mishawaka. Mr. Studer stated they were not at liberty to discuss the actual name of the ultimate user. Mr. Studer stated this was a very expensive project.

Mr. Emmons stated they only had so many car dealerships and asked if he was going to take all of the dealerships from Grape Road and come over to the property in question and have all that property vacant and asked if they were trading one spot for another. Mr. Studer stated he did not think they were. Mr. Emmons asked if they would be stuck with all of that open land that was car dealerships because they wanted to be all together. Mr. Studer stated that there was a risk and this was not approved, they may end up in that situation except they would not have a new dealership. Mr. Studer stated car dealers now were under such strict restrictions in terms of what the dealerships looked like, what they could handle and this was a new age for automobiles with electric vehicles coming on board and a lot of things had to change. Mr. Studer did not think they would end up with that problem, candidly. Mr. Emmons stated his concern was they would have big box stores empty. Mr. Studer stated many of the dealerships were not owned by the dealerships and taxes went on whether the dealership would be there or not and the owner would have to still pay taxes.

Mr. Prince commented that the 60.01 acres that was referenced in the fiscal plan was the annexation area which did not include any of the toll road and did include all of Cleveland road and did include the portion of Capital and that was because it was required by law that when they were adjacent to a roadway and they annex, they had to take the entire roadway. Mr. Prince stated that was the difference in that portion and he did not confirm it with Mr. Danch but it was very common with areas like this that the legal description would go to the center line of the road, so a bit of the discrepancy could be that the legal description went to the center line of Cleveland which was why there was the 52 versus the 58 acres but they were very defined and they knew exactly what area it was. Mr. Hixenbaugh stated one of the other valid questions that was raised earlier that evening was what had to do with the roadway itself and the maintenance of the road and if there was going to be a stoplight erected whether it be St. Joe County or the City of Mishawaka that would be involved or perhaps both and asked if he could address those concerns. Mr. Prince stated they had many situations where jurisdictions changed going throughout the city, if you drove up and down Fir Road, you would see a widened outward development that had happened and then went back to two lanes. Mr. Prince stated another

example was when you went south on Main Street to Church Street to Union Street to Bremen Highway, all the same road going to the bypass, it reached that point. Mr. Prince stated it was a turn back from the state, so when it ceased becoming a state road and came back to the city, they had been incrementally improving it. Mr. Hixenbaugh stated one of the other points that had been erased and he knew he didn't draft the staff report but was sure he was very familiar with it, with regard to traffic which was a valid concern and as he understood it, that individual's reading of the staff report was that this development would exacerbate traffic in the area. Mr. Hixenbaugh stated as he read the staff report, it indicated that with the development that was taking place in that general vicinity beyond this particular site that the volumes of traffic would remain relatively consistent or continue to increase which was building upon an increase in traffic that was taking place over 15 years. Mr. Hixenbaugh asked if it was a foregone conclusion that this development in and of itself would exacerbate the traffic concerns out there or was it part of the general trend. Mr. Prince stated development by its nature, single family or other was going to inherently increase the number of trips per day that a road was traveled. Mr. Prince stated over time, even in the time Juday Creek had been there, there had been drastic improvements to Capital Avenue and if you could imagine in terms of how traffic engineers route traffic, think of the impact putting in Capital Avenue made to the overall transportation network and at the same time you had the county considering relocating Cleveland to bring it down to Douglas knowing that was the main commuter line to Elkhart connecting to the major arterial line that connected South Bend, the north side of Notre Dame to Mishawaka. Mr. Prince stated in terms of the development of the 50 acres, if you had apartments on it, if you had single-family on it, everyone one of those compared to the farm field that was there now was going to increase to amount of traffic to that area and the question was how you dealt with it over time. Mr. Hixenbaugh asked for those who did not deal with these issues as frequently as he did, was it unusual for the traffic study to take place in the sequence that had been proposed there after the annexation and as the site plan was being developed. Mr. Prince stated he could tell them that a year would be completely unreasonable and normally how these developments came to fruition was at the conceptual level, which was where they were currently at, and before anything was proposed, the landowner and perspective developer had to come to some sort of agreement and that agreement had a short window whether the decision was made to purchase or to let the property go. Mr. Prince stated that was where the developer was at and they did not inquire because it was not relevant to the decision making process. Mr. Prince stated that short window was where they were now. Mr. Prince stated the decision the council was making right now was really one whether the commercial development should go or if there's modifications to the conditions that made this development palatable. Mr. Prince stated when you looked at the expansion of Cleveland Road over time, what was likely to happen was nobody wanted to condemn property from existing landowners and the developable property on the north side. Mr. Prince stated the expansion to that road would be pushed north and not pushing south but that did not mean the existing right of way was not going to be used or have sidewalks or have infrastructure in it. Mr. Prince stated the other thing regarding the Juday Creek subdivision, the reason why was not because they did not want it in Mishawaka, but because of state law they had to bring it up to current city standards and it was a financial improbability. Mr. Hixenbaugh asked again with regard to the sequence of the traffic study, was it or was it not unusual for the traffic study to be conducted at this point. Mr. Prince stated no, you never wanted to spend the money and even from the city and developer standpoint, it would be highly unusual to spend that kind of money on a traffic study for something that you would have no clue. Mr. Prince stated to

spend what would likely at least 6 months to put that traffic impact study together only to come back after you spent \$100,000 and ask the fundamental question conceptually should this be a commercial development or not. Mr. Prince stated the traffic impact was an engineering solution and not the decision making the council was being charged with.

Mr. Mammolenti asked Mr. Majewski if he could ask him a couple of questions regarding the aquifer and if he felt it was in any danger.

Dave Majewski, Mishawaka Utilities Water Division Manager, answered Mr. Mammolenti's questions. Mr. Majewski stated they were aware of the aquifer and the shallow aquifer was affected and it was a narrow plume. Mr. Majewski stated it was affected by the chloride and they were utilizing the deep aquifer and the penetration of the chloride they had done multiple tests of the aquifer before building the well field and was under construction now. Mr. Majewski stated they had not seen any issues of contamination with the deeper aquifer.

Question was called for at 9:49PM for **PROPOSED ORDINANCE NO. 2022-22 Motion carried by unanimous roll call vote (summary: Yes = 7).**

Yes: Mrs. DeMaegd, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The annexation ordinance passed 7-0, thus it became **ORDINANCE NO. 5805.**

PROPOSED ORDINANCE NO. 2022-30

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-2 Shopping Center to S-1 Extensive Open Space to remain a natural open space due to floodplain – V/L south of 4601 Grape Rd.

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

Tony Ricano, 4609 Grape Road, spoke in favor of **PROPOSED ORDINANCE NO. 2022-30.** Mr. Ricano stated the council had the proposal in front of them and would take any questions the council had.

Mrs. Voelker thought it was genius of him to think about that property and how it could not be used to be developed and from a financial standpoint, to find a way to reduce his taxes to keep something there. Mr. Ricano stated that came from trial and error and he had a couple opportunities with Abonmarche and Danch Harner both came up each time and gave him the bad news that it was more in a floodplain and was not worth the effort. Mrs. Voelker thought it was smart.

Mr. Banicki appreciated him, because so many small things tried to build there on Juday Creek and that was one of the small creeks he always tried to protect. Mr. Banicki stated this was one they would not have to fight again and thanked him.

Mrs. DeMaegd thanked him as well.

Question was called for at 9:53PM for **PROPOSED ORDINANCE NO. 2022-30 Motion carried by unanimous roll call vote (summary: Yes = 7).**

Yes: Mrs. DeMaegd, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The annexation ordinance passed 7-0, thus it became **ORDINANCE NO. 5806.**

PROPOSED ORDINANCE NO. 2022-31

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.

Vacation of public right-of-way for 1st alley between lots 44, 45, 46 and 47 – Battell’s 2nd Park Addition

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

Mr. Hixenbaugh stated for the record earlier that evening, Brian McLaughlin vacated the premises after he made his comments, so the record incorporated his earlier comments at the beginning of the meeting.

Brian McLaughlin, 515 Clay Street, spoke in favor of the Proposed Vacation. Mr. McLaughlin stated they were just vacating the alley between theirs and their neighbor’s house. Mr. McLaughlin stated by getting it vacated, that would keep the city from having to repave in that alleyway and the other adjacent alley.

Question was called for at 9:56PM for **PROPOSED ORDINANCE NO. 2022-31 Motion carried by unanimous roll call vote (summary: Yes = 7).**

Yes: Mrs. DeMaegd, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The annexation ordinance passed 7-0, thus it became **ORDINANCE NO. 5807.**

The chair entertained a motion to recess for 10 minutes before reconvening to hear about the city budget. The council recessed.

PROPOSED ORDINANCE NO. 2022-32

CIVIL CITY BUDGET AND TAX LEVY FOR 2023

Petitioner asked for amendment

The chair entertained a motion to delete the proposed ordinance in its entirety and substitute in an amendment as presented to the council by the Clerk and Controller that evening. The motion passed.

Mayor Wood, spoke in favor of **PROPOSED ORDINANCE NO. 2022-32**. Mayor Wood thanked the council for their involvement in this and this way far and away their biggest issue that they dealt with on an annual basis as far as time commitment and effort from their department managers and meeting with all of them throughout the process. Mayor Wood also thanked their Controller, Becky Maguire and her staff for the outstanding job they always do to put together all of the data and information that culminated in their seeing this. Mayor Wood stated as he said before and his predecessors said, budgeting was an art and not a science and they took their best guesses based on experience and tried to be prognosticators about what they were seeing with trends in the market and economy. Mayor Wood stated they knew that it was not an easy thing to do right now with inflation and they were all impacted by it at home which meant they were impacted by it over in the city with everything they purchased and it got challenging to purchase things, so they had to strategize a little bit. Mayor Wood stated he was very confident in their team of outstanding people coming together with the council's input and put it on paper as much as a family would around a kitchen table. Mayor Wood stated the budget would be balanced, as required by law and they would be eating into their cash reserves if this was approved which wasn't necessarily a comfortable position to be in. Mayor Wood stated they spent a lot of time over the last 5 or so years knowing the circuit break impacts were coming and they wanted to build up cash reserves in anticipation of using them down the road. Mayor Wood stated they always tried to budget conservatively and spend conservatively as well. Mayor Wood stated he would address the changes in the budget and all of their priorities started with this document. Mayor Wood stated they would invest more that year in Public Safety and that was the top priority. Mayor Wood stated Police and Fire was most important and they were proposing to increase their staff and that would translate to an \$800,000 increase in the budget. Mayor Wood stated to cover that, they were using up some ARPA funds. Mayor Wood stated as they knew, they were in negotiations currently and that process would play out but it was their intent to higher new personnel in police and fire. Mayor Wood stated on the IT side, they were looking to add a new line item, worth \$250,000, it was for service contracts and things such as security cameras among other things that would come out of that. Mayor Wood stated on the Engineering side, they were looking to add to the CEDIT budget \$200,000 for a new project in Twin Branch Park and School area to make improvements there for pedestrian safety. Mayor Wood stated with Central Services, they were seeing a huge increase in gas expenditures as well as some other increases in materials and added \$200,000 to the general budget and then also MVH they were adding \$25,000 to an increased cost. Mayor Wood stated they were going to deploy a new ambulance and were going to a fourth full-time ambulance 24/7, 365 and would be buying a new ambulance. Mayor Wood stated they had put in \$356,000 in the budget for that and also had a new light item in the budget which was EMS funding and would use some of that for a new ambulance and also were looking to do a new Tahoe in the fire department, new medic to refurb as well as some other equipment. Mayor Wood stated over on the Code Enforcement side, they were adding to CEDIT a Human Society line item, an increase of \$117,723 to cover their service contract increase for animal control. Mayor Wood stated most of their Code vehicles were circa

2010 and were showing their wear, so they were putting in \$150,000 to replace the old hybrid Escapes that had been in good service for them for a long time. Mayor Wood stated in the Controller's Office, where things such as insurance and all that were held, they were increasing their insurance premium line item by \$200,000 and he thought that was huge as far as that being a fairly low amount of money to increase that thanks to the savings in partnership with their providers and it was a great thing. Mayor Wood stated on the capital side, they were increasing that by \$250,000 and consulting by \$150,000. Mayor Wood stated the new city hall would require a lot of supplies, whether from the letterhead or equipment and they were adding a city hall line item in CEDIT to make sure they were able to service and provide in the building for the things they needed. Mayor Wood stated they were making some changes in the personnel lines as far as some of the salaries and things like that and as they knew, they commissioned a study for compensation. Mayor Wood stated they compared themselves to many other communities around the state with very similar positions and like-sized departments and like-sized cities and found that by at large, they were mostly competitive with other communities that were similar, but did have some outliers and intended to attempt the outliers that year to bring them up to where they needed to be. Mayor Wood stated they were also looking to do just a couple of changes personnel wise as far as changing some job descriptions, one in the Building department and they should be pretty well aware of those. Mayor Wood ended there with the update and stated this was a huge team effort for them and this budget always was their priority to give them up to date, current and transparent information at their disposal. Mayor Wood stated they could call them anytime and if they had a question on it and they appreciated all of their department managers meeting with the council and the dialogue they had with them and fulfilling their obligations as a fiscal body. Mayor Wood offered another thank you to everyone involved and this set them up for success in the coming year as well as down the road and put them in position to grow.

Mr. Bellovich asked Mayor Wood what they were looking at next year for their Police Department as far as staffing numbers and he knew they were staffed at 108 currently and asked if they were looking to go higher than that in 2023. Mayor Wood stated all things were on the table and they were in the middle of contract negotiations and he wanted to protect the integrity of that negotiation, but he would tell him that all things were on the table and were absolutely willing to go higher on personnel at the police department. Mayor Wood stated the art was in the negotiation though and it was always a give and take, as he knew and that was where they were. Mr. Bellovich asked what percentage of the insurance premiums were paid by the city versus the employee. Mayor Wood stated they were above 96%.

Mr. Hixenbaugh thanked Mayor Wood for the information and appreciated the time he and Mrs. Maguire and the department heads spent with them. Mr. Hixenbaugh stated it was always a valuable conversation from their perspective and hopefully it was from theirs as well with regard to issues financial and otherwise that they did not always have the chance to discuss. Mr. Hixenbaugh asked with regard to the limited number of positions he mentioned in the wake of the salary comparability's that would be adjusted, during the budget discussions some of them were still under review and had not finalized, so Mr. Hixenbaugh asked when he had a chance if he could provide the council with a finalized list of those.

Mr. Mammolenti gave a sincere thank you to the committee that met with the department heads as he knew those were very long evenings taken away from family and he unfortunately could not make them that year due to some conflicts but always enjoyed the dialogue with the department heads and wanted to thank everyone involved.

Mr. Hixenbaugh had a question for Mrs. Maguire.

Becky Maguire, City Controller, spoke under the public hearing for **PROPOSED ORDINANCE NO. 2022-32**. Mr. Hixenbaugh asked if she could touch on with regard to the budget, how if at all the money they were proposing to spend next year would impact the tax rate their citizens were subject to. Mrs. Maguire stated it was not the budget that impacted the tax rate and the tax rate was a simple equation of the max levy, which was the total the state allowed them to come up with to collect and that was divided by their net assessed value and that came up with their tax rate. Mr. Hixenbaugh asked how the proposed tax rate for the coming year would compare to this year's tax rate. Mrs. Maguire stated with the advertised tax rate, they always advertised high because if they did not and something happened to their net assessed value, they could not collect their maximum amount, so it was best practice and financial advisors recommended that in their calculation, they use a lower net assessed value and underestimate. Mrs. Maguire stated so, if something happened, they would still be collecting their full levy. Mrs. Maguire stated that being said, in her estimations this year their tax rate was approximately 2.0 and she expected their tax rate to be just under 2.0 for 2023. Mr. Hixenbaugh thanked her again for the work she did to help them move through the budget hearings and it was always appreciated. Mrs. Maguire stated it was always a team effort with her staff and of course, could not make it through without the Clerk's Office and she appreciated it.

Mr. Hixenbaugh stated pursuant to state law, they would close the public hearing and for the record, a vote would take place at a subsequent council meeting pursuant to state statute.

PROPOSED ORDINANCE NO. 2022-33

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA CHAPTER 62 ARTICLE 3 WATER SERVICE AND APPROVING THE OFFERING OF A WATER SERVICE LINE WARRANTY PROGRAM TO CUSTOMERS OF THE MISHAWAKA MUNICIPAL UTILITIES

Mrs. Voelker reported the Committee of Public Improvements recommended this proposed ordinance should be adopted. This was signed by the entire committee and upon a second by Mr. Banicki, the motion carried.

Dave Majewski, Mishawaka Utilities Water Manager, spoke in favor of **PROPOSED ORDINANCE NO. 2022-33**. Mr. Majewski stated West 8th Street, South Merrifield, Terry Lane, Lincoln way East, East Broadway, West 6th Street, North Elder and Baker Street were just a few of the 40 plus customer leaks in 2022. Mr. Majewski stated when their people tell a customer it's their leak and they must fix it and it could cost thousands of dollars, it was a hard pill to swallow. Mr. Majewski stated in many cases, most of their customers told them that they

did not have the resources or money to repair the line and their service people, including himself, hated to tell that to customers. Mr. Majewski stated they would like to change that or give them another option. Mr. Majewski stated the ability to provide their customers with leak insurance for a monthly fee and not having the headache of running through the program was a no brainer in his opinion. Mr. Majewski stated this had no deductible and would use local and Mishawaka utility approved contractors. Mr. Majewski appreciated the council's support in what he believed would be a huge benefit to the citizens of Mishawaka.

Mrs. DeMaegd asked if he could tell her how much the fee would be and if it would be included in their monthly bill. Mr. Majewski stated this would be an option so it would not be part of the bill with separate mailing.

Mrs. Voelker asked about approved vendors and approved plumbers. Mr. Majewski stated they would be giving a list of approved contractors to HomeServe using local contractors that were familiar with Mishawaka so it would be local people.

Mr. Mammolenti thanked Mr. Majewski for presenting this and asked if this was a similar presentation to the one they heard last year. Mr. Majewski stated this was the same with HomeServe, doing their due diligence and reached that point with somebody who was actually associated with the American Water Works Association, Indiana Rural Water, the Alliance of Rural Water so it actually had a buy in of water utilities around the state and in fact, they would be the second largest water utility if approved to be part of the HomeServe network, with Evansville being the largest. Mr. Mammolenti asked just to confirm that this was an opt-in service versus automatically incorporated in the bill. Mr. Majewski stated that was correct and there would be no surprises with mailings to go out and the big thing was hoping the right people joined the program so when they called and had leak insurance, it was a simple call to their 800 number and would receive service that way 24 hours a day. Mr. Mammolenti thanked him for his works and efforts and thought this was a great service offered to Mishawaka residents.

Mike Chambers, HomeServe, stated they were the administrators of National League of City Service Line Program and would answers any questions the council had. Mr. Chambers stated it was \$5.75 per month.

Mr. Emmons asked if it would be billed by his company to the residents. Mr. Chambers that was correct and it was a full turnkey program and they handled all of the billing, customer service and claims and there was no cost or anything for the city to participate as well. Mr. Chambers stated it was all handled by them.

Matt Lentsch, Executive Director of Development and Government Affairs for Mishawaka Utilities, spoke in favor of **PROPOSED ORDINANCE NO. 2022-33**. Mr. Lentsch stated he was glad to be before the council and was proud to be there in the new council chambers and was proud of them all and where they had come and where they were headed as well. Mr. Lentsch stated it was not easy to say that they were Mishawaka and they were going to do the right thing, the right way and in this proposed ordinance, it was another opportunity for them to serve their residents well. Mr. Lentsch stated he had the opportunity to take a few calls of folks who had leaks and could not pay for it and they had to turn the water off, in some cases, until that was

fixed and there were large costs incorporated in that. Mr. Lentsch stated they took care of their own and did a great job of taking care of the community. Mr. Lentsch asked for their approval of this and this was passed by the Board of Public Works. Mr. Lentsch stated service line warranty shall be offered at no cost to the city but rather be paid by customers who volunteered to participate in the program by purchasing coverage and which they could drop at any time. MR. Lentsch stated the city shall make the water service warranty available by entering into a contractual agreement with various service partners. Mr. Lentsch stated the initial cost, as reported, was \$5.75. Mr. Lentsch stated they would get royalty back to them at 50 cents and that would go into helping them to deal with lead water lines and helping to service that. Mr. Lentsch stated he would be happy to answer any questions and thanked them for their willingness to hear this that evening.

Mr. Bellovich thanked him for being there that night and asked with the \$5.75 per month, if there was a guaranteed timeframe that the premium would take place to start with. Mr. Chambers stated they had not raised the rate since 2014 and hoped they never had to raise the rate again and it had been that way for years. Mr. Bellovich asked for someone who was attempting to acquire the insurance, when it would go into effect. Mr. Chambers stated it would have a 30-day wait period and after the 30 days they would be fully covered.

Mr. Hixenbaugh thanked all of the gentlemen for bringing this to them and the minimal royalty the city received aside, this was not primarily geared toward the benefit of the Municipal Utilities and this was a program that would benefit the ratepayer and avoid a catastrophic situation where they had to dig into their own pocket without another source of revenue in order to deal with those situations they talked about and appreciated the work that had gone into it and the fact they were able to make this available to their residents.

Mr. Emmons asked on their billing and what the payments could be as far as annually, quarterly or monthly. Mr. Chambers stated they were flexible and they could pay yearly or quarterly. Mr. Chambers stated a lot of residents would put a debit or credit card on file and that would come out every month, but the payment plans would be flexible.

Question was called for at 10:35PM for **PROPOSED ORDINANCE NO. 2022-33 Motion carried by unanimous roll call vote (summary: Yes = 7).**

Yes: Mrs. DeMaegd, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The annexation ordinance passed 7-0, thus it became **ORDINANCE NO. 5808.**

UNFINISHED BUSINESS

RESOLUTION R2022-17

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: 1017 EAST JEFFERSON BOULEVARD, MISHAWAKA, INDIANA.

Use Variance to allow Food Truck in the parking lot of Pilo's Body Shop – 1017 E. Jefferson Blvd.

Pilo Bueno, owner of Pilo's Body Shop 1017 E. Jefferson Boulevard, spoke in favor of **RESOLUTION R2022-17**. Mr. Bueno stated the last time they spoke, they agreed to bring clarification of the times and dates of operation of the food truck and what he was proposing was he opened from 2 to 8PM on Thursdays, 2 to 8PM on Fridays and 10 to 2PM on Sundays.

Mrs. Voelker stated she wandered by his business and he was not in because he had been ill, but she went next door and one of the workers next door stated his food was very good. Mr. Bueno stated he appreciated that. Mrs. Voelker asked about the state of his parking lot and if the food truck, as you were facing the building, would be on the left of the parking lot. Mr. Bueno stated that was corrected it would be on the northeast corner. Mrs. Voelker asked if he would have 8 parking places. Mr. Bueno stated he had a total of 6 parking spaces in front and 8 on the side. Mrs. Voelker stated the parking lot was very full and she was concerned about how it was all parked up on the right side and looked hard to maneuver around and was concerned about there being enough space in his lot to have a food truck and allow people to park. Mr. Bueno stated he was sick when she came by and had COVID and it was a rough ride and was down for over two weeks. Mr. Bueno stated he was trying to survive and was not as focused on his business recently. Mrs. Voelker stated she was glad he was feeling better. Mr. Bueno appreciated that and stated when she came by he was in the middle of a lot of things, but the plan was to put the food truck in the northeast end of the parking lot and had three handicap parking spaces in the front of his shop and there was 5 additional spaces in the front strictly for auto sales and 14 parking spaces on the side. Mr. Bueno stated there were some cars in the way but he would take care of that and the 8 on the east of the building would be strictly for cars going to the body shop and the 6 would be strictly for cars for the vending truck. Mr. Bueno stated they had never been so busy to where they had issues with parking and always had been plenty of space, so he did not foresee any problems with that. Mr. Bueno stated there had been ups and downs with the business, but never got to a point where there were so many cars that they did not know what to do with them.

Mr. Mammolenti thanked him for being at the meeting that evening and sitting through the long meeting and stated from his memory of the last meeting, he was very willing to agree to the stipulations that had been put on him and he appreciated that. Mr. Mammolenti asked if this would be for a year and then he would have to come before the council again. Mr. Hixenbaugh stated for the record, that was his reading of the resolution in front of them. Mr. Mammolenti asked if he was aware of that. Mr. Bueno stated he was aware of it and stated he was set back a whole month because he was sick and there would not be a food truck until next spring. Mr. Bueno stated he only asked the stipulation start in the spring, which he believed was fair. Mr. Hixenbaugh stated pursuant to the resolution, condition 3 in section 1 indicated that the use variance shall expire one year from the date of Common Council approval. Mr. Mammolenti stated he was very glad he was healthy and wished him good luck.

Mr. Bellovich asked if this was passed that evening, if he was locked in for the number of hours or if he could change that if his business was overrun and wanted to expand the hours or days. Mr. Trippel stated he agreed to those restricted hours, so they were what they were. Mr. Hixenbaugh stated the resolution as drafted in condition 2 indicated the hours of operation shall

be no more than 6 hours per day and 3 hours per week. Mr. Hixenbaugh stated in response to Mr. Bellovich's question, his interpretation was that that condition now incorporated the oral representations made to them that evening, so over the course of the year as they looked to see if there had been follow through to what had been presented to them, it was going to be the schedule heard that evening to measure whether he complied with what was promised to the council. Mr. Trippel agreed with all of that. Mr. Bueno stated he came there that evening with integrity and his intentions were good and had said nothing but what he intended to do. Mr. Bueno stated his intentions were to buy a certain amount of food he believed was going to sell in a certain amount of time and when it was done, it was done, because he still had an auto body shop to run, auto sales to run and also had a family. Mr. Hixenbaugh stated they appreciated that and hoped this would be a benefit to him and his family, but on the flipside there were times when people had not always followed through so to avoid any misunderstandings and any problems down the road, it was better for them to be specific and make sure they were all looking at it the same way.

Mr. Hixenbaugh asked with regard to the location of the food truck and in addition to operating out of the building right next to the food truck, if he also operated out of the building at the intersection of Jefferson and Maplehurst. Mr. Bueno stated he did not and the building right next to the food truck was the only building he operated. Mr. Hixenbaugh appreciated that clarification and thanked him and was glad he recovered. Mr. Bueno stated he was sorry to hear Mike Compton was struggling with COVID and hoped for his recovery.

Question was called for at 10:50PM for **RESOLUTION R2022-17 Motion carried by unanimous roll call vote (summary: Yes = 7).**

Yes: Mrs. DeMaegd, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 7-0.

NEW BUSINESS

Mr. Emmons made a reminder that on October 20th they would have a Habitat for Humanity meeting with Mr. Jim Williams gathering public input about a proposed development for affordable housing across from Southwest Little League Park. Mr. Emmons stated this would be question and answer to gather information and looked forward to seeing everyone there. Mr. Emmons stated West End Bakery donuts would be served as well.

Mrs. DeMaegd stated the October meeting of the West End Neighborhood watch would be held Tuesday, October 11th and the guest speaker would be Mishawaka Police Department FOP president Rich Freeman and Officer Freeman would have an open forum to discuss crime and policing in Mishawaka. Mrs. DeMaegd also stated Sgt. Bruce Fultynski would also join them to give them an update on the West End's latest criminal activity and would be at St. Bavos at 7PM.

Mr. Mammolenti thanked everyone who had their hand in the New City Hall building as it was their inaugural meeting in the building that evening. Mr. Mammolenti stated he knew Mayor Wood and Mr. Prince worked tirelessly to make this happen, as well as Clerk Block who made sure everything from a council standpoint went as smoothly as could be and wanted to thank the

IT department as well for their outstanding job with each meeting getting better and better. Mr. Mammolenti once again thanked everyone involved.

Mr. Hixenbaugh acknowledged some city employees who recently visited the fun fair for the preschool program his wife participated in as a board member, Gary Wirick and Andy Williams from Central Serices and Steven, Yvonne and Kelsey from the Parks Department were all there and it was a really great experience from the kids. Mr. Hixenbaugh stated they brought up the dump truck and the preschool kids loved it and hopefully incentivized them to want to be employees of the city of Mishawaka as they aged and he appreciated the involvement of all of their employees in that event.

ADJOURNMENT 10:54PM

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

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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
Kenneth B. Prince, ASLA, AICP, Executive Director

October 12, 2022

Deborah S. Block, IAC, MMC

OCT 12 2022

City Clerk
Mishawaka, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
October 11, 2022, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

PETITION #22-17 A petition submitted by Memorial Health Systems Inc. requesting to rezone the **northeast corner of North Main Street and East University Drive** from C-1 General Commercial District to S-2 Planned Unit Development to allow a mixed-use commercial and residential development.

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

PETITION #22-18 A petition submitted by Jinder Food Services Inc. requesting to amend the North Main Street Planned Unit Development to allow for a restaurant with drive-thru, reduction in number of parking spaces, and the use of fiber cement board at **5540 North Main Street**.

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

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

Respectfully,

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: John Piraccini
Mark Huonder

PETITION #22-17
NEC North Main Street and East University Drive
Conditions of Approval

Uses:

1. Permitted uses shall be limited to those identified in the C-1 General Commercial Zoning District and supplemented as follows.
2. One lot may contain a commercial car wash and vacuuming facility.
3. Two lots may contain a restaurant with a drive thru.
4. Multifamily Residential R-3 uses.
5. Residential uses may be combined with commercial uses, where the commercial use is on the ground floor and residential uses located above the commercial use.
6. Off-premise signs/billboards shall be prohibited.
7. Outside storage and display shall be prohibited.
8. All loading docks, dumpsters, ATM machines, and mechanical equipment shall be screened from view as follows:
 - a. Dumpsters shall be screened by a wall matching the buildings materials of the principal building.
 - b. Dumpster locations shall be located a minimum of 120' away from the public right-of-way of Main Street and University Drive.

Traffic Impact:

1. Any additional right-of-way, and road improvements, required for either Main Street or University Drive improvements associated with the proposed development project shall be dedicated and/or constructed at the sole expense of the developer. The City may at its discretion work with the developer to create a separate agreement to participate if signal access to University Drive is negotiated between the developer and the adjacent property owner.
2. Phasing improvements associated with this project shall be determined by the City Director of Engineering.
3. The number, locations, and/or type of curb cuts on any City street to access the project site shall be determined by the City Director of Engineering. Conceptually access shall include one temporary right-in-right-out access on University Drive and one permanent access on Main Street that shall preclude any left turn movement out of the development site to travel south bound on Main Street. The temporary right-in-right-out access on University Drive shall be removed concurrent with any connection to the property to the east that provides access to University Drive. Installation of unmountable medians, and/or, modifications to existing medians shall be required as part of any access installation.
4. Improvements shall take place as determined by the City Director of Engineering as identified on approved final site plan(s).

Road Access and Internal Circulation:

1. A hierarchy of the internal vehicular road networks shall be provided as follows:
 - a. A minimum access throat/stacking area on the site shall be provided at each proposed entrance point from its intersection with the public right-of-way as may be approved by the City Director of Engineering as part of any final site plan approval.

- b. An internal drive shall be provided in a dedicated easement that connects internal lots between Main Street and University Drive. All lots shall have legal dedicated access to both public streets. The internal access drive shall be constructed as part of Phase 1. Sidewalk and landscape installation associated with the drive shall be determined as part of each subsequent planned unit development submission.
 - c. Internal stacking and turning movements at internal intersections shall be provided and protected based on actual proposed uses as the planned unit development is built out. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
- 2. Access and utility easements shall be dedicated for the potential future development of the property to the east. The number and location of access and utility connections shall be determined by the City and shall connect to the dedicated internal drive easement required herein.
- 3. A sidewalk and/or pedestrian plan shall be submitted concurrent with the filling of the first final planned unit development site plan submission, including:
 - a. Pedestrian access within the site to all businesses. This could be a walk on one side of the internal access drive as may be determined by the developer.
 - b. Pedestrian access at a minimum from within the site to the northeast corner of the intersection of Main Street and University Drive.

Stormwater Management:

- 1. The type and extent of stormwater facilities proposed within the PUD shall be limited/restricted by the City Director of Engineering.

Lighting:

- 1. All site lighting shall be limited to 30 feet in height.
- 2. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
- 3. Location and shielding of all proposed lighting shall be used to minimize impact to projected and future residential uses on and adjacent to the site.

Signage:

- 1. Signage shall be allowed in accordance with the Mishawaka C-1 on-premise sign standards and varied as follows:
 - a. Each buildable lot within the Planned Unit Development shall be permitted one freestanding monument sign consistent with the City Freestanding sign corridor overlay district on Main Street and University Drive.
 - b. Any additional identification signage, if necessary, shall be limited to one freestanding monument sign per entrance on University Drive and Main Street consistent with the City Freestanding sign corridor overlay district on Main Street and University Drive, and shall only be permitted for the advertising of a lot within the planned unit development that does not have frontage on the public right of way and only has access to the internal drive.
 - c. All freestanding monument signs shall be located a minimum of 100' apart and shall not obstruct or create clear vision area issues with the proposed access points on University Drive or Main Street.
 - d. Temporary construction fence covering which may include information about the project, elevations, renderings, slogans, logos, advertising, and other similar information shall be allowed up to the point of occupancy of the

principal building on any given lot within the Planned Unit Development during its construction.

Car Wash Specific Restrictions:

1. Supplemental to the C-1 required landscaping, a mounded 2-4' high planted landscaped strip shall be required continuously adjacent to the public right-of-way where the car wash lot is adjacent to public right of way.
2. Building signage shall be limited to 120 square feet per building façade, with a maximum of 400 square feet for the façade signage for the entire building.
3. Internal directional signage for the car wash shall not be plainly visible from the public right of way. Small ground mounted signs shall be used where practical.
4. All vacuums, if provided, shall be located on the east of the eastern side of the building, if provided (furthest away from Main Street), and shall be a minimum of 50' from the right of way of University Drive.
5. Flag poles, if provided shall be a minimum of 25' from any public right of way, and a maximum of 50' in height.
6. Per the City's Design review; development plan restrictions, building materials for all facades of the building shall be 100% architecturally appropriate materials. Each façade shall consist of a minimum of 60% masonry.
7. Detailing, waxes, and oil changes may occur only as an accessory to the principle use as a car wash. Standalone detailing and oil change facilities shall not be permitted as a use.

Landscaping:

1. Landscaping shall follow the established standards in the C-1 General Commercial District and as supplemented as follows:
 - a. An opaque six-foot fence shall be mandatory along property lines that are contiguous to any residentially zoned property, in conjunction with a combination of the following:
 - i. One deciduous shade (over-story) tree every 40 feet; or
 - ii. One evergreen tree for every 10 feet.
 - iii. This buffer area shall be a minimum of 15' wide. Planting may be clustered instead of evenly spaced to most effectively provide the necessary screen.
2. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission. Phasing of installation shall occur concurrent with development, except that the Planning Commission may require the installation of screening and buffering along property lines prior to when adjacent developments are proposed when deemed necessary/appropriate.
3. Decorative landscaping shall be provided at the northeast corner of Main Street and University drive as measured by 10' perpendicularly from the existing corner cut, adjacent to and outside of the right-of-way. This area shall include mixed planting materials of various heights including evergreen and flowering material, and may not include any signage or other accessory structure. Plantings shall not obstruct or create clear vision area problems. This landscaping shall be installed as part of the first phase of construction.
4. Decorative landscaping shall be provided at the corner of each drive approach/access point to public right of way within the Planned Unit Development as measured by a 15' triangular corner cut, adjacent to and outside of the right-of-way. This area shall

include mixed planting materials of various heights including evergreen and flowering material, and may not include any signage or other accessory structure other than directional signs. Plantings shall not obstruct or create clear vision area problems. This landscaping shall be installed as part of the first phase of construction.

5. Planting of trees as required by ordinance for each development lot/project shall be a mix of ornamental and deciduous shade trees. Shade trees may include columnar varieties.
6. A minimum 10' wide planting area shall be provided adjacent to all public right of way and on either side of the internal access drive for required plantings. This area shall be in addition to any required right-of-way or easements required to be dedicated.
7. Deciduous shade trees, which may include columnar varieties, and/or ornamental trees shall be planted adjacent to the internal access drive easement on both sides that match the planting requirement of the ordinance adjacent to the public right of way with the intent to provide a tree lined street. Only shade trees, which may include columnar varieties shall be planted adjacent to any sidewalk.

Parking:

1. The car wash shall provide parking to meet maximum staffing levels including overlap of shift changes plus 2 visitor parking spaces.
2. For residential uses, a minimum of 1.2 spaces per residential unit shall be provided.
3. All other uses shall meet the minimum standards identified by the City of Mishawaka Zoning Ordinance.

Setbacks:

1. Setbacks for Commercial uses shall follow the established standards in the C-1 General Commercial District.
2. Setbacks for residential uses shall follow the established standards in the R-3 Multi-family residential district.

Building Height:

1. Building height for all structures shall not exceed 60'.

Phasing:

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

STAFF REPORT

Location: Northeast Corner of N. Main Street & E. University Drive

Date: October 11, 2022

Petition: 22- 17

Prepared By: DJS / KBP

GENERAL INFORMATION

Applicant: Memorial Health Systems / Abonmarche Consultants

Status: Property Owner / Surveyor, Engineer & Site Design Consultant

Request: Rezone from C-1 General Commercial District & S-2 Planned Unit Development District to the S-2 Planned Unit Development District to allow for a mixed use development to include commercial uses, a car wash, two restaurants with drive-thru facilities, and residential

Zoning Classification: C-1 General Commercial District & S-2 Planned Unit Development District

Lot Size: Approximately 10 acres including the N. Main Street & E. University Drive rights-of-way

Applicable Regulations: Section 137-671 thru 137-679 / Planned Unit Development S-2 District, Section 137-40 / Plan Commission, and Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development (Office Park – Multi-Tenant Buildings / University Gardens)
South: C-2 Shopping Center Commercial (Single & Multi-Tenant Buildings / University Commons anchored by Target)
East: C-1 General Commercial (Veterinary Office / University Park Veterinary Hospital), R-3 Multi-Family Residential (Apartments / Spring Lake), and Unincorporated St. Joseph County
West: S-2 Planned Unit Development (Hotel & Medical Uses / Baymont Inn & Memorial Lighthouse Imaging Center)

Thoroughfare: N. Main Street & E. University Drive

School District: Penn-Harris-Madison School Corporation

Township: Harris

Public Utilities: All public utilities are available and will be connected to/throughout the site at the developer's expense.

Comprehensive Plan: Service Commercial

ANALYSIS

The Petitioner is requesting to rezone property located at the northeast corner of N. Main Street and E. University Drive from the C-1 General Commercial District and S-2 Planned Unit Development District to the S-2 Planned Unit Development District to allow for commercial uses, a Drive n' Shine car wash, two restaurants with drive-thru facilities, and townhome/multi-family residential. The first phase of the development will include the car wash facility. Future phases will include commercial and residential uses per market demand. The PUD shall be known as the University and Main PUD.

The approximate 10 acre property, including the adjacent rights-of-way, is currently vacant and zoned for general commercial use. When annexed into the City in 1987, the property was occupied by Charter Hospital of South Bend. The hospital was demolished in the late 1990s. A small parking lot and access drives, which served the hospital, remain on the site. These improvements will be removed with the proposed redevelopment of the property.

The property is surrounded by a multi-tenant office park to the north; an apartment complex, veterinary hospital, and vacant unincorporated land to the east; a multi-tenant shopping center to south; and a hotel and medical buildings to the west. The proposed mixed-use development is consistent with the recommended use per the comprehensive plan and compatible with the existing adjacent office, commercial, medical, and multi-family residential uses. Prior to the widening and realignment of E. University Drive, formerly a two-lane county road (Cass Road), a majority of the property to the south between N. Main Street and Fir Road was vacant. Commercial development of the corridor spurred following the road improvements completed in the early 2000s.

The conceptual site plan submitted with the petition shows a car wash and vacuum center within the southwest corner of the property with several commercial and residential buildings accessed by a common "U" shaped collector drive. Permitted uses shall be limited to those identified in the C-1 General Commercial District, one car wash and vacuuming facility, two restaurants with drive-thru facilities, and R-3 Multi-Family Residential uses. Residential use is permitted above ground-level commercial uses.

The proposed planned unit development re-opens an ongoing discussion regarding automobile related uses being proposed on Main Street. Most recently, a Valvoline Oil Change facility was proposed in the current Home Depot parking lot that was approved by the Common Council with a 5-4 vote which was subsequently vetoed by the Mayor. The Mayor's veto was not overridden and the project ended up relocating to Grape Road and is currently under construction.

When the developer approached staff regarding this request, there were a number of outlying factors that we felt should be considered. First, was an acknowledgement from the developer of the City's desire to maintain a high standard for the corridor and that the development request includes more property than just a car wash. The developer identified that they would be willing to commit to a higher level of signage, landscaping, and building materials for the car wash.

The other extenuating factor is the location of the property and the associated access restrictions associated with it. This parcel has been marketed for years, with not much interest except for a few automobile oriented uses which had contacted staff. Despite being in a very prominent location, the access to the site is limited on Main Street and University Drive by the amount of traffic and stacking that occurs at the intersection. Barring negotiating with the adjacent landowner to the east for access to the traffic signal that provides access to the Target Center, any access located on University Drive would be limited to a right-in/right-out and would require the construction of a median in the road at considerable expense. Main Street access is a little better, but access would still be limited by having no left out of the site. Construction of the concrete barrier islands, deceleration lanes, and other required improvements in the public right-of-way as conceptually shown on the site plan will be the responsibility of the developer. All road improvements are subject to review and approval by the Department of Engineering. The right-in/right-out access on E. University Drive is not ideal. As mentioned, the contingent developer has approached the owner of the veterinary hospital to the east in an effort to acquire the property or allow a common access drive through the property to provide access via the existing signalized intersection. To date, these efforts have not been successful. The Engineering Department commented that the site

should include a stub/access drive along the east property line to accommodate a future drive extension to access the traffic signal.

The combination of commitments of development standards, the site challenges, and the fact that Midas Muffler and Brake shop is located just west of the intersection of Main and University has allowed staff to recommend in favor of the request. As with almost all requests we receive, there are inherent positives and negatives associated with requests. If it were not for all three factors- the multiple years of unsuccessful marketing of the property with access restrictions, the higher commitments on the developmental standards, and the presence of Midas very close to the proposed site, staff would not have provided a favorable recommendation.

The proposed landscaping, parking, signage and other developmental regulations are outlined below in the conditions of approval. The developer had submitted proposed standards which staff then modified to reflect what we believe the intent should be regarding a "higher" standard for the auto use and the larger planned unit development at this prominent Main Street intersection. Staff's conditions provide a higher standard for building materials, restrictions on signage, a requirement to provide a higher level of landscaping, and places a restriction on uses to limit the planned unit development to only one car wash and two drive thru restaurants. In addition to just the car wash, the conditions are intended to direct the overall layout and quality of the planned unit development.

Similar to other planned unit developments, the contingent developer is only proposing to establish the range of permitted uses and basic development requirements of the planned unit development. The petitioner's proposed development regulations are attached to the petition. As mentioned, Planning Staff used this a basis for drafting the below conditions.

If approved, a more detailed final planned unit development site plan would be submitted at a later date identifying road improvements, storm drainage, grading, landscaping, and other required improvements.

The Electric Department commented that easements and electric route/service will need to be determined.

The Water Department commented that they should be contacted regarding water service, metering, or backflow needs.

The Building and Fire Departments have reviewed and approved the request providing no comments.

RECOMMENDATION

Staff recommends in favor of Petition 22-17 to rezone approximately 10 acres located at the northeast corner of N. Main Street and E. University Drive from the C-1 General Commercial District and S-2 Planned Unit Development District to the S-2 Planned Unit Development District to allow for commercial uses, a car wash, two restaurants with drive-thru facilities, and townhome/multi-family residential subject to the following PUD development standards/conditions:

Uses:

1. Permitted uses shall be limited to those identified in the C-1 General Commercial Zoning District and supplemented as follows.
2. One lot may contain a commercial car wash and vacuuming facility.
3. Two lots may contain a restaurant with a drive thru.
4. Multifamily Residential R-3 uses.
5. Residential uses may be combined with commercial uses, where the commercial use is on the ground floor and residential uses located above the commercial use.
6. Off-premise signs/billboards shall be prohibited.
7. Outside storage and display shall be prohibited.
8. All loading docks, dumpsters, ATM machines, and mechanical equipment shall be screened from view as follows:
 - a. Dumpsters shall be screened by a wall matching the buildings materials of the principal building.

- b. Dumpster locations shall be located a minimum of 120' away from the public right-of-way of Main Street and University Drive.

Traffic Impact:

1. Any additional right-of-way, and road improvements, required for either Main Street or University Drive improvements associated with the proposed development project shall be dedicated and/or constructed at the sole expense of the developer. The City may at its discretion work with the developer to create a separate agreement to participate if signal access to University Drive is negotiated between the developer and the adjacent property owner.
2. Phasing improvements associated with this project shall be determined by the City Director of Engineering.
3. The number, locations, and/or type of curb cuts on any City street to access the project site shall be determined by the City Director of Engineering. Conceptually access shall include one temporary right-in-right-out access on University Drive and one permanent access on Main Street that shall preclude any left turn movement out of the development site to travel south bound on Main Street. The temporary right-in-right-out access on University Drive shall be removed concurrent with any connection to the property to the east that provides access to University Drive. Installation of unmountable medians, and/or, modifications to existing medians shall be required as part of any access installation.
4. Improvements shall take place as determined by the City Director of Engineering as identified on approved final site plan(s).

Road Access and Internal Circulation:

1. A hierarchy of the internal vehicular road networks shall be provided as follows:
 - a. A minimum access throat/stacking area on the site shall be provided at each proposed entrance point from its intersection with the public right-of-way as may be approved by the City Director of Engineering as part of any final site plan approval.
 - b. An internal drive shall be provided in a dedicated easement that connects internal lots between Main Street and University Drive. All lots shall have legal dedicated access to both public streets. The internal access drive shall be constructed as part of Phase 1. Sidewalk and landscape installation associated with the drive shall be determined as part of each subsequent planned unit development submission.
 - c. Internal stacking and turning movements at internal intersections shall be provided and protected based on actual proposed uses as the planned unit development is built out. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
2. Access and utility easements shall be dedicated for the potential future development of the property to the east. The number and location of access and utility connections shall be determined by the City and shall connect to the dedicated internal drive easement required herein.
3. A sidewalk and/or pedestrian plan shall be submitted concurrent with the filling of the first final planned unit development site plan submission, including:
 - a. Pedestrian access within the site to all businesses. This could be a walk on one side of the internal access drive as may be determined by the developer.
 - b. Pedestrian access at a minimum from within the site to the northeast corner of the intersection of Main Street and University Drive.

Stormwater Management:

1. The type and extent of stormwater facilities proposed within the PUD shall be limited/restricted by the City Director of Engineering.

Lighting:

1. All site lighting shall be limited to 30 feet in height.
2. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.

3. Location and shielding of all proposed lighting shall be used to minimize impact to projected and future residential uses on and adjacent to the site.

Signage:

1. Signage shall be allowed in accordance with the Mishawaka C-1 on-premise sign standards and varied as follows:
 - a. Each buildable lot within the Planned Unit Development shall be permitted one freestanding monument sign consistent with the City Freestanding sign corridor overlay district on Main Street and University Drive.
 - b. Any additional identification signage, if necessary, shall be limited to one freestanding monument sign per entrance on University Drive and Main Street consistent with the City Freestanding sign corridor overlay district on Main Street and University Drive, and shall only be permitted for the advertising of a lot within the planned unit development that does not have frontage on the public right of way and only has access to the internal drive.
 - c. All freestanding monument signs shall be located a minimum of 100' apart and shall not obstruct or create clear vision area issues with the proposed access points on University Drive or Main Street.
 - d. Temporary construction fence covering which may include information about the project, elevations, renderings, slogans, logos, advertising, and other similar information shall be allowed up to the point of occupancy of the principal building on any given lot within the Planned Unit Development during its construction.

Car Wash Specific Restrictions:

1. Supplemental to the C-1 required landscaping, a mounded 2-4' high planted landscaped strip shall be required continuously adjacent to the public right-of-way where the car wash lot is adjacent to public right of way.
2. Building signage shall be limited to 120 square feet per building façade, with a maximum of 400 square feet for the façade signage for the entire building.
3. Internal directional signage for the car wash shall not be plainly visible from the public right of way. Small ground mounted signs shall be used where practical.
4. All vacuums, if provided, shall be located on the east of the eastern side of the building, if provided (furthest away from Main Street), and shall be a minimum of 50' from the right of way of University Drive.
5. Flag poles, if provided shall be a minimum of 25' from any public right of way, and a maximum of 50' in height.
6. Per the City's Design review; development plan restrictions, building materials for all facades of the building shall be 100% architecturally appropriate materials. Each façade shall consist of a minimum of 60% masonry.
7. Detailing, waxes, and oil changes may occur only as an accessory to the principle use as a car wash. Standalone detailing and oil change facilities shall not be permitted as a use.

Landscaping:

1. Landscaping shall follow the established standards in the C-1 General Commercial District and as supplemented as follows:
 - a. An opaque six-foot fence shall be mandatory along property lines that are contiguous to any residentially zoned property, in conjunction with a combination of the following:
 - i. One deciduous shade (over-story) tree every 40 feet; or
 - ii. One evergreen tree for every 10 feet.
 - iii. This buffer area shall be a minimum of 15' wide. Planting may be clustered instead of evenly spaced to most effectively provide the necessary screen.
2. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission. Phasing of installation shall occur concurrent with development, except that the Planning Commission may require the installation of screening and buffering along property lines prior to when adjacent developments are proposed when deemed necessary/appropriate.

3. Decorative landscaping shall be provided at the northeast corner of Main Street and University drive as measured by 10' perpendicularly from the existing corner cut, adjacent to and outside of the right-of-way. This area shall include mixed planting materials of various heights including evergreen and flowering material, and may not include any signage or other accessory structure. Plantings shall not obstruct or create clear vision area problems. This landscaping shall be installed as part of the first phase of construction.
4. Decorative landscaping shall be provided at the corner of each drive approach/access point to public right of way within the Planned Unit Development as measured by a 15' triangular corner cut, adjacent to and outside of the right-of-way. This area shall include mixed planting materials of various heights including evergreen and flowering material, and may not include any signage or other accessory structure other than directional signs. Plantings shall not obstruct or create clear vision area problems. This landscaping shall be installed as part of the first phase of construction.
5. Planting of trees as required by ordinance for each development lot/project shall be a mix of ornamental and deciduous shade trees. Shade trees may include columnar varieties.
6. A minimum 10' wide planting area shall be provided adjacent to all public right of way and on either side of the internal access drive for required plantings. This area shall be in addition to any required right-of-way or easements required to be dedicated.
7. Deciduous shade trees, which may include columnar varieties, and/or ornamental trees shall be planted adjacent to the internal access drive easement on both sides that match the planting requirement of the ordinance adjacent to the public right of way with the intent to provide a tree lined street. Only shade trees, which may include columnar varieties shall be planted adjacent to any sidewalk.

Parking:

1. The car wash shall provide parking to meet maximum staffing levels including overlap of shift changes plus 2 visitor parking spaces.
2. For residential uses, a minimum of 1.2 spaces per residential unit shall be provided.
3. All other uses shall meet the minimum standards identified by the City of Mishawaka Zoning Ordinance.

Setbacks:

1. Setbacks for Commercial uses shall follow the established standards in the C-1 General Commercial District.
2. Setbacks for residential uses shall follow the established standards in the R-3 Multi-family residential district.

Building Height:

1. Building height for all structures shall not exceed 60'.

Phasing:

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

This recommendation is based on the following findings of fact:

1. Existing Conditions- The subject parcel is a vacant parcel of land located at the northeast corner of N. Main Street and E. University Drive. These roads are highly travelled commercial corridors providing major north-south access, and to a lesser extent east-west access, through the City. Adjacent land uses include a multi-tenant office park to the north; an apartment complex, veterinary hospital, and

vacant unincorporated land to the east; a multi-tenant shopping center to south; and a hotel and medical buildings to the west.

2. Character of Buildings – The character of the buildings within the surrounding area is mixed with multi-tenant offices, apartments, medical, a hotel, and single and multi-tenant commercial.
3. The most desirable/highest and best use – Because of the parcel's proximity to both commercial and residential uses, the most desirable use for the property is a mixed use commercial and residential development as proposed.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The property is currently zoned for commercial use, and with the additional proposed commercial and residential uses will be compatible with the adjacent existing uses.
5. The 2000 Mishawaka Comprehensive Plan, created in 1990, guided service commercial development within this property. The proposal is consistent with the Comprehensive Plan

ATTACHMENTS

Aerial, Photograph(s), Petition, Conceptual Site Plan, Location Map



Aerial Photograph
Vacant Property
Northeast Corner of N. Main Street & E. University Drive



P1. Looking northerly toward the site from the southeast corner of N. Main St. & E. University Dr.



P2. Looking northeasterly toward the site from the southwest corner of N. Main St. & E. University Dr.

STAFF REPORT

Location: 5540 N. Main Street

October 11, 2022

Petition: 22- 18

Prepared By: DJS

GENERAL INFORMATION

Applicant: Jinder Food Services Inc. / Net Lease Acquisitions LLC

Status: Property Owner / Contingent Owner & Developer

Request: Amend a part of the N. Main Street Planned Unit Development to allow a restaurant with drive-thru facilities, a reduction in the required number of parking spaces, and use of fiber cement board as an appropriate architectural material

Zoning Classification: S-2 Planned Unit Development District / Permitted for commercial, retail, and office uses

Lot Size: Approximately 0.71 acres

Applicable Regulations: Section 137-671 to 137-679 / S-2 Planned Unit Development District (Ord. 4440) & Section 137-41 / Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development District (Restaurant with Drive-Thru / Arby's & Hotel / Comfort Inn & Suites)
South: S-2 Planned Unit Development (Restaurant with Drive-Thru / Culver's)
East: R-3 Multi-Family Residential (Apartment Complex / Indian Lakes)
West: S-2 Planned Unit Development District (Multi-Tenant Commercial / Home Depot and Office Depot & Restaurants with Drive-Thru / Krispy Kreme Doughnuts & Chick-Fil-A)

Thoroughfare: N. Main Street

School District: South Bend Community School Corporation

Township: Clay

Public Utilities: All utilities are available and currently serve the property.

Comprehensive Plan: Service Commercial (Office Parks, Medical Centers, & Hotels)

ANALYSIS

The applicant and contingent owner/developer, Net Lease Acquisitions LLC, is requesting to amend a part of the N. Main Street Planned Unit Development (PUD) to allow a restaurant with drive-thru facilities, a reduction in the required number of parking spaces, and the use of fiber cement board as an appropriate architectural material.

The approximate 0.71 acre property is currently developed with a 3,000 sq. ft. building occupied by Windy City Gyros, a dine-in only restaurant. The building was constructed in 2002 for a Samuel Mancino's Italian Eatery which was in business until 2015. Taste of India occupied the building from 2015 to 2017.

Per the applicable PUD regulations (Ordinance 4440), permitted uses within the property were limited to office/retail, medical service, office buildings, and hotels.

The applicant is proposing to redevelop the site for a 7 Brew Coffee drive-thru. Per the preliminary site plan, the building will be 510 sq. ft. with a one-way access drive to the south leading to a dual-drive through lanes north of the building. Canopies will be provided on both the south and north sides of the building protecting customers and employees when ordering and picking up beverages. Per discussions with the applicant and provided building elevations, there will be no order board or pick up window as employees will personally take orders outside of the building and delivery beverages to the queued vehicles. A total of seven (7) parking spaces are proposed for employees only since no indoor seating will be provided. All of the existing improvements will likely be razed with the exception of the common access drives along the west and east sides of the property. These drives provide common north-south access between all the commercial properties on the east side of N. Main Street between E. Douglas Road and E. Indian Ridge Boulevard. Access is restricted along this section of N. Main Street to three locations for the six commercial properties.

Based on 15 parking spaces per 1,000 sq. ft. of gross floor area, which is the applicable ratio for the C-7 Auto-Oriented Restaurant Commercial use, a total of eight (8) parking spaces are required for the 510 sq. ft. building. As previously mentioned, a total of seven (7) parking spaces are proposed including one (1) ADA compliant space. Planning Staff supports the one (1) space reduction due the proposed coffee shop being drive-thru only.

The C-7 district design review regulations require that a minimum of 2/3 of each building façade visible from the public right-of-way or private collector road serving multiple properties be constructed with appropriate architectural materials. At this property, this requirement is applicable to all façades. Appropriate materials include natural brick, stone or other similar material; glass; exterior insulation and finish systems (EIFS); decorative concrete block or similar masonry units; painted/stained lap wood siding; and other high quality materials as deemed appropriate by the Plan Commission. The proposed building materials include masonry board decorative wall panels and Nichiha SandStone fiber cement panels exclusive of the metal panel roof, aluminum canopy, and all windows and doors. Planning Staff supports the use of these high quality materials regularly used in commercial construction. The proposed gray and maroon colors with the blue accent roof and canopy will meet the color requirements.

Landscaping is required per the minimum landscaping and screening regulations for commercial property (Section 137-815) and per the screening/fencing regulations for the C-7 district [Section 137-457 (10)].

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.

The Engineering Department commented that efforts shall be made to prevent cars in line from blocking the cross-access drive to the Arby's site to the north.

The Electric Department commented that an electric service plan will need to be provided and approved. This comment is applicable to the future Final Site Plan and not specific to the proposed zoning amendment.

The Water Department commented that the water service layout will need to be provided and to contact them regarding water service, metering, or backflow needs. This comment is applicable to the future Final Site Plan and not specific to the proposed zoning amendment.

The Building and Fire Departments have reviewed and approved the request without comment.

RECOMMENDATION

Staff recommends **approval** to amend a part of the N. Main Street Planned Unit Development (PUD) to allow a restaurant with drive-thru facilities, a reduction in the required number of parking spaces, and the use of fiber cement board as an appropriate architectural material.

All other C-7 Auto Oriented Restaurant Commercial District height, area, and development regulations shall remain applicable to the property.

This recommendation is based upon the following findings of fact:

1. Existing Conditions – The subject property is currently occupied by an existing dine-in only restaurant. Adjacent uses include a restaurant with drive-thru and hotel to the north, a multi-family residential apartment complex to the east, a restaurant with drive-thru to the south, and a multi-tenant commercial building and two restaurants with drive-thru facilities to the west.
2. Character of Buildings in Area – Buildings along N. Main Street between Douglas Road and Indian Ridge Boulevard include a hotel, a bank, several restaurants with drive-thru facilities, a food distribution business, an optometrist, an office, a car wash/lube/detailing business, a home improvement retailer, and an office supply business.
3. The most desirable/highest and best use – The requested PUD amendment will allow a restaurant with drive-thru facilities to be constructed on the property which is not currently permitted. Continued commercial or restaurant use, including the proposed auto-oriented restaurant, is the most desirable and best use along this part of the heavily travelled N. Main Street corridor.
4. Conservation of property values – The proposed amendment should not be injurious to property values in the surrounding area. A 7' high solid screening fence is required along the east property line adjacent to the residentially zoned apartment complex.
5. Comprehensive Plan – The property was identified as service commercial in the Mishawaka 2000 Comprehensive Plan. The restaurant with drive-thru use is reasonable consistent with that guided use.

ATTACHMENTS

Aerial, Photographs, Petition, Site Plan, Building Elevations & Photographs Showing Building Materials, Location Map



P1. Looking easterly toward the existing restaurant (Windy City Gyros) from the western access drive.



P2. Looking southerly toward the existing building from the property to the north (Arby's).



P3. Looking northwesterly toward the rear of the existing building from the property to the south (Culver's).

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC

OCT 12 2022

City Clerk
Mishawaka, IN

PETITION 22-17

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-37

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, Harris Township, St. Joseph County, State of Indiana, to-wit:

TRACT 1:

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, WHICH IS DESCRIBED AS: BEGINNING AT A 5/8" CAPPED REBAR SET ON THE EAST RIGHT OF WAY LINE OF GUMWOOD ROAD WHICH IS IN NORTH 89 DEGREES 24 MINUTES 04 SECONDS EAST, 40.00 FEET FROM A POINT ON THE WEST LINE OF SECTION 27 AND CENTERLINE OF GUMWOOD ROAD WHICH IS SOUTH 00 DEGREES 28 MINUTES 39 SECONDS EAST, 714.90 FEET (S 00 DEGREES 21 MINUTES 04 SECONDS EAST, 715.00 FEET, RECORD) FROM A BRASS ' PLUG FOUND MARKING THE NORTHWEST CORNER OF SECTION 27; THENCE NORTH 89 DEGREES 24 MINUTES 04 SECONDS EAST 147.66 FEET (158.00 FEET, RECORD) TO A FOUND 1/2" REBAR; THENCE NORTH 00 DEGREES 21 MINUTES 04 SECONDS EAST, 55 FEET TO A FOUND 1/2" REBAR; THENCE NORTH 89 DEGREES 24 MINUTES 04 SECONDS EAST, 462.00 FEET TO A FOUND 1/2" REBAR; THENCE SOUTH 00 DEGREES 21 MINUTES 04 SECONDS WEST, 621.77 FEET (627.26 FEET, RECORD) TO A 5/8" CAPPED REBAR SET ON THE NORTH RIGHT OF WAY LINE OF CASS ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE SOUTH 89 DEGREES 27 MINUTES 13 SECONDS WEST, 601.47 FEET (SOUTH 89 DEGREES 17 MINUTES 44 SECONDS WEST, 620.02 FEET, RECORD) TO A 5/8" CAPPED REBAR SET ON THE EAST RIGHT OF WAY LINE OF GUMWOOD ROAD; THENCE ALONG THE EAST RIGHT OF WAY LINE OF GUMWOOD ROAD, NORTH 00 DEGREES 28 MINUTES 39 SECONDS WEST, 566.05 FEET (NORTH 00 DEGREES 21 MINUTES 04 SECONDS WEST, 573.41 FEET, RECORD) TO THE POINT OF BEGINNING.

ALSO:

Proposed Ordinance No: 2022-37

Ordinance No: _____

RIGHTS AND BENEFITS OF AN EASEMENT AGREEMENT DATED AUGUST 25, 1988, BETWEEN UNIVERSITY GARDENS, INC., AN INDIANA CORPORATION AND CHARTER MEDICAL-ST. JOSEPH COUNTY, INC., AN INDIANA CORPORATION RECORDED AUGUST 29, 1988 AS DOCUMENT NUMBER 8823780 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

TRACT 2:

THE FOLLOWING DESCRIBED REAL ESTATE IN ST. JOSEPH COUNTY, IN THE STATE OF INDIANA, TO WIT:

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 27 WHICH IS NORTH 00 DEGREES 21 MINUTES 04 SECONDS EAST 606.06 FEET (RECORD NORTH 613.48 FEET) FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, SAID POINT ALSO BEING SOUTH 715.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 27, AND SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF GROUND DESCRIBED AS PARCEL I ON DEED DOCUMENT NO. 9810239 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA, RECORDER'S OFFICE; THENCE ALONG THE BOUNDARY OF SAID PARCEL FOR THE NEXT FOUR COURSES, SOUTH 89 DEGREES 45 MINUTES 41 SECONDS EAST, 198.00 FEET (RECORD NORTH 89 DEGREES 24 MINUTES 04 SECONDS EAST) AND NORTH 00 DEGREES 21 MINUTES 04 SECONDS EAST, 55.00 FEET AND NORTH 89 DEGREES 45 MINUTES 41 SECONDS WEST, 198.00 FEET (RECORD SOUTH WEST) TO THE WEST LINE OF SAID SECTION 27 AND THENCE ALONG SAID WEST LINE, SOUTH 00 DEGREES 21 MINUTES 04 SECONDS WEST, 55.00 FEET (RECORD SOUTH) TO THE POINT OF BEGINNING. LESS AND EXCEPT THE FOLLOWING:

THE WEST FORTY (40) FEET OF THE FOLLOWING-DESCRIBED REAL ESTATE:

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 27 WHICH IS NORTH 00 DEGREES 21 MINUTES 04 SECONDS EAST 606.06 FEET (RECORD NORTH 613.48 FEET) FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, SAID POINT ALSO BEING SOUTH 715.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 27, AND SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF GROUND DESCRIBED AS PARCEL I ON DEED DOCUMENT NO. 9810239 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA, RECORDER'S OFFICE; THENCE ALONG THE BOUNDARY OF SAID PARCEL FOR THE NEXT FOUR COURSES, SOUTH 89 DEGREES 45 MINUTES 41 SECONDS EAST, 198.00 FEET (RECORD NORTH 89 DEGREES 24 MINUTES 04 SECONDS EAST) AND NORTH 00 DEGREES 21 MINUTES 04 SECONDS EAST, 55.00 FEET AND NORTH 89 DEGREES 45 MINUTES 41 SECONDS WEST, 198.00 FEET (RECORD SOUTH WEST) TO THE WEST LINE OF SAID SECTION 27 AND THENCE ALONG SAID WEST LINE, SOUTH 00 DEGREES 21 MINUTES 04 SECONDS WEST, 55.00 FEET (RECORD SOUTH) TO THE POINT OF BEGINNING.

COMMON ADDRESS: Northeast Corner of North Main Street and East University Drive

Proposed Ordinance No: 2022-37

Ordinance No: _____

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as S-2 Planned Unit Development subject to the attached conditions:

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

1. Existing Conditions - The subject parcel is a vacant parcel of land located at the northeast corner of N. Main Street and E. University Drive. These roads are highly travelled commercial corridors providing major north-south access, and to a lesser extent east-west access, through the City. Adjacent land uses include a multi-tenant office park to the north; an apartment complex, veterinary hospital, and vacant unincorporated land to the east; a multi-tenant shopping center to south; and a hotel and medical buildings to the west.
2. Character of Buildings - The character of the buildings within the surrounding area is mixed with multi-tenant offices, apartments, medical, a hotel, and single and multi-tenant commercial.
3. The most desirable/highest and best use - Because of the parcel's proximity to both commercial and residential uses, the most desirable use for the property is a mixed use commercial and residential development as proposed.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The property is currently zoned for commercial use, and with the additional proposed commercial and residential uses will be compatible with the adjacent existing uses.
5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan, created in 1990, guided service commercial development within this property. The proposal is consistent with the Comprehensive Plan

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2022, at _____ o'clock ____ M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: _____

Ordinance No: _____

PRESENTED by me to the Mayor this _____ day of _____, 2022,
at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2022, at
_____ o'clock _____.M.

David A. Wood, Mayor

PETITION #22-17
NEC North Main Street and East University Drive
Conditions of Approval

Uses:

1. Permitted uses shall be limited to those identified in the C-1 General Commercial Zoning District and supplemented as follows.
2. One lot may contain a commercial car wash and vacuuming facility.
3. Two lots may contain a restaurant with a drive thru.
4. Multifamily Residential R-3 uses.
5. Residential uses may be combined with commercial uses, where the commercial use is on the ground floor and residential uses located above the commercial use.
6. Off-premise signs/billboards shall be prohibited.
7. Outside storage and display shall be prohibited.
8. All loading docks, dumpsters, ATM machines, and mechanical equipment shall be screened from view as follows:
 - a. Dumpsters shall be screened by a wall matching the buildings materials of the principal building.
 - b. Dumpster locations shall be located a minimum of 120' away from the public right-of-way of Main Street and University Drive.

Traffic Impact:

1. Any additional right-of-way, and road improvements, required for either Main Street or University Drive improvements associated with the proposed development project shall be dedicated and/or constructed at the sole expense of the developer. The City may at its discretion work with the developer to create a separate agreement to participate if signal access to University Drive is negotiated between the developer and the adjacent property owner.
2. Phasing improvements associated with this project shall be determined by the City Director of Engineering.
3. The number, locations, and/or type of curb cuts on any City street to access the project site shall be determined by the City Director of Engineering. Conceptually access shall include one temporary right-in-right-out access on University Drive and one permanent access on Main Street that shall preclude any left turn movement out of the development site to travel south bound on Main Street. The temporary right-in-right-out access on University Drive shall be removed concurrent with any connection to the property to the east that provides access to University Drive. Installation of unmountable medians, and/or, modifications to existing medians shall be required as part of any access installation.
4. Improvements shall take place as determined by the City Director of Engineering as identified on approved final site plan(s).

Road Access and Internal Circulation:

1. A hierarchy of the internal vehicular road networks shall be provided as follows:
 - a. A minimum access throat/stacking area on the site shall be provided at each proposed entrance point from its intersection with the public right-of-way as may be approved by the City Director of Engineering as part of any final site plan approval.

- b. An internal drive shall be provided in a dedicated easement that connects internal lots between Main Street and University Drive. All lots shall have legal dedicated access to both public streets. The internal access drive shall be constructed as part of Phase 1. Sidewalk and landscape installation associated with the drive shall be determined as part of each subsequent planned unit development submission.
 - c. Internal stacking and turning movements at internal intersections shall be provided and protected based on actual proposed uses as the planned unit development is built out. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
 2. Access and utility easements shall be dedicated for the potential future development of the property to the east. The number and location of access and utility connections shall be determined by the City and shall connect to the dedicated internal drive easement required herein.
 3. A sidewalk and/or pedestrian plan shall be submitted concurrent with the filling of the first final planned unit development site plan submission, including:
 - a. Pedestrian access within the site to all businesses. This could be a walk on one side of the internal access drive as may be determined by the developer.
 - b. Pedestrian access at a minimum from within the site to the northeast corner of the intersection of Main Street and University Drive.

Stormwater Management:

1. The type and extent of stormwater facilities proposed within the PUD shall be limited/restricted by the City Director of Engineering.

Lighting:

1. All site lighting shall be limited to 30 feet in height.
2. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
3. Location and shielding of all proposed lighting shall be used to minimize impact to projected and future residential uses on and adjacent to the site.

Signage:

1. Signage shall be allowed in accordance with the Mishawaka C-1 on-premise sign standards and varied as follows:
 - a. Each buildable lot within the Planned Unit Development shall be permitted one freestanding monument sign consistent with the City Freestanding sign corridor overlay district on Main Street and University Drive.
 - b. Any additional identification signage, if necessary, shall be limited to one freestanding monument sign per entrance on University Drive and Main Street consistent with the City Freestanding sign corridor overlay district on Main Street and University Drive, and shall only be permitted for the advertising of a lot within the planned unit development that does not have frontage on the public right of way and only has access to the internal drive.
 - c. All freestanding monument signs shall be located a minimum of 100' apart and shall not obstruct or create clear vision area issues with the proposed access points on University Drive or Main Street.
 - d. Temporary construction fence covering which may include information about the project, elevations, renderings, slogans, logos, advertising, and other similar information shall be allowed up to the point of occupancy of the

principal building on any given lot within the Planned Unit Development during its construction.

Car Wash Specific Restrictions:

1. Supplemental to the C-1 required landscaping, a mounded 2-4' high planted landscaped strip shall be required continuously adjacent to the public right-of-way where the car wash lot is adjacent to public right of way.
2. Building signage shall be limited to 120 square feet per building façade, with a maximum of 400 square feet for the façade signage for the entire building.
3. Internal directional signage for the car wash shall not be plainly visible from the public right of way. Small ground mounted signs shall be used where practical.
4. All vacuums, if provided, shall be located on the east of the eastern side of the building, if provided (furthest away from Main Street), and shall be a minimum of 50' from the right of way of University Drive.
5. Flag poles, if provided shall be a minimum of 25' from any public right of way, and a maximum of 50' in height.
6. Per the City's Design review; development plan restrictions, building materials for all facades of the building shall be 100% architecturally appropriate materials. Each façade shall consist of a minimum of 60% masonry.
7. Detailing, waxes, and oil changes may occur only as an accessory to the principle use as a car wash. Standalone detailing and oil change facilities shall not be permitted as a use.

Landscaping:

1. Landscaping shall follow the established standards in the C-1 General Commercial District and as supplemented as follows:
 - a. An opaque six-foot fence shall be mandatory along property lines that are contiguous to any residentially zoned property, in conjunction with a combination of the following:
 - i. One deciduous shade (over-story) tree every 40 feet; or
 - ii. One evergreen tree for every 10 feet.
 - iii. This buffer area shall be a minimum of 15' wide. Planting may be clustered instead of evenly spaced to most effectively provide the necessary screen.
2. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission. Phasing of installation shall occur concurrent with development, except that the Planning Commission may require the installation of screening and buffering along property lines prior to when adjacent developments are proposed when deemed necessary/appropriate.
3. Decorative landscaping shall be provided at the northeast corner of Main Street and University drive as measured by 10' perpendicularly from the existing corner cut, adjacent to and outside of the right-of-way. This area shall include mixed planting materials of various heights including evergreen and flowering material, and may not include any signage or other accessory structure. Plantings shall not obstruct or create clear vision area problems. This landscaping shall be installed as part of the first phase of construction.
4. Decorative landscaping shall be provided at the corner of each drive approach/access point to public right of way within the Planned Unit Development as measured by a 15' triangular corner cut, adjacent to and outside of the right-of-way. This area shall

include mixed planting materials of various heights including evergreen and flowering material, and may not include any signage or other accessory structure other than directional signs. Plantings shall not obstruct or create clear vision area problems. This landscaping shall be installed as part of the first phase of construction.

5. Planting of trees as required by ordinance for each development lot/project shall be a mix of ornamental and deciduous shade trees. Shade trees may include columnar varieties.
6. A minimum 10' wide planting area shall be provided adjacent to all public right of way and on either side of the internal access drive for required plantings. This area shall be in addition to any required right-of-way or easements required to be dedicated.
7. Deciduous shade trees, which may include columnar varieties, and/or ornamental trees shall be planted adjacent to the internal access drive easement on both sides that match the planting requirement of the ordinance adjacent to the public right of way with the intent to provide a tree lined street. Only shade trees, which may include columnar varieties shall be planted adjacent to any sidewalk.

Parking:

1. The car wash shall provide parking to meet maximum staffing levels including overlap of shift changes plus 2 visitor parking spaces.
2. For residential uses, a minimum of 1.2 spaces per residential unit shall be provided.
3. All other uses shall meet the minimum standards identified by the City of Mishawaka Zoning Ordinance.

Setbacks:

1. Setbacks for Commercial uses shall follow the established standards in the C-1 General Commercial District.
2. Setbacks for residential uses shall follow the established standards in the R-3 Multi-family residential district.

Building Height:

1. Building height for all structures shall not exceed 60'.

Phasing:

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

STAFF REPORT

Location: Northeast Corner of N. Main Street & E. University Drive

Date: October 11, 2022

Petition: 22- 17

Prepared By: DJS / KBP

GENERAL INFORMATION

Applicant: Memorial Health Systems / Abonmarche Consultants

Status: Property Owner / Surveyor, Engineer & Site Design Consultant

Request: Rezone from C-1 General Commercial District & S-2 Planned Unit Development District to the S-2 Planned Unit Development District to allow for a mixed use development to include commercial uses, a car wash, two restaurants with drive-thru facilities, and residential

Zoning Classification: C-1 General Commercial District & S-2 Planned Unit Development District

Lot Size: Approximately 10 acres including the N. Main Street & E. University Drive rights-of-way

Applicable Regulations: Section 137-671 thru 137-679 / Planned Unit Development S-2 District, Section 137-40 / Plan Commission, and Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development (Office Park – Multi-Tenant Buildings / University Gardens)
South: C-2 Shopping Center Commercial (Single & Multi-Tenant Buildings / University Commons anchored by Target)
East: C-1 General Commercial (Veterinary Office / University Park Veterinary Hospital), R-3 Multi-Family Residential (Apartments / Spring Lake), and Unincorporated St. Joseph County
West: S-2 Planned Unit Development (Hotel & Medical Uses / Baymont Inn & Memorial Lighthouse Imaging Center)

Thoroughfare: N. Main Street & E. University Drive

School District: Penn-Harris-Madison School Corporation

Township: Harris

Public Utilities: All public utilities are available and will be connected to/throughout the site at the developer's expense.

Comprehensive Plan: Service Commercial

ANALYSIS

The Petitioner is requesting to rezone property located at the northeast corner of N. Main Street and E. University Drive from the C-1 General Commercial District and S-2 Planned Unit Development District to the S-2 Planned Unit Development District to allow for commercial uses, a Drive n' Shine car wash, two restaurants with drive-thru facilities, and townhome/multi-family residential. The first phase of the development will include the car wash facility. Future phases will include commercial and residential uses per market demand. The PUD shall be known as the University and Main PUD.

The approximate 10 acre property, including the adjacent rights-of-way, is currently vacant and zoned for general commercial use. When annexed into the City in 1987, the property was occupied by Charter Hospital of South Bend. The hospital was demolished in the late 1990s. A small parking lot and access drives, which served the hospital, remain on the site. These improvements will be removed with the proposed redevelopment of the property.

The property is surrounded by a multi-tenant office park to the north; an apartment complex, veterinary hospital, and vacant unincorporated land to the east; a multi-tenant shopping center to south; and a hotel and medical buildings to the west. The proposed mixed-use development is consistent with the recommended use per the comprehensive plan and compatible with the existing adjacent office, commercial, medical, and multi-family residential uses. Prior to the widening and realignment of E. University Drive, formerly a two-lane county road (Cass Road), a majority of the property to the south between N. Main Street and Fir Road was vacant. Commercial development of the corridor spurred following the road improvements completed in the early 2000s.

The conceptual site plan submitted with the petition shows a car wash and vacuum center within the southwest corner of the property with several commercial and residential buildings accessed by a common "U" shaped collector drive. Permitted uses shall be limited to those identified in the C-1 General Commercial District, one car wash and vacuuming facility, two restaurants with drive-thru facilities, and R-3 Multi-Family Residential uses. Residential use is permitted above ground-level commercial uses.

The proposed planned unit development re-opens an ongoing discussion regarding automobile related uses being proposed on Main Street. Most recently, a Valvoline Oil Change facility was proposed in the current Home Depot parking lot that was approved by the Common Council with a 5-4 vote which was subsequently vetoed by the Mayor. The Mayor's veto was not overridden and the project ended up relocating to Grape Road and is currently under construction.

When the developer approached staff regarding this request, there were a number of outlying factors that we felt should be considered. First, was an acknowledgement from the developer of the City's desire to maintain a high standard for the corridor and that the development request includes more property than just a car wash. The developer identified that they would be willing to commit to a higher level of signage, landscaping, and building materials for the car wash.

The other extenuating factor is the location of the property and the associated access restrictions associated with it. This parcel has been marketed for years, with not much interest except for a few automobile oriented uses which had contacted staff. Despite being in a very prominent location, the access to the site is limited on Main Street and University Drive by the amount of traffic and stacking that occurs at the intersection. Barring negotiating with the adjacent landowner to the east for access to the traffic signal that provides access to the Target Center, any access located on University Drive would be limited to a right-in/right-out and would require the construction of a median in the road at considerable expense. Main Street access is a little better, but access would still be limited by having no left out of the site. Construction of the concrete barrier islands, deceleration lanes, and other required improvements in the public right-of-way as conceptually shown on the site plan will be the responsibility of the developer. All road improvements are subject to review and approval by the Department of Engineering. The right-in/right-out access on E. University Drive is not ideal. As mentioned, the contingent developer has approached the owner of the veterinary hospital to the east in an effort to acquire the property or allow a common access drive through the property to provide access via the existing signalized intersection. To date, these efforts have not been successful. The Engineering Department commented that the site

should include a stub/access drive along the east property line to accommodate a future drive extension to access the traffic signal.

The combination of commitments of development standards, the site challenges, and the fact that Midas Muffler and Brake shop is located just west of the intersection of Main and University has allowed staff to recommend in favor of the request. As with almost all requests we receive, there are inherent positives and negatives associated with requests. If it were not for all three factors- the multiple years of unsuccessful marketing of the property with access restrictions, the higher commitments on the developmental standards, and the presence of Midas very close to the proposed site, staff would not have provided a favorable recommendation.

The proposed landscaping, parking, signage and other developmental regulations are outlined below in the conditions of approval. The developer had submitted proposed standards which staff then modified to reflect what we believe the intent should be regarding a "higher" standard for the auto use and the larger planned unit development at this prominent Main Street intersection. Staff's conditions provide a higher standard for building materials, restrictions on signage, a requirement to provide a higher level of landscaping, and places a restriction on uses to limit the planned unit development to only one car wash and two drive thru restaurants. In addition to just the car wash, the conditions are intended to direct the overall layout and quality of the planned unit development.

Similar to other planned unit developments, the contingent developer is only proposing to establish the range of permitted uses and basic development requirements of the planned unit development. The petitioner's proposed development regulations are attached to the petition. As mentioned, Planning Staff used this a basis for drafting the below conditions.

If approved, a more detailed final planned unit development site plan would be submitted at a later date identifying road improvements, storm drainage, grading, landscaping, and other required improvements.

The Electric Department commented that easements and electric route/service will need to be determined.

The Water Department commented that they should be contacted regarding water service, metering, or backflow needs.

The Building and Fire Departments have reviewed and approved the request providing no comments.

RECOMMENDATION

Staff recommends in favor of Petition 22-17 to rezone approximately 10 acres located at the northeast corner of N. Main Street and E. University Drive from the C-1 General Commercial District and S-2 Planned Unit Development District to the S-2 Planned Unit Development District to allow for commercial uses, a car wash, two restaurants with drive-thru facilities, and townhome/multi-family residential subject to the following PUD development standards/conditions:

Uses:

1. Permitted uses shall be limited to those identified in the C-1 General Commercial Zoning District and supplemented as follows.
2. One lot may contain a commercial car wash and vacuuming facility.
3. Two lots may contain a restaurant with a drive thru.
4. Multifamily Residential R-3 uses.
5. Residential uses may be combined with commercial uses, where the commercial use is on the ground floor and residential uses located above the commercial use.
6. Off-premise signs/billboards shall be prohibited.
7. Outside storage and display shall be prohibited.
8. All loading docks, dumpsters, ATM machines, and mechanical equipment shall be screened from view as follows:
 - a. Dumpsters shall be screened by a wall matching the buildings materials of the principal building.

- b. Dumpster locations shall be located a minimum of 120' away from the public right-of-way of Main Street and University Drive.

Traffic Impact:

1. Any additional right-of-way, and road improvements, required for either Main Street or University Drive improvements associated with the proposed development project shall be dedicated and/or constructed at the sole expense of the developer. The City may at its discretion work with the developer to create a separate agreement to participate if signal access to University Drive is negotiated between the developer and the adjacent property owner.
2. Phasing improvements associated with this project shall be determined by the City Director of Engineering.
3. The number, locations, and/or type of curb cuts on any City street to access the project site shall be determined by the City Director of Engineering. Conceptually access shall include one temporary right-in-right-out access on University Drive and one permanent access on Main Street that shall preclude any left turn movement out of the development site to travel south bound on Main Street. The temporary right-in-right-out access on University Drive shall be removed concurrent with any connection to the property to the east that provides access to University Drive. Installation of unmountable medians, and/or, modifications to existing medians shall be required as part of any access installation.
4. Improvements shall take place as determined by the City Director of Engineering as identified on approved final site plan(s).

Road Access and Internal Circulation:

1. A hierarchy of the internal vehicular road networks shall be provided as follows:
 - a. A minimum access throat/stacking area on the site shall be provided at each proposed entrance point from its intersection with the public right-of-way as may be approved by the City Director of Engineering as part of any final site plan approval.
 - b. An internal drive shall be provided in a dedicated easement that connects internal lots between Main Street and University Drive. All lots shall have legal dedicated access to both public streets. The internal access drive shall be constructed as part of Phase 1. Sidewalk and landscape installation associated with the drive shall be determined as part of each subsequent planned unit development submission.
 - c. Internal stacking and turning movements at internal intersections shall be provided and protected based on actual proposed uses as the planned unit development is built out. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
2. Access and utility easements shall be dedicated for the potential future development of the property to the east. The number and location of access and utility connections shall be determined by the City and shall connect to the dedicated internal drive easement required herein.
3. A sidewalk and/or pedestrian plan shall be submitted concurrent with the filling of the first final planned unit development site plan submission, including:
 - a. Pedestrian access within the site to all businesses. This could be a walk on one side of the internal access drive as may be determined by the developer.
 - b. Pedestrian access at a minimum from within the site to the northeast corner of the intersection of Main Street and University Drive.

Stormwater Management:

1. The type and extent of stormwater facilities proposed within the PUD shall be limited/restricted by the City Director of Engineering.

Lighting:

1. All site lighting shall be limited to 30 feet in height.
2. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.

3. Location and shielding of all proposed lighting shall be used to minimize impact to projected and future residential uses on and adjacent to the site.

Signage:

1. Signage shall be allowed in accordance with the Mishawaka C-1 on-premise sign standards and varied as follows:
 - a. Each buildable lot within the Planned Unit Development shall be permitted one freestanding monument sign consistent with the City Freestanding sign corridor overlay district on Main Street and University Drive.
 - b. Any additional identification signage, if necessary, shall be limited to one freestanding monument sign per entrance on University Drive and Main Street consistent with the City Freestanding sign corridor overlay district on Main Street and University Drive, and shall only be permitted for the advertising of a lot within the planned unit development that does not have frontage on the public right of way and only has access to the internal drive.
 - c. All freestanding monument signs shall be located a minimum of 100' apart and shall not obstruct or create clear vision area issues with the proposed access points on University Drive or Main Street.
 - d. Temporary construction fence covering which may include information about the project, elevations, renderings, slogans, logos, advertising, and other similar information shall be allowed up to the point of occupancy of the principal building on any given lot within the Planned Unit Development during its construction.

Car Wash Specific Restrictions:

1. Supplemental to the C-1 required landscaping, a mounded 2-4' high planted landscaped strip shall be required continuously adjacent to the public right-of-way where the car wash lot is adjacent to public right of way.
2. Building signage shall be limited to 120 square feet per building façade, with a maximum of 400 square feet for the façade signage for the entire building.
3. Internal directional signage for the car wash shall not be plainly visible from the public right of way. Small ground mounted signs shall be used where practical.
4. All vacuums, if provided, shall be located on the east of the eastern side of the building, if provided (furthest away from Main Street), and shall be a minimum of 50' from the right of way of University Drive.
5. Flag poles, if provided shall be a minimum of 25' from any public right of way, and a maximum of 50' in height.
6. Per the City's Design review; development plan restrictions, building materials for all facades of the building shall be 100% architecturally appropriate materials. Each façade shall consist of a minimum of 60% masonry.
7. Detailing, waxes, and oil changes may occur only as an accessory to the principle use as a car wash. Standalone detailing and oil change facilities shall not be permitted as a use.

Landscaping:

1. Landscaping shall follow the established standards in the C-1 General Commercial District and as supplemented as follows:
 - a. An opaque six-foot fence shall be mandatory along property lines that are contiguous to any residentially zoned property, in conjunction with a combination of the following:
 - i. One deciduous shade (over-story) tree every 40 feet; or
 - ii. One evergreen tree for every 10 feet.
 - iii. This buffer area shall be a minimum of 15' wide. Planting may be clustered instead of evenly spaced to most effectively provide the necessary screen.
2. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission. Phasing of installation shall occur concurrent with development, except that the Planning Commission may require the installation of screening and buffering along property lines prior to when adjacent developments are proposed when deemed necessary/appropriate.

3. Decorative landscaping shall be provided at the northeast corner of Main Street and University drive as measured by 10' perpendicularly from the existing corner cut, adjacent to and outside of the right-of-way. This area shall include mixed planting materials of various heights including evergreen and flowering material, and may not include any signage or other accessory structure. Plantings shall not obstruct or create clear vision area problems. This landscaping shall be installed as part of the first phase of construction.
4. Decorative landscaping shall be provided at the corner of each drive approach/access point to public right of way within the Planned Unit Development as measured by a 15' triangular corner cut, adjacent to and outside of the right-of-way. This area shall include mixed planting materials of various heights including evergreen and flowering material, and may not include any signage or other accessory structure other than directional signs. Plantings shall not obstruct or create clear vision area problems. This landscaping shall be installed as part of the first phase of construction.
5. Planting of trees as required by ordinance for each development lot/project shall be a mix of ornamental and deciduous shade trees. Shade trees may include columnar varieties.
6. A minimum 10' wide planting area shall be provided adjacent to all public right of way and on either side of the internal access drive for required plantings. This area shall be in addition to any required right-of-way or easements required to be dedicated.
7. Deciduous shade trees, which may include columnar varieties, and/or ornamental trees shall be planted adjacent to the internal access drive easement on both sides that match the planting requirement of the ordinance adjacent to the public right of way with the intent to provide a tree lined street. Only shade trees, which may include columnar varieties shall be planted adjacent to any sidewalk.

Parking:

1. The car wash shall provide parking to meet maximum staffing levels including overlap of shift changes plus 2 visitor parking spaces.
2. For residential uses, a minimum of 1.2 spaces per residential unit shall be provided.
3. All other uses shall meet the minimum standards identified by the City of Mishawaka Zoning Ordinance.

Setbacks:

1. Setbacks for Commercial uses shall follow the established standards in the C-1 General Commercial District.
2. Setbacks for residential uses shall follow the established standards in the R-3 Multi-family residential district.

Building Height:

1. Building height for all structures shall not exceed 60'.

Phasing:

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

This recommendation is based on the following findings of fact:

1. Existing Conditions- The subject parcel is a vacant parcel of land located at the northeast corner of N. Main Street and E. University Drive. These roads are highly travelled commercial corridors providing major north-south access, and to a lesser extent east-west access, through the City. Adjacent land uses include a multi-tenant office park to the north; an apartment complex, veterinary hospital, and

vacant unincorporated land to the east; a multi-tenant shopping center to south; and a hotel and medical buildings to the west.

2. Character of Buildings – The character of the buildings within the surrounding area is mixed with multi-tenant offices, apartments, medical, a hotel, and single and multi-tenant commercial.
3. The most desirable/highest and best use – Because of the parcel's proximity to both commercial and residential uses, the most desirable use for the property is a mixed use commercial and residential development as proposed.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The property is currently zoned for commercial use, and with the additional proposed commercial and residential uses will be compatible with the adjacent existing uses.
5. The 2000 Mishawaka Comprehensive Plan, created in 1990, guided service commercial development within this property. The proposal is consistent with the Comprehensive Plan

ATTACHMENTS

Aerial, Photograph(s), Petition, Conceptual Site Plan, Location Map



Aerial Photograph
Vacant Property
Northeast Corner of N. Main Street & E. University Drive



P1. Looking northerly toward the site from the southeast corner of N. Main St. & E. University Dr.



P2. Looking northeasterly toward the site from the southwest corner of N. Main St. & E. University Dr.

PETITION #22-17
NEC North Main Street and East University Drive
Conditions of Approval

Uses:

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2. One lot may contain a commercial car wash and vacuuming facility.
3. Two lots may contain a restaurant with a drive thru.
4. Multifamily Residential R-3 uses.
5. Residential uses may be combined with commercial uses, where the commercial use is on the ground floor and residential uses located above the commercial use.
6. Off-premise signs/billboards shall be prohibited.
7. Outside storage and display shall be prohibited.
8. All loading docks, dumpsters, ATM machines, and mechanical equipment shall be screened from view as follows:
 - a. Dumpsters shall be screened by a wall matching the buildings materials of the principal building.
 - b. Dumpster locations shall be located a minimum of 120' away from the public right-of-way of Main Street and University Drive.

Traffic Impact:

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SEP 01 2022

City Clerk
Mishawaka, IN



DATE: August 23, 2022

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

RE: PETITION TO REZONE

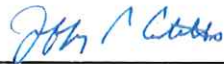
The undersigned **Memorial Health Systems Inc** respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

See attached legal description.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 General Commercial District and S-2 Planned Unit Development District. Said property is currently vacant.

Petitioner(s) desire said real estate to be rezoned to S-2 Planned Unit Development District. Petitioner(s) further state that they intend to utilize said land for.

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 rezoning the above described parcel of land located in the City of Mishawaka.



Jeff Costello
Memorial Health Systems

CONTACT PERSON:

Steve Ruby, PLA
Abonmarche Consultants
(574) 528-2201
sruby@abonmarche.com

TRACT 1:

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, WHICH IS DESCRIBED AS: BEGINNING AT A 5/8" CAPPED REBAR SET ON THE EAST RIGHT OF WAY LINE OF GUMWOOD ROAD WHICH IS IN NORTH 89 DEGREES 24 MINUTES 04 SECONDS EAST, 40.00 FEET FROM A POINT ON THE WEST LINE OF SECTION 27 AND CENTERLINE OF GUMWOOD ROAD WHICH IS SOUTH 00 DEGREES 28 MINUTES 39 SECONDS EAST, 714.90 FEET (S 00 DEGREES 21 MINUTES 04 SECONDS EAST, 715.00 FEET, RECORD) FROM A BRASS 'PLUG FOUND MARKING THE NORTHWEST CORNER OF SECTION 27; THENCE NORTH 89 DEGREES 24 MINUTES 04 SECONDS EAST 147.66 FEET (158.00 FEET, RECORD) TO A FOUND 1/2" REBAR; THENCE NORTH 00 DEGREES 21 MINUTES 04 SECONDS EAST, 55 FEET TO A FOUND 1/2" REBAR; THENCE NORTH 89 DEGREES 24 MINUTES 04 SECONDS EAST, 462.00 FEET TO A FOUND 1/2" REBAR; THENCE SOUTH 00 DEGREES 21 MINUTES 04 SECONDS WEST, 621.77 FEET (627.26 FEET, RECORD) TO A 5/8" CAPPED REBAR SET ON THE NORTH RIGHT OF WAY LINE OF CASS ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE SOUTH 89 DEGREES 27 MINUTES 13 SECONDS WEST, 601.47 FEET (SOUTH 89 DEGREES 17 MINUTES 44 SECONDS WEST, 620.02 FEET, RECORD) TO A 5/8" CAPPED REBAR SET ON THE EAST RIGHT OF WAY LINE OF GUMWOOD ROAD; THENCE ALONG THE EAST RIGHT OF WAY LINE OF GUMWOOD ROAD, NORTH 00 DEGREES 28 MINUTES 39 SECONDS WEST, 566.05 FEET (NORTH 00 DEGREES 21 MINUTES 04 SECONDS WEST, 573.41 FEET, RECORD) TO THE POINT OF BEGINNING.

ALSO:

RIGHTS AND BENEFITS OF AN EASEMENT AGREEMENT DATED AUGUST 25, 1988, BETWEEN UNIVERSITY GARDENS, INC., AN INDIANA CORPORATION AND CHARTER MEDICAL-ST. JOSEPH COUNTY, INC., AN INDIANA CORPORATION RECORDED AUGUST 29, 1988 AS DOCUMENT NUMBER 8823780 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

TRACT 2:

THE FOLLOWING DESCRIBED REAL ESTATE IN ST. JOSEPH COUNTY, IN THE STATE OF INDIANA, TO WIT:

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 27 WHICH IS NORTH 00 DEGREES 21 MINUTES 04 SECONDS EAST 606.06 FEET (RECORD NORTH 613.48 FEET) FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, SAID POINT ALSO BEING SOUTH 715.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 27, AND SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF GROUND DESCRIBED AS PARCEL I ON DEED DOCUMENT NO. 9810239 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA, RECORDER'S OFFICE; THENCE ALONG THE BOUNDARY OF SAID PARCEL FOR THE NEXT FOUR COURSES, SOUTH 89 DEGREES 45 MINUTES 41 SECONDS EAST, 198.00 FEET (RECORD NORTH 89 DEGREES 24 MINUTES 04 SECONDS EAST) AND NORTH 00 DEGREES 21 MINUTES 04 SECONDS EAST, 55.00 FEET AND NORTH 89 DEGREES 45 MINUTES 41 SECONDS WEST, 198.00 FEET (RECORD SOUTH WEST) TO THE WEST LINE OF SAID SECTION 27 AND THENCE ALONG SAID WEST LINE, SOUTH 00 DEGREES 21 MINUTES 04 SECONDS WEST, 55.00 FEET (RECORD SOUTH) TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

THE WEST FORTY (40) FEET OF THE FOLLOWING-DESCRIBED REAL ESTATE:

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 27 WHICH IS NORTH 00 DEGREES 21 MINUTES 04 SECONDS EAST 606.06 FEET (RECORD NORTH 613.48 FEET) FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, SAID POINT ALSO BEING SOUTH 715.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 27, AND SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF GROUND DESCRIBED AS PARCEL I ON DEED DOCUMENT NO. 9810239 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA, RECORDER'S OFFICE; THENCE ALONG THE BOUNDARY OF SAID PARCEL FOR THE NEXT FOUR COURSES, SOUTH 89 DEGREES 45 MINUTES 41 SECONDS EAST, 198.00 FEET (RECORD NORTH 89 DEGREES 24 MINUTES 04 SECONDS EAST) AND NORTH 00 DEGREES 21 MINUTES 04 SECONDS EAST, 55.00 FEET AND NORTH 89 DEGREES 45 MINUTES 41 SECONDS WEST, 198.00 FEET (RECORD SOUTH WEST) TO THE WEST LINE OF SAID SECTION 27 AND THENCE ALONG SAID WEST LINE, SOUTH 00 DEGREES 21 MINUTES 04 SECONDS WEST, 55.00 FEET (RECORD SOUTH) TO THE POINT OF BEGINNING.

Uses:

1. Permitted uses shall be limited to those identified in the C-1 General Commercial and C-2 Shopping Center Commercial Districts.
2. One car wash may be allowed.
3. Two restaurants with a drive through may be allowed.
4. Townhomes and/or Multifamily Residential uses may be allowed.
5. Residential uses may be combined with commercial uses, where the commercial use is on the ground floor and residential uses located above the commercial use.
6. Off-premise signs/billboards shall be prohibited.
7. Outside storage and display shall be prohibited.
8. All loading docks, dumpsters, ATM machines, and mechanical equipment shall be screened from view as follows:
 - a. Dumpsters shall be screened by a wall matching the buildings materials of the principal building.
 - b. Dumpster locations shall be located away from any roads and out of view of Main Street and University Drive.

Traffic Impact:

1. Any additional right-of-way required for either Main Street or University Drive improvements associated with the proposed development project shall be dedicated.
2. Phasing improvements associated with this project shall be determined by the City Director of Engineering.
3. The number, locations, and/or type of curb cuts on any City street to access the project site shall be determined by the City Director of Engineering.
4. Improvements shall take place consistent with an approved site plan as required herein.

Road and Pedestrian Connections:

1. A hierarchy of the internal vehicular road networks shall be provided as follows:
 - a. A minimum access throat/stacking area of 85 lineal feet on the site shall be provided at each proposed entrance point from its intersection with the public right-of-way.
 - b. Internal stacking and turning movements at intersections shall be provided and protected based on actual proposed uses as the planned unit development is built out.
 - c. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
2. Access and utility easements shall be dedicated for the potential future development of the property to the east.
3. A sidewalk and/or pedestrian access plan shall be submitted concurrent with the filling of the first final planned unit development site plan submission, including:
 - a. Pedestrian access within the site to all businesses located therein, except the car wash;
 - b. Pedestrian access at a minimum from within the site to the northeast corner of the intersection of Main Street and University Drive; and

Stormwater Management:

1. The type and extent of stormwater facilities proposed within the PUD shall be limited/restricted by the City Director of Engineering.

Lighting:

1. All site lighting shall be limited to 25 feet in height.
2. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
3. Shielding of lighting shall be required to the on-site residential uses and to current and future residential uses to the east of the site.

Signage:

1. Signage shall be allowed in accordance with the Mishawaka C-1 on-premise sign standards and varied as follows:
 - a. The car wash site at the corner of Main Street and University Drive shall be allowed two freestanding signs, with a maximum combined size of 450 square feet and 270 square feet of copy area.
 - b. An additional freestanding sign shall be allowed on the lot at the northeast corner of Main Street and University Drive for a development sign with space for each business in the development. The sign shall be a maximum of 35 feet in height, 450 square feet in size, and 270 square feet in copy area. A signage easement shall be established for this sign to allow the multiple businesses within the site to place a sign on the directory sign.
 - c. Seasonal banners and general development identification banners may be allowed for decorative and parking lot light poles throughout the site.
 - d. Temporary construction fence covering which may include information about the project, elevations, renderings, slogans, logos, advertising, and other similar information shall be allowed.

Landscaping:

1. Landscaping shall follow the established standards in the C-1 General Commercial District and varied as follows:
 - a. An opaque six-foot fence shall be mandatory along property lines that are contiguous to any residentially zoned property, in conjunction with one of or a combination of the following:
 - i. One deciduous shade (over-story) tree every 30 feet; or
 - ii. Eight evergreen trees for every 100 feet.
2. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission. Phasing of installation shall occur concurrent with development, except that the Planning Commission may require the installation of screening and buffering along property lines prior to when adjacent developments are proposed when deemed necessary/appropriate.

Parking:

1. The car wash shall have no minimum parking requirements.
2. For residential uses, a minimum of 1 spaces per residential unit shall be provided.

3. All other uses shall require a minimum of 4 spaces per 1,000 sq. ft. of floor area.

Setbacks:

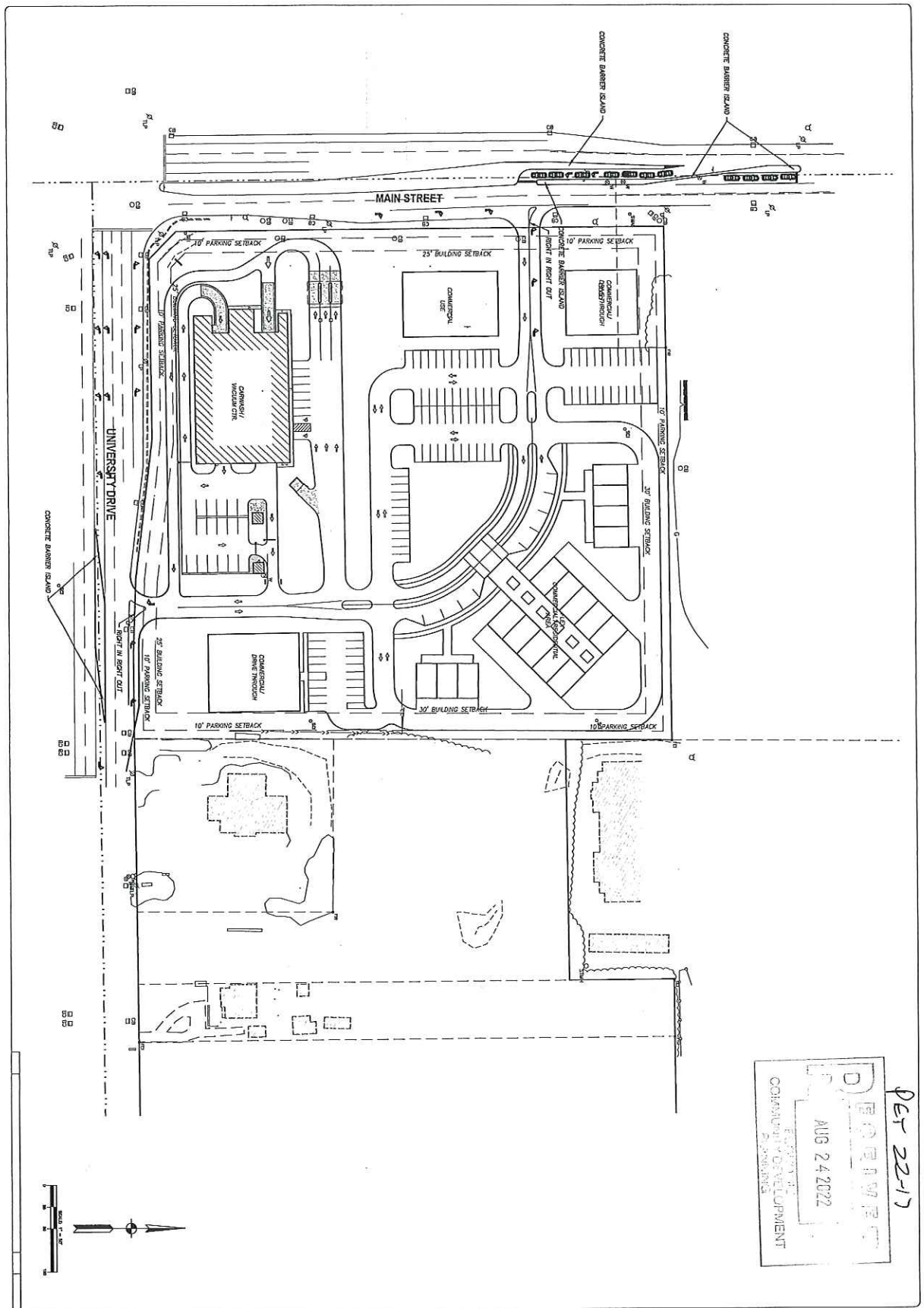
1. Setbacks shall follow the established standards in the C-1 General Commercial District.

Building Height:

1. Building height shall follow the established standards in the C-1 General Commercial District.

Phasing:

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



AUG 24 2022
 UNIVERSITY & MAIN DEVELOPMENT
 CONCEPT LAYOUT

22-17
 22-17

CONCEPTUAL LAYOUT

PROJECT:
 UNIVERSITY & MAIN DEVELOPMENT
 MISHAWAKA, INDIANA

ABONMARCHE

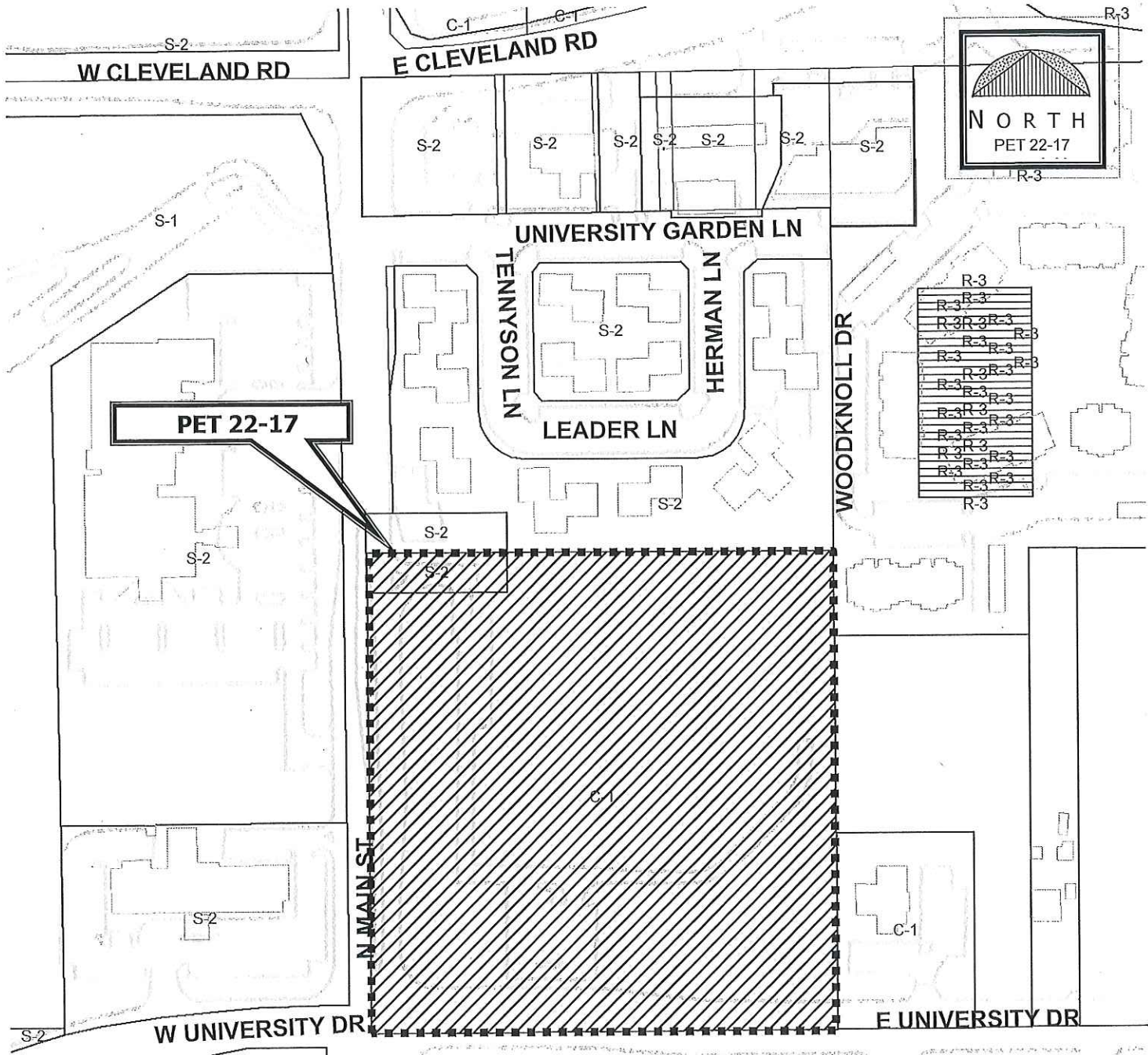
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Brian Hester
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 Robert

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 Fort Wayne
 South Bend
 South Haven
 Valparaiso

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DESIGNED BY	DATE
REVIEWED BY	DATE
APPROVED BY	DATE
PROJECT NO.	22-0781
DATE	1 of 1



Location Map PET 22-17

MEMORIAL HEALTH SYSTEM INC.
(CURRENT OWNER)

NE CORNER OF N. MAIN ST. &
E. UNIVERSITY DR.

REZONING FROM C-1 GENERAL COMM.
TO S-2 PLANNED UNIT DEVELOPMENT
TO ALLOW A MIXED-USE COMMERCIAL
& RESIDENTIAL DEVELOPMENT

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, MMC, MMC

OCT 12 2022

City Clerk
Mishawaka, IN

PETITION 22-18

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-38

ORDINANCE NO. _____

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

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

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

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

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

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 28; THENCE NORTH 0 DEGREES 06 MINUTES 19 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 28, A DISTANCE OF 596.36 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 06 MINUTES 19 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 80.00 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 58 SECONDS WEST, A DISTANCE OF 372.32 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF MAIN STREET; THENCE SOUTH 20 DEGREES 00 MINUTES 16 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF MAIN STREET, A DISTANCE OF 85.12 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 58 SECONDS EAST, A DISTANCE OF 401.74 FEET TO THE PLACE OF BEGINNING.

COMMON ADDRESS: 5540 North Main Street

which real estate is now classified as S-2 Planned Unit Development shall hereafter be amended to allow for a restaurant with drive-thru, reduction in the number of parking spaces, and the use of fiber cement board.

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

Proposed Ordinance No: 2022-38

Ordinance No: _____

1. Existing Conditions – The subject property is currently occupied by an existing dine-in only restaurant. Adjacent uses include a restaurant with drive-thru and hotel to the north, a multi-family residential apartment complex to the east, a restaurant with drive-thru to the south, and a multi-tenant commercial building and two restaurants with drive-thru facilities to the west.
2. Character of Buildings in Area – Buildings along N. Main Street between Douglas Road and Indian Ridge Boulevard include a hotel, a bank, several restaurants with drive-thru facilities, a food distribution business, an optometrist, an office, a car wash/lube/detailing business, a home improvement retailer, and an office supply business.
3. The most desirable/highest and best use – The requested PUD amendment will allow a restaurant with drive-thru facilities to be constructed on the property which is not currently permitted. Continued commercial or restaurant use, including the proposed auto-oriented restaurant, is the most desirable and best use along this part of the heavily travelled N. Main Street corridor.
4. Conservation of property values – The proposed amendment should not be injurious to property values in the surrounding area. A 7' high solid screening fence is required along the east property line adjacent to the residentially zoned apartment complex.
5. Comprehensive Plan – The property was identified as service commercial in the Mishawaka 2000 Comprehensive Plan. The restaurant with drive-thru use is reasonable consistent with that guided use.

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 _____, 2022, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2022,
at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: 2022-38

Ordinance No: _____

APPROVED by me this _____ day of _____, 2022, at
_____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: 5540 N. Main Street

October 11, 2022

Petition: 22- 18

Prepared By: DJS

GENERAL INFORMATION

Applicant: Jinder Food Services Inc. / Net Lease Acquisitions LLC

Status: Property Owner / Contingent Owner & Developer

Request: Amend a part of the N. Main Street Planned Unit Development to allow a restaurant with drive-thru facilities, a reduction in the required number of parking spaces, and use of fiber cement board as an appropriate architectural material

Zoning Classification: S-2 Planned Unit Development District / Permitted for commercial, retail, and office uses

Lot Size: Approximately 0.71 acres

Applicable Regulations: Section 137-671 to 137-679 / S-2 Planned Unit Development District (Ord. 4440) & Section 137-41 / Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development District (Restaurant with Drive-Thru / Arby's & Hotel / Comfort Inn & Suites)
South: S-2 Planned Unit Development (Restaurant with Drive-Thru / Culver's)
East: R-3 Multi-Family Residential (Apartment Complex / Indian Lakes)
West: S-2 Planned Unit Development District (Multi-Tenant Commercial / Home Depot and Office Depot & Restaurants with Drive-Thru / Krispy Kreme Doughnuts & Chick-Fil-A)

Thoroughfare: N. Main Street

School District: South Bend Community School Corporation

Township: Clay

Public Utilities: All utilities are available and currently serve the property.

Comprehensive Plan: Service Commercial (Office Parks, Medical Centers, & Hotels)

ANALYSIS

The applicant and contingent owner/developer, Net Lease Acquisitions LLC, is requesting to amend a part of the N. Main Street Planned Unit Development (PUD) to allow a restaurant with drive-thru facilities, a reduction in the required number of parking spaces, and the use of fiber cement board as an appropriate architectural material.

The approximate 0.71 acre property is currently developed with a 3,000 sq. ft. building occupied by Windy City Gyros, a dine-in only restaurant. The building was constructed in 2002 for a Samuel Mancino's Italian Eatery which was in business until 2015. Taste of India occupied the building from 2015 to 2017.

Per the applicable PUD regulations (Ordinance 4440), permitted uses within the property were limited to office/retail, medical service, office buildings, and hotels.

The applicant is proposing to redevelop the site for a 7 Brew Coffee drive-thru. Per the preliminary site plan, the building will be 510 sq. ft. with a one-way access drive to the south leading to a dual-drive through lanes north of the building. Canopies will be provided on both the south and north sides of the building protecting customers and employees when ordering and picking up beverages. Per discussions with the applicant and provided building elevations, there will be no order board or pick up window as employees will personally take orders outside of the building and delivery beverages to the queued vehicles. A total of seven (7) parking spaces are proposed for employees only since no indoor seating will be provided. All of the existing improvements will likely be razed with the exception of the common access drives along the west and east sides of the property. These drives provide common north-south access between all the commercial properties on the east side of N. Main Street between E. Douglas Road and E. Indian Ridge Boulevard. Access is restricted along this section of N. Main Street to three locations for the six commercial properties.

Based on 15 parking spaces per 1,000 sq. ft. of gross floor area, which is the applicable ratio for the C-7 Auto-Oriented Restaurant Commercial use, a total of eight (8) parking spaces are required for the 510 sq. ft. building. As previously mentioned, a total of seven (7) parking spaces are proposed including one (1) ADA compliant space. Planning Staff supports the one (1) space reduction due the proposed coffee shop being drive-thru only.

The C-7 district design review regulations require that a minimum of 2/3 of each building façade visible from the public right-of-way or private collector road serving multiple properties be constructed with appropriate architectural materials. At this property, this requirement is applicable to all façades. Appropriate materials include natural brick, stone or other similar material; glass; exterior insulation and finish systems (EIFS); decorative concrete block or similar masonry units; painted/stained lap wood siding; and other high quality materials as deemed appropriate by the Plan Commission. The proposed building materials include masonry board decorative wall panels and Nichiha SandStone fiber cement panels exclusive of the metal panel roof, aluminum canopy, and all windows and doors. Planning Staff supports the use of these high quality materials regularly used in commercial construction. The proposed gray and maroon colors with the blue accent roof and canopy will meet the color requirements.

Landscaping is required per the minimum landscaping and screening regulations for commercial property (Section 137-815) and per the screening/fencing regulations for the C-7 district [Section 137-457 (10)].

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.

The Engineering Department commented that efforts shall be made to prevent cars in line from blocking the cross-access drive to the Arby's site to the north.

The Electric Department commented that an electric service plan will need to be provided and approved. This comment is applicable to the future Final Site Plan and not specific to the proposed zoning amendment.

The Water Department commented that the water service layout will need to be provided and to contact them regarding water service, metering, or backflow needs. This comment is applicable to the future Final Site Plan and not specific to the proposed zoning amendment.

The Building and Fire Departments have reviewed and approved the request without comment.

RECOMMENDATION

Staff recommends **approval** to amend a part of the N. Main Street Planned Unit Development (PUD) to allow a restaurant with drive-thru facilities, a reduction in the required number of parking spaces, and the use of fiber cement board as an appropriate architectural material.

All other C-7 Auto Oriented Restaurant Commercial District height, area, and development regulations shall remain applicable to the property.

This recommendation is based upon the following findings of fact:

1. Existing Conditions – The subject property is currently occupied by an existing dine-in only restaurant. Adjacent uses include a restaurant with drive-thru and hotel to the north, a multi-family residential apartment complex to the east, a restaurant with drive-thru to the south, and a multi-tenant commercial building and two restaurants with drive-thru facilities to the west.
2. Character of Buildings in Area – Buildings along N. Main Street between Douglas Road and Indian Ridge Boulevard include a hotel, a bank, several restaurants with drive-thru facilities, a food distribution business, an optometrist, an office, a car wash/lube/detailing business, a home improvement retailer, and an office supply business.
3. The most desirable/highest and best use – The requested PUD amendment will allow a restaurant with drive-thru facilities to be constructed on the property which is not currently permitted. Continued commercial or restaurant use, including the proposed auto-oriented restaurant, is the most desirable and best use along this part of the heavily travelled N. Main Street corridor.
4. Conservation of property values – The proposed amendment should not be injurious to property values in the surrounding area. A 7' high solid screening fence is required along the east property line adjacent to the residentially zoned apartment complex.
5. Comprehensive Plan – The property was identified as service commercial in the Mishawaka 2000 Comprehensive Plan. The restaurant with drive-thru use is reasonable consistent with that guided use.

ATTACHMENTS

Aerial, Photographs, Petition, Site Plan, Building Elevations & Photographs Showing Building Materials, Location Map



Aerial Photograph
5540 N. Main Street
Current Dine-In Restaurant (Windy City Gyros)



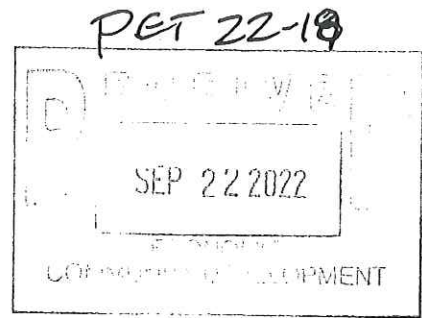
P1. Looking easterly toward the existing restaurant (Windy City Gyros) from the western access drive.



P2. Looking southerly toward the existing building from the property to the north (Arby's).



P3. Looking northwesterly toward the rear of the existing building from the property to the south (Culver's).



DATE: September 19, 2022

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

RE: PETITION FOR PUD AMENDMENT – 5540 North Main Street

The undersigned Jinder Food Services Inc. 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:

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 28; THENCE NORTH 0 DEGREES 06 MINUTES 19 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 28, A DISTANCE OF 596.36 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 06 MINUTES 19 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 80.00 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 58 SECONDS WEST, A DISTANCE OF 372.32 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF MAIN STREET; THENCE SOUTH 20 DEGREES 00 MINUTES 16 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF MAIN STREET, A DISTANCE OF 85.12 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 58 SECONDS EAST, A DISTANCE OF 401.74 FEET TO THE PLACE OF BEGINNING.

5540 North Main Street, Mishawaka, Indiana, 46544
County Parcel ID: 029-1002-038413

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 Restaurant-use (Windy City Gyros/Mancino's Italian Eatery).

Petitioner(s) desire said real estate to be amended to allow for a Drive-Through Restaurant-use/Coffee Shop based on the C-7 Zoning District with the following requested modification:

- 1. Required parking spaces for this use to be reduced from 15 spaces per 1,000 square feet of gross floor area to 13 spaces per 1,000 square feet of gross floor area.***

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 herein described parcel of land located in the City of Mishawaka.

Jinder Food Services Inc. - Owner

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Petition.doc

an appropriate ordinance be enacted amending the PUD of the herein described parcel of land located in the City of Mishawaka.



Jinder Food Services Inc. - Owner

Net Lease Acquisitions LLC
Owner Under Contract

CONTACT PERSON:

Mark Huonder – Net Lease Acquisitions LLC
1000 Forest Park Blvd., Suite 401
Fort Worth, TX 76610
(651) 357-5723
mh@netleaseproperties.com



Net Lease Acquisitions LLC

Owner Under Contract

CONTACT PERSON:

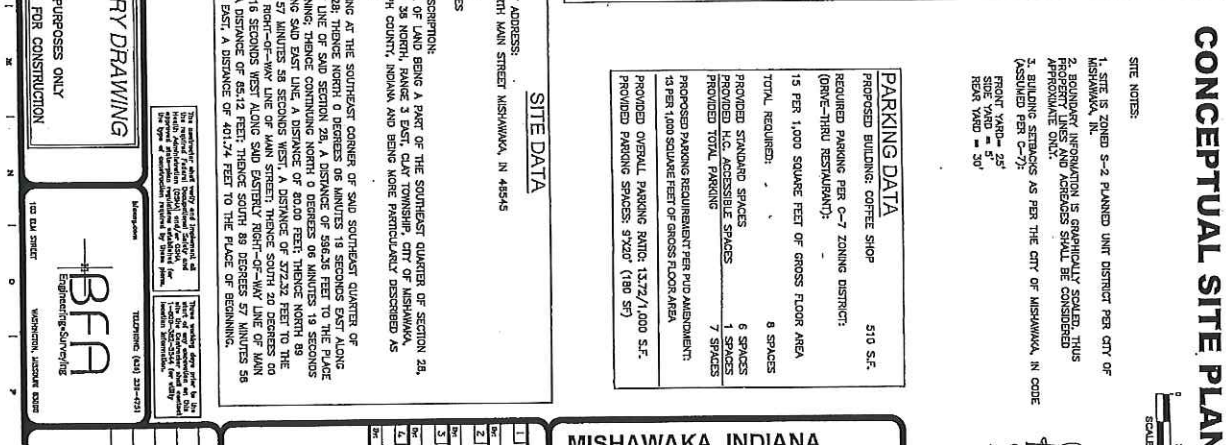
Mark Huonder – Net Lease Acquisitions LLC

1000 Forest Park Blvd., Suite 401

Fort Worth, TX 76610

(651) 357-5723

mh@netleaseproperties.com



SCALE: 1" = 20'

1. SITE IS CODED S-2- PLANNED UNIT DISTRICT PER CITY OF MISAWAKA, IN.

2. BACKGROUND INFORMATION IS GRAPHICALLY SCALED, THUS PROPERTY LINES AND ADJACENTS SHALL BE CONSIDERED APPROXIMATE ONLY.

3. BUILDING SETBACKS AS PER THE CITY OF MISAWAKA, IN CODE (ASSUMED PER C-7)-

FRONT YARD - 25'
SIDE YARD - 5'
REAR YARD - 30'

15 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA	6 SPACES
TOTAL REQUIRED:	6 SPACES
PROVIDED PARKING PER C-7 ZONING DISTRICT: (ONE-THREE RESTAURANT):	-
PROPOSED PARKING REQUIREMENT PER PLD ASSIGNMENT: 15 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA	6 SPACES
PROVIDED SIGNATURE SPACES	6 SPACES
PROVIDED H.C. ACCESSIBLE SPACES	1 SPACE
PROVIDED TOTAL PARKING	7 SPACES
PROPOSED PARKING REQUIREMENT PER PLD ASSIGNMENT: 15 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA	6 SPACES
PROPOSED SIGNATURE SPACES	6 SPACES
PROPOSED H.C. ACCESSIBLE SPACES	1 SPACE
PROPOSED TOTAL PARKING	7 SPACES
PROPOSED SIGNATURE SPACES: 1372/1,000 S.F.	
PROPOSED H.C. ACCESSIBLE SPACES: 1372/1,000 S.F.	
PROPOSED PARKING SPACES: 7520/ (180 SF)	

BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 25,
RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA,
INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS

FOR REVIEW PURPOSES ONLY
NOT TO BE USED FOR CONSTRUCTION

JOB No. 7375
SHEET NAME
CONCEPTUAL SITE
PLAN 1.0
CSP-1.0

MISHAWAKA, INDIANA
NET LEASE PROPERTIES LLC
PO BOX 100843
Forth Worth, TX 76185

C-1

C-1

C-1

W INDIAN RIDGE BLVD



S-2

S-2

S-2

PET 22-18

S-2

R-3

TIMBERLAND DR

N MAIN ST

S.R. 23

S-2

S-2

S-2

S-2

OSAGE LAKE DR

GRAPE RD

Location Map

PET 22-18

JINDER FOOD SERVICES, INC. &
NET LEASE ACQUISITIONS LLC

5540 N. MAIN STREET

PUD AMENDMENT FOR A
RESTAURANT WITH DRIVE-THRU,
REDUCED PARKING &
FIBER CEMENT BOARD

E DOUGLAS RD

C-1

OCT 12 2022

City Clerk
Mishawaka, IN

RESOLUTION NO. 2022- 29

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, MAKING A FINAL DETERMINATION AND
CONFIRMING THE DESIGNATION OF AREAS WITHIN
THE CITY OF MISHAWAKA, INDIANA, COMMONLY KNOWN AS
**VACANT LAND BOUND BY W. FRONT STREET, N. HILL STREET, W.
FIRST STREET, AND N. SPRING STREET**

AS AN ECONOMIC REVITALIZATION AREA AND
ECONOMIC DEVELOPMENT TARGET AREA FOR
PURPOSES OF REAL PROPERTY TAX ABATEMENT FOR

FRONT STREET, L.L.C. AND/OR ITS ASSIGNS

WHEREAS, the Common Council of the City of Mishawaka, Indiana, adopted a Declaratory Resolution which designated fourteen (14) vacant unaddressed parcels located in a block bound by W. Front Street to the north, N. Hill Street to the west, W. First Street to the south, and N. Spring Street to the east, being more specifically Parcel Numbers 71-09-16-205-001.000-023, 71-09-16-205-002.000-023, 71-09-16-205-003.000-023, 71-09-16-205-004.000-023, 71-09-16-205-005.000-023, 71-09-16-205-006.000-023, 71-09-16-205-007.000-023, 71-09-16-205-008.000-023, 71-09-16-205-009.000-023, 71-09-16-205-010.000-023, 71-09-16-205-011.000-023, 71-09-16-205-012.000-023, 71-09-16-205-013.000-023, and 71-09-16-205-014.000-023 as shown on the attached Exhibit A, as an Economic Revitalization Area and an Economic Development Target Area.

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area and economic development target area have been met.

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

1. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area and Economic Development Target Area for the purposes of tax abatement. Such designations are

for real property tax abatement only and is limited to three (3) calendar years.

2. The Common Council hereby determines that the property owner is qualified for and is granted a real property tax deduction; provided the same shall be limited to a period of five (5) years for real property only in the following applicable deduction percentages:

Year 1:	100%
Year 2	95%
Year 3	90%
Year 4	85%
Year 5	80%

3. That the petition for tax abatement, the Development Agreement by and between the Petitioner and the City of Mishawaka Redevelopment Commission, and the Statement of Benefits submitted by Front Street, L.L.C. for it and its successors and assigns, comply with Indiana Code 6-1.1-12.1-1 et seq. and are hereby approved.
4. That this determination is final except that an appeal may be taken and heard as provided under Indiana Code 6-1.1-12.1-2-5 and subsections (d) and (e) of the Act.

The Common Council of the City of Mishawaka, Indiana hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area and Economic Development Target Area for the purposes of tax abatement.

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this ____ day of October, 2022.

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this ____ day of _____, 2022.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED AND SIGNED by me this ____ day of _____, 2022, at ____ o'clock ____ M.

David A. Wood, Mayor





CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
Kenneth B. Prince, ASLA, AICP, Executive Director

October 11, 2022

Woody Emmons, 1st District City Council
Mike Bellovich, 2nd District City Council
Tony Hazen, 3rd District City Council
Kate Voelker, 4th District City Council
Mike Compton, 5th District City Council
Ron Banicki, 6th District City Council
Greg Hixenbaugh, At-Large City Council
Matt Mammolenti, At-Large City Council
Maggie DeMaegd, At-Large City Council
Deborah Block, City Clerk

Deborah S. Block, IAMC, MMC

OCT 12 2022

City Clerk
Mishawaka, IN

**Re: Confirming Resolution 2022-29
Tax Abatement- Front Street LLC
Proposed Mixed Use Development**

Dear Council Members and Clerk:

Please find attached Confirming Resolution 2022-29 for a tax abatement request that has been filed for consideration at your Monday, October 17th meeting. As was previously referenced when the Council considered and approved the declaratory resolution, the developer is proposing to construct a mixed-use building on an approximate 1.5 acre city-owned site bound by W. Front Street, N. Hill Street, W. First Street, and N. Spring Street. The property is located immediately south of the Mill at Ironworks mixed-use project. The proposal includes a four-story 79,000 sq. ft. mixed-use building with ground level commercial, restaurant space, and residential units. The upper floors will be exclusively residential. The building will include approximately 4,600 sq. ft. of commercial/restaurant space for three tenants, 106-109 apartment units, a rooftop deck, and a 110 space surface parking lot. Total investment is estimated at \$25 million with construction beginning in mid-November this year with completion in the spring of 2024.

Identical to the tax abatements that were approved for the completed River Rock apartments on Mishawaka Avenue, the planned River Walk apartments north of the river and west of Central Park, and the proposed redevelopment of the Mishawaka Inn as the Steelhead Apartments, the request is for a five (5) year abatement on the proposed mixed-use building. A copy of the submitted application and relevant materials is once again attached for your review and information with the Staff prepared resolution. This is the same information previously distributed with the Declaratory Resolution.

The Declaratory Resolution was approved at the Council's October 3rd meeting which allowed the Clerk's office to proceed with the special advertising requirements, including notification to other taxing units that would potentially be impacted by abatement. The advertising has occurred and staff is not aware of any remonstrance or comments that have been received regarding the proposed abatement. Please note that in the last 18 years, the City has not received any remonstrance from other taxing units on any proposed abatement. We believe the lack of remonstrance is in part due to

the fact that abatements are always considered concurrent with new growth and development, and that the proposals always represent added value, with or without a tax phase-in. Another factor to consider is that the immediate future financial impact to other taxing units will be minimal with or without an abatement due to the property's location within the City's Consolidated TIF district.

When the developer brought this project to the Redevelopment Commission in April, there was no intent to file a real property tax abatement. However since this time, dramatic inflationary pressures and increased cost of financing have changed the project pro forma leading to the filing of the abatement. The developer initially proposed a much larger abatement (10 years at 100%). Staff encouraged the developer to file what has historically been approved for residential property tax abatements in the downtown area or for distressed property. The purpose of the abatement is not to further incentivize the project, but to assist in mitigating the recent cost increases to allow the project to move forward.

As recommended by Staff, the proposed request is for a five-year abatement on the improvements with a higher than normal annual percent abatement schedule starting at 100% the first year and decreasing 5% annually (95%, 90%, 85%, and 80%) over the 5 year life of the abatement. This abatement schedule is identical to the tax abatements that were submitted for the completed River Rock apartments on Mishawaka Avenue, and approved for the planned River Walk apartments west of Central Park and for the renovation and conversion of the Mishawaka Inn for the Steelhead Apartments. The percentages that were ultimately approved for River Rock were amended on the floor by the Council to 100%, 90%, 85%, 75%, 70% for years one through five respectively.

Accurately predicting values and tax impacts for any abatement request is always a challenge given the numerous variables and estimates involved. As in other recent abatement analyses', we used the following DLGF website to project tax revenue:

<https://gateway.ifionline.org/CalculatorsDLGF/TaxCalculator.aspx>

This website includes a calculator where you input the location, assessed valuation, and class of property and it outputs the maximum tax for the property. This calculator was used for the below tax projections. The current 2021 tax rate was used, and future years did not estimate any increase or decrease over the abatement period. Although we know the tax rate will increase, we felt that omitting estimates for these changes still provided a reasonable value estimate without being more complicated.

Using the calculator, based on the 2021 tax rate and a \$20,000,000 assessed valuation, the project will have an estimated annual tax bill of \$471,580. Like other recent tax abatement analysis, the assessed valuation for the primarily multiple-family residential project is projected at 80% of the construction cost, which in this case is \$25,000,000. If the assessment is ultimately lower, which will likely be the case, the total taxes paid and abated will be proportional lower.

The below table shows the anticipated annual and total amount of tax revenue abated and paid after the completion of the project expected to be in spring 2024 :

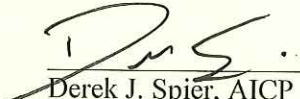
Proposed 5 Year Abatement – Mixed Use Building primarily consisting of Residential Rental Apartment Units

<i>Tax Year</i>	<i>Percentage</i>	<i>Total Tax</i>	<i>Taxes Paid</i>	<i>Taxes Abated</i>
2024 Pay 2025	100%	\$471,580	\$0	\$471,580
2025 Pay 2026	95%	\$471,580	\$23,579	\$448,001
2026 Pay 2027	90%	\$471,580	\$47,158	\$424,422
2027 Pay 2028	85%	\$471,580	\$70,737	\$400,843
2028 Pay 2029	80%	\$471,580	\$94,316	\$377,264
Total		\$2,357,900	\$235,790	\$2,122,110

Tax abatement analysis and discussions typically revolve around finances and often only consider the short-term fiscal impact. However, it is just as important to develop the downtown area with a vibrant mix of uses paving the way for future investment.

As always, please do not hesitate to contact our department if you have any questions, or require any additional information. We thank you for your consideration.

Sincerely,



Derek J. Spier, AICP
City Planner

cc: David A. Wood, Mayor
Kenneth B. Prince, AICP, ASLA
Executive Director, Planning & Community Development



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

20 22 PAY 20 23

FORM SB-1 / Real Property

PRIVACY NOTICE

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

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☒ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☒ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1

TAXPAYER INFORMATION

Name of taxpayer

Front Street LLC

Address of taxpayer (number and street, city, state, and ZIP code)

1130 South Bend Ave. Ste. 350 South Bend, IN 46617

Name of contact person

J. Patrick Matthews

Telephone number

(574) 315-9668

E-mail address

Pat@7.Diamonds

SECTION 2

LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body

Common Council of the City of Mishawaka

Resolution number

Location of property

Block of Front, Spring, Hill, and 1st Streets

County

St. Joseph

DLGF taxing district number

71-091

Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary)

Development and construction of approx. 79,000 square feet of mixed use retail and residential including 108 residential units and 3 commercial units.

Estimated start date (month, day, year)

November, 2022

Estimated completion date (month, day, year)

November, 2023

SECTION 3

ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current Number

0.00

Salaries

\$0.00

Number Retained

0.00

Salaries

\$0.00

Number Additional

3.00

Salaries

\$130,000.00

SECTION 4

ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		337,500.00
Plus estimated values of proposed project	25,000,000.00	25,000,000.00
Less values of any property being replaced		337,500.00
Net estimated values upon completion of project	25,000,000.00	25,000,000.00

SECTION 5

WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) _____

Estimated hazardous waste converted (pounds) _____

Other benefits

Tax payer estimates that 2-3 new positions will be created within 1-year after project/building completion. This will also help the shortage of housing Downtown Mishawaka and drive additional retail and restaurants.

SECTION 6

TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative

J. Patrick Matthews

Date signed (month, day, year)

September 13, 2022

Printed name of authorized representative

J. Patrick Matthews

Title

Manager

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*
- B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements ☐ Yes ☐ No
 2. Residentially distressed areas ☐ Yes ☐ No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below)
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☐ Yes ☐ No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

HISTORY OF ALL TAX ABATEMENTS 1986-CURRENT

Name	Common Council Approval Date	No. of Years Real Estate	No. of Years Machinery	No. of Retained Jobs (Proposed)	No. of New Jobs (Proposed)	No. of Retained Jobs (Actual)	No. of New Jobs (Actual)	Date of Latest CER Found	Capital Investment**	Abated Through*** Collect CF-1s*	Pay*	Abatement Complete
1 Patrick Industries	October 20, 1986	10 Years			52			(-)	\$ 8,622,845.00	1997	1998	YES
2 Former Baby Place	June 7, 1988	6 Years	0	0	38.5			(-)	\$ 2,000,000.00	1995	1996	YES
3 Wheelabrator Area	December 19, 1988	10 Years		338	246			(-)	\$ 2,500,000.00	1999	2000	YES
4 National - Standard	February 21, 1989	6 Years	5 Years	15	180			(-)	\$ 10,100,000.00	1995	1996	YES
5 Thermoplastics Phase I	November 20, 1989	6 Years	5 Years	151	13			(-)	\$ 2,500,000.00	1993	1994	YES
6 Thermoplastics Phase II	November 20, 1989	3 Years	5 Years	155	20			(-)	\$ 3,200,000.00	1996	1997	YES
7 Contech Division I	July 2, 1990	6 Years		n/a	75			(-)	\$ 10,962,483.00	1996	1997	YES
8 Hiti Steel	September 13, 1990	0	5 Years		14			(-)	\$ 576,000.00	1994	1995	YES
9 Panz Products Inc.	September 24, 1990	3	0	76	10			(-)	\$ 475,000.00	1996	1997	YES
10 Dodge Reliance Electrical I	January 7, 1991	0	5 Years	10	15			(-)	\$ 1,050,000.00	1994	1995	YES
11 Janco Products, Inc.	May 6, 1991	5 Years	5 Years	10	20			(-)	\$ 220,000.00	1996	1997	YES
12 Thermoplastics Phase III	November 4, 1991	0	5 Years	150	19		150	Feb-93	\$ 2,750,000.00	1996	1997	YES
13 National Steel Corporation	December 16, 1991	10 Years		250	130		250	Mar-01	\$ 10,346,394.00	2002	2003	YES
14 Maron Products, Inc.	February 3, 1992	0	5 Years	38	10		41	Feb-95	\$ 610,794.00	1998	1999	YES
15 Dodge Reliance Electrical II	July 6, 1992	0	5 Years	300+	0		300+	Mar-96	\$ 3,000,000.00	1999	2000	YES
16 Thermoplastics Phase IV	October 19, 1992	6 Years		210	50		148	Mar-99	\$ 6,817,832.00	1999	2000	YES
17 Contech Division II	April 19, 1993	10 Years	5 Years	10	15		108	Mar-95	\$ 1,206,461.00	2004	2005	YES
18 Dana/Ristance Corp./Standard Motor Products - Wire and Cable Div.	September 6, 1994	6 Years	5 Years	80	60		42	Mar-95	\$ 6,067,253.00	2001	2002	YES
19 United Lino	December 5, 1994	10 Years	5 Years	77	4		77	Jan-01	\$ 1,262,200.00	2001	2002	YES
20 Dearborn Crane	December 18, 1995	10 Years	5 Years	26	4		26	May-99	\$ 612,841.00	2005	2006	YES
21 Scott Brass II	December 18, 1995	5 Years	5 Years	8	8		8	Mar-06, Apr-01	\$ 11,934,000.00	2006	2007	YES
22 Federal Window (Fedor)	December 18, 1995	5 Years	5 Years	6	15		26	Apr-02, Mar-01	\$ 1,018,181.00	2002	2003	YES
23 Maron Products, Inc. II	December 18, 1995	10 Years	5 Years	73	109		73	Apr-01	\$ 250,000.00	2001	2002	YES
24 Quality Dining	April 15, 1996	6 Years	5 Years	70	15		79	Mar-06	\$ 5,087,402.00	2006	2007	YES
25 Bayco Metal Finishing	January 6, 1997	6 Years	5 Years	225	20		225	Jul-00	\$ 1,800,000.00	2003	2004	YES
26 Krizman International	March 3, 1997	3 Years	5 Years	60	40		0	(-)	\$ 1,500,000.00	2003	2004	YES
27 Trover	May 19, 1997	6 Years	5 Years	378	40		341	Feb-02	\$ 7,596,531.00	2001	2002	YES
28 Nivoncraft Incorporated	October 20, 1997	6 Years	5 Years	139	18		0	(-)	\$ 3,600,000.00	2004	2005	YES
29 Londa Corporation	October 20, 1997	6 Years	5 Years	82	15		62	Mar-05	\$ 1,842,833.00	2004	2005	YES
30 DeWald Manufac. Inc./Power Gear/Engineered Solutions	October 20, 1997	6 Years	5 Years	299	70		299	Mar-00	\$ 3,181,310.00	2003	2004	YES
31 Thermoplastics Phase V	December 1, 1997	6 Years	5 Years	325	50		230	Mar-05	\$ 2,000,000.00	2006	2007	YES
32 Atchison/Dodge	March 6, 2000	3 Years	5 Years	15	20		5	Feb-01	\$ 375,000.00	2004	2005	YES
33 Sampson Fiberglass	March 6, 2000	10 Years	5 Years	325	50		234	Feb-06	\$ 2,850,000.00	2006	2007	YES
34 RMG Foundry LLC	November 19, 2001	10 Years	5 Years	285	15		0	Apr-11	\$ 2,500,000.00	2011	2012	YES
35 WF Associates (AMG Byrkit Facility)	March 20, 2003	6 Years	5 Years	396	16		320	May-09	\$ 1,168,064.00	2009	2010	YES
36 Nivoncraft Incorporated	November 6, 2003	3 Years	5 Years	405	13		329	May-09	\$ 2,730,304.00	2009	2010	YES
37 Nivoncraft Incorporated	August 18, 2004	5 Years	3 Years	31	4		16	May-06	\$ 1,450,290.00	2007	2008	YES
38 Plastimatics Arts Corporation	September 6, 2005	5 Years		14	49		34	May-09	\$ 5,000,000.00	2010	2011	YES
39 Ironwood Enterprises, LLC	October 17, 2005	3 Years	3 Years	95	6		82	Feb-07	\$ 1,118,980.00	2007	2008	YES
40 Daman Products Company	December 18, 2006	3 Years	3 Years	12	7		2	May-09	\$ 1,200,000.00	2009	2010	YES
41 Culture Systems, Inc.	June 19, 2006	5 Years	5 Years	172	26		5	Apr-10	\$ 4,600,000.00	2011	2012	YES
42 Patrick Industries (Metals Div)	August 21, 2006	3 Years	3 Years	51	5		5	May-10	\$ 1,250,000.00	2010	2011	YES
43 Jamil Packaging Corporation	December 6, 2007	10 Years	5 Years	340	50		291	Apr-13	\$ 2,185,000.00	2012	2013	YES
44 Nivoncraft Incorporated	February 4, 2008	3 Years	3 Years	64	5		62	Feb-21	\$ 44,000,000.00	2020	2021	YES
45 BD Michawaka Development LLC	May 1, 2008	3 Years	3 Years	0	370		0	Apr-12	\$ 1,650,000.00	2011	2012	YES
46 Jamil Packaging Corporation	June 1, 2009	3 Years	3 Years	0	120		67	Apr-12	\$ 18,000,000.00	2012	2013	YES
47 Long Term Care Investments, LLC (Douglas)	May 16, 2011	3 Years	3 Years	73	6		28	Apr-16	\$ 900,000.00	2014	2015	YES
48 Jamil Packaging Corporation	March 5, 2012	3 Years	3 Years	0	10		20	Mar-19	\$ 1,577,000.00	2018	2019	YES
49 North American Composites (INAC)	October 7, 2013	4 Years		0	61		72	Feb-21	\$ 14,490,000.00	2020	2021	YES
50 Long Term Care Investments, LLC (Fir)	November 6, 2013	5 Years		0	5 to 8		14	Feb-21	\$ 14,565,000.00	2021	2022	NO
51 Barak River Rock LLC	January 8, 2014	3 years	5 Years	91	6		91	Mar-20	\$ 1,470,500.00	2019	2020	YES
52 WellPet LLC	May 19, 2014	3 years	5 Years	24	3		24	Mar-19	\$ 859,100.00	2018	2019	YES
53 Dearborn Crane	April 20, 2015	5 Years	5 Years	115	4		115	Feb-21	\$ 1,800,000.00	2022	2023	NO
54 WellPet LLC	September 21, 2015	5 Years	5 Years	0	30 to 60		0	Apr-16	\$ 450,000.00	2020	2021	NO
55 Barak Group LLC (Iron Rock-Café)	September 21, 2015	5 Years	5 Years	474	0		203	Apr-16	\$ 10,000,000.00	2020	2021	NO
56 Barak Group LLC (Iron Rock-Condominiums)	October 19, 2016	40 Years	3 Years	0	84		178	Mar-18	\$ 12,500,000.00	2020	2021	NO
57 Bayer Healthcare	February 15, 2016	10 Years	10 Years	247 (relocated)	200		247	Feb-21	\$ 23,120,182.00	2026 or 2027/TBD	2027	NO
58 Patrick Industries	June 5, 2017	5 Years	5 Years	112	8		112	Feb-21	\$ 978,000.00	2020	2021	YES
59 River Walk Development Group LLC (Multi-Family Residential)	July 24, 2017	3 Years	3 Years	139	12		108	Mar-20	\$ 1,088,000.00	2022	2023	NO
60 Lipert Components	February 18, 2019	5 Years	5 Years	125	5		TBD	Mar-20	\$ 42,592,885.00	2027	2028	NO
61 Jamil Packaging Corporation	April 12, 2021	5 Years	5 Years	0	2		TBD	TBD	\$ 7,300,000	2030	2031	NO
62 Jamil Packaging Corporation	September 19, 2021	5 Years										
63 WellPet LLC												
64 Barak Group (Steelhead Apartments / Multi-Family Residential)												

* The "Abated through collect CF-1s" and "Pay" column demonstrates the number of years from the date the abatement was approved.

** The tax abatements highlighted above are active requiring the completion of annual compliance forms (CF-1s).

*** The abated through date was determined by the St. Joseph County Auditor's and/or Assessor's Office on March 30, 2020, and revised on March 16, 2021.

According to the applicants, #58 and #61 have expired so the CF-1s were not collected for 2020 abatement compliance reporting year.



City of Mishawaka Building – Community Development - Planning

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

REAL PROPERTY TAX ABATEMENT

Indiana State law requires that the designation application and statement of benefits form (SB-1/RE) be submitted prior to the initiation of the project. Additionally, final approval of the Economic Revitalization Area designation must be obtained before starting the installation of the new manufacturing equipment for which tax abatement is being requested.

Prior to submitting the attached application to the City's Department of Planning & Community Development, all questions must be answered as completely as possible and must be signed on the Statement of Benefits Form (SB-1/RE) and last page of the application. Incomplete or unsigned applications will not be accepted. A non-refundable application fee of \$300.00 is required when making an application for Economic Revitalization Area designation and is payable to the City of Mishawaka at the time of submission.

All firms requesting Economic Revitalization Area designation are required to conduct an initial site visit with city staff members prior to a public hearing on the tax abatement request. During that visit, the company shall reveal the capital investment levels, job creation and/or retention levels and hourly wage rates the applicant has committed to the City of Mishawaka in order to receive consideration for Economic Revitalization Area designation and tax abatement deduction.

Additionally, the City of Mishawaka, by and through the Common Council, reserves the right to rescind or "claw back", an Economic Revitalization Area designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, as well as the applicant's failure to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City rescinds the Economic Revitalization Area designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be determined at the time of the "claw back."

Questions, applications, and fees should be directed to the:

City of Mishawaka
Building - Community Development - Planning
600 East Third Street
Mishawaka, Indiana 46544
Attention: Kenneth B. Prince, City Planner
574-258-1625
kprince@mishawaka.in.gov



1. Name of the company for which Economic Revitalization Area (ERA) designation is being requested:

Front Street LLC

2. State the name, title, address, and telephone number of a company representative who may be contacted concerning this application:

Name and Title: J. Patrick Matthews, Manager

Address: 1130 South Bend Ave., Ste. 350 South Bend, IN 46617

Telephone: (574) 315-9668

3. State the name, title, address, and telephone number of a company representative who may be sent annual compliance surveys. Please note that the annual survey will determine if your company is compliant with the terms of the abatement agreement and whether the abatement will continue or be terminated, so the contact should be made aware of the survey's importance.

Name and Title: JP Wielgos, Manager

Address: 1130 South Bend Ave. Ste., 350 South Bend, IN 46617

Telephone: (574) 329-0743

4. Location of property for which ERA designation (real property tax abatement) is being sought (this information is available through the Township Assessor's Office):

a) Street Address: TBD- (Block of Spring, Front, Hill, & 1st)

b) Township: St. Joseph PENN

c) Taxing District Number: 71-091 023

d) Council District Number: District #4

e) Tax Parcel Number(s): See Exhibit B.

f) Current Zoning of the Property: C-3

g) Case/approval number of any variance, rezoning, or approval petition(s) which is/are required or have been obtained for this project: N/A

5. What is the amount of the most recent assessment attributable to (this information is available from the most recent property tax form):

Land: See Exhibit B

Improvements: \$0.00

Inventory: \$0.00

Equipment: \$0.00

6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? X Yes No

7. Does your company currently conduct manufacturing operations at this location? If so, how long has your company been at this location? _____

No

a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification.

53- Rental & Leasing

b) Please list any special certifications/designations.

N/A

8. Does your firm have other operations in the US? In Indiana? If so, please list the location of other operations. Also please indicate the location of your firm's headquarters if not located in Mishawaka.

Real Estate Development

1130 South Bend Ave., Ste. 350 South Bend, IN 46617

9. What is the size of the real estate that will be developed? (In acres) 1.8

10. What is the estimated construction or rehabilitation cost? \$25,000,000

11. Have building permits been obtained? *(Please note that state statute requires petitioner to file abatement application **before** obtaining permits) _____ Yes _____ **X No**

12. Does your company/business require contractors working on construction projects on your property to use the E-Verify system to verify the eligibility of their employees to work in the United States?
- X Yes No

13. What is the anticipated date for construction to begin? November 2022

14. What is the anticipated date for project completion? November 2023

15. Profile of Company that will occupy the property for which tax abatement is being requested:

- a) Are your employees represented by a union? If so, by whom? NA- Applicant is a Special Purpose Entity (SPE)

b) Does your business/company verify the eligibility of your employees to work in the United States using the E-Verify system? X Yes No

c) Number of current full time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**). N/A Please see 15(a) above .

Skilled Average hourly wage rate for skilled positions

Semi-skilled Average hourly wage rate for unskilled positions

Clerical Average hourly wage rate for clerical positions

Salaried Average salary (per hour) for salaried positions

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) 0

d) What benefits are offered to your company's employees? (i.e., sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.) N/A Please See 15(a) above

e) Approximate value of benefits for existing and new employees on a per hour basis (e.g., benefits are valued at an additional \$3.00 per hour, etc.) N/A

f) What is the total dollar amount spent on retained salaries? N/A

g) Number of created full-time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled 0 Average hourly wage rate for skilled positions 0

Semi-skilled 1-2 Average hourly wage rate for unskilled positions \$20.00

Clerical 0 Average hourly wage rate for clerical positions 0

Salaried 1 Average salary (per hour) for salaried positions \$50,000

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time) 2-3

h) What is the total dollar amount to be spent on new salaries? \$130,000+

i) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for:

Current hourly employees N/A Please see 15(a) above

Retained hourly employees

New hourly employees

- j) (If applicable) What is the usual market for goods or services produced by the company? List the percentage of the company's product or service that reaches:

Inside St. Joseph County: 100 %

Outside St. Joseph County, but inside Indiana: 0 %

Outside Indiana, but within 500 miles 0 %

Outside of 500 miles 0 %

Outside of the United States: 0 %

- k) (If applicable) List the name and location (City and State) of your five largest vendors or suppliers:

1. Big C Lumber - Granger, IN
2. RB Trucking & Towing - Niles, MI
3. Bergerson Construction - Union, MI
4. Spalding Design Group - Mishawaka, IN
5. Horizon Construction Group - Madison, WI

16. Describe the project for which tax abatement is being requested. Include the types of improvements that will be made and indicate whether improvement is freestanding or an expansion to existing facility. In addition, indicate whether your company will utilize the entire project space or lease a portion of it to an outside company.

Please see description of Petitioner & Project attached as Exhibit A

17. Briefly describe the product or service of the company/business which will occupy the property for which tax abatement is being requested.

See Exhibit A

18. What evidence can be provided to show the positive impact the abatement will have on the project property and surrounding area?

See Exhibit A

19. Please give a detailed description of what the impact on your business will be if the proposed project is not undertaken (e.g., loss of jobs, contract cancellations, loss of production, change in location, etc.).

See Exhibit A

20. Will you require any additional assistance from the City of Mishawaka?

Petitioner seeks support and assistance from the City of Mishawaka with respect to parcel assembly, and all matters regarding the proposed development, all in accordance with the Development Agreement, entered between the Petitioner and the City of Mishawaka Redevelopment Commission.

21. Have you applied for any assistance from the State of Indiana?

Petitioner has not applied for assistance from the State of Indiana regarding this proposed development project.

22. Miscellaneous Attachments Required:

- Attach the legal description of the property where the equipment is to be located, marked **Exhibit C**, and hereby incorporated herein.
- Attach a map and/or a plan of the property where the equipment is to be located, marked **Exhibit D**, and is hereby incorporated herein.

I hereby certify that the information and representations on this application for Real Property Tax Abatement are true and complete.

I understand that if this request for property tax abatement is granted that I will be required to participate in a mandatory annual compliance process. The survey will measure compliance with the project description, job creation and retention figures (and associated salaries), investment, and other information contained in the final resolution authorizing the property tax abatement. I also acknowledge that failure to respond to the mandatory annual compliance or failure to achieve investment, job creation, retention, and salary levels contained in the final resolution may result in a loss of tax abatement deductions and may result in the repayment of tax abatement savings received.


Signature of Owner or Authorized Representative

Manager

Title

September 13, 2022

Date

EXHIBIT A

DESCRIPTION OF PETITIONER AND PROJECT

Front St. LLC, An Indiana Limited Liability Company, (the "Petitioner" or "Developer") and its affiliates, are engaged in the development of commercial and residential real estate in various geographic territories within the Michiana Area. The Developer is focused on development activity within the City of Mishawaka and has entered into a certain Development Agreement with the City of Mishawaka Redevelopment Commission, dated April 25, 2022, regarding a significant development project for the property bounded by Front St. on the North, West 1st Street on the South, N Hill Street on the West and N Spring Street on the East.

As more particularly set forth in the Development Agreement, the proposed project includes new investment to construct an integrated mixed-use project comprising one (1) four (4) story building with approximately 4,600 square feet of retail and commercial and 74,400 square feet of residential and amenity space. For a total of approximately 79,000 square feet of development. There are 3 separate commercial spaces and 108 residential apartments.

The Petitioner would like to start construction by mid-November 2022 with completion approximately 15 months later in the Spring of 2024. Supply chain issues continue to hamper construction timelines.

The total project cost is expected to be \$25,000,000.

As noted above, the proposed project involves a significant investment in the construction of retail space and 108 residential units. This project, as generally depicted on **Exhibit D**, is designed with unique architectural features and enhancements to support and promote the advancement of the Mishawaka River Center Master Plan with a nod towards the industrial machine that made this City. The site design includes pedestrian friendly features, architectural aspects and positioning to enhance the aesthetic views from and connectivity of residential areas with the downtown urban Mishawaka City Center.

The Petitioner had a market study completed in January 2019 and updated in June 2022. The study concluded that the Front Street community will enter an environment where rental apartment demand is likely to exceed supply over the next five years. Specifically, construction requirements for new market rate apartments throughout St. Joseph County will average 415 units annually through 2027 (2,075 units in total) if supply is made available and appropriate rent levels are maintained on a site-by-site basis. However, there are currently less than 1,000 rental units in the planning pipeline or under construction at this time county-wide including the Front Street community.

The proposed project is intended to provide significant benefits to the City of Mishawaka,

including but not limited to the following:

Projected investment of \$25,000,000 in the construction of the building improvements;

The Developer anticipates relying on local service providers and suppliers when reasonably possible for construction services and materials for completion of the project;

The overall design of the project includes an emphasis on architectural features and pedestrian friendly attributes to support the City's Master Plan and to create an inviting and vibrant community within and stemming from the project;

The Developer anticipates that, upon completion, the retail space will be leased for retail or restaurant.

This cooperation with the City will employ management and maintenance personnel, thereby creating new jobs with an estimated payroll of amounts in excess of \$200,000;

The project will result in greater density and an influx of more than 100 new high quality residents to support and frequent existing local retail and service businesses and other establishments, which should provide more local revenues and employment as those businesses expand and new ones open for operation;

The proposed development is also intended to serve as a catalyst for further projects with residential density and to support contributions for increasing traffic, patronage, and vibrancy of the downtown Mishawaka area.

As noted above, the Developer anticipates investing \$25,000,000 to successfully complete the construction of the proposed project. The success of the project and benefits provided to the City hinge on efforts to manage the real property tax liabilities during construction and the marketing period to lease-up units comprising the project.

The Developer kindly requests the Mishawaka City Council's support of a five (5) year real property tax abatement, with the following deduction schedule:

(Balance of page intentionally left blank)

Front St LLC
Five (5) Year Property Tax Abatement Schedule

<u>Number of Years</u>	<u>Applicable Abatement %</u>
1	100%
2	95%
3	90%
4	85%
5	80%

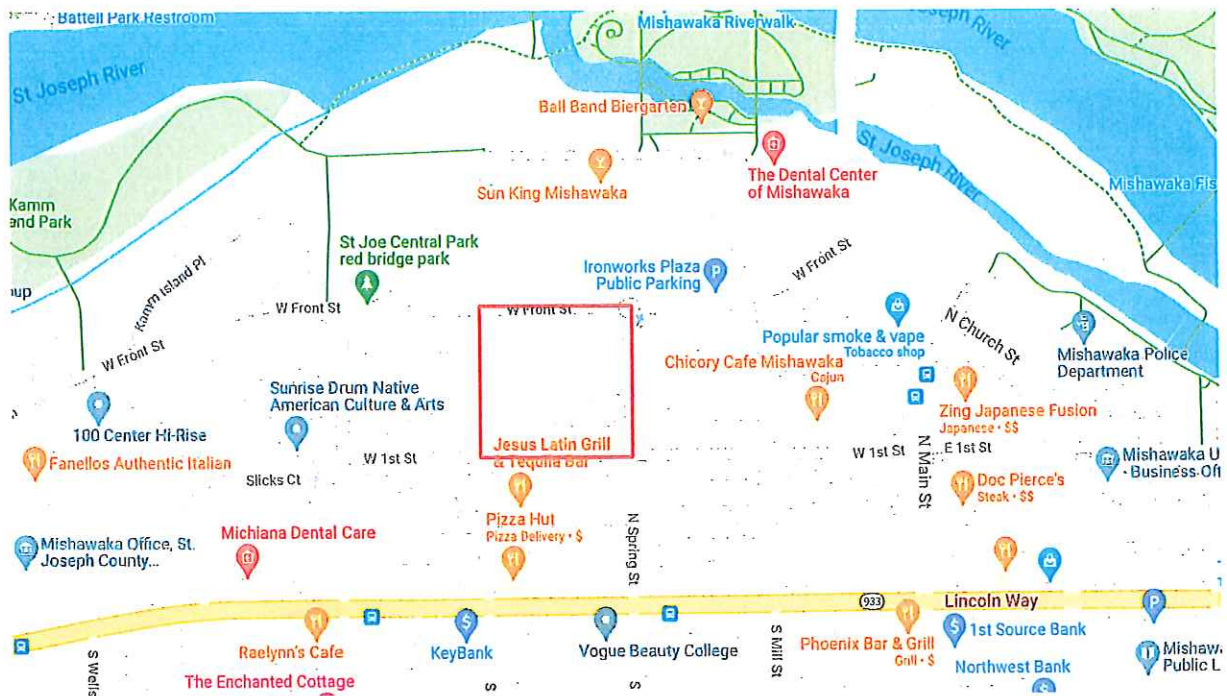
A five (5) year abatement corresponds with the Developer's commitment for total project completion and will span periods of construction and the initial marketing lease-up phase of the project. Importantly, the tax abatement will assist the petitioner with managing property tax expenses to spur initial growth and occupancy for the mutual benefit of the City and the stability of the project through rapid occupancy. Any property tax savings realized during the period of construction (through the five-year abatement) will certainly be recovered by the City over time based on the anticipated assessment of the property for many years to come.

Exhibit B

**Front Street LLC
Mishawaka Tax Abatement Parcels
September 13th, 2022**

Parcel Number	Acrage	Assessed Value
71-09-16-205-001.000-023	0.12	26,400.00
71-09-16-205-003.000-023	0.09	21,600.00
71-09-16-205-004.000-023	0.08	18,800.00
71-09-16-205-005.000-023	0.12	19,200.00
71-09-16-205-002.000-023	0.25	38,100.00
71-09-16-205-008.000-023	0.04	11,700.00
71-09-16-205-006.000-023	0.11	17,500.00
71-09-16-205-007.000-023	0.09	18,800.00
71-09-16-205-009.000-023	0.14	21,800.00
71-09-16-205-010.000-023	0.10	23,800.00
71-09-16-205-011.000-023	0.21	32,000.00
71-09-16-205-012.000-023	0.13	27,600.00
71-09-16-205-013.000-023	0.18	26,800.00
71-09-16-205-014.000-023	0.14	33,400.00
Totals	1.80	\$337,500.00

Exhibit C



Staging of materials and equipment to be done on the outlined site.

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

[illegible][illegible]

KEY NOTES/LEGEND:

① PROPOSED STANDARD APPLANT PARADE IN PARKING STRIPS, SEE DETAIL ON SHEET C-1.

② PROPOSED HEAVY PLANT APPLANT PARADE IN DRIVE STRIPS, 10' MINIMUM ON PLANT. SEE DETAIL ON SHEET C-1.

③ PROPOSED LIGHT PLANT APPLANT PARADE IN DRIVE STRIPS, 10' MINIMUM ON PLANT. SEE DETAIL ON SHEET C-1.

SIR LOOMAN
APR

1). ZONING: "C-3" CITY CENTER COMMUNITY DISTRICT.

2). ADDRESS OF TRILLIANT DATA CENTER: 146 AC.

3). PROPOSED LAND USE: RETAIL/RESIDENTIAL.

USE BY SQUARE FOOTAGE:

1ST FLOOR/RETAIL/RESIDENTIAL	13,844 SQ. FT.
2ND FLOOR/RETAIL/RESIDENTIAL	13,844 SQ. FT.
3RD FLOOR/RETAIL/RESIDENTIAL	13,844 SQ. FT.
4TH FLOOR/RETAIL/RESIDENTIAL	13,844 SQ. FT.
TOTAL:	55,376 SQ. FT.

4). PROPOSED LAND COVERAGES:

SEALANT PAVEMENT	31,270
ASPHALT PAVEMENT	3,846
OPEN SPACE	4,660
TOTAL	10,000

5). BUILDING SHOWN IS 4 STORY.

6). DRIVEWAY OPERANCES WILL CONFORM TO THE LATEST MEMPHANA CITY STANDARDS.

7). PARKING RATIO REQUIRED: 1.5-1 CITY CENTER COMMUNITY DISTRICT.

8). CITY CENTER COMMUNITY DISTRICT: PARKING REQUIRED FOR ONE (1) SPACE PER APARTMENT UNIT.

9). TOTAL SPACES REQUIRED: 10 SPACES

10). TOTAL SPACES PROVIDED: 10 SPACES

(INCLUDES 4 ADA SPACES)

A. TEST NAME		B. TEST DATE		C. TEST TIME		D. TEST PLACE	
1	NAME	2	DATE	3	TIME	4	PLACE
5	TEST	6	DATE	7	TIME	8	PLACE
9	TEST	10	DATE	11	TIME	12	PLACE
13	TEST	14	DATE	15	TIME	16	PLACE
17	TEST	18	DATE	19	TIME	20	PLACE
21	TEST	22	DATE	23	TIME	24	PLACE
25	TEST	26	DATE	27	TIME	28	PLACE
29	TEST	30	DATE	31	TIME	32	PLACE
33	TEST	34	DATE	35	TIME	36	PLACE
37	TEST	38	DATE	39	TIME	40	PLACE
41	TEST	42	DATE	43	TIME	44	PLACE
45	TEST	46	DATE	47	TIME	48	PLACE
49	TEST	50	DATE	51	TIME	52	PLACE
53	TEST	54	DATE	55	TIME	56	PLACE
57	TEST	58	DATE	59	TIME	60	PLACE
61	TEST	62	DATE	63	TIME	64	PLACE
65	TEST	66	DATE	67	TIME	68	PLACE
69	TEST	70	DATE	71	TIME	72	PLACE
73	TEST	74	DATE	75	TIME	76	PLACE
77	TEST	78	DATE	79	TIME	80	PLACE
81	TEST	82	DATE	83	TIME	84	PLACE
85	TEST	86	DATE	87	TIME	88	PLACE
89	TEST	90	DATE	91	TIME	92	PLACE
93	TEST	94	DATE	95	TIME	96	PLACE
97	TEST	98	DATE	99	TIME	100	PLACE

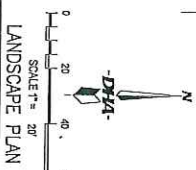
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17	REVISIONS		DHA Site Layout Plan
18	17	18	19
19	20	21	22
20	23	24	25
21	26	27	28
22	29	30	31
23	32	33	34
24	35	36	37
25	38	39	40
26	41	42	43
27	44	45	46
28	47	48	49
29	50	51	52
30	53	54	55
31	56	57	58
32	59	60	61
33	62	63	64
34	65	66	67
35	68	69	70
36	71	72	73
37	74	75	76
38	77	78	79
39	80	81	82
40	83	84	85
41	86	87	88
42	89	90	91
43	92	93	94
44	95	96	97
45	98	99	100

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

Office (313) 234-4363 / (313) 234-4022 • Fax (313) 234-4118
 1843 Commerce Drive • Southfield, MI 48034

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



DATE		DRAWN BY:		REVISIONS	
7-20-22		JTB			
SCALE		CHECKED BY:		DATE	
1" = 30'		MJD		BY	
DATE		APPROVED BY:		DATE	
7-20-22					

5
C4.0
SHEET

[illegible]









OCT 12 2022

City Clerk
Mishawaka, IN

RESOLUTION NO. 2022-30

Helios Hydraulics Americas LLC
1811 N. Home Street

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, MAKING A FINAL DETERMINATION AND CONFIRMING THE
DESIGNATION OF AREAS WITHIN
THE CITY OF MISHAWAKA, INDIANA, KNOWN AS

1811 N. HOME STREET

AS AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF REAL PROPERTY TAX ABATEMENT

WHEREAS, the Common Council of the City of Mishawaka, Indiana, adopted a Declaratory Resolution which designated the area known as 1811 N. Home Street, Mishawaka, IN 46545, to be an Economic Revitalization Area under the provisions of Indiana Code § 6-1.1-12.1-1 et seq. (the "Act"):

A lot or parcels of land described as follows:

Tax Parcel ID Number:
71-09-11-177-002.000-022

A Parcel of land being a part of the northwest quarter of Section 11, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, Indiana and being more particularly described as commencing at the west quarter section corner (southwest corner of the northwest quarter) of said Section 11; thence North 00°07'03" West (basis of bearings or this description) along the west line of said northwest quarter, a distance of 17.44 feet to its intersection with the centerline of the abandoned and former New York Central Railroad right-of-way; thence North 66°28'32" East, along said centerline, a distance of 1850.70 feet to the Place of Beginning for this description; thence North 00°10'57" West, parallel with the east right-of-way line of Clover Street, a distance of 864.15 feet; thence north 89°44'36" East a distance of 783.67 feet; thence south 00°12'07" East a distance of 15.00 feet; thence north 89°44'36" East, a distance of 100.00 feet to a point on the west right-of-way line of Home Street; thence south 00°12'07" east, on said west right-of-way line of Home Street, a distance of 468.89 feet to said centerline of said abandoned New York Central Railroad right-of-way; thence south 66°28'32" West along said centerline, a distance of 962.61 feet to the Place of Beginning containing 13.64 acres, more or less.

More commonly known as 1811 N. Home Street, Mishawaka, IN 46545.

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

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code § 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrance and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

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

1. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for real property tax abatement only and is limited to four (4) calendar years.
2. The Common Council hereby determines that the property owner is qualified for and is granted a real property tax deduction; provided the same shall be limited to a period of five (5) years for real property only in the following applicable deduction percentages:

Year 1:	100%
Year 2	80%
Year 3	60%
Year 4	40%
Year 5	20%

3. That the petition for tax abatement, and the Statement of Benefits submitted by Helios Hydraulics Americas, LLC, comply with Indiana Code § 6-1.1-12.1-1 et seq. and are hereby approved.
4. That this determination is final except that an appeal may be taken and heard as provided under Indiana Code § 6-1.1-12.1-2-5 and subsections (d) and (e) of the Act.

The Common Council of the City of Mishawaka, Indiana hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement.

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this _____ day of October, 2022.



Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _____ day of October, 2022.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED AND SIGNED by me this _____ day of October , 2022, at _____ o'clock _____.M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
Kenneth B. Prince, ASLA, AICP, Executive Director

October 11, 2022

Woody Emmons, 1st District City Council
Mike Bellovich, 2nd District City Council
Anthony Hazen, 3rd District City Council
Kate Voelker, 4th District City Council
Michael Compton, 5th District City Council
Ron Banicki, 6th District City Council
Gregg Hixenbaugh, At-Large City Council
Matt Mammolenti, At-Large City Council
Maggie DeMaegd, At-Large City Council
Deborah Block, City Clerk

Deborah S. Block, AMC, MMC

OCT 12 2022

City Clerk
Mishawaka, IN

**Re: Confirming Resolutions 2022-30 and 2022-31
Tax Abatement – Helios Hydraulics Americas LLC
Real and Personal Property Tax Abatements- 1811 N. Home Street**

Dear Council Members and Clerk:

Attached are the Confirming Resolutions for the above referenced tax abatement requests that have been filed for consideration at your October 17th meeting. Please note that the resolutions are very similar. In this case, one is required for the Real Property improvements, and a separate one is required for the Personal Property improvements.

As was previously referenced when the Council considered and approved the declaratory resolution, Helios Hydraulics Americas LLC recently acquired Daman Products, a manufacturer of hydraulic manifolds located at 1811 N. Home Street. With the acquisition, the company is proposing to expand the facility including a significant building addition and installation of new equipment to expand current product lines and create new product lines. Daman Products has been operating at this facility since 1977.

The total planned investment is approximately \$16.3 million. Specifically, two abatements have been filed, one for the real property improvements and one for the personal property improvements in new manufacturing and IT equipment. The real property improvements include an estimated \$4.8 million building expansion adding an approximate 53,000 sq. ft. addition to the west side of the building. The parking lot and the existing stormwater retention basins will also be expanded to accommodate the new employees and provide storage for the additional water runoff from the new improvements. A Final Site Plan will be required for administrative review and approval by Planning Staff. The personal property request includes approximately \$11.5 million primarily for new manufacturing equipment and a very limited investment in IT equipment. Construction on the building addition and new equipment installation is expected to begin during the 4th quarter of 2022. Completion on the entire project is anticipated during the 2nd quarter of 2026.

As previously referenced, Daman Products received a prior personal property tax abatement approved by the Council in 2005. This three (3) year abatement supported the purchase of \$1.1 million in manufacturing equipment. When filing, the

company had 95 employees and estimated an additional 6 employees would be hired. As indicated in the applications and SB-1's, employment levels at the facility have increased over the years from the 95 employees in 2005 to 139 employees present day. Commensurate with the increase in employment, total payroll has increase over these years from \$4.1 million to \$7.2 million.

With the current request, Helios Hydraulics Americas LLC will retain 139 employees while adding an estimated 73 jobs as a result of the investment. The hourly wage for the 71 skilled new positions, excluding benefits, is estimated at \$19.17. The hourly wage for the two (2) salaried positions, excluding benefits, is estimated at \$42.34. Total annual salaries for the new jobs is estimated at \$3 million. Benefits available to employees include sick and vacation time; health, dental, and vision insurance; and a 401 (k) with company match.

Per the anticipated levels of capital investment and employment growth, Staff is recommending a 5 year abatement for both the real and personal tax abatement requests. A standard phase-in for the real property abatement is recommended beginning 100% for the first year and decreasing 20% annually (80%, 60%, 40%, and 20%) over the 5 year life of the abatement. A higher than normal phase-in is recommended for the personal property abatement beginning at 100% for the first year and decreasing 10% annually (90%, 80%, 70%, and 60%) over the 5 year life of the abatement. Staff believes that a higher phase-in is warranted due to the more substantial investment in new equipment estimated at \$11.5 million. The tax phase-ins will only cover the increase in assessed real and personal property valuations resulting from the proposed building addition and new equipment.

Attached are the estimated tax impacts for both the real and personal property abatements if the 5-year tax phase-ins are approved. Projecting the tax impact with certainty is always difficult due to differences between the investment amount and assessed value, and fluctuations in tax rates and other unknown factors over the life of the abatement. As in other recent abatement analyses', we used the following DLGF calculator to project tax revenue:

<https://gateway.ifionline.org/CalculatorsDLGF/TaxCalculator.aspx>

This website includes a calculator where you input the location, assessed valuation, and class of property and it outputs the maximum tax for the property. This calculator was used for the below tax projections. The current 2021 tax rate payable 2022 was used. Future years did not estimate any increase or decrease over the abatement period. Although we know the tax rate will increase, we felt that omitting estimates for these changes still provided a reasonable value estimate without being more complicated. The property tax cap rates for St. Joseph County are also factored into this analysis.

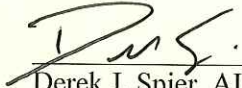
Using the calculator, based on the 2021 tax rate, the real property I mprovements proposed would have a corresponding estimated tax bill of \$115,200 using 80% of the project cost to determine assessed valuation. The personal property improvements proposed would have a corresponding estimated tax bill of \$276,000 using 80% of the project cost to determine assessed valuation.

In short, if approved, the additional real property taxes associated with this project over the next five years amounts to \$576,000. Over that period of time, the owner would have \$345,600 abated and would pay \$230,400. The additional personal property taxes associated with this project over the next five years amounts to \$1,380,000. Over that period of time, the owner would have \$1,104,000 abated and would pay \$276,000.

The attached tables show the anticipated annual and total amount of tax revenue abated and paid after the completion of the project on a year by year basis over the five years.

As always, please do not hesitate to contact our department if you have any questions, or require any additional information.
Thank you for your consideration.

Sincerely,



Derek J. Spier, AICP
City Planner

cc: David A. Wood, Mayor
Kenneth B. Prince, ASLA, AICP
Executive Director, Planning & Community Development

Tax Abatement Schedule prepared for:

11-Oct-22

Helios Hydraulics Americas LLC

Real Property

*Mishawaka Penn Township 5 Year Tax Abatement Schedule**

TOTAL PROJECT IMPACT

Total estimated Project Cost: 4,800,000.00

Base Assessed Value: 3,840,000.00

(base assessed value is estimated at 80% of project cost)

Assume constant tax rate of:

3.9252% 2021 pay 2022 tax rate

	Assessed	Gross	Max Tax	Percent	Tax	Tax
Year	Value	Tax	Bill*	Abated	Abated	Paid
1	3,840,000	150,728	115,200	100%	115,200	0
2	3,840,000	150,728	115,200	80%	92,160	23,040
3	3,840,000	150,728	115,200	60%	69,120	46,080
4	3,840,000	150,728	115,200	40%	46,080	69,120
5	3,840,000	150,728	115,200	20%	23,040	92,160
			576,000		345,600	230,400

* Maximum tax bill is per the 3% property tax cap rate and a 0% property tax exempt tax rate calculated per the Indiana DLGF on-line tax bill calculator .

Total Taxes Due During Abatement: 576,000
Total Taxes Abated During Abatement: 345,600
Total Taxes Paid During Abatement: 230,400

* - This schedule is for estimation purposes only and assumes constant tax rates.
The true tax values will ultimately be determined by the actual
assessed valuation and the then current tax rates.



City of Mishawaka Building – Community Development - Planning

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

REAL PROPERTY TAX ABATEMENT

Indiana State law requires that the designation application and statement of benefits form (SB-1/RE) be submitted prior to the initiation of the project. Additionally, **final approval of the Economic Revitalization Area designation must be obtained before starting the installation of the new manufacturing equipment for which tax abatement is being requested.**

Prior to submitting the attached application to the City's Department of Planning & Community Development, all questions must be answered as completely as possible and must be signed on the Statement of Benefits Form (SB-1/RE) and last page of the application. Incomplete or unsigned applications will not be accepted. A **non-refundable application fee** of \$300.00 is required when making an application for Economic Revitalization Area designation and is payable to the **City of Mishawaka** at the time of submission.

All firms requesting Economic Revitalization Area designation are required to conduct an initial site visit with city staff members prior to a public hearing on the tax abatement request. During that visit, the company shall reveal the capital investment levels, job creation and/or retention levels and hourly wage rates the applicant has committed to the City of Mishawaka in order to receive consideration for Economic Revitalization Area designation and tax abatement deduction.

Additionally, the City of Mishawaka, by and through the Common Council, reserves the right to rescind or "claw back" an Economic Revitalization Area designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, as well as the applicant's failure to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City rescinds the Economic Revitalization Area designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be determined at the time of the "claw back."

Questions, applications, and fees should be directed to the:

City of Mishawaka
Building - Community Development - Planning
600 East Third Street
Mishawaka, Indiana 46544
Attention: Kenneth B. Prince, City Planner
574-258-1625
kprince@mishawaka.in.gov

1. Name of the company for which Economic Revitalization Area (ERA) designation is being requested:

Helios Hydraulics Americas LLC

2. State the name, title, address and telephone number of a company representative who may be contacted concerning this application:

Name and Title: **Lori Switzer**

Address: **7456 16th ST E**

Telephone: **Sarasota, FL 34243**

3. State the name, title, address and telephone number of a company representative who may be sent annual compliance surveys. Please note that the **annual survey will determine if your company is compliant with the terms of the abatement agreement and whether the abatement will continue or be terminated**, so the contact should be made aware of the survey's importance.

Name and Title: **Lori Switzer**

Address: **7456 16th ST E**

Telephone: **Sarasota, FL 34243**

4. Location of property for which ERA designation (real property tax abatement) is being sought (this information is available through the Township Assessor's Office):

a) Street Address: **1811 Home Street**

b) Township: **Penn**

c) Taxing District Number: **022**

d) Council District Number: **010**

e) Tax Parcel Number(s): **71-09-11-177-002-000-022**

f) Current Zoning of the Property: **Industrial Light Manufacturing & Assembly**

g) Case/approval number of any variance, rezoning, or approval petition(s) which is/are required or have been obtained for this project:

5. What is the amount of the most recent assessment attributable to (this information is available from the most recent property tax form):

Land: 155,000

Improvements: 1,572,400

Inventory: _____

Equipment: _____

6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? _____ Yes _____ ☒ No

7. Does your company currently conduct manufacturing operations at this location? If so, how long has your company been at this location?

Yes, Daman Products purchased by Helios Hydraulics America LLC currently manufactures in this location since 1977.

a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification. 332999

b) Please list any special certifications/designations.

8. Does your firm have other operations in the US? In Indiana? If so, please list the location of other operations. Also please indicate the location of your firm's headquarters if not located in Mishawaka. **Helios Technologies (parent) headquarters is located in Sarasota Florida. The company has operations in FL, OH, TX, CA, OK**

9. What is the size of the real estate that will be developed? (in acres) approx. 13

10. What is the estimated construction or rehabilitation cost? 4,800,000

11. Have building permits been obtained? *(Please note that state statute requires petitioner to file abatement application **before** obtaining permits) _____ Yes ☒ No

12. Does your company/business require contractors working on construction projects on your property to use the E-Verify system to verify the eligibility of their employees to work in the United States? _____ Yes ☒ No

13. What is the anticipated date for construction to begin? 2022

14. What is the anticipated date for project completion? 2026

15. Profile of Company that will occupy the property for which tax abatement is being requested:

a) Are your employees represented by a union? If so, by whom? No

b) Does your business/company verify the eligibility of your employees to work in the United States using the E-Verify system? ☒ Yes _____ No

- c) Number of current full time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled	<u>106</u>	Average hourly wage rate for skilled positions	<u>19.17</u>
Semi-skilled	<u> </u>	Average hourly wage rate for unskilled positions	<u> </u>
Clerical	<u>4</u>	Average hourly wage rate for clerical positions	<u>18.46</u>
Salaried	<u>29</u>	Average salary (per hour) for salaried positions	<u>42.34</u>

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) 139

- d) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.) Sick time, vacation, health, dental, vision, 401k match

- e) Approximate value of benefits for existing and new employees on a per hour basis (e.g. benefits are valued at an additional \$3.00 per hour, etc.) \$8.00

- f) What is the total dollar amount spent on retained salaries? \$7.2M

- g) Number of created full-time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled	<u>71</u>	Average hourly wage rate for skilled positions	<u>19.17</u>
Semi-skilled	<u> </u>	Average hourly wage rate for unskilled positions	<u> </u>
Clerical	<u> </u>	Average hourly wage rate for clerical positions	<u> </u>
Salaried	<u>2</u>	Average salary (per hour) for salaried positions	<u>42.34</u>

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time) 73

- h) What is the total dollar amount to be spent on new salaries? \$3.0M

- i) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for:

Current hourly employees	<u>19.17</u>
Retained hourly employees	<u>19.17</u>
New hourly employees	<u>19.17</u>

- j) (if applicable)What is the usual market for goods or services produced by the company? **OEM**

k) List the percentage of the company's product or service that reaches:

Inside St. Joseph County:	<u>0</u>	%
Outside St. Joseph County, but inside Indiana:	<u>3</u>	%
Outside Indiana, but within 500 miles	<u>19</u>	%
Outside of 500 miles	<u>75</u>	%
Outside of the United States:	<u>3</u>	%

l) (if applicable) List the name and location (City and State) of your five largest vendors or suppliers:

1. Alro Steel Corporation Jackson MI
2. New Dimensions Precision Machining Union, IL
3. Powell Tool Supply Inc South Bend, IN
4. Mid States Bolt & Screw Co Burton, MI
5. Tomenson Machine Works Chicago, IL

16. Describe the project for which tax abatement is being requested. Include the types of improvements that will be made, and indicate whether improvement is freestanding or an expansion to existing facility. In addition, indicate whether your company will utilize the entire project space or lease a portion of it to an outside company.

Expansion of existing building, company will utilize entire project space.

17. Briefly describe the product or service of the company/business which will occupy the property for which tax abatement is being requested.

Hydraulic Manifold production.

18. What evidence can be provided to show the positive impact the abatement will have on the project property and surrounding area?

Job creation, cosmetic improvements to building, increase volume to local vendors

19. Please give a detailed description of what the impact on your business will be if the proposed project is not undertaken (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

Job loss, reduced production, expansion products moved to a different state.

20. Will you require any additional assistance from the City of Mishawaka? We are also requesting a Personal Property abatement.

21. Have you applied for any assistance from the State of Indiana?

Yes

22. Miscellaneous Attachments Required:

- Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.
- Attach a map and/or a plan of the property where the equipment is to be located, marked Exhibit B, and is hereby incorporated herein.

I hereby certify that the information and representations on this application for Real Property Tax Abatement are true and complete.

I understand that if this request for property tax abatement is granted that I will be required to participate in a mandatory annual compliance process. The survey will measure compliance with the project description, job creation and retention figures (and associated salaries), investment, and other information contained in the final resolution authorizing the property tax abatement. I also acknowledge that failure to respond to the mandatory annual compliance or failure to achieve investment, job creation, retention, and salary levels contained in the final resolution may result in a loss of tax abatement deductions, and may result in the repayment of tax abatement savings received.



Digitally signed by David McCaffrey
Date: 2022.09.23 17:28:44 -04'00'

Signature of Owner or Authorized Representative

VP, Business Development and Treasury

Title

23-Sep-2022

Date

Exhibit A

Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.

Parcel ID: 71-09-11-177-002.000-022

<http://in-stjoseph-assessor.governmax.com/propertymax/ACAMA Indiana/tab parcel v0701.asp?t nm=base&l cr=4&t wc=lp arcelid=71%2D09%2D11%2D177%2D002%2E000%2D022&sid=0CB24A5B1EAA4149A8D910AFEBF4264D>



St. Joseph County
INDIANA

Owner Name
4 of 4

Parcel

Parcel ID
71-09-11-177-002.000-022

Parcel Address

1811 HOME ST

AV - Total Land & Improv.

\$1,752,600

Date as of

5/17/2022 10:17:00 AM

Owner Information

Owner Name
Daman Properties LLC

Owner Address
1811 Home Street
Marianville IN 45545-7267

Transfer Date
05/17/1997

Location Information

District No.
022

Area No.
010

Parcel Address
1811 HOME ST

Section & Plat
State Assigned District No. 022

Routing No.
9-11B

Parcel Address
1811 HOME ST

Legal Desc.
MID PART E 1/2 NW 1/4 OF RR EX PTS SOLD SEC 11-37-3E 99/100 SPLIT TO 27-1001-045506 99-99 SPLIT TO 27-1001-045505 2 85AC SPLY TO 27 1001 045504 6-94

Parcel Information

Zoning
340

Property Class Code
7122005

Neighborhood Code
100.00

Neighborhood Factor
B

Neighborhood Type
A

Street or Road Code
A

Topography

Level
High
Low
Rolling
Swampy
Flood Hazard
Waterfront Property Type

Y
N
N
N
N
N

Services

Water
Sewer
Gas
Electricity
Sidewalk
Alley

Y
Y
Y
Y
N
N

Assessment Information

Current AV - Total Land
\$219,400

Current AV - Total Improv.
\$1,533,200

AV - Total Land & Improv.
\$1,752,600

AV - Commercial Land
\$219,400

AV - Comm. Improv.
\$1,533,200

AV - Comm. Land & Imp.
\$1,752,600

AV - Dwelling
\$0

AV - Farmland
\$0

Assessment Information

AV - Res. Land & Lots
\$0

AV - Res. Improv.
\$0

AV - Res. Land & Improv.
\$0

AV - Non-Res. Land
\$219,400

AV - Non-Res. Imp.
\$1,533,200

AV - Non-Res. Land & Improv.
\$1,752,600

AV - Classified Land
\$0

AV - Homestead(s)
\$0

Legal Acreage

0.000

Average Acreage

\$0

Appraisal Date

19

Reason for Change Code

\$1,533,200

Prior AV - Total Land

\$155,000

Prior AV - Total Improv.

\$1,572,400

Adj. Factor Applied

0.00

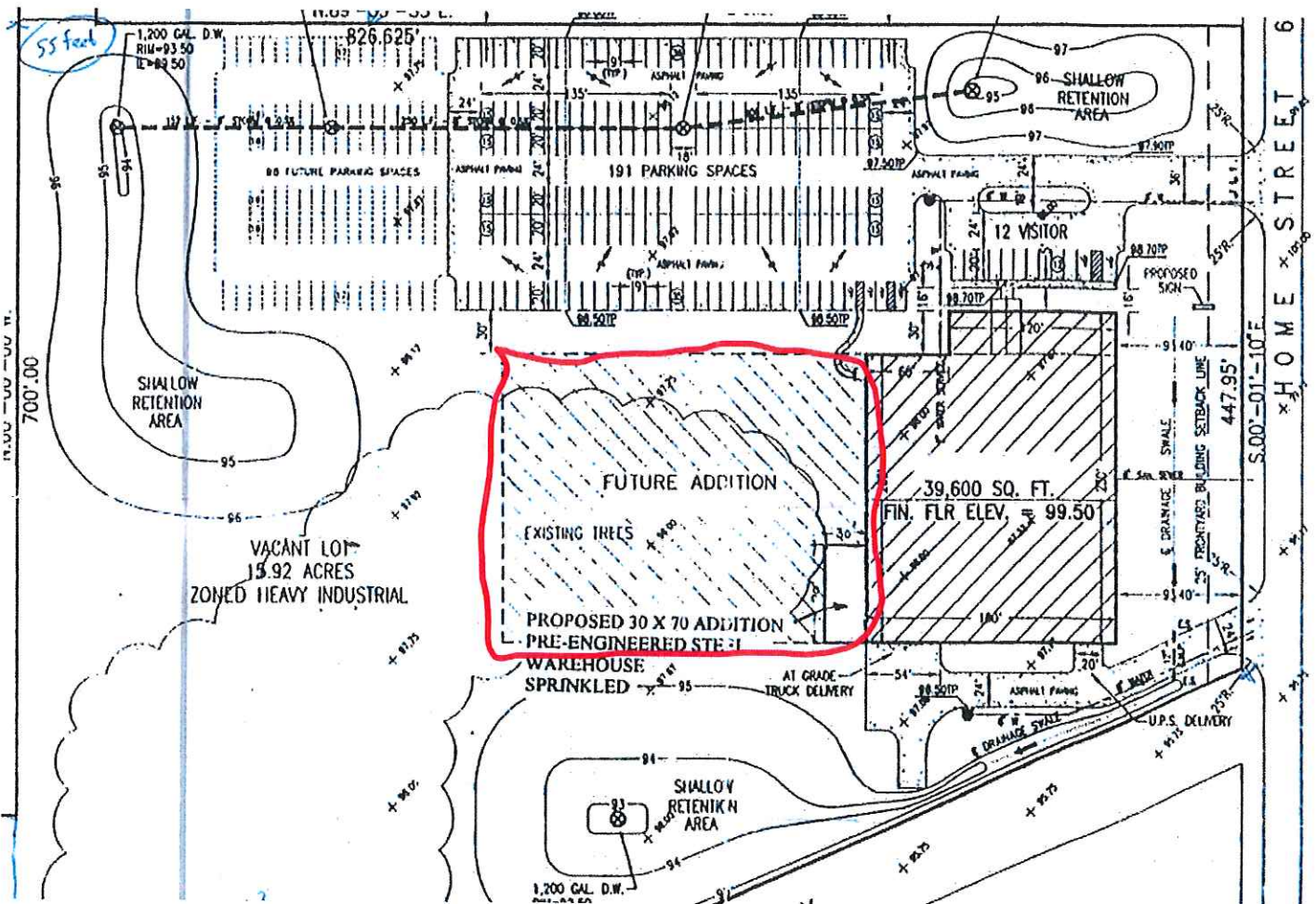
Certified values as of January 1, 2022

Exhibit A

Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.

A Parcel of land being a part of the northwest quarter of Section 11, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, Indiana and being more particularly described as commencing at the west quarter section corner (southwest corner of the northwest quarter) of said Section 11; thence North 00°07'03" West (basis of bearings or this description) along the west line of said northwest quarter, a distance of 17.44 feet to its intersection with the centerline of the abandoned and former New York Central Railroad right-of-way; thence North 66°28'32" East, along said centerline, a distance of 1850.70 feet to the Place of Beginning for this description; thence North 00°10'57" West, parallel with the east right-of-way line of Clover Street, a distance of 864.15 feet; thence north 89°44'36" East a distance of 783.67 feet; thence south 00°12'07" East a distance of 15.00 feet; thence north 89°44'36" East, a distance of 100.00 feet to a point on the west right-of-way line of Home Street; thence south 00°12'07" east, on said west right-of-way line of Home Street, a distance of 468.89 feet to said centerline of said abandoned New York Central Railroad right-of-way; thence south 66°28'32" West along said centerline, a distance of 962.61 feet to the Place of Beginning containing 13.64 acres, more or less.

Attach a map and/or a plan of the property where the equipment is to be located, marked Exhibit B, and is hereby incorporated herein.





STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

20__ PAY 20__

FORM SB-1 / Real Property

PRIVACY NOTICE

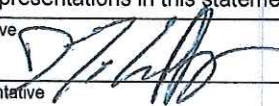
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☐ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1		TAXPAYER INFORMATION			
Name of taxpayer Helios Hydraulics Americas LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 7456 16th Street East					
Name of contact person Lori Switzer		Telephone number (248) 390-4882		E-mail address lori.switzer@heliostechnologies.com	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body City of Mishawaka				Resolution number	
Location of property 1811 Home Street		County St Joeseph		DLGF taxing district number	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Building and product line expansion.				Estimated start date (month, day, year) 2022	
				Estimated completion date (month, day, year) 2026	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current Number 139.00	Salaries \$7,200,000.00	Number Retained 139.00	Salaries \$7,200,000.00	Number Additional 73.00	Salaries \$3,000,000.00
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		1,572,400.00		1,572,400.00	
Plus estimated values of proposed project		4,800,000.00		4,800,000.00	
Less values of any property being replaced					
Net estimated values upon completion of project		6,372,400.00		6,372,400.00	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds) _____		Estimated hazardous waste converted (pounds) _____			
Other benefits					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) 9/23/2022	
Printed name of authorized representative Dave McCaffery				Title VP, Business Development and Treasury	

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:
 1. Redevelopment or rehabilitation of real estate improvements ☐ Yes ☐ No
 2. Residentially distressed areas ☐ Yes ☐ No

C. The amount of the deduction applicable is limited to \$ _____.

D. Other limitations or conditions (specify) _____

E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below)
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☐ Yes ☐ No

If yes, attach a copy of the abatement schedule to this form.

If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

OCT 12 2022

City Clerk
Mishawaka, IN

RESOLUTION NO. 2022-31

Helios Hydraulics Americas LLC
1811 N. Home Street

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, MAKING A FINAL DETERMINATION AND CONFIRMING THE
DESIGNATION OF AREAS WITHIN
THE CITY OF MISHAWAKA, INDIANA, KNOWN AS

1811 N. HOME STREET

AS AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF PERSONAL PROPERTY TAX ABATEMENT

WHEREAS, the Common Council of the City of Mishawaka, Indiana, adopted a Declaratory Resolution which designated the area known as 1811 N. Home Street, Mishawaka, IN 46545, to be an Economic Revitalization Area under the provisions of Indiana Code § 6-1.1-12.1-1 et seq. (the "Act"):

A lot or parcels of land described as follows:

Tax Parcel ID Numbers:
71-09-11-177-002.000-022

A Parcel of land being a part of the northwest quarter of Section 11, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, Indiana and being more particularly described as commencing at the west quarter section corner (southwest corner of the northwest quarter) of said Section 11; thence North 00°07'03" West (basis of bearings or this description) along the west line of said northwest quarter, a distance of 17.44 feet to its intersection with the centerline of the abandoned and former New York Central Railroad right-of-way; thence North 66°28'32" East, along said centerline, a distance of 1850.70 feet to the Place of Beginning for this description; thence North 00°10'57" West, parallel with the east right-of-way line of Clover Street, a distance of 864.15 feet; thence north 89°44'36" East a distance of 783.67 feet; thence south 00°12'07" East a distance of 15.00 feet; thence north 89°44'36" East, a distance of 100.00 feet to a point on the west right-of-way line of Home Street; thence south 00°12'07" east, on said west right-of-way line of Home Street, a distance of 468.89 feet to said centerline of said abandoned New York Central Railroad right-of-way; thence south 66°28'32" West along said centerline, a distance of 962.61 feet to the Place of Beginning containing 13.64 acres, more or less.

More commonly known as 1811 N. Home Street, Mishawaka, IN 46545.

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

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code § 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrance and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

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

1. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for personal property tax abatement only and is limited to four (4) calendar years.
2. The Common Council hereby determines that the property owner is qualified for and is granted a personal property tax deduction; provided the same shall be limited to a period of five (5) years for real property only in the following applicable deduction percentages:

Year 1:	100%
Year 2	90%
Year 3	80%
Year 4	70%
Year 5	60%
3. That the petition for tax abatement, and the Statement of Benefits submitted by Helios Hydraulics Americas, LLC, comply with Indiana Code § 6-1.1-12.1-1 et seq. and are hereby approved.
4. That this determination is final except that an appeal may be taken and heard as provided under Indiana Code § 6-1.1-12.1-2-5 and subsections (d) and (e) of the Act.

The Common Council of the City of Mishawaka, Indiana hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement.

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this _____ day of October, 2022.



Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _____ day of October, 2022.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED AND SIGNED by me this _____ day of October, 2022, at _____ o'clock _____.M.

David A. Wood, Mayor

Tax Abatement Schedule prepared for:

11-Oct-22

Helios Hydraulics Americas LLC

Personal Property

Mishawaka Penn Township 5 Year Tax Abatement Schedule*

TOTAL PROJECT IMPACT

Total estimated Project Cost: 11,500,000.00

Base Assessed Value: 9,200,000.00

(base assessed value is estimated at 80% of project cost)

Assume constant tax rate of: 3.9252% 2021 pay 2022 tax rate

	Assessed	Gross	Max Tax	Percent	Tax	Tax
Year	Value	Tax	Bill*	Abated	Abated	Paid
1	9,200,000	361,118	276,000	100%	276,000	0
2	9,200,000	361,118	276,000	90%	248,400	27,600
3	9,200,000	361,118	276,000	80%	220,800	55,200
4	9,200,000	361,118	276,000	70%	193,200	82,800
5	9,200,000	361,118	276,000	60%	165,600	110,400
			1,380,000		1,104,000	276,000

* Maximum tax bill is per the 3% property tax cap rate and a 0.3579% property tax exempt tax rate calculated per the Indiana DLGF on-line tax bill calculator .

Total Taxes Due During Abatement:	1,380,000
Total Taxes Abated During Abatement:	1,104,000
Total Taxes Paid During Abatement:	276,000

* - This schedule is for estimation purposes only and assumes constant tax rates.
The true tax values will ultimately be determined by the actual
assessed valuation and the then current tax rates.



City of Mishawaka Building - Community Development - Planning

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

PERSONAL PROPERTY TAX ABATEMENT

Indiana State law requires that the designation application and statement of benefits form (SB-1/PP) be submitted prior to the initiation of the project. Additionally, **final approval of the Economic Revitalization Area designation must be obtained before starting the installation of the new manufacturing equipment for which tax abatement is being requested.**

Prior to submitting the attached application to the City's Department of Planning & Community Development, all questions must be answered as completely as possible and must be signed on the Statement of Benefits Form (SB-1/PP) and last page of the application. Incomplete or unsigned applications will not be accepted. A **non-refundable application fee** of \$300.00 is required when making an application for Economic Revitalization Area designation and is payable to the **City of Mishawaka** at the time of submission.

All firms requesting Economic Revitalization Area designation are required to conduct an initial site visit with city staff members prior to a public hearing on the tax abatement request. During that visit, the company shall reveal the capital investment levels, job creation and/or retention levels and hourly wage rates the applicant has committed to the City of Mishawaka in order to receive consideration for Economic Revitalization Area designation and tax abatement deduction.

Additionally, the City of Mishawaka, by and through the Common Council, reserves the right to rescind or "claw back" an Economic Revitalization Area designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, as well as the applicant's failure to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City rescinds the Economic Revitalization Area designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be determined at the time of the "claw back."

Questions, applications, and fees should be directed to the:

City of Mishawaka
Building - Community Development - Planning
600 East Third Street
Mishawaka, Indiana 46544
Attention: Kenneth B. Prince, City Planner
574-258-1625
kprince@mishawaka.in.gov

1. Name of the firm for which tax abatement is being requested:

Helios Hydraulics Americas LLC

2. State the name, title, address and telephone number of a company representative(s) who may be contacted concerning this application:

Name and Title: Lori Switzer

Address: 7456 16th ST E

Telephone: Sarasota, FL 34243

3. State the name, title, address and telephone number of a company representative(s) who may be sent annual compliance forms. Please note that the **annual forms will determine if your company is compliant with the terms of the abatement and whether the abatement will continue or be terminated**, so the contact should be made aware of the form's importance.

Name and Title: Lori Switzer

Address: 7456 16th ST E

Telephone: Sarasota, FL 34243

4. Location of property for which personal property tax abatement is being sought (this information is available through the Township Assessor's Office):

a) Street Address: 1811 Home Street

b) Township: Penn

c) Taxing District Number: 022

d) Council District Number: 010

e) Tax Parcel Number(s): 71-122-14623-00

5. What is the amount of the most recent assessment attributable to (this information is available on the most recent property tax form):

Land: _____

Improvements: _____

Inventory: _____

Equipment: 3,547,381

6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? Yes X No
7. Does your firm currently conduct manufacturing operations at this location? If so, how long has your company been at this location?

Yes, Daman Products currently manufactures in this location since 1977

a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification. 332999

b) Please list any special certifications/designations.

8. Does your firm have other operations in the US? In Indiana? If so, please list the location of other operations. Also please indicate the location of your firm's headquarters if not located in Mishawaka.

Helios Technologies (parent) headquarters is located in Sarasota Florida. The
company has operations in FL, OH, TX, CA, OK

9. What is the size of the existing facility in which the equipment will be installed?

Equipment will be installed in a new facility; we are also requesting an abatement for that project.

- a) What is your facility currently zoned? Industrial Light Manufacturing & Assembly
- b) Do you need rezoning? No

10. Briefly describe the product(s) manufactured by your company. Hydraulic manifolds and other hydraulic products

11. Briefly describe the equipment to be installed by your company. Manufacturing equipment to expand current product lines, and produce new products

12. Has new manufacturing equipment been installed (Please note that state statute requires petitioner to delay installation until after abatement has been granted)? _____ Yes X No

13. Does your company/business require contractors working on construction projects on your property to use the E-Verify system to verify the eligibility of their employees to work in the United States?
 _____ Yes X No

14. What is the anticipated date for installation to begin? 2022

15. What is the anticipated date for project completion? 2026

***(If installation will occur over a multi-year/phased-in period or involve multiple pieces of equipment, please provide a separate detailed installation timetable and note when equipment will be ready to use in production and attach this information to the SB-1/PP.)**

See 16. b)

16. Does the equipment being installed serve the same function as the equipment currently in place at the facility? _____ Yes X No

a) If no, please describe the new functions to be performed by the new manufacturing equipment:

 The new equipment will be used to expand existing product lines and also the
creation of new product lines.

b) What is the estimated value of the equipment to be purchased for which personal property tax abatement is being requested? (If possible, please provide a written quote or estimate attached to this application.)

	2022	2023	2024	2026	Total
Equipment	2,600,000	2,750,000	4,000,000	1,750,000	11,100,000
Furn. & Fixtures					
Utility Upgrades		375,000			375,000
IT Equipment		50,000			50,000

17. Profile of firm that will occupy the property for which tax abatement is being requested:

a) Are your employees represented by a union? If so, by whom? No

b) Does your business/company verify the eligibility of your employees to work in the United States using the E-Verify system? X Yes _____ No

c) Number of current full time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled 106 Average hourly wage rate for skilled positions \$19.17

Semi-skilled _____ Average hourly wage rate for unskilled positions _____

Clerical	<u>4</u>	Average hourly wage rate for clerical positions	<u>\$18.43</u>
Salaried	<u>29</u>	Average salary (per hour) for salaried positions	<u>\$42.34</u>
TOTAL NUMBER OF TEMPORARY/ON-CALL EMPLOYEES (if any)			<u>0</u>
TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time)			<u>139</u>

- d) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.) Sick time, vacation, health, dental, vision, 401k match
- e) Approximate value of benefits for existing and new employees on a per hour basis (e.g. benefits are valued at an additional \$3.00 per hour, etc.) \$8.00
- d) What is the total dollar amount spent on retained salaries? \$7.2mil
- e) Number of newly created full-time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled	<u>71</u>	Average hourly wage rate for skilled positions	<u>19.17</u>
Semi-skilled	<u> </u>	Average hourly wage rate for unskilled positions	<u> </u>
Clerical	<u> </u>	Average hourly wage rate for clerical positions	<u> </u>
Salaried	<u>2</u>	Average salary (per hour) for salaried positions	<u>42.34</u>
TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time)			<u>73</u>

- f) What is the total dollar amount to be spent on new salaries? \$3.0mil
- g) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for:

Current hourly employees	<u>19.17</u>
Retained hourly employees	<u>19.17</u>
New hourly employees	<u>19.17</u>

- j) What is the usual market for goods produced by the company? OEM

List the percentage of the company's product that reaches it:

Inside St. Joseph County: %

Outside St. Joseph County, but inside Indiana: 3 %

Outside Indiana, but within 500 miles 19 %
 Outside of 500 miles 75 %
 Outside of the United States: 3 %

- k) Where do your company's raw materials/supplies come from? List the percentage of the supplies that are acquired from each category:

Inside St. Joseph County: 5 %
 Outside St. Joseph County, but inside Indiana: 5 %
 Outside Indiana, but within 500 miles: 60 %
 Outside 500 miles of Indiana: 30 %
 Outside of the United States: _____ %

- l) List the name and location (City and State) of your five largest vendors or suppliers:

1. Alro Steel Corporation Jackson MI
2. New Dimensions Precision Machining Union, IL
3. Powell Tool Supply Inc South Bend, IN
4. Mid States Bolt & Screw Co Burton, MI
5. Tomenson Machine Works Chicago, IL

18. Please give a detailed description of what the impact on your business will be if the new manufacturing equipment is not installed (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

Job loss, reduced production, expansion products moved to a different state.

19. Please briefly describe how and why the manufacturing equipment to be replaced or the facility in which equipment will be added is currently technologically, economically, or energy obsolete and how and why that obsolescence may lead to a decline in employment and tax revenues.

The manufacturing equipment is not replacing what is currently there; we are expanding operations to accommodate new product lines. The decline in employment and tax revenues would be caused by the new product lines and equipment investment being moved to a different state.

20. Will you require any additional assistance from the City of Mishawaka? We are also requesting a Real Property abatement.

21. Have you applied for any assistance from the State of Indiana? Yes

22. Miscellaneous Attachments Required:

- Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.
- Attach a map and/or a plan of the property where the equipment is to be located, marked Exhibit B, and is hereby incorporated herein.

I hereby certify that the information and representations on this application for Personal Property Tax Abatement are true and complete.

I understand that if this request for property tax abatement is granted that I will be required to participate in a mandatory annual compliance process. The survey will measure compliance with the project description, job creation and retention figures (and associated salaries), investment, and other information contained in the final resolution authorizing the property tax abatement. I also acknowledge that failure to respond to the mandatory annual compliance or failure to achieve investment, job creation, retention, and salary levels contained in the final resolution may result in a loss of tax abatement deductions, and may result in the repayment of tax abatement savings received.



Digitally signed by David McCaffrey
Date: 2022.09.23 17:30:19 -04'00'

Signature of Owner or Authorized Representative

VP, Business Development and Treasury
Title

23-Sep-2023
Date

Exhibit A

Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.

Parcel ID: 71-09-11-177-002.000-022

<http://in-stjoseph-assessor.governmax.com/propertymax/ACAMA Indiana/tab parcel v0701.asp?t nm=base&l cr=4&t wc=|p arcelid=71%2D09%2D11%2D177%2D002%2E000%2D022&sid=0CB24A5B1EAA4149A8D910AFEBF4264D>



[Home](#)
[Parcel](#)
[Parcel View](#)
[Land](#)
[Improvements](#)
[Sales History](#)
[Previous PRC](#)

Parcel

Parcel ID: 71-09-11-177-002.000-022

Parcel Address: 1811 HOME ST

Owner Information

Owner Name: Daman Properties LLC

Owner Address: 1811 Home Street
Mishawaka IN 46545-7267

Transfer Date: 06/17/1997

Location Information

District No.: 022

Area No.: 010

Parcel Address: 1811 HOME ST

Section & Plat: 9-11B

State Assigned District No.: 022

Routing No.: 1811 HOME ST

Parcel Address: 1811 HOME ST

Legal Desc.: MID PART E 1/2 NW N OF RR EX PTS SOLD SEC 11-37-3E 99-00 SPLIT TO 27-1001-045506 98-99 SPLIT TO 27-1001-045505 2.85AC SPLIT TO 27 1001 045504 6-94

AV - Total Land & Improv.

\$1,752,600

Date as of

5/17/2022 10:17:00 AM

Parcel Information

Zoning: 340

Property Class Code: 7122005

Neighborhood Code: 100 00

Neighborhood Factor: B

Neighborhood Type: A

Street or Road Code: A

Topography

Level	Y
High	N
Low	N
Rolling	N
Swampy	N
Flood Hazard	
Waterfront Property Type	

Services

Water	Y
Sewer	Y
Gas	Y
Electricity	Y
Sidewalk	N
Alley	N

Assessment Information

Current AV - Total Land	\$219,400	AV - Res. Land & Lots
Current AV - Total Improv.	\$1,533,200	AV - Res. Improv.
AV - Total Land & Improv.	\$1,752,600	AV - Res. Land & Improv.
AV - Commercial Land	\$219,400	AV - Non-Res. Land
AV - Comm. Improv.	\$1,533,200	AV - Non-Res. Imp.
AV - Comm. Land & Imp.	\$1,752,600	AV - Non-Res. Land & Improv.
AV - Dwelling	\$0	AV - Classified Land
AV - Farmland	\$0	AV - Homestead(s)

\$0 Legal Acreage	0.000
\$0 Average AV/Acre	\$0
\$0 Appraisal Date	
\$219,400 Reason for Change Code	19
\$1,533,200 Prior AV - Total Land	\$155,000
\$1,752,600 Prior AV - Total Improv.	\$1,572,400
\$0 Adj. Factor Applied	0.00

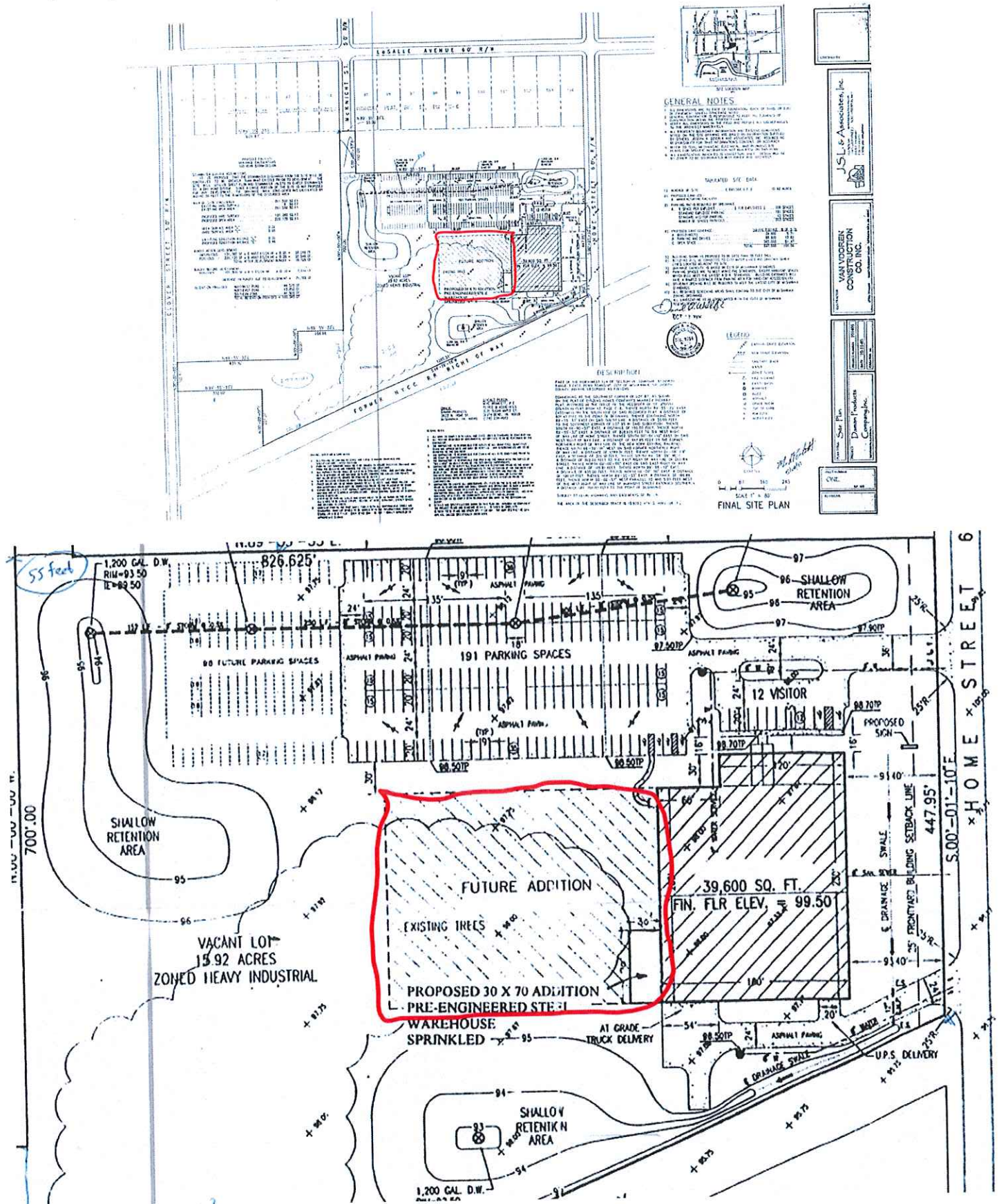
Certified values as of January 1, 2022

Exhibit A

Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.

A Parcel of land being a part of the northwest quarter of Section 11, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, Indiana and being more particularly described as commencing at the west quarter section corner (southwest corner of the northwest quarter) of said Section 11; thence North 00°07'03" West (basis of bearings or this description) along the west line of said northwest quarter, a distance of 17.44 feet to its intersection with the centerline of the abandoned and former New York Central Railroad right-of-way; thence North 66°28'32" East, along said centerline, a distance of 1850.70 feet to the Place of Beginning for this description; thence North 00°10'57" West, parallel with the east right-of-way line of Clover Street, a distance of 864.15 feet; thence north 89°44'36" East a distance of 783.67 feet; thence south 00°12'07" East a distance of 15.00 feet; thence north 89°44'36" East, a distance of 100.00 feet to a point on the west right-of-way line of Home Street; thence south 00°12'07" east, on said west right-of-way line of Home Street, a distance of 468.89 feet to said centerline of said abandoned New York Central Railroad right-of-way; thence south 66°28'32" West along said centerline, a distance of 962.61 feet to the Place of Beginning containing 13.64 acres, more or less.

Attach a map and/or a plan of the property where the equipment is to be located, marked Exhibit B, and is hereby incorporated herein.





STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R5 / 1-21)

Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

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

INSTRUCTIONS:

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

SECTION 1		TAXPAYER INFORMATION						
Name of taxpayer Helios Hydraulics America LLC		Name of contact person Lori Switzer						
Address of taxpayer (number and street, city, state, and ZIP code) 7456 16th St E, Sarasota, FL 34243		Telephone number (248) 390-4882						
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT						
Name of designating body St. Joseph County		County St. Joseph		Resolution number (s) 022				
Location of property 1811 Home Street		DLGF taxing district number 022		ESTIMATED				
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) Misc Manufacturing equipment to expand current product lines and create new product lines.				START DATE	COMPLETION DATE			
		Manufacturing Equipment		11/01/2022	06/01/2026			
		R & D Equipment						
		Logist Dist Equipment						
		IT Equipment		02/01/2023	06/01/2023			
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT						
Current Number 139	Salaries \$7.2mil	Number Retained 139	Salaries \$7.2mil	Number Additional 73	Salaries \$3mil			
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT						
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current values	11,824,604	3,547,381						
Plus estimated values of proposed project	11,475,000	3,442,500					50,000	32,500
Less values of any property being replaced								
Net estimated values upon completion of project	23,299,604	6,989,881					50,000	32,500
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER						
Estimated solid waste converted (pounds) _____		Estimated hazardous waste converted (pounds) _____						
Other benefits: This project will bring increased investment in local jobs, additional revenue to Indiana suppliers, and an increased tax base for the county and the state.								
SECTION 6		TAXPAYER CERTIFICATION						
I hereby certify that the representations in this statement are true.								
Signature of authorized representative 				Date signed (month, day, year) 9/23/2022				
Printed name of authorized representative Dave McCaffrey				Title VP, Business Development and Treasury				

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:

1. Installation of new manufacturing equipment;
2. Installation of new research and development equipment;
3. Installation of new logistical distribution equipment.
4. Installation of new information technology equipment;

- ☐ Yes ☐ No ☐ Enhanced Abatement per IC 6-1.1-12.1-18
☐ Yes ☐ No *Check box if an enhanced abatement was approved for one or more of these types.*
☐ Yes ☐ No
☐ Yes ☐ No

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

G. Other limitations or conditions (specify) _____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

- ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 ☐ Enhanced Abatement per IC 6-1.1-12.1-18
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10 *Number of years approved: _____*
(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? ☐ Yes ☐ No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by: (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

HISTORY OF ALL TAX ABATEMENTS 1986-CURRENT

Name	Common Council Approval Date	No. of Years Real Estate	No. of Years Machinery	No. of Retained Jobs (Proposed)	No. of New Jobs (Proposed)	No. of Retained Jobs (Actual)	No. of New Jobs (Actual)	Date of Latest CF-1 Found	Capital Investment**	Abated Through*** Collect CF-1s*	Pay*	Abatement Complete
1 Patrick Industries	October 20, 1986	10 Years			52			(-)	\$ 8,622,845.00	1997	1998	YES
2 Former Baby Place	June 7, 1988	6 Years	0	0	38.5			(-)	\$ 2,000,000.00	1995	1996	YES
3 Wheelabrator Area	December 19, 1988	10 Years			246			(-)	\$ 2,500,000.00	1999	2000	YES
4 National - Standard	February 21, 1989	6 Years	5 Years	15	180			(-)	\$ 10,100,000.00	1995	1996	YES
5 Thermoplastics Phase I	November 20, 1989	6 Years	5 Years	151	13			(-)	\$ 2,500,000.00	1995	1996	YES
6 Thermoplastics Phase II	November 20, 1989	3 Years	5 Years	155	20			(-)	\$ 3,200,000.00	1993	1994	YES
7 Contech Division I	July 2, 1990	6 Years			75			(-)	\$ 10,962,483.00	1996	1997	YES
8 Hilti Steel	September 13, 1990	0	5 Years	n/a	14			(-)	\$ 578,000.00	1996	1997	YES
9 Penz Products Inc.	September 24, 1990	3	0	76	10			(-)	\$ 475,000.00	1994	1995	YES
10 Dodge Reliance Electrical I	January 7, 1991	0	5 Years	10	15			(-)	\$ 1,050,000.00	1996	1997	YES
11 Janco Products, Inc.	May 6, 1991	0	5 Years	10	20			(-)	\$ 220,000.00	1996	1997	YES
12 Thermoplastics Phase III	November 4, 1991	0	5 Years	150	19			Feb-93	\$ 2,750,000.00	1996	1997	YES
13 National Steel Corporation	December 16, 1991	10 Years		250	130		51	Mar-01	\$ 10,346,394.00	2002	2003	YES
14 Maron Products, Inc.	February 3, 1992	0	5 Years	38	10			Feb-95	\$ 610,794.00	1998	1999	YES
15 Dodge Reliance Electrical II	July 6, 1992	0	5 Years	300+	0			Mar-96	\$ 3,000,000.00	1998	1999	YES
16 Thermoplastics Phase IV	October 19, 1992	6 Years	5 Years	210	50		148	Mar-98	\$ 6,812,832.00	1999	2000	YES
17 Contech Division II	April 19, 1993	10 Years		10	108			Mar-99	\$ 1,208,481.00	1999	2000	YES
18 Dana/Ristance Corp./Standard Motor Products - Wire and Cable Div.	September 6, 1994	6 Years	5 Years	80	60		42	Mar-05	\$ 6,087,253.00	2004	2005	YES
19 United Limco	December 5, 1994	10 Years	5 Years	77	8		7	Jan-01	\$ 1,262,200.00	2001	2002	YES
20 Dearborn Crane	December 18, 1995	6 Years	5 Years	26	4		7	May-99	\$ 1,842,841.00	2005	2006	YES
21 Scott Brass II	April 15, 1996	10 Years		73	31		13	Mar-06, Apr-01	\$ 11,934,290.00	2006	2007	YES
22 Federal Window (Fedor)	December 18, 1995	6 Years	5 Years	8	4		26	Apr-02, Mar-01	\$ 1,018,181.00	2002	2003	YES
23 Maron Products, Inc. II	December 18, 1995	6 Years	5 Years	6	2		8	Apr-01	\$ 250,000.00	2001	2002	YES
24 Quality Dining	April 15, 1997	10 Years	5 Years	73	109		73	Mar-06	\$ 5,087,402.00	2006	2007	YES
25 Baycote Metal Finishing	January 6, 1997	6 Years	5 Years	70	15		7	Jul-00	\$ 1,800,000.00	2003	2004	YES
26 Krizman International	January 3, 1997	6 Years	5 Years	225	20		225	Jul-00	\$ 1,500,000.00	2003	2004	YES
27 Trover	March 3, 1997	3 Years	5 Years	60	40		0	(-)	\$ 1,100,000.00	2001	2002	YES
28 Nyloncraft Incorporated	May 19, 1997	6 Years	5 Years	378	40		341	Feb-02	\$ 7,598,531.00	2004	2005	YES
29 Distance Corporation	October 20, 1997	6 Years	5 Years	139	18		0	(-)	\$ 3,600,000.00	2004	2005	YES
30 DeWald Manufac. Inc./Power Gear/Engineered Solutions	October 20, 1997	6 Years	5 Years	82	15		62	Mar-05	\$ 1,842,833.00	2004	2005	YES
31 Thermoplastic Phase V	December 1, 1999	6 Years	5 Years	299	70		19	Mar-00	\$ 3,181,310.00	2003	2004	YES
32 Alchison/Dodge	December 1, 1999	3 Years	5 Years	325	50		230	Mar-05	\$ 2,000,000.00	2006	2007	YES
33 Sampson Fiberglass	March 6, 2000	5 Years	5 Years	15	20		5	Feb-01	\$ 375,000.00	2004	2005	YES
34 RMG Foundry LLC	November 19, 2001	10 Years	5 Years	325	50		202	Feb-08	\$ 2,000,000.00	2006	2007	YES
35 WF Associates (AMG Byrkit Facility)	March 20, 2003	5 Years	5 Years	285	15		234	Apr-11	\$ 2,650,000.00	2011	2012	YES
36 Nyloncraft Incorporated	November 6, 2003	5 Years	5 Years	396	16		320	May-09	\$ 1,168,064.00	2009	2010	YES
37 Nyloncraft Incorporated	August 18, 2004	5 Years	5 Years	405	13		329	May-09	\$ 2,730,304.00	2009	2010	YES
38 Plastimatics Arts Corporation	August 18, 2004	3 Years	5 Years	31	4		16	May-06	\$ 1,450,290.00	2008	2009	YES
39 Ironwood Enterprises, LLC	September 6, 2005	5 Years	5 Years	14	49		27	May-09	\$ 6,000,000.00	2010	2011	YES
40 Daman Products Company	October 17, 2005	3 Years	3 Years	95	6		82	Feb-07	\$ 1,118,980.00	2007	2008	YES
41 Culture Systems, Inc.	December 18, 2006	3 Years	5 Years	12	7		12	May-09	\$ 1,200,000.00	2009	2010	YES
42 Patrick Industries (Metals Div)	June 19, 2006	5 Years	5 Years	172	26		51	Apr-10	\$ 4,600,000.00	2010	2011	YES
43 Jamil Packaging Corporation	August 21, 2006	5 Years	5 Years	51	5		5	May-10	\$ 1,250,000.00	2010	2011	YES
44 Nyloncraft Incorporated	December 6, 2007	10 Years	5 Years	340	50		291	Apr-13	\$ 2,185,000.00	2012	2013	YES
45 BD Mishawaka Development LLC	February 4, 2008	3 Years	3 Years	64	370		0	Feb-21	\$ 44,000,000.00	2020	2021	YES
46 Jamil Packaging Corporation	May 1, 2008	3 Years	3 Years	64	5		62	Apr-12	\$ 1,650,000.00	2011	2012	YES
47 Long Term Care Investments, LLC (Douglas)	June 16, 2011	3 Years	3 Years	0	120		0	Apr-12	\$ 18,000,000.00	2012	2013	YES
48 Jamil Packaging Corporation	March 5, 2012	4 Years	3 Years	73	6		29	Apr-16	\$ 900,000.00	2014	2015	YES
49 North American Composites (NAC)	October 7, 2013	5 Years	3 Years	0	10		0	Mar-19	\$ 1,577,000.00	2018	2019	YES
50 Long Term Care Investments, LLC (Fir)	November 6, 2013	5 Years	5 Years	0	5 to 8		0	Feb-21	\$ 14,490,000.00	2020	2021	YES
51 Barak River Rock LLC	January 8, 2014	3 Years	5 Years	91	6		33	Mar-20	\$ 14,585,000.00	2021	2022	NO
52 WellPet LLC	May 19, 2014	3 Years	5 Years	24	3		8	Mar-19	\$ 1,470,500.00	2019	2020	YES
53 Dearborn Crane	April 20, 2015	5 Years	5 Years	115	4		115	Feb-21	\$ 859,100.00	2022	2023	NO
54 WellPet LLC	September 24, 2016	5 Years	5 Years					Apr-16	\$ 450,000.00	2020	2021	NO
55 Barak Group LLC (Iron Rock-Café)	September 24, 2016	5 Years	5 Years					Apr-16	\$ 10,000,000.00	2020	2021	NO
56 Barak Group LLC (Iron Rock-Condominiums)	October 19, 2016	40 Years	5 Years	471	30 to 60		203	Mar-18	\$ 12,500,000.00	2025/FBD	2026	NO
57 Bayer-Healthcare	February 15, 2016	5 Years	3 Years	0	84		0	Feb-20	\$ 2,048,000.00	2020	2021	YES
58 Patrick Industries	June 5, 2017	10 Years	10 Years	247 (relocated)	200		0	Feb-21	\$ 12,500,000.00	2026 or 2027/FBD	2027	NO
59 River Walk Development Group LLC (Multi-Family Residential)	July 5, 2017	10 Years	10 Years	112	8		148	Feb-21	\$ 23,120,182.00	2028	2029	NO
60 Lippert Components	July 24, 2017	3 Years	3 Years	139	12		112	Mar-20	\$ 976,000.00	2020	2021	YES
61 Jamil Packaging Corporation	February 18, 2019	5 Years	5 Years	125	5		108	Mar-20	\$ 1,088,000.00	2022	2023	NO
62 Jamil Packaging Corporation	April 12, 2021	5 Years	5 Years	0	2		TBD	Mar-20	\$ 42,592,985.00	2027	2028	NO
63 WellPet LLC	September 19, 2021	5 Years	5 Years	0	2		TBD	Mar-20	\$ 7,300,000	2030	2031	NO
64 Barak Group (Steelhead Apartments / Multi-Family Residential)												

* The "Abated through collect CF-1s" and "Pay" column demonstrates the number of years from the completion of the project/final installation of the equipment and not the number of years from the date the abatement was approved.

** The tax abatements highlighted above are active requiring the completion of annual compliance forms (CF-1s).

*** The capital investment may be the proposed or actual levels of investment based on the current project status.

**** The abated through date was determined by the St. Joseph County Auditor's and/or Assessor's Office on March 30, 2020, and revised on March 16, 2021.

According to the applicants, #59 and #61 have expired so the CF-1s were not collected for 2020 abatement compliance reporting year.

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 10/2/2022 2:57:35 PM

Proposed Ordinance 2022-32 Ordinance / Resolution Number: As Amended

Be it ordained/resolved by the **Mishawaka Common Council** that for the expenses of **MISHAWAKA CIVIL CITY** for the year ending December 31, **2023** 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	10/17/2022

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0101	GENERAL	\$40,794,861	\$39,654,814	3.0504
0254	LOCAL INCOME TAX	\$2,194,602	\$0	0.0000
0341	FIRE PENSION	\$2,070,000	\$0	0.0000
0342	POLICE PENSION	\$1,140,000	\$0	0.0000
0706	LOCAL ROAD & STREET	\$1,088,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$4,603,168	\$692,269	0.0533
1102	EMERGENCY MEDICAL SERVICE - EQUIPMENT	\$356,000	\$0	0.0000
1151	CONTINUING EDUCATION	\$100,000	\$0	0.0000
1301	PARK & RECREATION	\$4,952,641	\$5,201,998	0.4002
1310	PARK NONREVERTING - CAPITAL	\$316,500	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$110,229	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$700,000	\$1,312,028	0.1009
2411	ECONOMIC DEV INCOME TAX CREDIT	\$5,921,600	\$0	0.0000
6290	CUMULATIVE SEWER	\$100,000	\$0	0.0000
		\$64,447,601	\$46,861,109	3.6048

Home-Ruled Funds (Not Reviewed by DLGF)		
Fund Code	Fund Name	Adopted Budget
9505	AMERICAN RESCUE PLAN ACT	\$801,228
		\$801,228

Deborah S. Block, IAMC, MMC

OCT 03 2022

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 10/2/2022 2:57:35 PM

Name		Signature
Gregg Hixenbaugh	Aye ☐ Nay ☐ Abstain ☐	
Matt Mammolenti	Aye ☐ Nay ☐ Abstain ☐	
Dale "Woody" Emmons	Aye ☐ Nay ☐ Abstain ☐	
Ron Banicki	Aye ☐ Nay ☐ Abstain ☐	
Kate Voelker	Aye ☐ Nay ☐ Abstain ☐	
Mike Compton	Aye ☐ Nay ☐ Abstain ☐	
Anthony "Tony" Hazen	Aye ☐ Nay ☐ Abstain ☐	
Mike Bellovich	Aye ☐ Nay ☐ Abstain ☐	
Maggie DeMaegd	Aye ☐ Nay ☐ Abstain ☐	

ATTEST

Name	Title	Signature
Deborah Ladyga-Block	City Clerk	

MAYOR ACTION (For City use only)

Name		Signature	Date
David A. Wood	Approve ☐ Veto ☐		

In accordance with IC 6-1.1-17-16(k), we state our intent to issue debt after December 1 and before January 1

Yes ☐ No ☒

In accordance with IC 6-1.1-17-16(k), we state our intent to file a shortfall appeal after December 1 and before December 31

Yes ☐ No ☒

PROPOSED ORDINANCE NO. 2022-34

ORDINANCE NO. _____

AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023

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, 2023 shall be payable in 26 equal biweekly pay periods beginning January 6, 2023 in the following amounts:

	Biweekly salary
Mayor	\$ 3,427.71
Clerk	2,432.95
Council member	507.53

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)	57.90

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 _____, 2022, at ____ o'clock, __. m.

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor, this _____ day of _____ 2022, at _____
o'clock, _____. m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2022, at _____ o'clock, _____. m.

David A. Wood, Mayor

ORDINANCE _____

AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT SWORN PUBLIC SAFETY, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS, AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2023.

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 sworn Public Safety, the Mishawaka Park Department, Elected Officials and the Mishawaka Utilities for the year beginning January 1, 2023 and shall be payable in 26 bi-weekly pay periods commencing on January 6, 2023.

BIWEEKLY SALARY

MAYOR'S EXECUTIVE ASSISTANT	\$ 2,005.35
MAYOR'S ADMINISTRATIVE ASSISTANT	\$ 1,797.36
MAYOR'S EXECUTIVE SECRETARY	\$ 1,523.36

CONTROLLER	\$ 3,371.05
DEPUTY CONTROLLER	\$ 2,363.59
ACCOUNTANT	\$ 1,839.50
PAYROLL CLERK	\$ 1,677.04
BOOKKEEPER A	\$ 1,717.43
BOOKKEEPER B	\$ 1,491.25
BOOKKEEPER C	\$ 1,396.20
PURCHASING MANAGER	\$ 1,927.31
PURCHASING AGENT	\$ 1,734.99

CERTIFICATIONS:	
CPA CERTIFICATION FT	192.31
CERTIFIED PUBLIC FUNDS INVESTMENT MGR*	19.23
ADVANCED CPFIM*	38.47
CERTIFIED PUBLIC FINANCE ADMINISTRATOR*	57.90
ADVANCED CPFA*	76.93

*only one may be held at a time

CHIEF DEPUTY CLERK I	\$ 1,816.01
CHIEF DEPUTY CLERK II	\$ 1,724.47

CERTIFICATIONS:	
IN ACCREDITED MUNICIPAL CLERK (IAMC)	38.47
CERTIFIED MUNICIPAL CLERK (CMC)*	48.08
MASTER MUNICIPAL CLERK (MMC)*	67.31
CERTIFIED PUBLIC FINANCE ADMINSTRATOR	57.90

*only one may be held at a time

HR DIRECTOR	\$ 2,473.88
ASST DIRECTOR	\$ 1,756.61
OFFICE ADMINISTRATOR	\$ 1,533.13
HR OFFICE MANAGER	\$ 1,522.68
HR CERTIFICATION	19.23

DIRECTOR OF IT	\$ 2,852.05
ASSISTANT DIRECTOR OF IT	\$ 2,553.08
SYSTEM SPECIALIST IV	\$ 2,355.00
SYSTEM SPECIALIST III	\$ 2,001.08
SYSTEM SPECIALIST II	\$ 1,906.24
SYSTEM SPECIALIST I	\$ 1,760.47
CORPORATE COUNSEL	\$ 2,312.38
1 st DEPUTY CITY ATTORNEY	\$ 2,676.41
2 nd DEPUTY ASST CITY ATTORNEY	\$ 747.46
COUNCIL ATTORNEY	\$ 747.46
DIRECTOR OF ENGINEERING	\$ 3,371.05
ASSISTANT DIRECTOR	\$ 2,798.48
PROJECT MANAGER	\$ 2,712.41
TRAFFIC MANAGER	\$ 2,312.84
CONSTRUCTION COORDINATOR	\$ 2,079.94
TECHNICIAN	\$ 2,066.41
GIS COORDINATOR	\$ 2,312.84
PROJECT COORDINATOR	\$ 1,723.59
LOCATOR/INSPECTOR	\$ 1,768.66
OFFICE ADMINISTRATOR	\$ 1,533.13
OFFICE MANAGER	\$ 1,522.68
PE BONUS FT	192.31
IDEM REVIEW BOARD BONUS	153.85
FIRE ADMINSTRATIVE ASSISTANT	\$ 1,797.36
FIRE OFFICE ADMINISTRATOR	\$ 1,533.02
FIRE EXECUTIVE SECRETARY	\$ 1,523.36
FIRE OFFICE MANAGER	\$ 1,518.46
POLICE RECRUIT	\$ 1,819.35
ADMINISTRATIVE ASSISTANT	\$ 1,797.36
FORENSIC SCIENCE LAB TECHNICIAN/ PROPERTY ROOM SPECIALIST	\$ 1,996.61
CRIME ANALYST	\$ 1,672.65
PROPERTY MANAGER	\$ 1,672.65
EXECUTIVE SECRETARY	\$ 1,523.74
ADMINISTRATIVE SECRETARY	\$ 1,542.74
SERVICES ADMINISTRATOR	\$ 1,727.04
OFFICE MANAGER	\$ 1,643.95
PROPERTY CLERK	\$ 1,475.91
SECRETARY	\$ 1,523.41
PARKING PERSONNEL	\$ 1,523.41
CROSSING GUARDS	21 pays@ 388.28
CLOTHING:	
PARKING PERSONNEL	600
FORENSIC SCI. LAB ANALYST/PR. SP.	1,000
IDAC SPECIALIST	1,700
CROSSING GUARD SUBSTITUTE	20 per day
SUMMER SCHOOL CROSS GUARD	20 per day

DIRECTOR OF CODE ENFORCEMENT	\$ 2,548.20
OFFICE ADMINISTRATOR	\$ 1,533.13
OFFICE MANAGER	\$ 1,522.68
CODE ENF OFFICER A	\$ 2,074.86
CODE ENF OFFICER B	\$ 1,741.65
 BUILDING COMMISSIONER	 \$ 2,607.91
ASSISTANT BUILDING COMMISSIONER	\$ 2,456.84
OFFICE ADMINISTRATOR	\$ 1,533.13
OFFICE MANAGER	\$ 1,522.68
INSPECTOR A	\$ 2,498.13
INSPECTOR B	\$ 2,268.84
PERMIT TECH I	\$ 1,807.69
 EXECUTIVE DIRECTOR	 \$ 3,371.05
SENIOR PLANNER/ECONOMIC DEVELOPMENT SPECIALIST	\$ 2,302.31
CITY PLANNER	\$ 2,754.87
SENIOR PLANNER	\$ 2,267.78
ASSOCIATE PLANNER	\$ 1,991.43
ADMINISTRATIVE PLANNER	\$ 1,778.03
OFFICE MANAGER	\$ 1,511.22
 DIRECTOR OF COMMUNITY DEVELOPMENT	 \$ 2,861.96
TIF CONSTRUCTION MANAGER	\$ 2,712.41
PROGRAM CONSTRUCTION MANAGER	\$ 2,462.13
PROGRAM COORDINATOR	\$ 1,797.95
GRANT MANAGER	\$ 2,258.40
GRANT SPECIALIST	\$ 1,538.29
 CENTRAL SERVICES ASSISTANT	 \$ 2,313.72
 STREET COMMISSIONER	 \$ 2,924.99
OFFICE ADMINISTRATOR	\$ 1,599.99
OFFICE MANAGER	\$ 1,522.68
SECRETARY	\$ 1,491.43

BIWEEKLY HOURLY

PART-TIME HELP	7.25-30.00
 CENTRAL SERVICES: FLEET MAINTENANCE TECHNICIAN	 24.12
 CENTRAL SERVICES/MVH: GROUP 1	 22.92
GROUP 2	21.72
GROUP 3	20.83
NIGHT BONUS/SHIFT DIFFERENTIAL	.55/.60
PROJECT COORDINATOR	1.00
CDL TRAINER	2500

ANNUAL/MISC

BOARD OF PUBLIC WORKS AND SAFETY AND
UTILITY BOARD

PRESIDENT

1500

MEMBER

1000

PLAN COMMISSION

600

BZA MEMBER

375

INSURANCE STIPEND:

ASST CITY ATTORNEY & COUNCIL ATTORNEY

500 per month

Section 2. 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 3. Longevity Bonus will be provided annually to the Central Service and Motor Vehicle Highway Teamster employees. 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 4. 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 5. 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 of _____ 2022, at _____ o'clock, _____. m.

Gregg Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this ____ day of _____ 2022, at ____ o'clock, __. m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ____ day of _____ 2022, at ____ o'clock, __. m.

David A. Wood, Mayor

PROPOSED ORDINANCE 2022-36

ORDINANCE _____

AN ORDINANCE FIXING THE SALARIES OF ALL SWORN PUBLIC SAFETY OFFICERS FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2023.

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

Section 1. The biweekly salaries of all Sworn Public Safety Officers for the year beginning January 1, 2023 and shall be payable in 26 bi-weekly pay periods commencing on January 6, 2023.

BIWEEKLY SALARY

FIRE CHIEF	\$ 3,283.92
ASSISTANT CHIEF	\$ 3,047.04
CHIEF FIRE PREVENTION	\$ 2,669.07
BATTALION CHIEF	\$ 2,771.67
CAPTAINS	\$ 2,638.20
FIRE INSPECTOR CAPT	\$ 2,638.20
LIEUTENANT	\$ 2,566.05
FIRE INSPECTOR LT	\$ 2,566.05
DRIVER OPERATOR	\$ 2,495.10
1 st CLASS FIREFIGHTER	\$ 2,482.56
MASTER FIREFIGHTER	\$ 2,375.54
PROBATION - FF/EMT	\$ 2,159.77

POLICE CHIEF	\$ 3,303.46
ASSISTANT CHIEF	\$ 3,067.03
CAPTAIN	\$ 2,672.92
LIEUTENANT	\$ 2,607.17
SERGEANT	\$ 2,545.08
1 st CLASS OFFICER	\$ 2,482.56
2 nd CLASS OFFICER	\$ 2,216.25
PROBATION	\$ 2,013.24
2 ND SHIFT DIFFERENTIAL	13.46
3 RD SHIFT DIFFERENTIAL	26.92

FIRE:		ANNUAL/MISC
SPECIALTY PAY:		

	<u>TIER1</u>	<u>TIER 2</u>
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

DIVER APPRENTICE	500
SELF-CONTAINED BREATHING APPARATUS TEAM TECHNICIAN MECHANIC	1,000 2,500 1,500
INFORMATION TECHNOLOGY	1,250
UNIFORM ALLOWANCE	1,250
POLICE:	
UNIFORM ALLOWANCE	2,050
EQUIPMENT MAINT ALLOWANCE	1,250

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. 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 7. 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 of _____ 2022, at _____ o'clock, _____. m.

ATTEST:

Gregg Hixenbaugh, Presiding Officer

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this ____ day of _____ 2022, at ____ o'clock, __. m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ____ day of _____ 2022, at ____ o'clock, __. m.

David A. Wood, Mayor