



AGENDA

October 16, 2023

**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): 2332 185 0197
Meeting password:JYxevApu335**

**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:23321850197@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 02, 2023
5. Petitions, Communications, Remonstrance and Memorial

A letter from the Board of Zoning Appeals regarding their recommendations from their October 10, 2023 meeting.

A letter from the City Plan Commission regarding their recommendations from their October 10, 2023 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2023-49 Transfer and Reappropriating Funds

General Fund		
From:	Central Services	\$20,000.00
	1101-22-422-02	
To:	Central Service	
	1101-22-436-01	\$20,000.00

P.O. No. 2023-50 Annexing Northern 13.55 Acres and Establish
PUD & Amend PUD for Southern 6.88 Acres -
Northwest corner of Fir Road and Beacon
Parkway

8. Resolutions

R2023-22 Use Variance to allow Adult Daycare in I-2
Heavy Industrial District - 550 Union St.

R2023-23 Use Variance to allow Daycare Center in R-1
Single Family District - 206 W. Eighth St.

R2023-24 Use Variance to allow Mini Storage and
Developmental Variances for Setback, Fencing,
and Parking - NE Coner of E. McKinley and
Maplehurst

9. Ordinances on Second Reading

P.O. No. 2023-40 Civil City Budget and Tax Levy for 2024
(Assigned to Budget & Finance Committee)

P.O. No. 2023-41 Authorizing Payments on Contract for Public
Works Projects and Goods and Services
(Assigned to Public Improvements Committee)

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An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook page, 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>

If technology is needed to present, please advise the Clerk's Office by 4:00pm the Friday before the meeting by emailing: dblock@mishawaka.in.gov or calling 574-258-1616.

Download Council Packet Link:

At this time, I know of no other business to come before the Council.

Deborah S. Block, IAMC, CMO, 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 2, 2023

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 2, 2023 at 7:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

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.

Clerk Block called the roll.

Roll Call.

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

Minutes for the Regular Meeting on September 18, 2023 were approved as received from the Clerk's Office.

Clerk Block read the following appeals and petition by title.

Appeal No. 2023-24	Use Variance to allow Daycare Center in R-1 Single Family District – 206 W. Eighth Street
Appeal No. 2023-20	Rezone from I-2 Heavy Industrial to C-4 Automobile Oriented Commercial – 1213 E. Jefferson Blvd. & Rezone from I-2 Heavy Industrial to R-1 Single Family Residential – 1212 Stanley Street
Petition No. 2023-21	Annexing Northern 13.55 Acres and Establish PUD & Amend PUD for Southern 6.88 Acres – Northwest corner of Fir Road and Beacon Parkway

Presentment of Revised Encumbered Funds

Mr. Hixenbaugh stated there was background information submitted by the Controller with regard to the revised encumbered funds presentment. Hearing no questions from the Council, the record reflected that the information had been presented to the Council as was required under Indiana law.

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

PROPOSED ORDINANCE NO. 2023-41

**AN ORDINANCE OF THE COMMON COUNCIL OF MISHAWAKA
AUTHORIZING ADVANCE PAYMENTS ON CONTRACTS FOR PUBLIC WORKS
PROJECTS AND GOODS AND SERVICES
(Assigned to Public Improvements Committee)**

PROPOSED ORDINANCE NO. 2023-42

**AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND
REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2023
Transfer and Re-appropriate Funds Park & Recreation Non-Reverting Fund - \$25,000.00
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2023-43

**AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE
EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31,
2023
Additional Appropriation: General Fund – Human Resources (\$20,000.00) Park Fund –
Insurance Claim (\$50,000) Public Safety Local Income Tax Taser – Police (\$450,000.00)
Fire Truck (\$750,000.00) Total – (\$1,220,000.00)
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2023-44

**AN ORDINANCE AMENDING ORDINANCE NO. 5829 FIXING THE SALARIES OF
ALL SWORN PUBLIC SAFETY FOR THE CITY OF MISHAWAKA, INDIANA FOR
THE YEAR BEGINNING SEPTEMBER 20, 2023
Amending Ordinance No. 5829 Fixing Salaries All Sworn Public Safety
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2023-45

AN ORDINANCE AMENDING ORDINANCE NO. 5811 FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING SEPTEMBER 20, 2023

**Amending Ordinance No. 5811 Fixing Salaries All City Employees – Human Resources
Safety Director**

PROPOSED ORDINANCE NO. 2023-46

AN ORDINANCE AMENDING ORDINANCE NO. 5820 FIXING THE SALARIES OF ALL SWORN POLICE OFFICERS FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2024

**Amending Ordinance No. 5820 Fixing Salaries of all Sworn Police Officers
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2023-47

AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT SWORN PUBLIC SAFETY, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2024

**Civil City Employee Salary Ordinance for 2024
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2024-48

AN ORDINANCE FIXING THE SALARIES OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024

**Elected Officials Salary Ordinance for 2024
(Assigned to Budget & Finance Committee)**

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

PROPOSED ORDINANCE NO. 2023-25

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

Rezone from S-1 Extensive Open Space to C-3 City Center Commercial – Northeast corner of Cedar & E. Third St.

Mr. Mammolenti reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Ken Prince, Director of Planning and Community Development, spoke in favor of **PROPOSED ORDINANCE NO. 2023-25**. Mr. Prince stated this was a city initiated request of change of zoning and it dealt with the former City Hall property. Mr. Prince stated the area of the princess where the statue used to be located when City Hall was relocated over there, for some reason that was zoned S-1 Open Space and the rest of the property was zoned C-3 City Center Commercial. Mr. Prince stated they were asking for was that the entire property, including the S-1 Open Space where the princess was located also be zoned C-3 City Center Commercial which would allow the future tenant, United Way from the One Roof program, to use the entire property. Mr. Prince stated essentially, the S-1 district was very restrictive on how it could be used and they continued this item for multiple meetings, because the One Roof program had changed its scope since July. Mr. Prince stated as the Council knew, they reduced the scope of the program and no longer intended to build a gym on the property where the princess was located and they were actually looking to do an open area for a playground to go in with the childcare that would be located in the building. Mr. Prince stated they still believed that the rezoning was appropriate to allow for that use. Mr. Prince stated last week, they redid the buy-sell agreement between the Redevelopment Commission and United Way for the property and they still had plans to start construction in the fall of 2023 if everything moved forward and he was happy to answer any questions.

Mrs. Voelker asked if the intention for the playground was for it to be used just by children attending One Roof activities or if it would be available for the community when it was not being used for programming for One Roof and if the latter was his understanding. Mr. Prince stated that was his understanding and he understood from dealing with public playgrounds that they had in the city that if they had issues of concern or vandalism that they would have the ability to lock it. Mr. Prince stated they had to keep it open, provided that it would be a public park but that was a commitment that they made that they would make the playground available to the public in off hours when the child care was not using it.

Mr. Hixenbaugh thanked Mr. Prince for his patience as they had worked through the evolution of this concept and he thought they all looked forward to hearing more from their friends at United Way with regard to how the One Roof project was going to move forward. Mr. Hixenbaugh stated he certainly was in favor of this and appreciated the work that he had done on the revised buy-sell agreement. Mr. Hixenbaugh stated he had fewer concerns with regard to that end of the transaction as opposed to the ARPA end of the transaction as they discussed at the last meeting. Mr. Hixenbaugh stated as many would recall, they made a significant contribution to this project out of their federal coronavirus relief funds and since that time, two of the three main players had indicated that they were not ready to move forward with the project, so he looked forward to

hearing more as they all did on the Council from United Way about the One Roof project as it moved forward so that they could not only look at the use of the building but look at the use of the money they had approved to support the project.

Question was called for at 7:12PM for **PROPOSED ORDINANCE NO. 2023-25. Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5860.**

PROPOSED ORDINANCE NO. 2023-40

CIVIL CITY BUDGET AND TAX LEVY FOR 2024

Public Hearing – No Vote

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2023-40.** Mrs. Maguire stated the Mayor sent his regrets as he could not attend that evening and she was going to present to them. Mrs. Maguire stated given the opportunity to present, she thought she would dig a little deeper into how the budget process worked and then go into a few of the highlights of the budget. Mrs. Maguire began by stating Deputy Controller Kayla Yoder was a huge benefit and she did a lot of the work behind the scenes, input a lot of data on their budget book, their gateway and their state program so she just wanted to make sure she mentioned her. Mrs. Maguire stated the budget process started right after June 30th where they started by estimating their future revenue for the rest of the year and for 2024. Mrs. Maguire stated with taxes, they had property and excise as well as other taxes like income tax and inner governmental and then they had their miscellaneous revenue which could be licenses, permits, tickets, EMS park program fees and interest. Mrs. Maguire stated in late July, they received their budget request from their various civil city departments. Mrs. Maguire stated in early August, they compiled a draft budget and in mid-August, individual department meetings with the Mayor took place where they sat down with different department heads and discussed their needs and their wants. Mrs. Maguire stated in late August, they worked on wages, what that would do to pension, employer taxes, deferred comp match and any insurance changes. Mrs. Maguire stated as they knew, early September to mid-September, they had individual department meetings with the Council and she wanted to say that that year, they were very beneficial and went very smoothly. Mrs. Maguire stated in mid-September, she met with the Mayor and finalized the budget as well as listen to his input and put together their budget book. Mrs. Maguire stated the budget process was really an 18-month budget because they started on July 1st. Mrs. Maguire stated they looked to determine expenses and whatever was left to spend of the 2023 budget got added to the 2024 budget and then, they added estimated circuit breaker laws for the following year and as a reminder, circuit breaker was the amount of property tax that they did not receive because it was capped and that applied to homeowners as well as business owners and landlords. Mrs. Maguire stated those three items together, the 2023 budget left to spend, the 2024 budget and the estimated 2024 circuit breaker loss, were the funds that were required. Mrs. Maguire

stated when they went to revenue, the cash and different funds as of June 30th were added to the miscellaneous revenue that they were estimated to receive the rest of the year, along with an estimate of December 2023 tax collection which was the property tax and they also added their miscellaneous revenue for 2024. Mrs. Maguire stated this would be their funds that were available. Mrs. Maguire stated the funds that were required minus the funds that were available were the funds that were needed to raise and when you looked at the underlying items, those applied just for funds that received property tax. Mrs. Maguire stated when you took those underlying items away that applied to the other funds that did not receive property tax. Mrs. Maguire stated to determine property tax, they had to calculate a tax rate. Mrs. Maguire stated four funds received property taxes because those funds did not generate enough miscellaneous revenue on their own, so they supplemented with the property tax. Mrs. Maguire stated they had 15 total funds that they budgeted and a few other funds, including CEDIT, which was funded by income tax, Public Safety and Local Road and Street which was from the Motor Vehicle Highway funds were also funded by income tax. Mrs. Maguire stated when you looked at the funds that received property taxes which were the General fund, Motor Vehicle Highway, Park and Cumulative Capital Development, they had to set the rate for that and they also had to accommodate the Circuit Breaker laws, as she mentioned before. Mrs. Maguire addressed the tax rate calculation and how it was determined for their property tax. Mrs. Maguire stated the amount they raised was called the levy, so they took last year's levy multiplied by the new growth quotient, which was given to them by the state. Mrs. Maguire stated it was lowered .04 by the Legislative Branch. Mrs. Maguire stated they then added the Cumulative Capital Development fund estimate because that was already set at .05 and they knew what it was going to be and they then divided that by the net assessed value, which was provided to them by the county. Mrs. Maguire stated next, you would multiply that by 100 and that was the overall tax rate for the City. Mrs. Maguire the 2023 levy of \$34,688,375 would be multiplied by 1.04 in this case to give them their new levy, \$36,075,910. Mrs. Maguire stated you would then add the Cumulative Capital Development fund estimate, \$956,885 and that would be the new money they could raise. Mrs. Maguire stated they needed to then divide that by their net assessed value, \$1,845,554,651 and multiply it by 100 and that would be their tax rate for 2024, which was 2.0065. Mrs. Maguire stated nothing about the calculation for their tax rate involved the budget, but how it did matter was that if they over budgeted, the state would come back and say they could not fund that budget. Mrs. Maguire thought a lot of citizens believed that their budget determined what their tax rate would be and that was not the case. Mrs. Maguire stated they would like to see slow, steady growth and with that, before 2022 they had seven years where their tax rate was right around 2.00. Mrs. Maguire stated in 2023, as most residents knew, they had a large increase in the assessed value which caused their tax rate to drop. Mrs. Maguire stated for 2024, their assessed value actually went down \$64 million, so that with the growth quotient of .04, brought the tax rate back up. Mrs. Maguire stated they did not like to see the different fluctuations but it did happen if the assessed value raised or lowered a large amount. Mrs. Maguire stated with that, in late September they had to input all of the budget information and the net assessed value calculations into Gateway, the state information site and the tax rate they calculated that they were sending to the state was 4.24 and not 2.00, because they wanted to calculate the approved tax rate with a lower net assessed value. Mrs. Maguire stated the state told

them to be conservative and to not use a tax rate that was too low to generate the desired property tax levy and that was why they lowered the assessed value to produce a higher advertised, approved tax rate. Mrs. Maguire stated when the budget was submitted to the state, they were going to come back and readjust it all and say the budget was approved for the displayed amount but the rate would be reduced to remain within statutory levy limitation. Mrs. Maguire stated she was confident the tax rate was not going to get approved at the 4.2403, but that was what was recommended to do just to assure that they were going to have enough funding to come through to fund the budget. Mrs. Maguire stated the budget meetings were a four-step process with 1st reading, 2nd reading and public hearing, adoption and the final submission which was due by November 1st. Mrs. Maguire showed a PowerPoint slide of the General Fund with comparisons between the 2023 General Fund budget and the 2024 General Fund budget by the numbers, the dollar change between the two years and the percentage change between the two years. Mrs. Maguire stated the 2024 budget was just over \$44 million, which was a \$3.4 million increase. Mrs. Maguire stated a few of the departments that had higher than usual were Human Resources, which was hiring a new position of Office Manager for 2024. Mrs. Maguire stated there was an Office Manager position in the past, but that had not been filed for a few years. Mrs. Maguire stated Police, as they knew, were receiving increased wages and corresponding payroll tax and pension increases. Mrs. Maguire stated they knew they were going to be fully staffed at less than the budget number they had for 2023 but since 2024 was going to be a transitional year, it did not make sense to reduce overtime and the different items that fluctuated since they did not know who was going to retire in January or how many new officers were going to come on board. Mrs. Maguire stated to be conservative, they did not change a lot of the account lines and she expected they would have more changes in 2025 as 2024 cycled through. Mrs. Maguire stated they would have more discussion on changes in wages at their next meeting when they had public hearing on the wage ordinances. Mrs. Maguire stated with Central Service, they increased staffing for the budget to hopefully do more projects in-housing versus contracting them out. Mrs. Maguire showed a PowerPoint slide on all appropriated funds, including the General Fund. Mrs. Maguire stated they had their MVH funds, numerous Capital funds, Public Safety funds and their Pension funds. Mrs. Maguire stated the changes there included Local Road and Street with an increase in the number of plows they were purchasing in the following year. Mrs. Maguire stated their Cumulative Capital Development fund increased because they reestablished the tax rate at .05 that year and it was a very important fund as it funded all of their IT hardware and software. Mrs. Maguire stated they were increasing funding in the Law Enforcement Continuing Education for ammunition and training and finally in their Public Safety Local Income Tax, they were buying a complete set of new turn out gear for the Fire Department, optic duty pistols for the Police Department and they moved some service contracts from the Public Safety departments from the General Fund to the Public Safety fund. Mrs. Maguire stated other changes included in their EMS fund, they were buying a new ambulance and refurbishing one from the fleet. Mrs. Maguire stated in the ARPA fund, there was actually a reduction in appropriated funding as they funded new hires in Police and Fire in 2023 and in the next year, they were doing some improvements at the fire station. Mrs. Maguire stated in Park Non-Reverting, they were purchasing new golf carts, as they were purchased every three years along with a leaf sweeper as well. Mrs. Maguire displayed a pie chart of the General Fund

and the percentages that each fund took up in the budget. Mrs. Maguire then displayed a pie chart of the Total budget with all 15 of the different funds included and their percentages. Mrs. Maguire was happy to answer any questions.

Mrs. Voelker asked when she was talking about establishing the tax rate, if it was correct that their assessed value went down in 2023. Mrs. Maguire stated it went down from 2023 to 2024 \$64 million. Mrs. Voelker asked if she was saying in the last Total budget slide that the 57% of Public Safety included the Public Safety portion that was in the General. Mrs. Maguire stated yes.

Mr. Hixenbaugh thanked Mrs. Maguire for the work she did to put the presentation together and though it was really valuable for not only the public but for the Council as well. Mr. Hixenbaugh also thanked Mrs. Maguire for her patience in spending some quality time with the Council over the course of three evenings to go through the meetings with the individual department heads and it was always enjoyable for them to not only dig into the finances but to learn a little more about the day to day operations and have some good conversations, so they appreciated the work she did, the work the department heads did and the time that everybody spent. Mr. Hixenbaugh asked with regard to the tax rate calculation, when you looked at the 2.00 number if it was possible to give them a comparison that evening or follow up with a comparison of that number and how it would compare to the tax rate that was in place for 2023. Mrs. Maguire stated 2023 was 1.85, so a slight increase. Mr. Hixenbaugh asked if that was a function of the point that Mrs. Voelker illustrated that the drop in the assessed value happened to cause the increase in the tax rate in order to balance out the teeter totter, so to speak. Mrs. Maguire stated that was right and for 2023, they had such a large assessed value increase and it dropped the tax rate. Mrs. Maguire stated many cities and towns actually took on debt to the rate level but Mishawaka did not do that and it worked itself out. Mr. Hixenbaugh stated during the course of the budget meetings they had, they talked about a couple of salary and compensation related concepts that applied to their work groups, longevity pay and an enhanced deferred comp match and then some adjustments to some salaries within various departments. Mr. Hixenbaugh asked if they would hear more about that when they got to the employee's salary ordinance stage of the process in the next meeting. Mrs. Maguire stated yes and that was the plan. Mr. Hixenbaugh stated one other topic that came up and at that time, the numbers were not fully ripe to be able to share but asked if anything changed with regard to their anticipated health insurance costs for next year and if they knew exactly what the renewal amount would be at that point in time or if it was still in the process. Mrs. Maguire stated they had not had that meeting yet with their broker but their claims started off very poorly at the beginning of the year but they had really leveled off and actually had gone down more than average, so it was a good trend and they wanted to keep that up. Mr. Hixenbaugh stated lastly, at the prior Council meeting when he thanked everybody involved in the process of putting together the change in the Police Department staffing model and the move to 12-hour shifts, he neglected to thank her because unlike some of them who enjoyed that process, she always was a willing participant but he got the sense she did not enjoy it as much as others did but the work she did to put together numbers in that setting along with the work that she did for the budget was critical to what they did to try to arrive at a settlement with their

Public Safety employees. Mr. Hixenbaugh appreciated her help at all times, but particularly in assisting them to get to that 12-hour shift model which was going to be a net positive for the community. Mr. Hixenbaugh thanked her again for her work on that.

Mrs. Voelker echoed what Mr. Hixenbaugh stated as she always enjoyed the budget meetings and just talking to the people and learning about how things were going in their department and understanding what they discussed the year before and how things progressed as well as what their needs were. Mrs. Voelker also wanted to thank Mrs. Maguire for the visual representation because she thought it was very impactful and helpful.

Mr. Hixenbaugh concluded by thanking the Council for their participation in the budget meetings as it was a long week for them as well but as Mrs. Voelker and himself had said, it was really a beneficial use of their time and he thought it was important for them to be able to have those type of conversations with not only the Controller but with the department heads and he was confident in saying that there was a positive that came out of their interaction with the departments heads and the administration through that process that benefited the community as well. Mr. Hixenbaugh stated it was very interactive, very collaborative and very productive. Mr. Hixenbaugh thanked everybody on the Council once again who were able to participate.

The public hearing on **PROPOSED ORDINANCE NO. 2023-40** concluded at 7:37PM and a vote would take place and was scheduled to take place at the next regularly scheduled council meeting on the matter.

ADJOURNMENT 7:38PM

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, 2023

Deborah S. Block, IAMC, MMC

OCT 12 2023

City Clerk
Mishawaka, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
October 10, 2023, Public Hearing

Honorable Members:

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

APPEAL #23-27 An appeal submitted by Comfy Homes LLC requesting a Use Variance for **550 Union, Mishawaka, IN**, to allow Adult Day Care in the I-2 Heavy Industrial District.

The Board, with a vote of 3-0, recommended approval.

APPEAL #23-34 An appeal submitted by South Bend Hebrew Day School requesting a Use Variance for **206 W Eighth Street, Mishawaka, IN**, to allow for a daycare.

The Board, with a vote of 3-0, recommended approval.

APPEAL #23-18 Reconfirm finding from Board of Zoning Appeals meeting on June 13, 2023 for Use Variance for self storage in C-4 Automobile Oriented District for property located at the **NE Corner of E McKinley and Maplehurst, Mishawaka, Indiana**

The Board, with a vote of 3-0, recommended approval.

Respectfully,

Donna Burkart

Donna Burkart, Administrative Planner
Secretary, Board of Zoning Appeals

STAFF REPORT

Location: 550 Union St

Date: September 12, 2023

Appeal: 23 27

Moved to: Oct. 10, 2023

Prepared By: CH

GENERAL INFORMATION

Applicant: Comfy Homes, LLC

Status: Property Owner

Request: Use Variance to allow adult day care in the I-2 Heavy Industrial District

Zoning Classification: I-2 Heavy Industrial

Lot Size: 1.35 acres

Applicable Regulations: Section 137-42 Board of Zoning Appeals Use Variance
Section 137-609 I-2 Heavy Industrial Uses

SPECIAL INFORMATION

Area Development Pattern: North: I-2 Heavy Industrial (former Dodge buildings)
South: I-2 Heavy Industrial (Fire Station #1 and Central Services)
East: I-2 Heavy Industrial (former RMG buildings)
West: R-1 Single Family Residential (across Union St.)

Thoroughfare: Union Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available to, and currently serve the site

Comprehensive Plan: Industrial (Manufacturing, Warehousing and Distribution)

ANALYSIS

The Appellants are requesting a Use Variance to provide adult day care in the I-2 Heavy Industrial District. The building was built in 1965 and was most recently the home of the Troyer Group since 1997.

The new owner will be using the building as the office for Comfy Homes, LLC, but would like to make the most of the space by also operating an adult day care out of the building. Office buildings is a permitted use in I-2 Heavy Industrial. Daily activities/services will be provided. The building has been for sale since summer of 2019.

Engineering commented the sanitary sewer currently goes north under the railroad and is in poor condition. Coordinate rerouting south to Seventh Street with the Engineering Department. The Appellant has reached out to Engineering regarding the timing of this conversion.

Fire commented this is a change in use and all life safety will need to be added and inspected. This does not affect the Use Variance, but the occupancy of the building.

All other pertinent City departments have reviewed this petition and recommended approval.

RECOMMENDATION

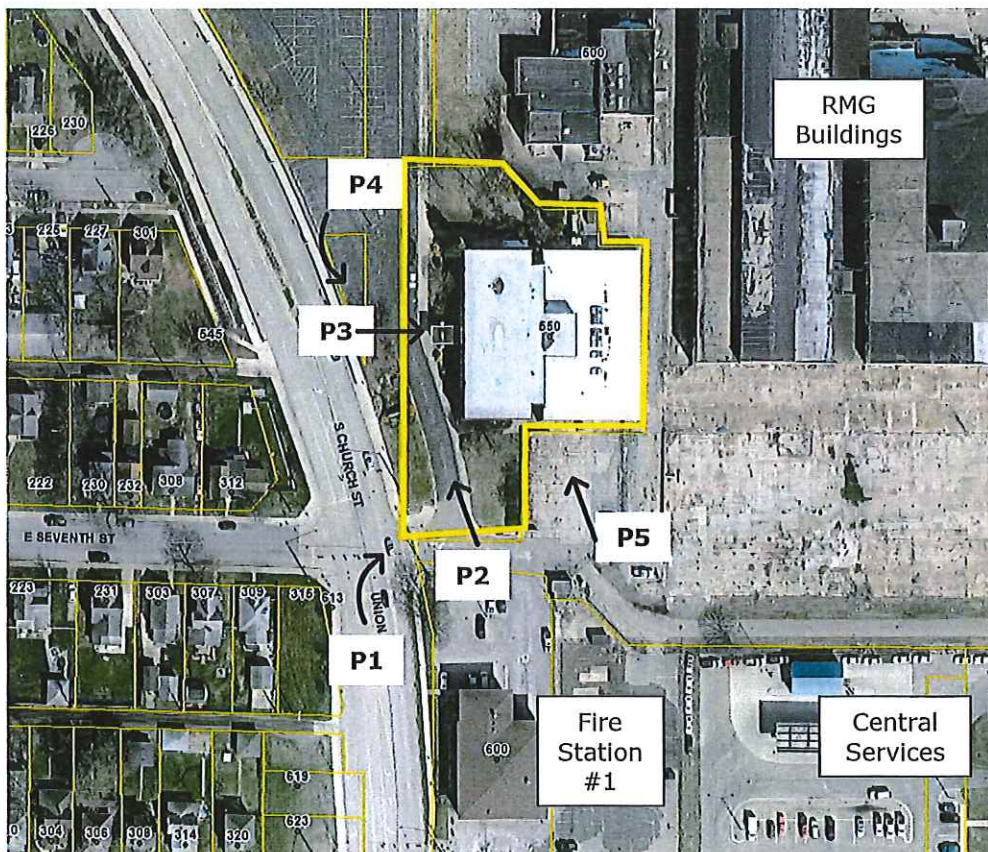
The Planning Staff recommends approval of Appeal #23-27 to provide adult day care services in the I-2 Heavy Industrial District at 550 Union Street.

This recommendation is based upon the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because minimal external improvements will be made to the site, and will provide services on a pre-arranged schedule.;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the majority of neighboring properties are owned and utilized by the City. Traffic will use a signalized intersection at Seventh and Union.;
3. The need for the variance arises from some condition peculiar to the property in that this use, a social service, is not specifically listed in the ordinance. Rezoning this property to a commercial district which allows adult day care, also allows uses that may not be compatible with adjacent properties.;
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the zoning does not allow for the Appellant to expand their services which are already established nearby.
5. The recommendation is consistent, and/or, not in conflict with Comprehensive Plan which indicates Industrial. Office buildings are a permitted use in industrial districts. The adult day care will be a supplemental use.

ATTACHMENTS

Aerial, Photographs, Appeal, Location Map





P1. From intersection of Seventh St and Union St.



P2. Entrance to parking lot from signalized intersection



P3. Front entrance facing Union Street



P4. Looking south from parking lot.



P5. Loading dock area on south side

5. Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?
Explain your reason why. **No**

SIGN VARIANCE

1. Will approval be injurious to the public health, safety, morals or general welfare of the community? *Explain your reason why*
2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *Explain your reason why*
3. Will strict application of the terms of the On-Premise Sign Standards Ordinance result in practical difficulties in the use of the property? *Explain your reason why*

THIS IS NOT A FILL-IN FORM, BUT A SAMPLE APPEAL TO BE USED AS A GUIDE WHEN PREPARING YOUR APPEAL

DATE: 08/14/2023

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. **Comfy Homes LLC**, I am the owner of the following described real estate 550 South Union Street located within the City of Mishawaka, ____ Township, St. Joseph County, State of Indiana, to-wit: 550 S Union
(PROVIDE ACCURATE LEGAL DESCRIPTION AND ALSO THE COMMON ADDRESS—A TAX KEY NUMBER IS NOT A LEGAL DESCRIPTION) see attached
2. The above-described real estate presently has a zoning classification of Industrial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (*or proposes to occupy*) the above-described property in the following manner: Adult Day Service and Office Use.
4. Appellant desires to (*Explain what is proposed that violates the Ordinance.*)

The current classification as industrial zoning is outdated. The buildings around us are owned by the City of Mishawaka and none of those buildings are currently used for industrial purposes. The neighboring buildings have no active industrial usage.
5. The Zoning Ordinance of the City of Mishawaka requires (*Explain ordinance requirements and note Section Number of the Ordinance.*)
6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.
Without the granting of the variance, the building will remain vacant or underutilized. The building was acquired in good faith that the zoning variance will be granted. The granting of the variance will contribute to community development, and jobs. Many adults will benefit by having a place they look forward to going to every morning and returning home with a fulfilled sense of purpose and accomplishment for a day well spent.

7. Answer the following necessary questions for a **USE VARIANCE**:

- (1) Will approval be injurious to the public health, safety, morals or general welfare of the community? *YES OR NO and explain your reason why.*
- (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *YES OR NO and explain your reason why.*
- (3) Does the need for the variance arise from some condition peculiar to the property involved? *YES OR NO and explain your reason why.*
- (4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *YES OR NO and explain your reason why.*
- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? *YES OR NO and explain your reason why.*

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

Signature of Property Owner/Title Holder

Print Name Here

Reuben Kangethe

Second Property Owner/Title Holder

Print Name Here

CONTACT PERSON:

Name: Reuben Kangethe/ Comfy Homes LLC
Address: 550 South Union Street, Mishawaka, 46544
Day Phone Number: 574 3002990
Fax Number: 5743450575
Email: rkangethe@residentialoption.com



Please understand that you or your representative **MUST** be present at the public hearing. In the case of a USE VARIANCE, two (2) public hearings will be conducted— one hearing with the Board of Zoning Appeals and one hearing with the City Council, normally the following week after the Board hearing. It is the responsibility of the Appellant to establish the date and time of the public hearing with the Common Council. PERSONAL NOTIFICATION IS NOT GIVEN FOR THE COMMON COUNCIL PUBLIC HEARING. The staff for the Board does send notification for the Board of Zoning Appeals meeting, along with a staff report to the Appellant. You are welcome to call the Department of City Planning if you have any questions. Secretary to the Board is:

Donna Burkart

(574) 258-1625 Fax (574) 968-6999

The following are the questions that **MUST** be addressed and discussed within the body of your appeal.

DEVELOPMENTAL VARIANCE

1. Will approval be injurious to the public health, safety, morals or general welfare of the community? *Explain your reason why.*
2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *Explain your reason why.*
3. Will strict application of the terms of this chapter result in practical difficulties in the use of the property? *Explain your reason why.*

USE VARIANCE

1. Will the approval be injurious to the public health, safety, morals or general welfare of the community? *Explain your reason why.*

NO the approval will not be injurious to the public health, safety, morals, or general welfare of the Community. We will use the building as an adult day service, where the attendees will learn skills that can help them with their activity of daily living. This is a great way to use the building. We will also use it as our offices.

2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *Explain your reason why.*

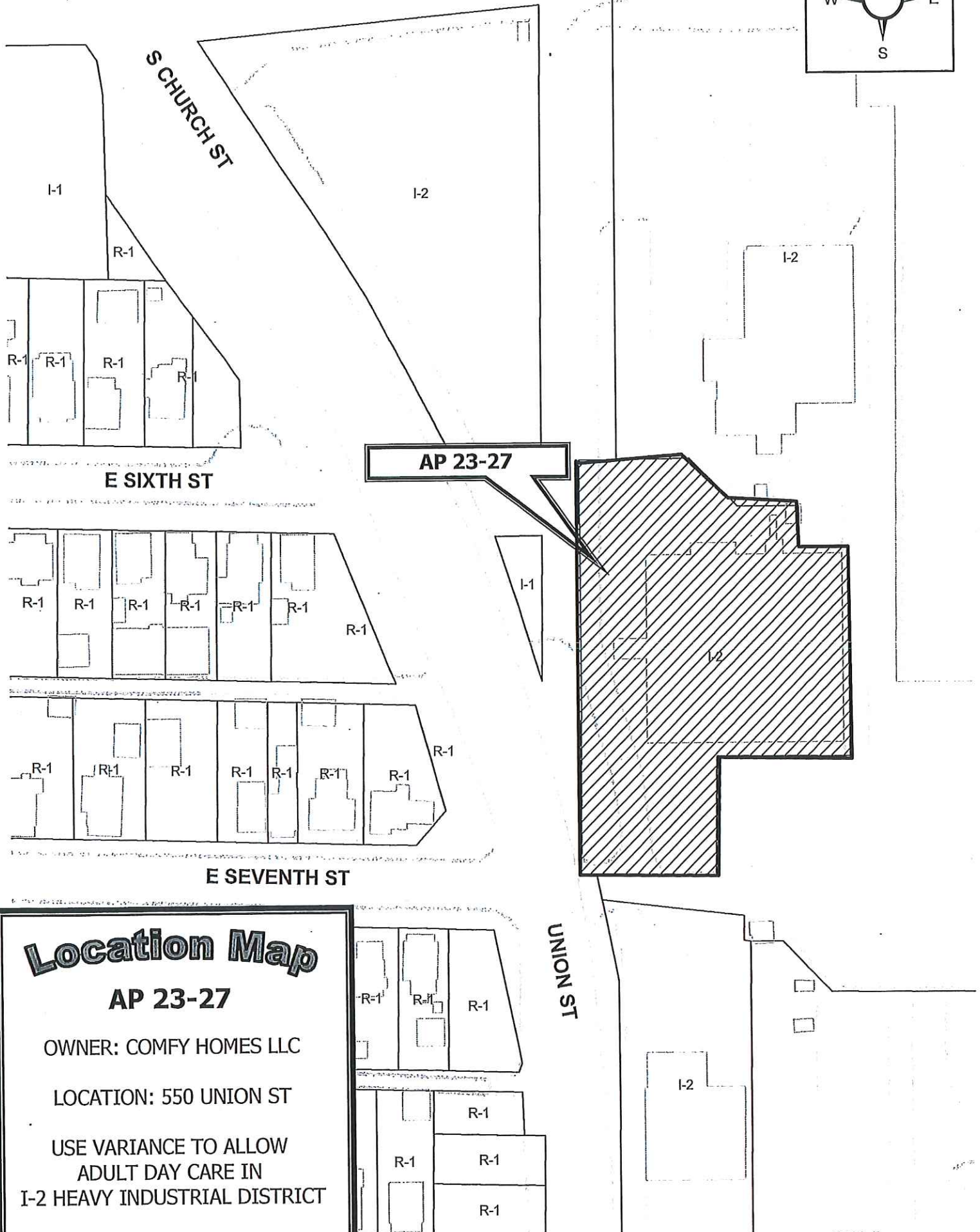
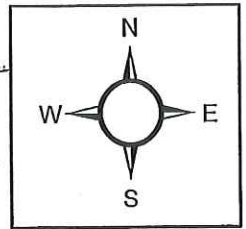
No, the value of the property adjacent will lower due to granting if this variance. The building has been vacant for some years and the landscaping environment appears to be deteriorating due to lack of care. Our use of the building will enhance the landscaping appearance of the area, as we start using and taking care of the building, through regular maintenance. The building next door is owned by the city, and it is not in a usable condition.

3. Does the need for the variance arise from some condition peculiar to the property involved? *Explain your reason why.*

No, the building is designed with large open spaces that are very appropriate for effective and efficient use for adult day service.

4. Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *Explain your reason why.*

Yes, we will have a huge building that cannot be used economically for office use only. We need the variance to be granted for use to use this building economically. This is a large building and day service program requires huge space for people with various needs to have their needs met without overcrowding.



Location Map

AP 23-27

OWNER: COMFY HOMES LLC

LOCATION: 550 UNION ST

USE VARIANCE TO ALLOW
ADULT DAY CARE IN
I-2 HEAVY INDUSTRIAL DISTRICT

STAFF REPORT

Location: 206 West Eighth Street

Date: October 10, 2023

Appeal: 23-34

Prepared By: SA

GENERAL INFORMATION

Applicants: South Bend Hebrew Day School Inc./Glory Bound Daycare Ministry

Status: Property Owner/Contingent Tenant

Request: Use Variance for Commercial Daycare Center

Zoning Classification: R-1 Single Family Residential

Lot Size: 1.7 Acres

Applicable Regulations: Section 137-165 R-1 Uses
Section 137-42 (4) Board of Zoning Appeals

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential/I-1 Light Industrial (Residence)
South: R-1 Single Family Residential
East: R-1 Single Family Residential
West: R-1 Single Family Residential

Thoroughfare: W. Eight St., S. Spring St., W. Seventh St., S. Mill St.

School District: School City of Mishawaka

Public Utilities: All public utilities are available and existing.

Comprehensive Plan: The Mishawaka 2000 Comprehensive Plan identifies the area around the school as Low Density Residential (Single Family Homes)

ANALYSIS

The Appellant desires to provide Christian before school programs, commercial daycare, and after school programs for children from 6 weeks to 13 years of age. The request is for a proposed use variance, instead of a rezoning to C-1 General Commercial or some other Commercial zoning. The use variance would allow them to use the property for a *commercial* daycare without the possibility of other commercial uses.

The building which is currently vacant was originally a City of Mishawaka elementary school and a former Hebrew Day School. The property occupies 1.7 acres, north of West Eight Street, south of West Seventh Street, east of South Spring Street, and west of South Mill Street. It is zoned R-1 Single Family Residential, which primarily allows single family homes, but does allow a few other supporting uses, like schools, religious uses, and adult or child care *homes*.

The Fire Department has commented that it will require an inspection of school & daycare area. The Building Department has commented that permits are required. The Engineering Department has commented they must accommodate off street drop off. All other pertinent City departments have reviewed and approved the request.

RECOMMENDATION

The Staff recommends in favor of Appeal 23-34, a Use Variance to allow a daycare center, at 206 West Eight Street.

This recommendation is based on the following reasons:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed use will have little to no additional impact than the previous schools.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the building is currently vacant and was previously a school.
3. The need for a variance arises from the history of the site, a former school. A use variance would allow those types of uses to take place, without rezoning, while still protecting the surrounding residential from more commercial uses.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the current R-1 Single Family Residential would not allow for the proposed commercial daycare.
5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies this area as residential and the property will remain zoned residential. The approval is consistent with the goals and objectives of the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Photographs of Site, Petition, Location Map



Aerial Photograph



P1 North facing from West Eighth Street



P2 East facing from South Spring Street



P3 Southwest facing from West Seventh Street



P4 West facing from South Mill Street

AP 23-24
Received

DATE: September 18th, 2023

SEP 20 2023

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

Planning and
Community Development

The undersigned appellant respectfully shows the Board:

1. I, SouthDand Hebrew Day School am the owner of the following described real estate located within the City of Mishawaka, St. Joseph County, State of Indiana, to-wit:
LOTS 46 THRU 50 IN R.E. PERKINS ADDITION,
LOTS 55 THRU 61 IN MCINERNEY'S 2ND ADDITION, AND VACATED AULY BETWEEN
RESIDENTIAL District under the Zoning Ordinance of the City of Mishawaka. S. SPRING ST.
AND S. MILL ST.
206 W. 8TH ST
MISHAWAKA, IN
46544
2. The above-described real estate presently has a zoning classification of R-1 Single Family
3. Appellant presently occupies (or proposes to occupy) the above-described property in the following manner: Daycare center.
4. Appellant desires to Create a school with ages from 6 weeks to 13 years old.
5. The Zoning Ordinance of the City of Mishawaka requires- use of section 137-165 "uses".
6. Strict adherence will create hardship. Because, our center would have SOME trouble making money during the school day.
7. Answer the following necessary questions for a **USE VARIANCE**:

(1) No, Because we operate a Christian Facility.

(2) our center will overall, Promote Property value over time.

(3) No, this building was already a school. And the owners were blessed enough to move up and allow for new growth amongst our community.

(4) No. It would provide local childcare

(5) No, this will help improve quality of life in the Mishawaka area to low-income families! And the children of tomorrow, under God.

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

Yehuda Seligson

Print Name Here

[Signature]

Print Name Here

CONTACT PERSON: KATHERINE BAKER

Name: KATHERINE BAKER
Address: 30677 OLD US 20, ELKHART INDIANA - 46514
Phone Number: 574-485-4933
Email: Katbabies@hotmail.com

BUSINESS INFORMATION
DIEGO MORALES
INDIANA SECRETARY OF STATE
09/21/2023 08:46 AM

Business Details

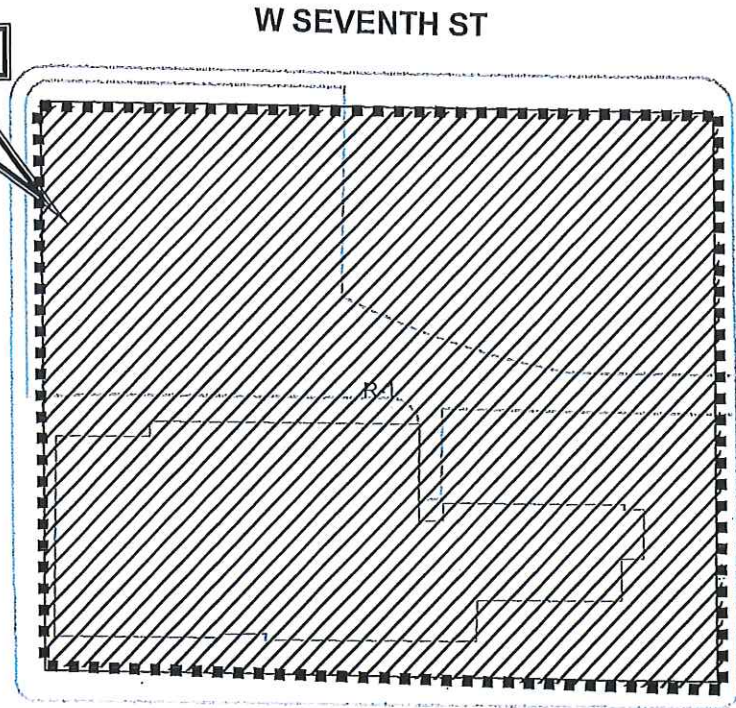
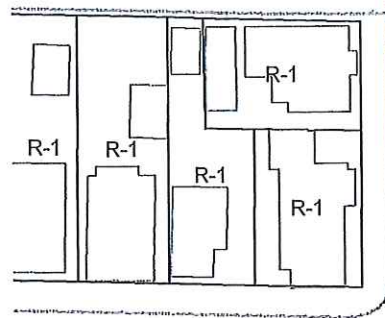
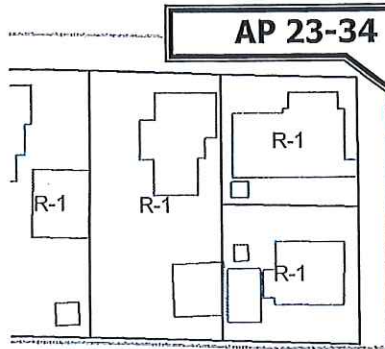
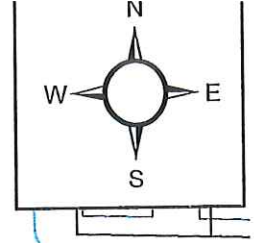
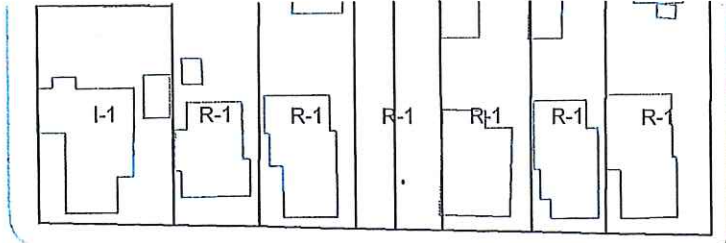
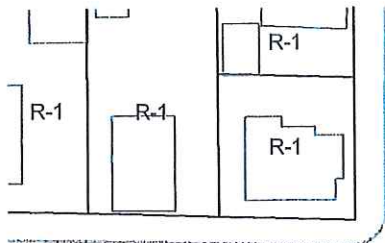
Business Name: **SOUTH BEND HEBREW DAY SCHOOL
INC** Business ID: **197408-317**
Entity Type: **Domestic Nonprofit Corporation** Business Status: **Active**
Creation Date: **08/19/1974** Inactive Date:
Principal Office Address: **19685 Johnson Rd, South Bend, IN, 46614,
USA** Expiration Date: **Perpetual**
Jurisdiction of Formation: **Indiana** Business Entity Report Due
Date: **08/31/2024**
Years Due:

Governing Person Information

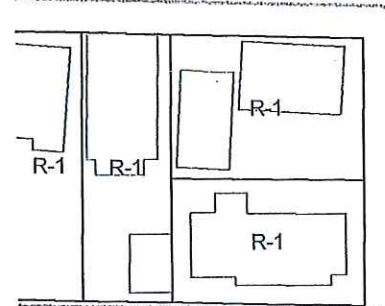
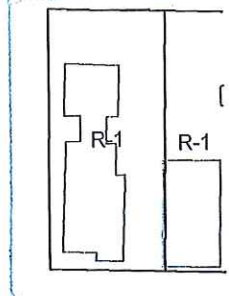
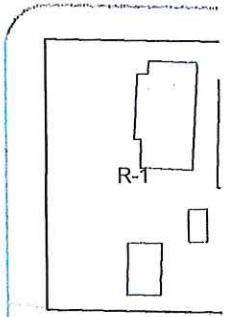
Title	Name	Address
Secretary	Nissin Delmoor	2730 S. Twyckenham Dr, South Bend, IN, 46614, USA
Treasurer	Marc Lerman	1138 Dunrobin Lane, South Bend, IN, 46614, USA
President	Joshua C Solomon	3215 York Rd, South Bend, IN, 46614, USA

Registered Agent Information

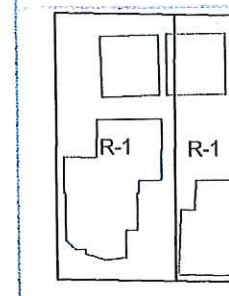
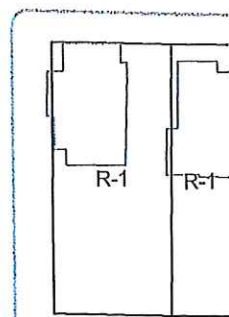
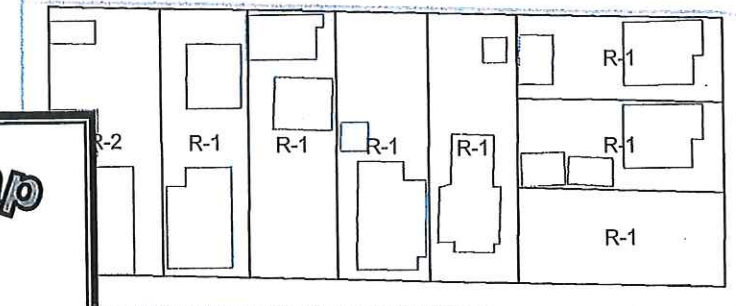
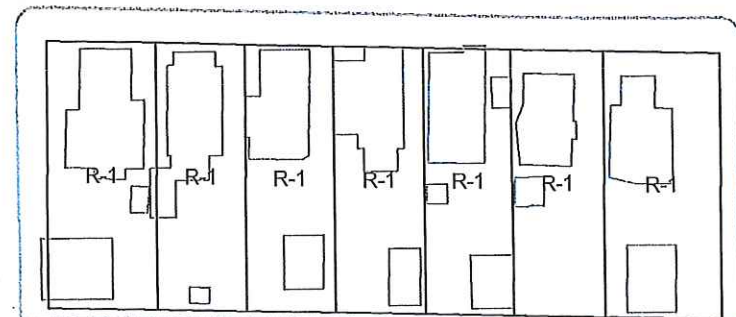
Type: **Individual**
Name: **YEHUDA SELIGSON**
Address: **2627 YORK RD., SOUTH BEND, IN, 46614 - 0000, USA**



S MILL ST



S SPRING ST



Location Map

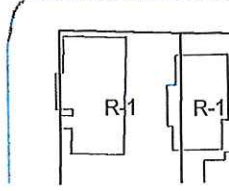
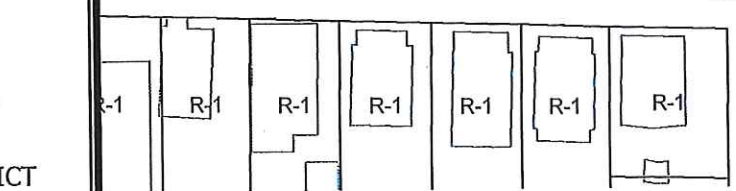
APPEAL 23-34

SOUTH BEND HEBREW
DAY SCHOOL(OWNER)
GLORY BOUND DAYCARE MINISTRY
(APPLICANT)

206 W EIGHTH STREET

USE VARIANCE TO ALLOW
A DAYCARE CENTER
IN R-1 SINGLE FAMILY DISTRICT

W NINTH ST



STAFF REPORT

Location: West of 1500 E. McKinley Avenue - Northeast corner of E.
McKinley Avenue & Maplehurst Avenue

Date: June 13, 2023

Appeal: 23 -18

Prepared By: DJS

GENERAL INFORMATION

Applicant: 1500 McKinley LLC (d/b/a Cars2You on adjacent property to the east) / Wightman

Status: Property Owner / Surveyor & Site Design Consultant

Request: Use variance to allow a self-storage facility; and developmental variances to allow a reduced rear yard building setback, increased fence height in the front yard setback, and a reduction in the required number of parking spaces to zero.

Zoning Classification: C-4 Automobile Oriented Commercial District (Pending Petition 23-14)

Lot Size: 2.87 acres excluding the current E. McKinley Avenue right-of-way (additional right-of-way is required)

Applicable Regulations: Section 137-42 / (4) Board of Zoning Appeals – Use Variance; Section 137-42 / (5) Board of Zoning Appeals – Developmental Variance; Section 137-379 to 137-380 / C-4 Automobile Oriented Commercial District

SPECIAL INFORMATION

Area Development Pattern: North: Unincorporated St. Joseph County – C Commercial District (Dealer-Only Automobile Auction / Greater Mishawaka Auto Auction)

South: C-4 Automobile Oriented Commercial (Used Automobile Sales / Cars2You and Rite Way Auto, Vacant, and Automobile Repair / Town & Country Tire and Auto)

East: C-4 Automobile Oriented Commercial (Used Automobile Sales / Cars2You owned by the Applicant)

West: C-1 General Commercial (Commercial Building)

Thoroughfare: E. McKinley Avenue & Maplehurst Avenue

School District: Penn-Harris-Madison

Township: Penn

Public Utilities: All utilities are available and/or will be extended to/throughout the site at the owner's expense

Comprehensive Plan: Open Space

ANALYSIS

The appellant, 1500 McKinley LLC, is requesting a use variance to allow a self-storage facility; and developmental variances to allow a reduced rear yard building setback, increased fence height in the front yard setback, and a reduction in the required number of parking spaces to zero.

The 2.87 acre site, which includes two separate parcels (tax parcels 014-1019-0272.09 and 016-2093-3039.01), is located at the northeast corner of E. McKinley Avenue and Maplehurst Avenue. A majority of the site is a vacant wooded area with a small paved lot in the south part of the property previously serving the prior Swifty's gas station. The adjacent property to the east is also owned by the appellant and occupied by the Cars2You used automobile sales business (1500 E. McKinley Avenue).

An annexation and zoning petition (PET 23-14) was filed concurrent with the variance appeal and will zone the northern parcel to the C-4 Automobile Oriented Commercial District. The southern parcel, which is currently zoned C-4 Automobile Oriented Commercial, serves as an overflow vehicular display area for the appellant. A mini-storage facility, which is an I-1 Light Industrial use, is not a permitted use in the C-4 Auto Oriented Commercial District. Rezoning to the I-1 District zoning classification is not desired as it would allow for several permitted uses that would not be appropriate for the property. As a result, Planning Staff instructed that the C-4 Auto Oriented Commercial zoning be sought for the northern parcel and use variance be requested for both parcels. The commercial zoning also requires landscaping and design regulations on the type of architectural materials that can be used on the buildings which are not required for industrial zoned property. Staff believes that due to the location along a highly travelled commercial corridor, commercial landscaping and design regulations were appropriate for the property.

As indicated on the preliminary site plan, the development is proposed to include 5 storage unit buildings, an entrance drive from E. McKinley Avenue, and the associated access drives. The storage unit buildings will be located on both the annexation parcel and the applicant-owned property to the south zoned C-4 Auto Oriented Commercial and currently used for display of vehicles. Although not shown on the plan, an off-site storm water retention basin will be provided within the applicant-owned property to the east. The existing retention basin serving the adjacent property is proposed to be expanded to provide additional storm water storage for the proposed storage unit property. This basin shall be shown and dedicated as a drainage easement on the future required subdivision plat. No phasing is shown on the site plan so it is anticipated that it will be developed in one phase. An office building/space is also not shown within the property. No parking spaces will be required if there are no on-site employees.

The Developmental Variances are to allow a reduced rear yard building setback, increased fence height in the front yard setback, and a reduction in the required number of parking spaces to zero. Since the appeal was filed, the preliminary site plan was revised which modify several of the developmental variances as requested. A reduction in the required 30' rear building setback to a 5' rear setback for the westernmost building and 30' for all other buildings is proposed. The 5' rear setback for the building immediately east of Maplehurst Avenue is to provide more security for the property. The 30' rear setback for the other buildings is the minimum allowance for the required 5' pavement setback/landscape area and 25' drive aisle. The increased fence height in the front yard setback is to allow a 7' high solid fence along the west property line (Maplehurst Avenue) to be located 15' north of the future E. McKinley right-of-way. This fence will also allow for greater security for the property while maintaining proper sight distances at the E. McKinley Avenue and Maplehurst Avenue intersection. The appellant also requested the same variance along the east property, but is not applicable since an east-west drive aisle connection is required south of the storage unit buildings between the subject property and the appellant-owned property to the east. The final variance is to allow a reduction in the required number of parking spaces to zero (0) spaces. Per the C-4 District regulations, parking spaces shall be provided at a ratio of 5.5 spaces per 1,000 sf of gross floor area. The proposed self-storage facility will not have any office space or on-site employees requiring parking spaces.

Additional conditions of approval and development regulations are included in the Staff recommendation.

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

The Engineering Department had the following comments which shall be addressed with the final site plan and subdivision plat:

1. Remove the two existing drives at the corner of E. McKinley Avenue and Maplehurst Avenue. Throat shall be extended so vehicles don't back up on E. McKinley Ave. or come off of Maplehurst Ave.
2. The existing private lift station and force main shall be properly abandoned.
3. The site has restrictive covenants due to contaminated soils/groundwater from leaking underground storage tanks from previous owners. Confirm with the Indiana Department of Environmental Management that the proposed use is allowed.
4. A subdivision plat is required along with dedicating additional public right-of-way. A 60' half right-of-way shall be dedicated on the north side of E. McKinley Avenue.
5. A cross-access (ingress-egress) easement shall be provided to allow access to and from the adjacent property to the east.

All other pertinent City departments have reviewed and approved the use and developmental variance requests.

RECOMMENDATION

The Planning Staff recommends approval of Appeal 23-18 for a Use Variance to allow a self-storage facility subject to the following conditions:

1. No outside storage shall be permitted.
2. Freestanding off-premises signs (i.e. billboards) shall be prohibited.
3. Architectural building materials and colors per Section 137-380 (15) Design Review / Development Plan Restrictions shall only apply to the southern building façades facing E. McKinley Avenue. Fiber cement board shall be considered an appropriate material.
4. The minimum commercial landscaping and screening regulations per Section 137-815 shall be applicable.
5. Electrified fencing, barbed wire and razor wire are prohibited.
6. Any fencing along the E. McKinley Avenue frontage and within 15' of the additional right-of-way to be dedicated shall be decorative and is subject to review and approval by the Planning Department.
7. All access drives shall be hard surfaced (concrete or asphalt).
8. A Site Plan shall be submitted for review and approval by the Planning Department and Plan Commission. Additional review, including but not limited to, landscaping, drainage, access, and building materials will occur with the site plan review.

The Planning Staff recommends approval of Appeal 23-118 for Developmental Variances a reduced rear yard building setback, increased fence height in the front yard setback, and a reduction in the required number of parking spaces to zero (0).

These recommendations are based upon the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community. The proposed self-storage facility will be compatible with several businesses in the area and will not affect the adjacent commercial uses. The requested developmental variances will also not be injurious to the public or adjacent uses, and are being requested to provide additional security for the property and allow for the maximum development potential while not requiring unneeded parking.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Compatible commercial uses are currently adjacent to and in close proximity to the site. The requested developmental variances will also not affect the use or value of the adjacent properties. The investment in the property will likely have a positive impact on surrounding properties.

3. The need for the use variance arises from some condition peculiar to the property in that the proposed C-4 Automobile Oriented Commercial zoning does not allow the proposed self-storage facility. Planning Staff instructed the appellant to request the commercial zoning for the property since an industrial zoning, which would permit the self-storage facility by right, would also permit other higher intensity non-compatible uses.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought and result in practical difficulties in the use of the property. The commercial zoning of the property will not allow the development of the proposed use. Self-storage facilities are only permitted within the industrial zoning districts. The developmental variances will allow for greater security and maximize the development potential of the property.
5. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Mishawaka 2000 Comprehensive Plan, created in 1990, identified a preferred land use of the subject property as open space. The plan does not reflect subsequent changes in the adjacent land use patterns from the mid-1990s to the early 2010s which permitted commercial uses to the west, north, and east. The proposed use is reasonably consistent with the goals and objectives of the plan and existing adjacent land uses.

ATTACHMENTS

Aerial Map, Photographs, Appeal, Preliminary Site Plan, and Location Map





P1. Looking easterly from Maplehurst Avenue toward the applicant-owned property south of the annexation parcel.



P1. Looking easterly from Maplehurst Avenue toward the wooded area on the annexation parcel.



P3. Looking northerly from south of E. McKinley Avenue toward the property.

DATE: May 23, 2023

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

AP 23-18

Received

MAY 24 2023

The undersigned appellant respectfully shows the Board:

Planning and
Community Development
located within
wit:

1. I, **1500 McKinley LLC**, am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3, RUNNING THENCE NORTH ALONG THE EAST LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 395.98 FEET; THENCE WEST 310.93 FEET TO A POINT WHICH IS 396 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 3 (SAID POINT ALSO BEING ON THE EAST LINE OF MAPLEHURST STREET); THENCE SOUTH ALONG THE EAST LINE OF SAID MAPLEHURST STREET 396 FEET TO THE SOUTH LINE; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 3, 311.14 FEET TO THE PLACE OF BEGINNING, EXCEPTING THE SOUTH 110'.

2. The above-described real estate presently has a zoning classification of C-4 District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (*or proposes to occupy*) the above-described property in the following manner: Storage buildings.
4. Appellant desires to (*Explain what is proposed that violates the Ordinance.*) Construct secure storage units on property formerly occupied by the Swifty Gas Station.
5. The Zoning Ordinance of the City of Mishawaka requires (*Explain ordinance requirements and note Section Number of the Ordinance.*)

137-380 (3)b – from the required 12.5' side set back to a 5' side setback along Maplehurst.

137-380 (4) – from the required 32.6' rear set back to 25' rear setback for buildings 2,3,4 & 5 and a 5' rear setback for building 1.

137-380(8)b – to allow 7' high fence along Maplehurst to 15' North of McKinley and to allow 7' high fence along interior lot line to 15' North of McKinley.

137-380 (9)a – From the required parking to zero parking required.

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. – I would not be able to build the storage units the size and location I want them without getting approval.
7. Answer the following necessary questions for a **USE VARIANCE**:

- (1) Will approval be injurious to the public health, safety, morals, or general welfare of the community? YES OR NO and explain your reason why.

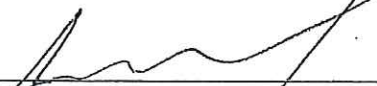
No, the site has been cleaned of contamination. The site can now be improved.

- (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? YES OR NO and explain your reason why.
No – similar use to surrounding.

- (3) Does the need for the variance arise from some condition peculiar to the property involved? *YES OR NO and explain your reason why.*
Yes, with adjacent zoning, these variances will accommodate the intended use of the property. Also, IDEM restrictive covenants on this site make traditional commercial development Economically impractical.
- (4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *YES OR NO and explain your reason why.*
Yes, staff has recommended a C-4 zoning for this property to remain consistent.
- (5) Will approval Interfere substantially with the Mishawaka 2000 Comprehensive Plan? *YES OR NO and explain your reason why.*

No.

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



Stoyan Stoyanov, Member

N/A

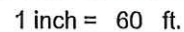
Print Name Here

CONTACT PERSON:

Stoyan Stoyanov
1500 E. McKinley Avenue
Mishawaka, IN 46545
574-329-8909
sales@cars2you.com

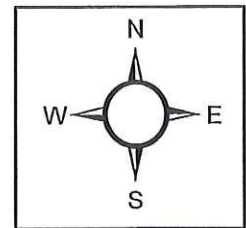
J. Bernard Feeney
1405 N. Michigan Street
Plymouth, IN 46563
574-936-3469
bfeeney@gowightman.com

PE 23-14 +
AP 23-18

 $1' = 60''$

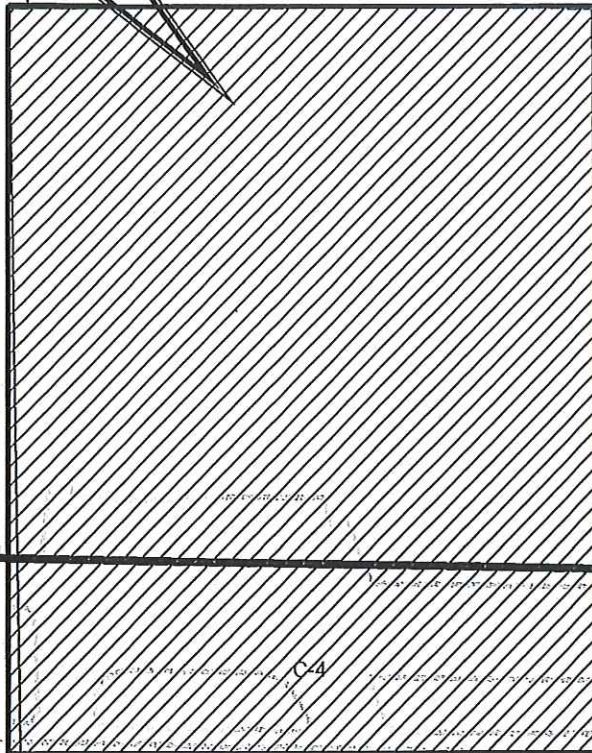
10F1

Revised #1



AP 23-18

EXISTING CITY LIMITS



E MCKINLEY AVE

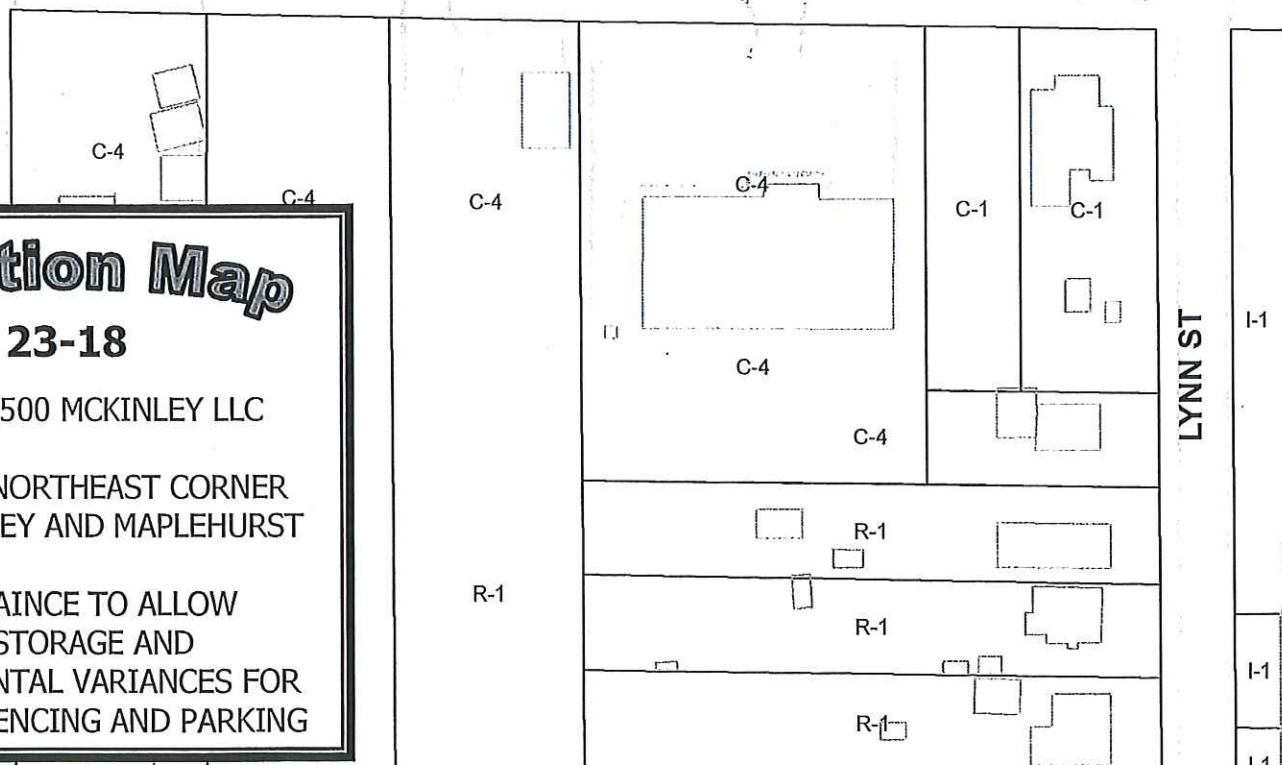
Location Map

AP 23-18

OWNER: 1500 MCKINLEY LLC

LOCATION: NORTHEAST CORNER
OF E MCKINLEY AND MAPLEHURST

USE VARAINCE TO ALLOW
MINI STORAGE AND
DEVELOPMENTAL VARIANCES FOR
SETBACKS, FENCING AND PARKING





CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

October 12, 2023

Deborah S. Block, AMC, MMC

OCT 12 2023

City Clerk
Mishawaka, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
October 10, 2023, Public Hearing

Honorable Members:

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

PETITION #23-20 A request submitted by Petkov & Sons LLC requesting to rezone property at **1213 E Jefferson Blvd** from I-2 Heavy Industrial to C-4 Automobile Oriented Commercial for lots 8-11 **and for two vacant parcels with frontage on Stanley Street** to R-1 Single Family Residential for Lots 28, 29 & west half of Lot 27.

The Petition was withdrawn per Petitioner and Commission, with a vote of 7-0, approved the withdrawal.

PETITION 23-21 A request submitted by the heirs or devisees of Helen M Seggerman, deceased, requesting to annex and establish zoning as S-2 Planned Unit Development District for **property Northeast of Fir Road and Beacon Parkway** AND a request submitted by 1st Source Bank to amend a **part of Northeast Fir and Cleveland Road Planned Unit Development.**

The Commission, with a vote of 5-2, recommended approval.

Respectfully,

Donna Burkart

Donna Burkart, Administrative Planner
Secretary, Plan Commission

STAFF REPORT

Location: Northeast Corner of Fir Road & Beacon Parkway Date: October 10, 2023

Petition: 23-21 Annexation & Northeast Fir and Cleveland Road
Planned Unit Development Amendment - Establish
Zoning, and Approve a Preliminary Planned Unit
Development Site Plan for the proposed Springs at
Mishawaka apartment complex Prepared By: DJS

GENERAL INFORMATION

Applicants: Helen M. Seggerman Estate & 1st Source Bank / Continental Properties, Inc.

Status: Property Owners / Contingent Developer

Request: To annex and establish zoning, amend an existing PUD, and approve a preliminary planned unit development site plan for the Springs at Mishawaka – a 280 to 320 unit gated multi-family residential apartment complex.

Existing Zoning: Unincorporated St. Joseph County & S-2 Planned Unit Development (Permitted Uses on the portion of the Northeast Fir and Cleveland Road PUD to be amended include C-1 General Commercial and C-2 Shopping Center Commercial / Ord. 5284)

Proposed Zoning: S-2 Planned Unit Development (Multi-Family Residential)

Lot Size: 20.43 acres (13.55 acre annexation parcel & 6.88 acre part of a parcel within an existing PUD)

Applicable Regulations: Section 137-671 thru 137-679 / S-2 Planned Unit Development District, Section 137-41 / Amendments to the Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern:

North:	Unincorporated St. Joseph County / R Single Family Residential (Vacant)
South:	S-2 Planned Unit Development (Northeast Fir and Cleveland PUD/ Vacant Land approved for C-1 & C-2 commercial uses)
East:	S-2 Planned Unit Development (Northwest Capital and Toll Road PUD/ Vacant Land approved for C-1 & C-2 commercial uses)
West:	Unincorporated St. Joseph County / R Single Family Residential (Single-Family Residential)

Thoroughfare: Fir Road & Beacon Parkway

School District: Penn-Harris-Madison

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

Comprehensive Plan: The Capital Avenue Land Use Plan (2003) prepared jointly by St. Joseph County and the City of Mishawaka identifies a recommended land use as commercial.

ANALYSIS

Proposal:

The applicants, Helen M. Seggerman Estate (owner), 1st Source Bank (owner), and Continental Properties Inc. (contingent developer) are proposing to annex and establish zoning, amend a portion of the existing Northeast Fir and Cleveland Planned Unit Development, and approve a preliminary planned unit development site plan for the Springs at Mishawaka – a 280 to 320 unit gated multi-family residential apartment complex.

A pre-application meeting, which was attended by the contingent developer and various City Staff, was held in late August. The development entitlement process was reviewed, including but not limited to, the annexation and PUD amendment petitions, final site plan requirements, and subdivision process. A preliminary site plan, generally matching what was filed with the petitions, was presented at this meeting. After review, Planning Staff recommended that several development regulations and conditions similar to those approved for other multi-family residential apartment complexes be placed on the property. A draft of the regulations and conditions was prepared by the contingent developer and included with the petitions. A majority of the proposed regulations, as requested, are included in the staff recommendation with modifications, deletions, and additions as deemed appropriate. These regulations and conditions are only applicable to this specific development proposal and will supersede those currently applicable to the south part of the site (Lot B). If the development should not proceed following approval of the annexation, the prior development regulations (Ord. 5284) shall remain and be applicable to the subject parcels.

The 20.43 acre site, which consists of a 13.55 acre parcel in unincorporated St. Joseph County (Lot A) and a 6.88 acre part of a larger parcel in the City of Mishawaka (Lot B), is located at the northeast corner of Fir Road and Beacon Parkway. Two separate petitions were filed with the annexation and zoning classification petition covering the north parcel (Lot A) and the Planned Unit Development amendment petition covering the part of the south parcel north of Beacon Parkway (Lot B).

The current PUD regulations and conditions for Lot B, which were approved in 2010 (Petition 10-18/Ord. 5284), limited permitted uses to C-1 General Commercial and C-2 Shopping Center Commercial uses. When the property was annexed, only the permitted uses and basic development regulations/conditions were outlined as there was no specific development proposal.

Per the preliminary site plan, the project is proposed to include 280 apartment units within 14 separate buildings, a club house with a fitness center, a community pool, a car care center, two pet parks, an outdoor grilling area, and a maintenance garage. The apartments will consist of 28 studio, 112 one-bedroom, 112 two-bedroom, and 28 three-bedroom units. The overall density will be 13.7 units per acre. A total of 542 parking spaces will be provided consisting of 112 spaces within the attached garages, 30 spaces within the detached garages, 1 space within the grounds maintenance building, and 399 surface spaces. Parking spaces will be provided at a ratio of 1.94 spaces per unit.

Access will be provided from Beacon Parkway utilizing the existing curb cut in the middle of the property. The entry drive will be gated north of the public parking area adjacent to the clubhouse. The access will allow unrestricted turning movements to and from the property. An emergency-only access will be provided along Fir Road in the northwest corner of the property. This access will be gated and utilized only by fire/emergency vehicles.

Per the preliminary site plan, a 25' building setback and 15' landscape and parking setback will be provided along the entire perimeter of the property. Landscaping shall meet the C-1 General Commercial landscaping and screening requirements. A detailed landscaping plan shall be submitted with the final planned unit development site plan, and is subject to review and approval by the Planning Staff.

The scale and density of the proposed development is similar to other multi-family residential developments in the northern part of the City of Mishawaka, such as the Villas on Fir on Fir Road south of the Indiana Toll Road, Gumwood Apartments to the northwest of Gumwood and Cleveland Roads, Summer Place Apartments along E. University Drive, and the Main Street Village apartments along Douglas Road.

At this time, the applicants are only proposing to establish and 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.), grading, landscaping, erosion control, and other required improvements.

Annexation:

As previously mentioned, the annexation and zoning petition only includes the northern parcel (Lot A) since the south parcel north of Beacon Parkway (Lot B) is already within the City limits.

In 2008 and 2011, the adjacent properties to the east and south were respectively annexed into the City for commercial use (C-1 and C2 permitted uses). There are no specific development proposals for these vacant adjacent properties. The property to the north is also vacant but is unincorporated land zoned for residential use. The property to the west across Fir Road is unincorporated land consisting of several single-family residential homes.

Per the State of Indiana's annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing boundary in order to be annexed. With the two previous annexations as outlined above, approximately 1,816 feet, or 50%, of the total 3,630 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:

The site is located at the northeast corner of Fir Road and Beacon Parkway, and is bound to the north by vacant property zoned for single-family residential use in unincorporated St. Joseph County, to the west by single-family residential houses in unincorporated St. Joseph County, to the south by vacant property zoned for commercial uses, and to the east by vacant property zoned for commercial uses.

Zoning Change:

Staff believes that the proposed annexing and zoning of the northern parcel to the S-2 Planned Unit Development District and amending the existing Planned Unit Development for the southern parcel for a multi-family residential apartment complex is appropriate. Although the Capital Avenue Land Use Plan recommends commercial land use for the subject property, a multi-family residential use would not be out of character with the existing or other permitted commercial land uses within the area. Significant commercial and multi-family residential growth has occurred along both the Fir Road and University Drive corridors to the south and Beacon Parkway to the east.

Transportation/Roads:

According to the latest available traffic counts, there were 9,273 annual average daily trips (AADT) (March 2022) along Fir Road south of Beacon Parkway. The counts at this location have more than doubled over the last 17 years. Between 2006 and 2010, counts ranged from just over 4,200 AADT to 6,300 AADT. There were 2,983 annual average daily trips (AADT) (March 2021) along Beacon Parkway southwest of Capital Avenue. Historical counts at this location are not available since Beacon Parkway was constructed less than 10 years ago. With the existing and anticipated increase in commercial and residential development in the northern Mishawaka and Granger areas, it is anticipated that traffic volumes will remain relatively consistent and/or increase in future years.

The 2050 Transportation Plan (Draft), prepared by the Michiana Area Council of Governments with input from City staff and the County Engineering Department, does not show any planned added travel lanes along the Fir Road corridor. An auxiliary line (center turn lane) along Fir Road to the south between McKinley Avenue and the Indiana Toll Road is proposed for construction in 2035. A small road west of the Indiana Toll Road connecting Beacon Parkway to Cleveland Road is proposed for construction in 2040. This connector may relieve future traffic congestion along Fir Road adjacent to the site and north of

Cleveland Road. The plan and anticipated completion dates for any transportation improvements may be amended in future years dependent on projected travel demand.

All pertinent City Departments have reviewed and approved the request for annexation and zoning (Lot A), and to amend the existing Planned Unit Development.

The Electric Department commented that the city can only currently serve Lot B of the proposed project as Lot A is currently not within the city's service territory.

RECOMMENDATION

Staff recommends **approval** of Petition 23-21 to annex and establish zoning (Lot A), and to amend the Northeast Fir and Cleveland Planned Unit Development (Lot B) for the Springs at Mishawaka – a 280 to 320 unit multi-family residential apartment complex subject to the following development regulations/conditions:

Uses:

1. Permitted uses shall be limited to a 320 unit maximum multi-family residential apartment complex and other accessory uses including but not limited to a club house, maintenance garage, and community pool.
2. Off-premise signs/billboards shall be prohibited.

Parking Spaces, Building & Parking/Pavement Setbacks:

1. A minimum of 1.5 parking spaces shall be provided per residential dwelling unit.
2. The building setback shall be a minimum of 25' from the right-of-way and external property lines.
3. The parking/pavement setback shall be 15' from the right-of-way and all external property lines.

Landscaping & Fencing:

1. A 15' wide landscape buffer shall be provided along the perimeter of the property.
2. Landscaping within the buffer shall be provided as required per the C-1 General Commercial District. No additional landscaping shall be required where the existing mature vegetation is preserved if compliant with the minimum spacing requirements.
3. A 5' high metal picket (semi-opaque) decorative fence shall be permitted within the building setback along Fir Road and Beacon Parkway. If provided, Planning Staff shall review and approve the fence as a part of the planned unit development plan process.

Signage:

1. A total of two (2) freestanding monument signs shall be permitted. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each sign shall have a masonry base no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board.

Right-of-way & Sidewalks:

1. Additional right-of-way and easements may be required and shall be determined by review of the City Director of Engineering as a part of the planned unit development plan and subdivision plat.
2. The developer shall construct an 8' wide sidewalk within the public right-of-way along Fir Road from Beacon Parkway to the north property line and along Beacon Parkway from Fir Road to the entrance/access drive. Connections from the site to the sidewalk shall be provided along Fir Road and Beacon Parkway. The sidewalk shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.

Lighting:

1. All site lighting shall be limited to 30 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Building Limitations & Architecture:

1. The maximum building height shall be 48'.
2. Commercial grade high-quality vinyl lap siding and concrete panels (fiber cement board) shall be permitted building materials for all buildings, including the multi-family residential buildings, clubhouse, and any accessory buildings. For the building façades facing Beacon Parkway and Fir Road, masonry (brick veneer or stone) accents shall be utilized. All building materials shall be a mix of the above referenced materials and are subject to review and approval by the City Planner as a part of the planned unit development plan.
3. The architecture shall include garages and private entrances as conceptually identified.

Stormwater Management Infrastructure & Utilities:

1. The existing detention pond within the southeast corner of the property shall be expanded to provide for stormwater storage and located within an easement on the subdivision plat. A stormwater drainage plan shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.
2. All costs associated with the extension of utilities shall be the responsibility of the developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

Other:

1. If the development should not proceed within two (2) years following approval of the annexation/zoning and Planned Unit Development amendment, the prior development regulations (Ord. 5284) shall remain and be applicable to the subject parcels.

This recommendation is based on the following findings of fact:

1. Existing Conditions - The subject parcel is located at the northeast corner of Fir Road and Beacon Parkway. Fir Road is currently a moderately travelled corridor on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City and St. Joseph County. Beacon Parkway is currently a lower travelled corridor. The property is located immediately adjacent to vacant unincorporated land to the north zoned for residential development, vacant land within the city limits to the east and south zoned for commercial development, and unincorporated land to the west occupied by single-family residential houses.
2. Character of Buildings in Area - The character of buildings and land uses located along the Fir Road corridor from State Road 23 to the north to south of the Indiana Toll Road vary greatly and include a convenience store/gas station, an automatic car wash facility, a church and parochial school, medical offices, a credit union, single family residential home, and a multi-family residential apartment complex. Several Beacon Medical Group buildings, including an acute care hospital, an

ambulatory surgery center, a health and fitness center, and corporate offices, are located to the northeast along Beacon Parkway.

3. The most desirable/highest and best use – With the property's location along the increasingly commercial and residential developed Fir Road corridor combined with the adjacent properties being zoned for commercial use, the most desirable use for the property is either commercial or high-density residential.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed multi-family residential use is compatible with the adjacent vacant property and single-family residential uses.
5. Comprehensive Plan - Although this property was identified with a preferred use as commercial in the Capital Avenue Land Use Plan (2003), the proposed multi-family residential use is reasonably consistent with adjacent and changing land uses along the Fir Road corridor.

ATTACHMENTS

Aerial Photograph, Photographs of Site Area, Cover Letter from Developer, Petition for Annexation and Zoning Classification (Petition 1 of 2), Petition for PUD Amendment (2 of 2), Preliminary Planned Unit Development Site Plan, Conceptual Building Elevations, Location Map



Aerial Photograph – Northeast Corner of Fir Road and Beacon Parkway
Proposed Springs at Mishawaka – a 280 to 320 unit multi-family residential apartment complex



P1. Looking north from the right-turn lane on Fir Road and south of Beacon Parkway.
Property is the patch of trees on the upper right.



P2. Looking northerly from Beacon Pkwy toward the existing curb cut proposed to access the property.



P3. Looking westerly from Beacon Parkway toward the southeast corner of the property.



P4. Looking easterly from Fir Road toward the annexation parcel (Lot A).

P25 23-21

Received

SEP 20 2023

Planning and
Community Development

September 20, 2023

Mr. Kenneth B Prince, ASLA, AICP,
Executive Director
Department of Planning and Community Development
100 Lincolnway West
Mishawaka, IN 46544

RE: Multi-Parcel Joint Annexation/Zoning Petition & PUD Amendment Petition – NEC of Fir Rd. & Beacon Pkwy.

Dear Mr. Prince,

On behalf of the Property Owners SEGGERMAN HELEN M ESTATE (the "Seggerman Parcel"; PIN 71-04-23-300-003.000-011) and 1ST SOURCE BANK (the "1st Source Parcel"; a portion of PIN 71-04-27-200-044.000-036), Continental Properties 764 Fund LLC (the "Petitioner", an affiliate entity of Continental Properties Company, Inc.) submits for your review and consideration a joint petition for Annexation and Zoning for the Seggerman Parcel and a PUD Amendment for the 1st Source Parcel.

This two-property assemblage totals approximately 20.43 acres and is located at the northeast corner of the intersection of Fir Rd. and Beacon Pkwy. The Applicant, Continental Properties Company, Inc. is pursuing a market-rate multifamily residential community at this location.

Included in this enclosure are the following documents:

1. 3 original copies of Annexation & Zoning Petition for the Seggerman Parcel, each with wet signature (**separate wet signature pages previously delivered to Derek Spier, City Planner on 9/13/2023**)
2. 3 original copies of PUD Amendment Petition for 1st Source Parcel, each with wet signature (**separate wet signature pages previously delivered to Derek Spier, City Planner on 9/13/2023**)
3. Six (6) 24"x36" copies of the conceptual site plan
4. A \$500 check payable to the "City of Mishawaka"
5. **One set** (per Derek Spier's instruction) of business-size stamped envelopes addressed to all property owners within 300 feet of the subject property boundary lines, provided by Staff
6. One copy of the above-referenced list of Property Owners within 300 feet of the subject property boundary lines, provided by Staff

As part of this joint petition, the Petitioner requests the following amendments be included in the Proposed PUD classification for this two-property assemblage:

1. **Uses.** Permitted uses shall be limited to an up to 320-unit multi-family residential apartment complex and other accessory uses including but not limited to a club house, maintenance garage, and community pool.
2. **Setbacks.** There shall be a minimum building setback of 25' from the parcel boundaries.
3. **Building Height.** The maximum building height for the site shall be 48'.
4. **Landscaping.** No landscaping shall be required where existing mature vegetation is preserved, provided the areas is a minimum of 25' in width. The site shall comply with the C-1 Commercial landscaping requirements.
5. **Parking.** Total number of parking spaces required shall be a minimum of 1.5 spaces per unit.
6. **Signage.** Two monument signs, not exceeding 8' in height and 60 square feet in area (and including an electronic reader board) shall be permitted for the site.

7. **Right-of-Way.** A roughly 38.5' x 458.1' (roughly .38 acres) portion of the Seggerman Parcel along Fir Road shall be dedicated to the City of Mishawaka as part of the final site plan approval and shall be determined by review of the City Director of Engineering and City Planner based on proposed construction.
8. **Lighting.** All site lighting shall be limited to 30 feet in height.
9. **Building Materials & Colors.** High-quality vinyl lap siding shall be a permitted and primary building material for all buildings on the property, including the multifamily residential buildings, the clubhouse, and any accessory buildings. For building facades which front Beacon Pkwy. and Fir Rd., Petitioner shall employ masonry (brick, brick veneer, or stone) accents; please refer to the enclosed elevations for a representative sample of these Fir- and Beacon-fronting building facades.
10. **Architecture.** The architecture shall include garages and private entrances as conceptually identified.
11. **Detention.** City shall permit the applicant to expand the existing detention pond on the southeast corner of the site as designed and approved as part of the final construction drawings.
12. **Traffic.** A Traffic Impact Study shall not be required given that the applicant is only requesting emergency access only along Fir Road.
13. **Off-Site Improvements.** Road improvements along Fir Road shall be limited to a 8' wide sidewalk located within the right-of-way. Under no circumstances shall any off-site improvements or special assessments come due as part of Continental's proposed development and subsequent construction activities.

Signed:

CONTINENTAL PROPERTIES 764 Fund LLC



By: Ben Walker
Its: Acquisitions Associate
Continental Properties Inc.
bwalker@cproperties.com
414.305.8865

PA 23-21

Received

SEP 20 2023

Planning and
Community Development

DATE: September 20, 2023

TO THE:

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

RE: Petition for Annexation and Zoning Classification

The undersigned The heirs or devisees of Helen M. Seggerman, deceased, respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

OUTLOT "A" AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND CONTAINING 0.377 ACRES, MORE OR LESS; **including all of the adjacent Fir Road right-of-way.**

General Location: Northeast Corner of Fir Road and Beacon Parkway.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located northwest corner of N. Fir Road and Beacon Parkway and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a S-2 Planned Unit Development District. Petitioners further state they intend to utilize said land for a multi-family development.

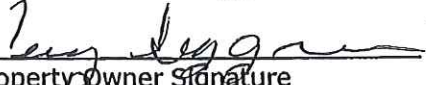
Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

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

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a S-2 Planned Unit Development District.

Estate of Helen Seggerman

By:


Property Owner Signature

Terry L. Seggerman, Personal Representative

Print Property Owner Name

Contact Person:

NAME
ADDRESS
TELEPHONE NUMBER
EMAIL

Malcolm J. Tuesley or April L. Troyer
THK Law, LLP
(574) 232-3538
mtuesley@thklaw.com and atroyer@thklaw.com

DATE: 09/20/2023

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

PET 23-21

2 of 2

Received

SEP 20 2023

Planning and
Community Development

RE: PETITION FOR PUD AMENDMENT

The undersigned 1st Source Bank 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:

LOT NUMBERED ONE (1) AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, TOGETHER WITH THE VACATED PORTION OF EVERGREEN ROAD.

EXCEPTING THEREFROM THE FOLLOWING TRACTS:

TRACT 1: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1. SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 186.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 83.01 FEET; THENCE NORTH 89°42'30" EAST, A DISTANCE OF 48.96 FEET; THENCE SOUTH 54°36'36" EAST, A DISTANCE OF 152.10 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 105.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 192.67 FEET TO THE POINT OF BEGINNING.

TRACT 2: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION. RECORDED IN THE OFFICE OF THE

RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON- SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET TO THE POINT OF BEGINNING; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING.

TRACT 3: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 94.50 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 94.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

TRACT 4: THAT PART DEEDED TO BOARD OF COMMISSIONERS OF THE COUNTY OF ST. JOSEPH, INDIANA BY WARRANTY DEED RECORDED NOVEMBER 1, 2010 AS INSTRUMENT NO. [1030439](#), DESCRIBED AS FOLLOWS: A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT #[9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT ON THE NORTH BOUNDARY OF CLEVELAND ROAD; THENCE NORTH 00 DEGREES 23 MINUTES 38 SECONDS WEST 10.00 FEET ALONG A WEST LINE OF SAID LOT; THENCE NORTH 89 DEGREES 38 MINUTES 24 SECONDS-EAST 204.91 FEET TO THE SOUTHEASTERN LINE OF SAID LOT; THENCE ALONG SAID SOUTHEASTERN LINE SOUTHWESTERLY 24.84 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 29.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 65 DEGREES 06 MINUTES 23 SECONDS WEST AND A LENGTH OF 24.08 FEET TO THE SOUTH LINE OF SAID LOT; THENCE

(183.03 FEET BY THE PLAT OF SAID SUBDIVISION) ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.045 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.025 ACRES, MORE OR LESS.

TRACT 5: THAT PART DEEDED TO THE CITY OF MISHAWAKA, INDIANA BY QUIT-CLAIM DEED RECORDED AUGUST 9, 2013 AS INSTRUMENT NO. [1324532](#) DESCRIBED AS FOLLOWS:

A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

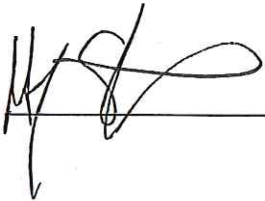
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID LOT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 89.74 FEET; THENCE SOUTH 44 DEGREES 36 MINUTES 09 SECONDS EAST 57.84 FEET; THENCE SOUTH 88 DEGREES 04 MINUTES 52 SECONDS EAST 185.66 FEET; THENCE SOUTHEASTERLY 441.55 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 1,060.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 76 DEGREES 08 MINUTES 52 SECONDS EAST AND A LENGTH OF 438.36 FEET; THENCE SOUTH 64 DEGREES 12 MINUTES 52 SECONDS EAST 95.10 FEET; THENCE SOUTHEASTERLY 523.41 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 740.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 84 DEGREES 28 MINUTES 39 SECONDS EAST AND A LENGTH OF 512.57 FEET TO THE EAST LINE OF SAID LOT; THENCE ALONG SAID EAST LINE SOUTH 0 DEGREES 27 MINUTES 02 SECONDS EAST 123.28 FEET; THENCE NORTHWESTERLY 577.85 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 860.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 83 DEGREES 27 MINUTES 49 SECONDS WEST AND A LENGTH OF 567.04 FEET; THENCE NORTH 64 DEGREES 12 MINUTES 52 SECONDS WEST 95.10 FEET; THENCE NORTHWESTERLY 391.56 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 940.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 76 DEGREES 08 MINUTES 52 SECONDS WEST AND A LENGTH OF 388.73 FEET; THENCE NORTH 88 DEGREES 04 MINUTES 52 SECONDS WEST 181.66 FEET; THENCE SOUTH 45 DEGREES 20 MINUTES 44 SECONDS WEST 55.13 FEET; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 713.55 FEET; THENCE SOUTHWESTERLY 218.52 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 889.64 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 6 DEGREES 38 MINUTES 34 SECONDS WEST AND A LENGTH OF 217.97 FEET TO A SOUTH LINE OF SAID LOT; THENCE ALONG SAID SOUTH LINE SOUTH 89 DEGREES 38 MINUTES 24 SECONDS WEST 8.30 FEET TO A SOUTHWEST CORNER OF SAID LOT; THENCE ALONG THE WEST LINE OF SAID LOT NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 1,219.80 FEET TO THE POINT OF BEGINNING; **excluding all property south of the Beacon Parkway Right-of-way.**

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 planned low density residential.

Petitioner(s) desire said real estate to be amended to allow for a high density multi family development.

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

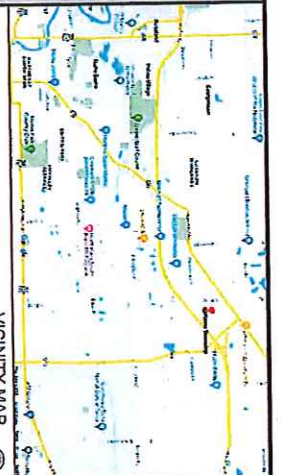
Signature(s) of Property Owner(s)



Signature(s) of Property Owner(s)

CONTACT PERSON:

Name GREG STROUPE
Address 100 N. MICHIGAN ST., SOUTH BEND, IN 46601
Phone Number/ Fax 574 235-2828
Email stroupeg@1stsource.com



VICINITY MAP
SCALE: NTS

CONTINENTAL
PROFITABLE
WYDA HARTS EXECUTIVE PARTNARY
MICHELOMITE PATEL, VM S061
2012.590.5000 * FAX 201.590.5022
ON BEHALF OF
CONTINENTAL 764 FUND LLC

DRAWN DATE: 08/28/2023
DRAWN BY: BMW/

IP-1.0

ASPHALT SHINGLES



TM-SH-1



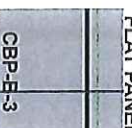
CBP-B-1

BOARD & BATTEN



CBP-B-2

LAP PANEL



CBP-F-3



MSE-B-3

STONE VENEER



TRIM

CBP-T-1

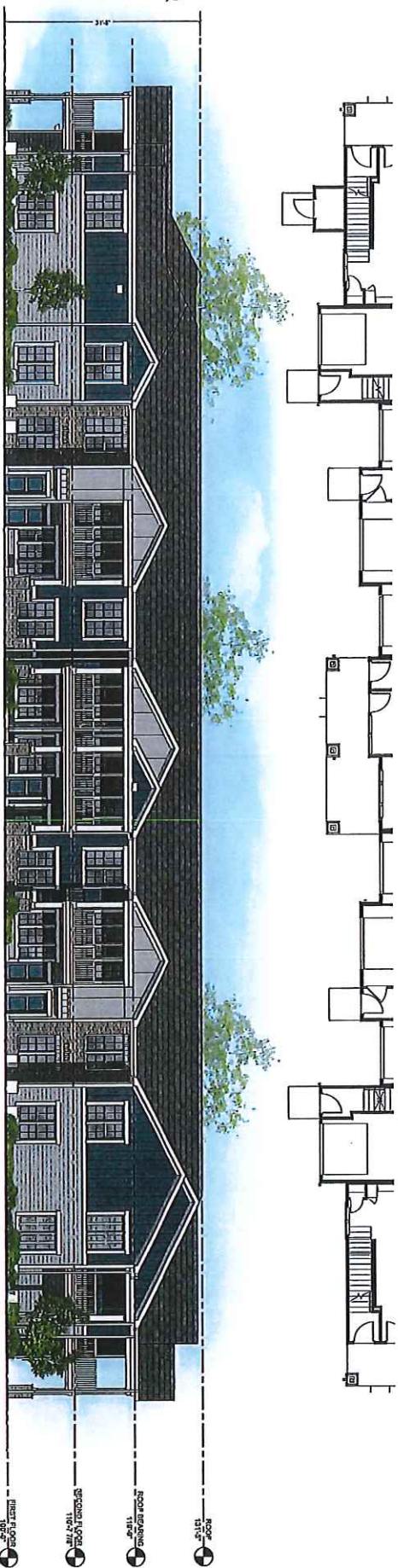
DOOR COLOR



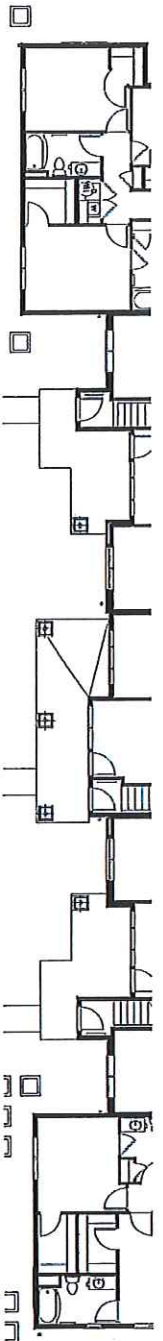
PIR-A-1



F
Front Elevation
2000 10000'



R
Rear Elevation
2000 10000'



ASPHALT SHINGLES

TM-SH-1

BOARD & BATTEN

CBP-B-1

LAP PANEL

CBP-B-2

FLAT PANEL

CBP-B-3

STONE VENEER

MS-B-3

TRIM

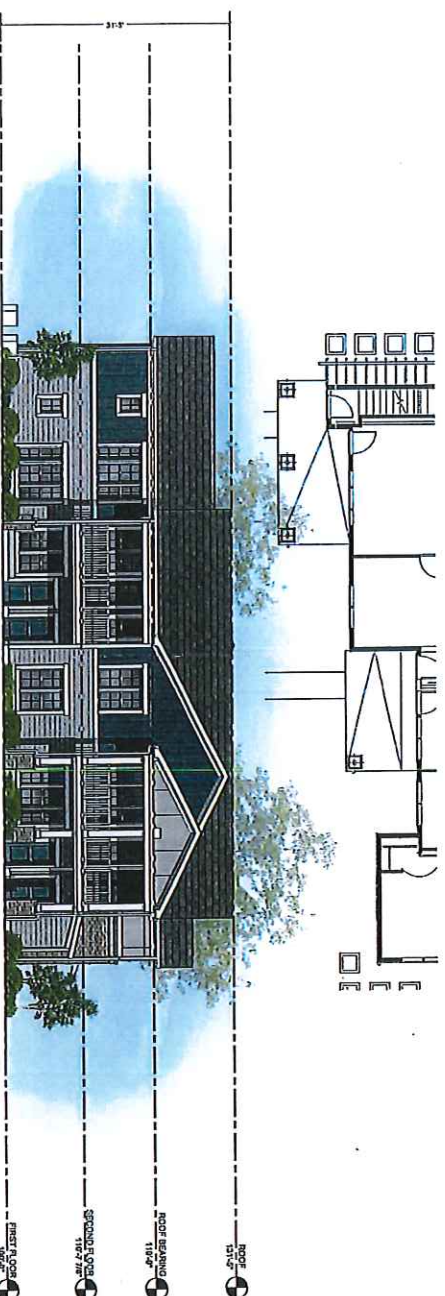
CBP-T-1

DOOR COLOR

PT-A-1



Right Elevation



Left Elevation

CONTINENTAL
PROPERTIES

20 UNIT BUILDING
YOU ARE HERE

ASPHALT SHINGLES

TM-SH-1

BOARD & BATTEN

CBP-A-1

LAP PANEL

CBP-A-2

FLAT PANEL

CBP-A-3

STONE VENEER

MSB-B-3

TRIM

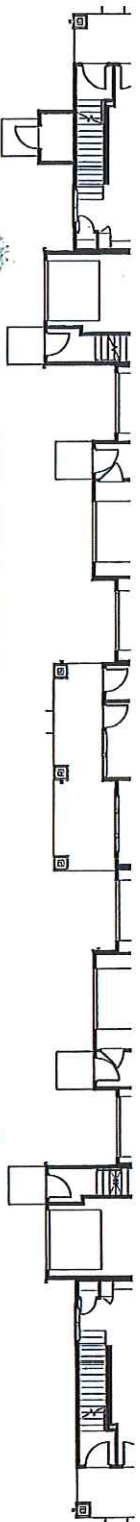
CBP-T-1-1

DOOR COLOR

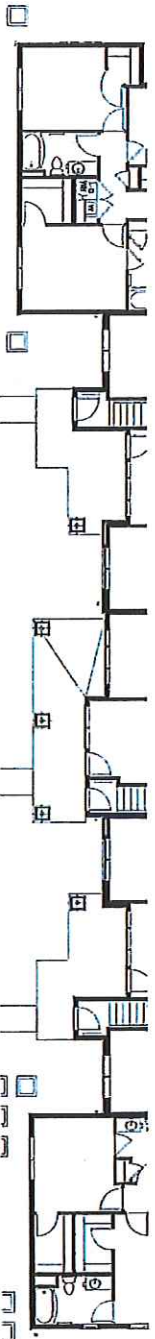
PTAA-1



Front Elevation



Rear Elevation



CONTINENTAL
PROPERTIES

20 UNIT BUILDING

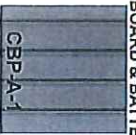
YOU ARE HERE

ASPHALT SHINGLES



TM-SH-1

BOARD & BATTEN



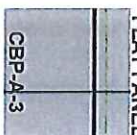
CBP-A-1

LAP PANEL



CBP-A-2

FLAT PANEL



CBP-A-3

STONE VENEER



MS-B-3

TRIM



CBP-T-1

DOOR COLOR

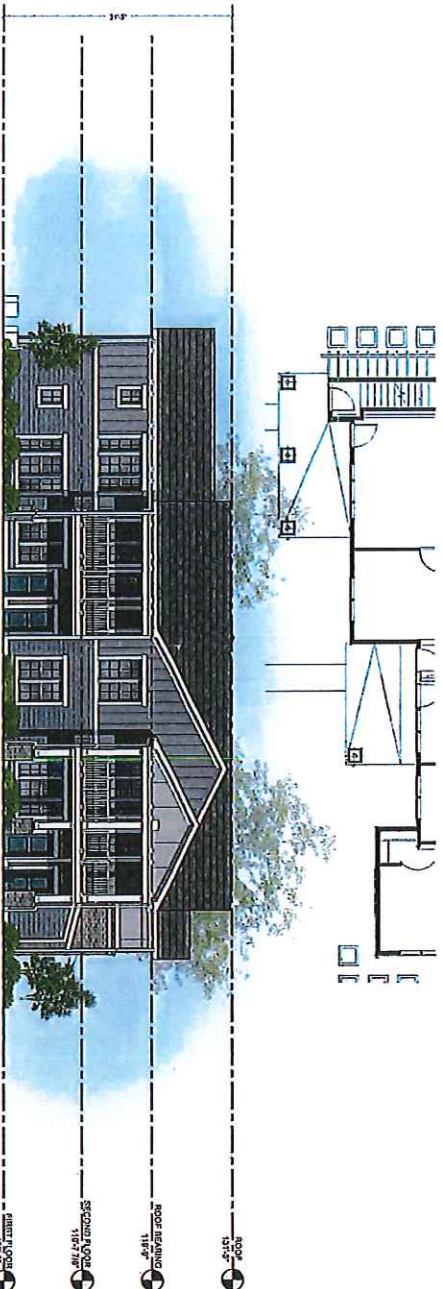


PT-A-1



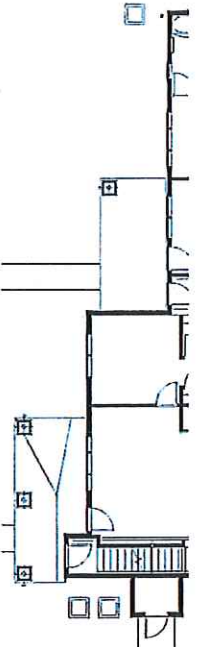
Right Elevation

SCALE: 1/8" = 1'-0"



Left Elevation

SCALE: 1/8" = 1'-0"



CONTINENTAL
PROPERTIES

20 UNIT BUILDING
YOU ARE HERE

ANNEX & ESTABLISH PUD

PUD AMENDMENT

GRANDE VISTA DR

N FIR RD

C-1

C-1

C-1

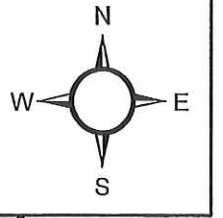
S-2

S-2

BEACON PKWY

CLEVELAND RD

WB INDIANA TOLL RD (I-80/90)



Location Map

PET 23-21

HELEN M SEGGERMAN ESTATE AND
1ST SOURCE BANK (OWNERS)

NORTHWEST CORNER OF FIR ROAD
AND BEACON PARKWAY

ANNEX NORTHERN 13.55 ACRES
AND ESTABLISH PUD

AMEND PUD FOR SOUTHERN 6.88 ACRES

OCT 12 2023

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2023-49

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2023

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

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the Central Services Department in the General Fund budget adopted for the fiscal year ending December 31, 2023.

Section 2. There is hereby transferred and reappropriated the sum of \$20,000.00 as follows:

General Fund

From: Central Services Department

Supplies

1101-22-422-02 Gas, Oil, etc. \$20,000.00

Total \$20,000.00

To: Central Services Department

Other Services and Charges

1101-22-436-01 Repairs and Maintenance \$20,000.00

Total \$20,000.00

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

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

_____ day of _____, 2023 at _____ o'clock, _____. m.

Gregg Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this _____ day of _____, 2023 at
_____ o'clock, _____. m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2023 at _____ o'clock,
_____. m.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

CENTRAL SERVICES DEPARTMENT
Tim Ryan, Street Commissioner

October 4, 2023

Mishawaka Common Council
City Hall
100 Lincolnway West
Mishawaka, IN 46544

Deborah S. Block, AMC, MMC

OCT 03 2023

City Clerk
Mishawaka, IN

RE: Proposed Ordinance 2023-

Honorable Council Members:

At this time, we find the need to request a transfer of Central Services funds as follows:

FROM: Central Services Department

Operating Supplies

1101-22-422-02 Gas, Oil, Etc.

\$20,000

Total: \$20,000

TO: Central Services Department

Repairs and Maintenance

1101-22-436-01 Building Repair/Equipment/Maint.

\$20,000

Total: \$20,000

If you have any questions concerning this transfer, please call or visit my office.

Sincerely,

Tim Ryan
Street Commissioner

OCT 12 2023

City Clerk
Mishawaka, IN

PETITION 23-21

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-50

ORDINANCE NO. _____

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

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

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

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

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

OUTLOT "A" AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND

Proposed Ordinance No: _____

Ordinance No: _____

CONTAINING 0.377 ACRES, MORE OR LESS; including all of the adjacent Fir Road right-of-way.

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of S-2 Planned Unit Development District.

Furthermore, 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:

LOT NUMBERED ONE (1) AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, TOGETHER WITH THE VACATED PORTION OF EVERGREEN ROAD.

EXCEPTING THEREFROM THE FOLLOWING TRACTS:

TRACT 1: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1. SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON- SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 186.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 83.01 FEET; THENCE NORTH 89°42'30" EAST, A DISTANCE OF 48.96 FEET; THENCE SOUTH 54°36'36" EAST, A DISTANCE OF 152.10 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 105.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 192.67 FEET TO THE POINT OF BEGINNING.

TRACT 2: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA,

Proposed Ordinance No: _____

Ordinance No: _____

DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON- SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET TO THE POINT OF BEGINNING; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING.

TRACT 3: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON- SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 94.50 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 94.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

TRACT 4: THAT PART DEEDED TO BOARD OF COMMISSIONERS OF THE COUNTY OF ST. JOSEPH, INDIANA BY WARRANTY DEED RECORDED NOVEMBER 1, 2010 AS INSTRUMENT NO. [1030439](#), DESCRIBED AS FOLLOWS: A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT

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#9848691, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT ON THE NORTH BOUNDARY OF CLEVELAND ROAD; THENCE NORTH 00 DEGREES 23 MINUTES 38 SECONDS WEST 10.00 FEET ALONG A WEST LINE OF SAID LOT; THENCE NORTH 89 DEGREES 38 MINUTES 24 SECONDS-EAST 204.91 FEET TO THE SOUTHEASTERN LINE OF SAID LOT; THENCE ALONG SAID SOUTHEASTERN LINE SOUTHWESTERLY 24.84 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 29.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 65 DEGREES 06 MINUTES 23 SECONDS WEST AND A LENGTH OF 24.08 FEET TO THE SOUTH LINE OF SAID LOT; THENCE SOUTH 89 DEGREES 38 MINUTES 24 SECONDS WEST 182.99 FEET (183.03 FEET BY THE PLAT OF SAID SUBDIVISION) ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.045 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.025 ACRES, MORE OR LESS.

TRACT 5: THAT PART DEEDED TO THE CITY OF MISHAWAKA, INDIANA BY QUIT-CLAIM DEED RECORDED AUGUST 9, 2013 AS INSTRUMENT NO. 1324532 DESCRIBED AS FOLLOWS:

A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # 9848691, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID LOT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 89.74 FEET; THENCE SOUTH 44 DEGREES 36 MINUTES 09 SECONDS EAST 57.84 FEET; THENCE SOUTH 88 DEGREES 04 MINUTES 52 SECONDS EAST 185.66 FEET; THENCE SOUTHEASTERLY 441.55 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 1,060.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 76 DEGREES 08 MINUTES 52 SECONDS EAST AND A LENGTH OF 438.36 FEET; THENCE SOUTH 64 DEGREES 12 MINUTES 52 SECONDS EAST 95.10 FEET; THENCE SOUTHEASTERLY 523.41 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 740.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 84 DEGREES 28 MINUTES 39 SECONDS EAST AND A LENGTH OF 512.57 FEET TO THE EAST LINE OF SAID LOT; THENCE ALONG SAID EAST LINE SOUTH 0 DEGREES 27 MINUTES 02 SECONDS EAST 123.28 FEET; THENCE NORTHWESTERLY 577.85 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 860.00 FEET AND SUBTENDED BY A LONG

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CHORD HAVING A BEARING OF NORTH 83 DEGREES 27 MINUTES 49 SECONDS WEST AND A LENGTH OF 567.04 FEET; THENCE NORTH 64 DEGREES 12 MINUTES 52 SECONDS WEST 95.10 FEET; THENCE NORTHWESTERLY 391.56 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 940.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 76 DEGREES 08 MINUTES 52 SECONDS WEST AND A LENGTH OF 388.73 FEET; THENCE NORTH 88 DEGREES 04 MINUTES 52 SECONDS WEST 181.66 FEET; THENCE SOUTH 45 DEGREES 20 MINUTES 44 SECONDS WEST 55.13 FEET; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 713.55 FEET; THENCE SOUTHWESTERLY 218.52 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 889.64 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 6 DEGREES 38 MINUTES 34 SECONDS WEST AND A LENGTH OF 217.97 FEET TO A SOUTH LINE OF SAID LOT; THENCE ALONG SAID SOUTH LINE SOUTH 89 DEGREES 38 MINUTES 24 SECONDS WEST 8.30 FEET TO A SOUTHWEST CORNER OF SAID LOT; THENCE ALONG THE WEST LINE OF SAID LOT NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 1,219.80 FEET TO THE POINT OF BEGINNING; **excluding all property south of the Beacon Parkway Right-of-way.**

General Location: NEC of Fir Road and Beacon Parkway

which real estate is now classified as S-2 Planned Unit Development District.

All the above real estate shall hereafter be amended to allow for a 280 to 320 unit gated multi-family residential apartment complex subject to the following conditions:

Uses:

1. Permitted uses shall be limited to a 320 unit maximum multi-family residential apartment complex and other accessory uses including but not limited to a club house, maintenance garage, and community pool.
2. Off-premise signs/billboards shall be prohibited.

Parking Spaces, Building & Parking/Pavement Setbacks:

1. A minimum of 1.5 parking spaces shall be provided per residential dwelling unit.
2. The building setback shall be a minimum of 25' from the right-of-way and external property lines.
3. The parking/pavement setback shall be 15' from the right-of-way and all external property lines.

Landscaping & Fencing:

1. A 15' wide landscape buffer shall be provided along the perimeter of the property.
2. Landscaping within the buffer shall be provided as required per the C-1 General Commercial District. No additional landscaping shall be required

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where the existing mature vegetation is preserved if compliant with the minimum spacing requirements.

3. A 5' high metal picket (semi-opaque) decorative fence shall be permitted within the building setback along Fir Road and Beacon Parkway. If provided, Planning Staff shall review and approve the fence as a part of the planned unit development plan process.

Signage:

1. A total of two (2) freestanding monument signs shall be permitted. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each sign shall have a masonry base no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board.

Right-of-way & Sidewalks:

1. Additional right-of-way and easements may be required and shall be determined by review of the City Director of Engineering as a part of the planned unit development plan and subdivision plat.
2. The developer shall construct an 8' wide sidewalk within the public right-of-way along Fir Road from Beacon Parkway to the north property line and along Beacon Parkway from Fir Road to the entrance/access drive. Connections from the site to the sidewalk shall be provided along Fir Road and Beacon Parkway. The sidewalk shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.

Lighting:

1. All site lighting shall be limited to 30 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Building Limitations & Architecture:

1. The maximum building height shall be 48'.
2. Commercial grade high-quality vinyl lap siding and concrete panels (fiber cement board) shall be permitted building materials for all buildings, including the multi-family residential buildings, clubhouse, and any accessory buildings. For the building façades facing Beacon Parkway and Fir Road, masonry (brick veneer or stone) accents shall be utilized. All building materials shall be a mix of the above referenced materials and are subject to review and approval by the City Planner as a part of the planned unit development plan.

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3. The architecture shall include garages and private entrances as conceptually identified.

Stormwater Management Infrastructure & Utilities:

1. The existing detention pond within the southeast corner of the property shall be expanded to provide for stormwater storage and located within an easement on the subdivision plat. A stormwater drainage plan shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.
2. All costs associated with the extension of utilities shall be the responsibility of the developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

Other:

1. If the development should not proceed within two (2) years following approval of the annexation/zoning and Planned Unit Development amendment, the prior development regulations (Ord. 5284) shall remain and be applicable to the subject parcels.

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

1. Existing Conditions - The subject parcel is located at the northeast corner of Fir Road and Beacon Parkway. Fir Road is currently a moderately travelled corridor on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City and St. Joseph County. Beacon Parkway is currently a lower travelled corridor. The property is located immediately adjacent to vacant unincorporated land to the north zoned for residential development, vacant land within the city limits to the east and south zoned for commercial development, and unincorporated land to the west occupied by single-family residential houses.
2. Character of Buildings in Area - The character of buildings and land uses located along the Fir Road corridor from State Road 23 to the north to south of the Indiana Toll Road vary greatly and include a convenience store/gas station, an automatic car wash facility, a church and parochial school, medical offices, a credit union, single family residential home, and a multi-family residential apartment complex. Several Beacon Medical Group buildings, including an acute care hospital, an ambulatory surgery center, a health and fitness center, and corporate offices, are located to the northeast along Beacon Parkway.
3. The most desirable/highest and best use - With the property's location along the increasingly commercial and residential developed Fir Road corridor combined with the adjacent properties being zoned for commercial use, the most desirable use for the property is either commercial or high-density residential.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed multi-

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family residential use is compatible with the adjacent vacant property and single-family residential uses.

5. Comprehensive Plan - Although this property was identified with a preferred use as commercial in the Capital Avenue Land Use Plan (2003), the proposed multi-family residential use is reasonably consistent with adjacent and changing land uses along the Fir Road corridor.

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 _____, 2023, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2023, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2023, at _____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: Northeast Corner of Fir Road & Beacon Parkway

Date: October 10, 2023

Petition: 23-21 Annexation & Northeast Fir and Cleveland Road
Planned Unit Development Amendment - Establish
Zoning, and Approve a Preliminary Planned Unit
Development Site Plan for the proposed Springs at
Mishawaka apartment complex

Prepared By: DJS

GENERAL INFORMATION

Applicants: Helen M. Seggerman Estate & 1st Source Bank / Continental Properties, Inc.

Status: Property Owners / Contingent Developer

Request: To annex and establish zoning, amend an existing PUD, and approve a preliminary planned unit development site plan for the Springs at Mishawaka – a 280 to 320 unit gated multi-family residential apartment complex.

Existing Zoning: Unincorporated St. Joseph County & S-2 Planned Unit Development (Permitted Uses on the portion of the Northeast Fir and Cleveland Road PUD to be amended include C-1 General Commercial and C-2 Shopping Center Commercial / Ord. 5284)

Proposed Zoning: S-2 Planned Unit Development (Multi-Family Residential)

Lot Size: 20.43 acres (13.55 acre annexation parcel & 6.88 acre part of a parcel within an existing PUD)

Applicable Regulations: Section 137-671 thru 137-679 / S-2 Planned Unit Development District, Section 137-41 / Amendments to the Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern:

North:	Unincorporated St. Joseph County / R Single Family Residential (Vacant)
South:	S-2 Planned Unit Development (Northeast Fir and Cleveland PUD/ Vacant Land approved for C-1 & C-2 commercial uses)
East:	S-2 Planned Unit Development (Northwest Capital and Toll Road PUD/ Vacant Land approved for C-1 & C-2 commercial uses)
West:	Unincorporated St. Joseph County / R Single Family Residential (Single-Family Residential)

Thoroughfare: Fir Road & Beacon Parkway

School District: Penn-Harris-Madison

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

Comprehensive Plan:

The Capital Avenue Land Use Plan (2003) prepared jointly by St. Joseph County and the City of Mishawaka identifies a recommended land use as commercial.

ANALYSIS

Proposal:

The applicants, Helen M. Seggerman Estate (owner), 1st Source Bank (owner), and Continental Properties Inc. (contingent developer) are proposing to annex and establish zoning, amend a portion of the existing Northeast Fir and Cleveland Planned Unit Development, and approve a preliminary planned unit development site plan for the Springs at Mishawaka – a 280 to 320 unit gated multi-family residential apartment complex.

A pre-application meeting, which was attended by the contingent developer and various City Staff, was held in late August. The development entitlement process was reviewed, including but not limited to, the annexation and PUD amendment petitions, final site plan requirements, and subdivision process. A preliminary site plan, generally matching what was filed with the petitions, was presented at this meeting. After review, Planning Staff recommended that several development regulations and conditions similar to those approved for other multi-family residential apartment complexes be placed on the property. A draft of the regulations and conditions was prepared by the contingent developer and included with the petitions. A majority of the proposed regulations, as requested, are included in the staff recommendation with modifications, deletions, and additions as deemed appropriate. These regulations and conditions are only applicable to this specific development proposal and will supersede those currently applicable to the south part of the site (Lot B). If the development should not proceed following approval of the annexation, the prior development regulations (Ord. 5284) shall remain and be applicable to the subject parcels.

The 20.43 acre site, which consists of a 13.55 acre parcel in unincorporated St. Joseph County (Lot A) and a 6.88 acre part of a larger parcel in the City of Mishawaka (Lot B), is located at the northeast corner of Fir Road and Beacon Parkway. Two separate petitions were filed with the annexation and zoning classification petition covering the north parcel (Lot A) and the Planned Unit Development amendment petition covering the part of the south parcel north of Beacon Parkway (Lot B).

The current PUD regulations and conditions for Lot B, which were approved in 2010 (Petition 10-18/Ord. 5284), limited permitted uses to C-1 General Commercial and C-2 Shopping Center Commercial uses. When the property was annexed, only the permitted uses and basic development regulations/conditions were outlined as there was no specific development proposal.

Per the preliminary site plan, the project is proposed to include 280 apartment units within 14 separate buildings, a club house with a fitness center, a community pool, a car care center, two pet parks, an outdoor grilling area, and a maintenance garage. The apartments will consist of 28 studio, 112 one-bedroom, 112 two-bedroom, and 28 three-bedroom units. The overall density will be 13.7 units per acre. A total of 542 parking spaces will be provided consisting of 112 spaces within the attached garages, 30 spaces within the detached garages, 1 space within the grounds maintenance building, and 399 surface spaces. Parking spaces will be provided at a ratio of 1.94 spaces per unit.

Access will be provided from Beacon Parkway utilizing the existing curb cut in the middle of the property. The entry drive will be gated north of the public parking area adjacent to the clubhouse. The access will allow unrestricted turning movements to and from the property. An emergency-only access will be provided along Fir Road in the northwest corner of the property. This access will be gated and utilized only by fire/emergency vehicles.

Per the preliminary site plan, a 25' building setback and 15' landscape and parking setback will be provided along the entire perimeter of the property. Landscaping shall meet the C-1 General Commercial landscaping and screening requirements. A detailed landscaping plan shall be submitted with the final planned unit development site plan, and is subject to review and approval by the Planning Staff.

The scale and density of the proposed development is similar to other multi-family residential developments in the northern part of the City of Mishawaka, such as the Villas on Fir on Fir Road south of the Indiana Toll Road, Gumwood Apartments to the northwest of Gumwood and Cleveland Roads, Summer Place Apartments along E. University Drive, and the Main Street Village apartments along Douglas Road.

At this time, the applicants are only proposing to establish and 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.), grading, landscaping, erosion control, and other required improvements.

Annexation:

As previously mentioned, the annexation and zoning petition only includes the northern parcel (Lot A) since the south parcel north of Beacon Parkway (Lot B) is already within the City limits.

In 2008 and 2011, the adjacent properties to the east and south were respectively annexed into the City for commercial use (C-1 and C2 permitted uses). There are no specific development proposals for these vacant adjacent properties. The property to the north is also vacant but is unincorporated land zoned for residential use. The property to the west across Fir Road is unincorporated land consisting of several single-family residential homes.

Per the State of Indiana's annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing boundary in order to be annexed. With the two previous annexations as outlined above, approximately 1,816 feet, or 50%, of the total 3,630 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:

The site is located at the northeast corner of Fir Road and Beacon Parkway, and is bound to the north by vacant property zoned for single-family residential use in unincorporated St. Joseph County, to the west by single-family residential houses in unincorporated St. Joseph County, to the south by vacant property zoned for commercial uses, and to the east by vacant property zoned for commercial uses.

Zoning Change:

Staff believes that the proposed annexing and zoning of the northern parcel to the S-2 Planned Unit Development District and amending the existing Planned Unit Development for the southern parcel for a multi-family residential apartment complex is appropriate. Although the Capital Avenue Land Use Plan recommends commercial land use for the subject property, a multi-family residential use would not be out of character with the existing or other permitted commercial land uses within the area. Significant commercial and multi-family residential growth has occurred along both the Fir Road and University Drive corridors to the south and Beacon Parkway to the east.

Transportation/Roads:

According to the latest available traffic counts, there were 9,273 annual average daily trips (AADT) (March 2022) along Fir Road south of Beacon Parkway. The counts at this location have more than doubled over the last 17 years. Between 2006 and 2010, counts ranged from just over 4,200 AADT to 6,300 AADT. There were 2,983 annual average daily trips (AADT) (March 2021) along Beacon Parkway southwest of Capital Avenue. Historical counts at this location are not available since Beacon Parkway was constructed less than 10 years ago. With the existing and anticipated increase in commercial and residential development in the northern Mishawaka and Granger areas, it is anticipated that traffic volumes will remain relatively consistent and/or increase in future years.

The 2050 Transportation Plan (Draft), prepared by the Michiana Area Council of Governments with input from City staff and the County Engineering Department, does not show any planned added travel lanes along the Fir Road corridor. An auxiliary line (center turn lane) along Fir Road to the south between McKinley Avenue and the Indiana Toll Road is proposed for construction in 2035. A small road west of the Indiana Toll Road connecting Beacon Parkway to Cleveland Road is proposed for construction in 2040. This connector may relieve future traffic congestion along Fir Road adjacent to the site and north of

Cleveland Road. The plan and anticipated completion dates for any transportation improvements may be amended in future years dependent on projected travel demand.

All pertinent City Departments have reviewed and approved the request for annexation and zoning (Lot A), and to amend the existing Planned Unit Development.

The Electric Department commented that the city can only currently serve Lot B of the proposed project as Lot A is currently not within the city's service territory.

RECOMMENDATION

Staff recommends **approval** of Petition 23-21 to annex and establish zoning (Lot A), and to amend the Northeast Fir and Cleveland Planned Unit Development (Lot B) for the Springs at Mishawaka – a 280 to 320 unit multi-family residential apartment complex subject to the following development regulations/conditions:

Uses:

1. Permitted uses shall be limited to a 320 unit maximum multi-family residential apartment complex and other accessory uses including but not limited to a club house, maintenance garage, and community pool.
2. Off-premise signs/billboards shall be prohibited.

Parking Spaces, Building & Parking/Pavement Setbacks:

1. A minimum of 1.5 parking spaces shall be provided per residential dwelling unit.
2. The building setback shall be a minimum of 25' from the right-of-way and external property lines.
3. The parking/pavement setback shall be 15' from the right-of-way and all external property lines.

Landscaping & Fencing:

1. A 15' wide landscape buffer shall be provided along the perimeter of the property.
2. Landscaping within the buffer shall be provided as required per the C-1 General Commercial District. No additional landscaping shall be required where the existing mature vegetation is preserved if compliant with the minimum spacing requirements.
3. A 5' high metal picket (semi-opaque) decorative fence shall be permitted within the building setback along Fir Road and Beacon Parkway. If provided, Planning Staff shall review and approve the fence as a part of the planned unit development plan process.

Signage:

1. A total of two (2) freestanding monument signs shall be permitted. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each sign shall have a masonry base no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board.

Right-of-way & Sidewalks:

1. Additional right-of-way and easements may be required and shall be determined by review of the City Director of Engineering as a part of the planned unit development plan and subdivision plat.
2. The developer shall construct an 8' wide sidewalk within the public right-of-way along Fir Road from Beacon Parkway to the north property line and along Beacon Parkway from Fir Road to the entrance/access drive. Connections from the site to the sidewalk shall be provided along Fir Road and Beacon Parkway. The sidewalk shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.

Lighting:

1. All site lighting shall be limited to 30 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Building Limitations & Architecture:

1. The maximum building height shall be 48'.
2. Commercial grade high-quality vinyl lap siding and concrete panels (fiber cement board) shall be permitted building materials for all buildings, including the multi-family residential buildings, clubhouse, and any accessory buildings. For the building façades facing Beacon Parkway and Fir Road, masonry (brick veneer or stone) accents shall be utilized. All building materials shall be a mix of the above referenced materials and are subject to review and approval by the City Planner as a part of the planned unit development plan.
3. The architecture shall include garages and private entrances as conceptually identified.

Stormwater Management Infrastructure & Utilities:

1. The existing detention pond within the southeast corner of the property shall be expanded to provide for stormwater storage and located within an easement on the subdivision plat. A stormwater drainage plan shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.
2. All costs associated with the extension of utilities shall be the responsibility of the developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

Other:

1. If the development should not proceed within two (2) years following approval of the annexation/zoning and Planned Unit Development amendment, the prior development regulations (Ord. 5284) shall remain and be applicable to the subject parcels.

This recommendation is based on the following findings of fact:

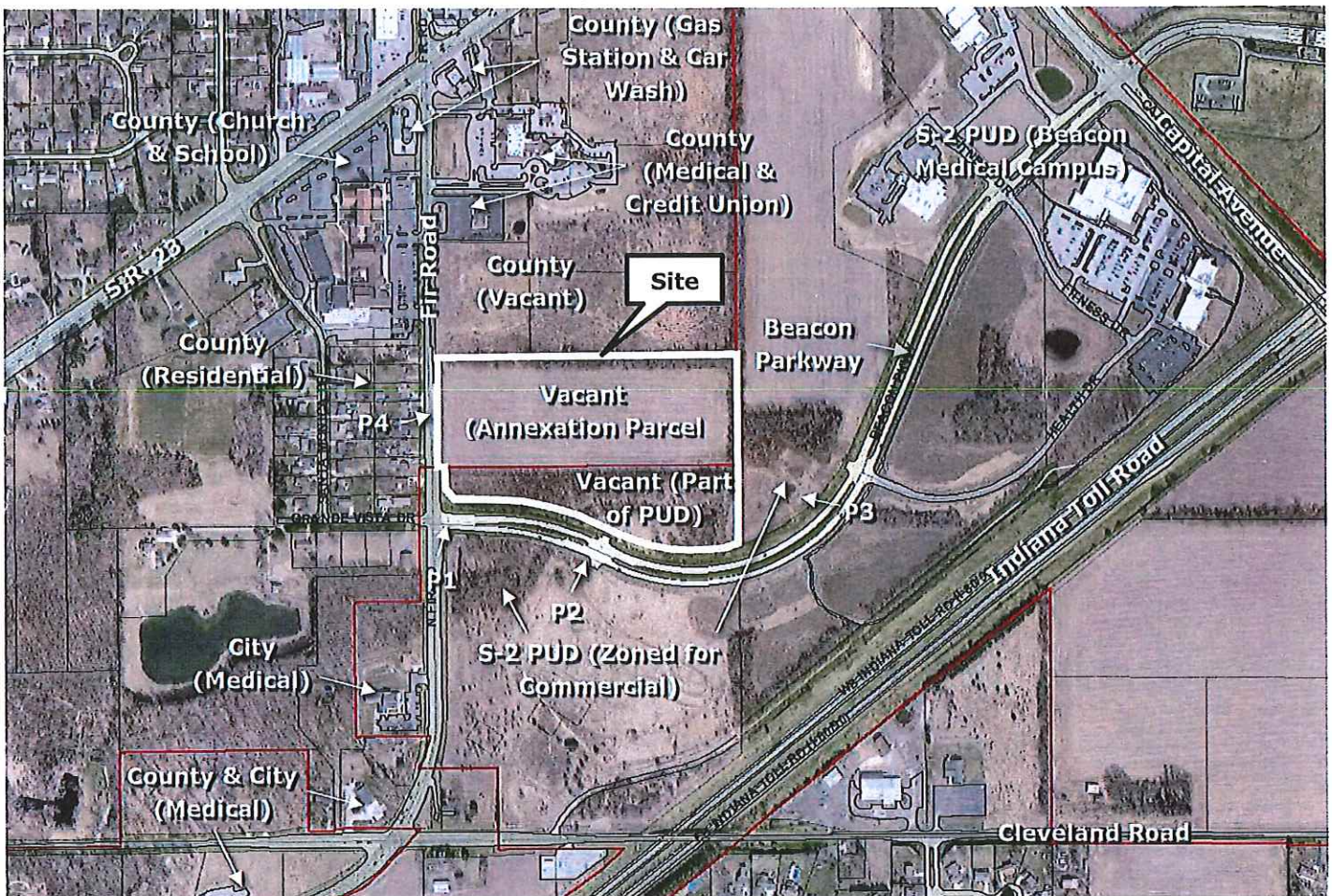
1. Existing Conditions - The subject parcel is located at the northeast corner of Fir Road and Beacon Parkway. Fir Road is currently a moderately travelled corridor on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City and St. Joseph County. Beacon Parkway is currently a lower travelled corridor. The property is located immediately adjacent to vacant unincorporated land to the north zoned for residential development, vacant land within the city limits to the east and south zoned for commercial development, and unincorporated land to the west occupied by single-family residential houses.
2. Character of Buildings in Area - The character of buildings and land uses located along the Fir Road corridor from State Road 23 to the north to south of the Indiana Toll Road vary greatly and include a convenience store/gas station, an automatic car wash facility, a church and parochial school, medical offices, a credit union, single family residential home, and a multi-family residential apartment complex. Several Beacon Medical Group buildings, including an acute care hospital, an

ambulatory surgery center, a health and fitness center, and corporate offices, are located to the northeast along Beacon Parkway.

3. The most desirable/highest and best use – With the property's location along the increasingly commercial and residential developed Fir Road corridor combined with the adjacent properties being zoned for commercial use, the most desirable use for the property is either commercial or high-density residential.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed multi-family residential use is compatible with the adjacent vacant property and single-family residential uses.
5. Comprehensive Plan - Although this property was identified with a preferred use as commercial in the Capital Avenue Land Use Plan (2003), the proposed multi-family residential use is reasonably consistent with adjacent and changing land uses along the Fir Road corridor.

ATTACHMENTS

Aerial Photograph, Photographs of Site Area, Cover Letter from Developer, Petition for Annexation and Zoning Classification (Petition 1 of 2), Petition for PUD Amendment (2 of 2), Preliminary Planned Unit Development Site Plan, Conceptual Building Elevations, Location Map



Aerial Photograph – Northeast Corner of Fir Road and Beacon Parkway
Proposed Springs at Mishawaka – a 280 to 320 unit multi-family residential apartment complex



P1. Looking north from the right-turn lane on Fir Road and south of Beacon Parkway.
Property is the patch of trees on the upper right.



P2. Looking northerly from Beacon Pkwy toward the existing curb cut proposed to access the property.



P3. Looking westerly from Beacon Parkway toward the southeast corner of the property.



P4. Looking easterly from Fir Road toward the annexation parcel (Lot A).

P25 23-21
Received

SEP 20 2023

Planning and
Community Development

September 20, 2023

Mr. Kenneth B Prince, ASLA, AICP,
Executive Director
Department of Planning and Community Development
100 Lincolnway West
Mishawaka, IN 46544

RE: Multi-Parcel Joint Annexation/Zoning Petition & PUD Amendment Petition – NEC of Fir Rd. & Beacon Pkwy.

Dear Mr. Prince,

On behalf of the Property Owners SEGGERMAN HELEN M ESTATE (the "Seggerman Parcel"; PIN 71-04-23-300-003.000-011) and 1ST SOURCE BANK (the "1st Source Parcel"; a portion of PIN 71-04-27-200-044.000-036), Continental Properties 764 Fund LLC (the "Petitioner", an affiliate entity of Continental Properties Company, Inc.) submits for your review and consideration a joint petition for Annexation and Zoning for the Seggerman Parcel and a PUD Amendment for the 1st Source Parcel.

This two-property assemblage totals approximately 20.43 acres and is located at the northeast corner of the intersection of Fir Rd. and Beacon Pkwy. The Applicant, Continental Properties Company, Inc. is pursuing a market-rate multifamily residential community at this location.

Included in this enclosure are the following documents:

1. 3 original copies of Annexation & Zoning Petition for the Seggerman Parcel, each with wet signature (**separate wet signature pages previously delivered to Derek Spier, City Planner on 9/13/2023**)
2. 3 original copies of PUD Amendment Petition for 1st Source Parcel, each with wet signature (**separate wet signature pages previously delivered to Derek Spier, City Planner on 9/13/2023**)
3. Six (6) 24"x36" copies of the conceptual site plan
4. A \$500 check payable to the "City of Mishawaka"
5. **One set** (per Derek Spier's instruction) of business-size stamped envelopes addressed to all property owners within 300 feet of the subject property boundary lines, provided by Staff
6. One copy of the above-referenced list of Property Owners within 300 feet of the subject property boundary lines, provided by Staff

As part of this joint petition, the Petitioner requests the following amendments be included in the Proposed PUD classification for this two-property assemblage:

1. **Uses.** Permitted uses shall be limited to an up to 320-unit multi-family residential apartment complex and other accessory uses including but not limited to a club house, maintenance garage, and community pool.
2. **Setbacks.** There shall be a minimum building setback of 25' from the parcel boundaries.
3. **Building Height.** The maximum building height for the site shall be 48'.
4. **Landscaping.** No landscaping shall be required where existing mature vegetation is preserved, provided the areas is a minimum of 25' in width. The site shall comply with the C-1 Commercial landscaping requirements.
5. **Parking.** Total number of parking spaces required shall be a minimum of 1.5 spaces per unit.
6. **Signage.** Two monument signs, not exceeding 8' in height and 60 square feet in area (and including an electronic reader board) shall be permitted for the site.

Continental Properties Company, Inc.

Continental Properties Company, Inc. · W134 N8675 Executive Parkway, Menomonee Falls, WI 53051

7. **Right-of-Way.** A roughly 38.5' x 458.1' (roughly .38 acres) portion of the Seggerman Parcel along Fir Road shall be dedicated to the City of Mishawaka as part of the final site plan approval and shall be determined by review of the City Director of Engineering and City Planner based on proposed construction.
8. **Lighting.** All site lighting shall be limited to 30 feet in height.
9. **Building Materials & Colors.** High-quality vinyl lap siding shall be a permitted and primary building material for all buildings on the property, including the multifamily residential buildings, the clubhouse, and any accessory buildings. For building facades which front Beacon Pkwy. and Fir Rd., Petitioner shall employ masonry (brick, brick veneer, or stone) accents; please refer to the enclosed elevations for a representative sample of these Fir- and Beacon-fronting building facades.
10. **Architecture.** The architecture shall include garages and private entrances as conceptually identified.
11. **Detention.** City shall permit the applicant to expand the existing detention pond on the southeast corner of the site as designed and approved as part of the final construction drawings.
12. **Traffic.** A Traffic Impact Study shall not be required given that the applicant is only requesting emergency access only along Fir Road.
13. **Off-Site Improvements.** Road improvements along Fir Road shall be limited to a 8' wide sidewalk located within the right-of-way. Under no circumstances shall any off-site improvements or special assessments come due as part of Continental's proposed development and subsequent construction activities.

Signed:

CONTINENTAL PROPERTIES 764 Fund LLC



By: Ben Walker
Its: Acquisitions Associate
Continental Properties Inc.
bwalker@cproperties.com
414.305.8865

Pkt 23-21

Received

SEP 20 2023

Planning and
Community Development

DATE: September 20, 2023

TO THE:

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

RE: Petition for Annexation and Zoning Classification

The undersigned The heirs or devisees of Helen M. Seggerman, deceased, respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

OUTLOT "A" AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND CONTAINING 0.377 ACRES, MORE OR LESS; **including all of the adjacent Fir Road right-of-way.**

General Location: Northeast Corner of Fir Road and Beacon Parkway.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located northwest corner of N. Fir Road and Beacon Parkway and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a S-2 Planned Unit Development District. Petitioners further state they intend to utilize said land for a multi-family development.

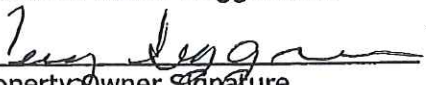
Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

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

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a S-2 Planned Unit Development District.

Estate of Helen Seggerman

By:


Property Owner Signature

Terry L. Seggerman, Personal Representative

Print Property Owner Name

Contact Person:

NAME
ADDRESS
TELEPHONE NUMBER
EMAIL

Malcolm J. Tuesley or April L. Troyer
THK Law, LLP
(574) 232-3538
mtuesley@thklaw.com and atroyer@thklaw.com

DATE: 09/20/2023

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

PET 23-21

2 of 2

Received

SEP 20 2023

Planning and
Community Development

RE: PETITION FOR PUD AMENDMENT

The undersigned 1st Source Bank 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:

LOT NUMBERED ONE (1) AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, TOGETHER WITH THE VACATED PORTION OF EVERGREEN ROAD.

EXCEPTING THEREFROM THE FOLLOWING TRACTS:

TRACT 1: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1. SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 186.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 83.01 FEET; THENCE NORTH 89°42'30" EAST, A DISTANCE OF 48.96 FEET; THENCE SOUTH 54°36'36" EAST, A DISTANCE OF 152.10 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 105.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 192.67 FEET TO THE POINT OF BEGINNING.

TRACT 2: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION. RECORDED IN THE OFFICE OF THE

RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER 9848691 AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT BOOK 31, PAGE P; THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON- SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET TO THE POINT OF BEGINNING; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING.

TRACT 3: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER 9848691 AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT BOOK 31, PAGE P; THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 94.50 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 94.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

TRACT 4: THAT PART DEEDED TO BOARD OF COMMISSIONERS OF THE COUNTY OF ST. JOSEPH, INDIANA BY WARRANTY DEED RECORDED NOVEMBER 1, 2010 AS INSTRUMENT NO. 1030439, DESCRIBED AS FOLLOWS: A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT #9848691, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT ON THE NORTH BOUNDARY OF CLEVELAND ROAD; THENCE NORTH 00 DEGREES 23 MINUTES 38 SECONDS WEST 10.00 FEET ALONG A WEST LINE OF SAID LOT; THENCE NORTH 89 DEGREES 38 MINUTES 24 SECONDS-EAST 204.91 FEET TO THE SOUTHEASTERN LINE OF SAID LOT; THENCE ALONG SAID SOUTHEASTERN LINE SOUTHWESTERLY 24.84 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 29.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 65 DEGREES 06 MINUTES 23 SECONDS WEST AND A LENGTH OF 24.08 FEET TO THE SOUTH LINE OF SAID LOT; THENCE

(183.03 FEET BY THE PLAT OF SAID SUBDIVISION) ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.045 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.025 ACRES, MORE OR LESS.

TRACT 5: THAT PART DEEDED TO THE CITY OF MISHAWAKA, INDIANA BY QUIT-CLAIM DEED RECORDED AUGUST 9, 2013 AS INSTRUMENT NO. [1324532](#) DESCRIBED AS FOLLOWS:

A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID LOT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 89.74 FEET; THENCE SOUTH 44 DEGREES 36 MINUTES 09 SECONDS EAST 57.84 FEET; THENCE SOUTH 88 DEGREES 04 MINUTES 52 SECONDS EAST 185.66 FEET; THENCE SOUTHEASTERLY 441.55 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 1,060.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 76 DEGREES 08 MINUTES 52 SECONDS EAST AND A LENGTH OF 438.36 FEET; THENCE SOUTH 64 DEGREES 12 MINUTES 52 SECONDS EAST 95.10 FEET; THENCE SOUTHEASTERLY 523.41 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 740.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 84 DEGREES 28 MINUTES 39 SECONDS EAST AND A LENGTH OF 512.57 FEET TO THE EAST LINE OF SAID LOT; THENCE ALONG SAID EAST LINE SOUTH 0 DEGREES 27 MINUTES 02 SECONDS EAST 123.28 FEET; THENCE NORTHWESTERLY 577.85 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 860.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 83 DEGREES 27 MINUTES 49 SECONDS WEST AND A LENGTH OF 567.04 FEET; THENCE NORTH 64 DEGREES 12 MINUTES 52 SECONDS WEST 95.10 FEET; THENCE NORTHWESTERLY 391.56 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 940.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 76 DEGREES 08 MINUTES 52 SECONDS WEST AND A LENGTH OF 388.73 FEET; THENCE NORTH 88 DEGREES 04 MINUTES 52 SECONDS WEST 181.66 FEET; THENCE SOUTH 45 DEGREES 20 MINUTES 44 SECONDS WEST 55.13 FEET; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 713.55 FEET; THENCE SOUTHWESTERLY 218.52 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 889.64 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 6 DEGREES 38 MINUTES 34 SECONDS WEST AND A LENGTH OF 217.97 FEET TO A SOUTH LINE OF SAID LOT; THENCE ALONG SAID SOUTH LINE SOUTH 89 DEGREES 38 MINUTES 24 SECONDS WEST 8.30 FEET TO A SOUTHWEST CORNER OF SAID LOT; THENCE ALONG THE WEST LINE OF SAID LOT NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 1,219.80 FEET TO THE POINT OF BEGINNING; **excluding all property south of the Beacon Parkway Right-of-way.**

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 planned low density residential.

Petitioner(s) desire said real estate to be amended to allow for a high density multi family development.

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

Signature(s) of Property Owner(s)



Signature(s) of Property Owner(s)

CONTACT PERSON:

Name GREG STROUPE

Address 100 N. MICHIGAN ST., SOUTH BEND, IN 46601

Phone Number/ Fax 574 235-2828

Email stroupe.g@1stsource.com



VICINITY MAP
SCALE: NTS

CONTINENTAL
PREFORMANCE
VINYL 18075 EXECUTIVE PARKWAY
MEMPHIS, TN 38117
901.592.2500 • FAX 901.592.2522
ON BEHALF OF
CONTINENTAL 764 FUND L

SITE PLAN

DRAWN DATE: 08/28/2024
DRAWN BY: BMW

SHEET NUMBER

IP-1.0

ASPHALT SHINGLES



TM-SH-1



CBP-B-1

LAP PANEL



CBP-B-2

FLAT PANEL



CBP-B-3

STONE VENEER



MSE-S-3

TRIM



CBP-T-1

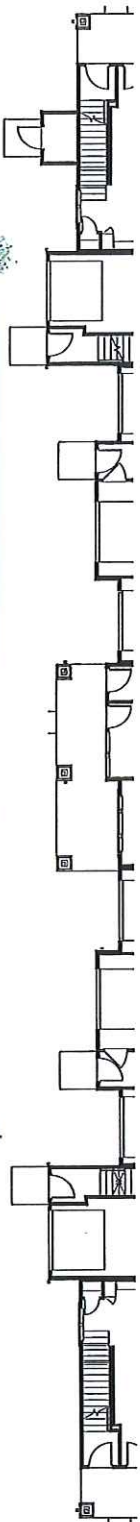
DOOR COLOR



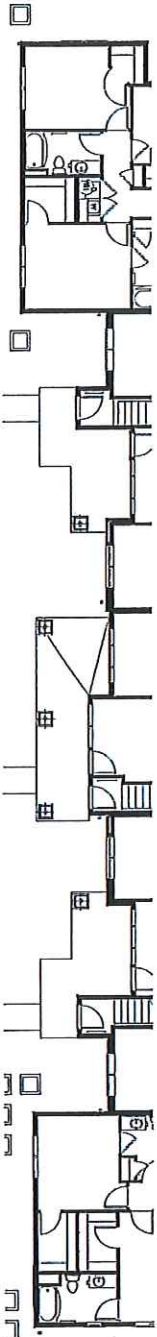
PT-A-1



F
Front Elevation
200' DRAWING



R
Rear Elevation
200' DRAWING



CONTINENTAL
PROPERTIES

20 UNIT BUILDING
YOU ARE HERE

ASPHALT SHINGLES



TM-SH-1

BOARD & BATTEN



OB-BM

LAP PANEL



CBP-B-2

FLAT PANEL



CBP-B-3

STONE VENEER



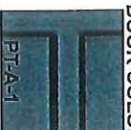
MS-B-3

TRIM



CBP-T-1

DOOR COLOR

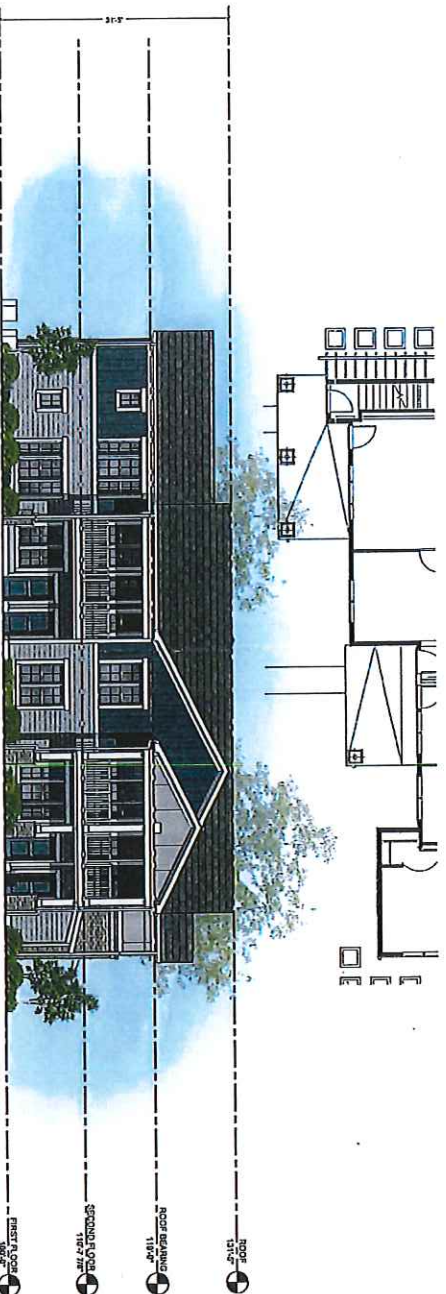


PT-A-1



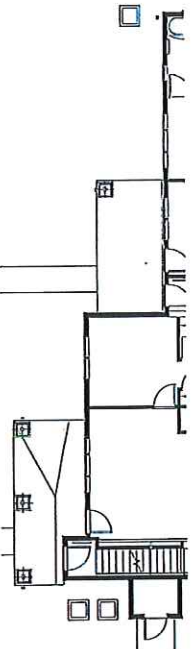
Right Elevation

SCALE: 1/8"=1'-0"



Left Elevation

SCALE: 1/8"=1'-0"



CONTINENTAL
PROPERTIES

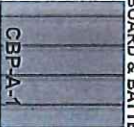
20 UNIT BUILDING
YOU ARE HERE

ASPHALT SHINGLES



TM-SH-1

BOARD & BATTEN



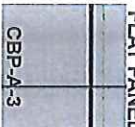
GBP-A-1

LAP PANEL



GBP-A-2

FLAT PANEL



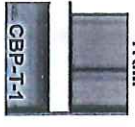
GBP-A-3

STONE VENEER



MS-B-3

TRIM



GBP-T-1

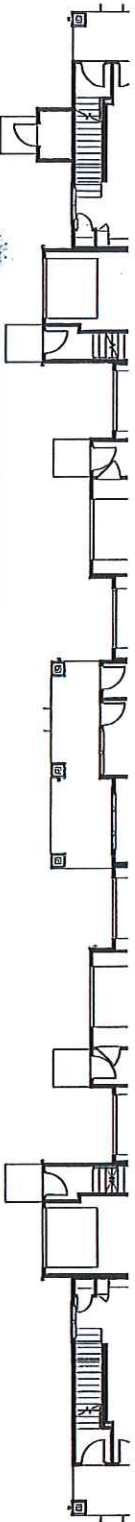
DOOR COLOR



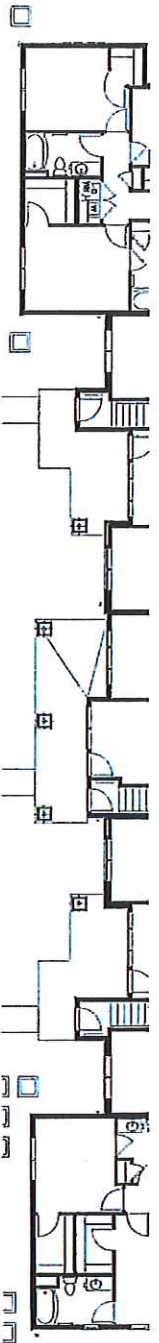
PI-A-1



F
Front Elevation
SCALE: 1/8" = 1'-0"



R
Rear Elevation
SCALE: 1/8" = 1'-0"



CONTINENTAL
PROPERTIES

20 UNIT BUILDING
YOU ARE HERE

ASPHALT SHINGLES



TM-SH-1

BOARD & BATTEN



CBP-A-1

LAP PANEL



CBP-A-2

FLAT PANEL



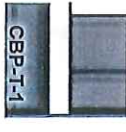
CBP-A-3

STONE VENEER



MSB-B-1

TRIM



CBP-T-1

DOOR COLOR



PT-A-1



Right Elevation
Scale: 1/8" = 1'-0"



Left Elevation
Scale: 1/8" = 1'-0"

ANNEX & ESTABLISH PUD

PUD AMENDMENT

GRANDE VISTA DR

N FIR RD

C-1

C-1

C-1

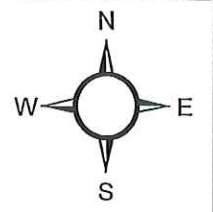
S-2

S-2

BEACON PKWY

CLEVELAND RD

WB INDIANA TOLL RD (I-80/90)



Location Map

PET 23-21

HELEN M SEGGERMAN ESTATE AND
1ST SOURCE BANK (OWNERS)

NORTHWEST CORNER OF FIR ROAD
AND BEACON PARKWAY

ANNEX NORTHERN 13.55 ACRES
AND ESTABLISH PUD

AMEND PUD FOR SOUTHERN 6.88 ACRES

SEP 25 2023

City Clerk
Mishawaka, IN

PA-23-21
Received

SEP 20 2023

Planning and
Community Development

DATE: September 20, 2023

TO THE:

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

RE: Petition for Annexation and Zoning Classification

The undersigned The heirs or devisees of Helen M. Seggerman, deceased, respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

OUTLOT "A" AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND CONTAINING 0.377 ACRES, MORE OR LESS; **including all of the adjacent Fir Road right-of-way.**

General Location: Northeast Corner of Fir Road and Beacon Parkway.

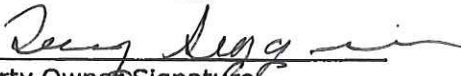
Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located northwest corner of N. Fir Road and Beacon Parkway and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a S-2 Planned Unit Development District. Petitioners further state they intend to utilize said land for a multi-family development.

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

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

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a S-2 Planned Unit Development District.

Estate of Helen Seggerman

By: 
Property Owner Signature

Terry L. Seggerman, Personal Representative
Print Property Owner Name

Contact Person:

NAME	Malcolm J. Tuesley or April L. Troyer
ADDRESS	THK Law, LLP
TELEPHONE NUMBER	(574) 232-3538
EMAIL	mtuesley@thklaw.com and atroyer@thklaw.com

DATE: 09/20/2023

Deborah S. Block, AMC, MMC

2 of 2

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

SEP 25 2023

City Clerk
Mishawaka, IN

PE 23-21
Received

SEP 20 2023

Planning and
Community Development

RE: PETITION FOR PUD AMENDMENT

The undersigned 1st Source Bank 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:

LOT NUMBERED ONE (1) AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, TOGETHER WITH THE VACATED PORTION OF EVERGREEN ROAD.

EXCEPTING THEREFROM THE FOLLOWING TRACTS:

TRACT 1: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1. SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 186.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 83.01 FEET; THENCE NORTH 89°42'30" EAST, A DISTANCE OF 48.96 FEET; THENCE SOUTH 54°36'36" EAST, A DISTANCE OF 152.10 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 105.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 192.67 FEET TO THE POINT OF BEGINNING.

TRACT 2: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE

RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER 9848691 AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT BOOK 31, PAGE P; THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON- SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET TO THE POINT OF BEGINNING; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING.

TRACT 3: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER 9848691 AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT BOOK 31, PAGE P; THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 94.50 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 94.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

TRACT 4: THAT PART DEEDED TO BOARD OF COMMISSIONERS OF THE COUNTY OF ST. JOSEPH, INDIANA BY WARRANTY DEED RECORDED NOVEMBER 1, 2010 AS INSTRUMENT NO. 1030439, DESCRIBED AS FOLLOWS: A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT #9848691, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT ON THE NORTH BOUNDARY OF CLEVELAND ROAD; THENCE NORTH 00 DEGREES 23 MINUTES 38 SECONDS WEST 10.00 FEET ALONG A WEST LINE OF SAID LOT; THENCE NORTH 89 DEGREES 38 MINUTES 24 SECONDS-EAST 204.91 FEET TO THE SOUTHEASTERN LINE OF SAID LOT; THENCE ALONG SAID SOUTHEASTERN LINE SOUTHWESTERLY 24.84 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 29.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 65 DEGREES 06 MINUTES 23 SECONDS WEST AND A LENGTH OF 24.08 FEET TO THE SOUTH LINE OF SAID LOT; THENCE SOUTH 89 DEGREES 38 MINUTES 24 SECONDS WEST 182.99 FEET

(183.03 FEET BY THE PLAT OF SAID SUBDIVISION) ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.045 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.025 ACRES, MORE OR LESS.

TRACT 5: THAT PART DEEDED TO THE CITY OF MISHAWAKA, INDIANA BY QUIT-CLAIM DEED RECORDED AUGUST 9, 2013 AS INSTRUMENT NO. [1324532](#) DESCRIBED AS FOLLOWS:

A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID LOT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 89.74 FEET; THENCE SOUTH 44 DEGREES 36 MINUTES 09 SECONDS EAST 57.84 FEET; THENCE SOUTH 88 DEGREES 04 MINUTES 52 SECONDS EAST 185.66 FEET; THENCE SOUTHEASTERLY 441.55 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 1,060.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 76 DEGREES 08 MINUTES 52 SECONDS EAST AND A LENGTH OF 438.36 FEET; THENCE SOUTH 64 DEGREES 12 MINUTES 52 SECONDS EAST 95.10 FEET; THENCE SOUTHEASTERLY 523.41 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 740.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 84 DEGREES 28 MINUTES 39 SECONDS EAST AND A LENGTH OF 512.57 FEET TO THE EAST LINE OF SAID LOT; THENCE ALONG SAID EAST LINE SOUTH 0 DEGREES 27 MINUTES 02 SECONDS EAST 123.28 FEET; THENCE NORTHWESTERLY 577.85 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 860.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 83 DEGREES 27 MINUTES 49 SECONDS WEST AND A LENGTH OF 567.04 FEET; THENCE NORTH 64 DEGREES 12 MINUTES 52 SECONDS WEST 95.10 FEET; THENCE NORTHWESTERLY 391.56 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 940.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 76 DEGREES 08 MINUTES 52 SECONDS WEST AND A LENGTH OF 388.73 FEET; THENCE NORTH 88 DEGREES 04 MINUTES 52 SECONDS WEST 181.66 FEET; THENCE SOUTH 45 DEGREES 20 MINUTES 44 SECONDS WEST 55.13 FEET; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 713.55 FEET; THENCE SOUTHWESTERLY 218.52 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 889.64 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 6 DEGREES 38 MINUTES 34 SECONDS WEST AND A LENGTH OF 217.97 FEET TO A SOUTH LINE OF SAID LOT; THENCE ALONG SAID SOUTH LINE SOUTH 89 DEGREES 38 MINUTES 24 SECONDS WEST 8.30 FEET TO A SOUTHWEST CORNER OF SAID LOT; THENCE ALONG THE WEST LINE OF SAID LOT NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 1,219.80 FEET TO THE POINT OF BEGINNING; **excluding all property south of the Beacon Parkway Right-of-way.**

General Location: NEC of Fir Road and Beacon Parkway

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 planned low density residential.

Petitioner(s) desire said real estate to be amended to allow for a high density multi family development.

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

Signature(s) of Property Owner(s)

Signature(s) of Property Owner(s)

CONTACT PERSON:

Name

Address

Phone Number/ Fax

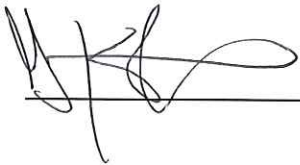
Email

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 planned low density residential.

Petitioner(s) desire said real estate to be amended to allow for a high density multi family development.

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

Signature(s) of Property Owner(s)



Signature(s) of Property Owner(s)

CONTACT PERSON:

Name GREG STROUPE

Address 100 N. MICHIGAN ST., SOUTH BEND, IN 46601

Phone Number/ Fax 574-235-2828

Email

stroupe.g@1stsource.com

SEP 20 2023

Planning and
Community Development

September 20, 2023

Mr. Kenneth B Prince, ASLA, AICP,
Executive Director
Department of Planning and Community Development
100 Lincolnway West
Mishawaka, IN 46544

RE: Multi-Parcel Joint Annexation/Zoning Petition & PUD Amendment Petition – NEC of Fir Rd. & Beacon Pkwy.

Dear Mr. Prince,

On behalf of the Property Owners SEGGERMAN HELEN M ESTATE (the "Seggerman Parcel"; PIN 71-04-23-300-003.000-011) and 1ST SOURCE BANK (the "1st Source Parcel"; a portion of PIN 71-04-27-200-044.000-036), Continental Properties 764 Fund LLC (the "Petitioner", an affiliate entity of Continental Properties Company, Inc.) submits for your review and consideration a joint petition for Annexation and Zoning for the Seggerman Parcel and a PUD Amendment for the 1st Source Parcel.

This two-property assemblage totals approximately 20.43 acres and is located at the northeast corner of the intersection of Fir Rd. and Beacon Pkwy. The Applicant, Continental Properties Company, Inc. is pursuing a market-rate multifamily residential community at this location.

Included in this enclosure are the following documents:

1. 3 original copies of Annexation & Zoning Petition for the Seggerman Parcel, each with wet signature **(separate wet signature pages previously delivered to Derek Spier, City Planner on 9/13/2023)**
2. 3 original copies of PUD Amendment Petition for 1st Source Parcel, each with wet signature **(separate wet signature pages previously delivered to Derek Spier, City Planner on 9/13/2023)**
3. Six (6) 24"x36" copies of the conceptual site plan
4. A \$500 check payable to the "City of Mishawaka"
5. **One set** (per Derek Spier's instruction) of business-size stamped envelopes addressed to all property owners within 300 feet of the subject property boundary lines, provided by Staff
6. One copy of the above-referenced list of Property Owners within 300 feet of the subject property boundary lines, provided by Staff

As part of this joint petition, the Petitioner requests the following amendments be included in the Proposed PUD classification for this two-property assemblage:

1. **Uses.** Permitted uses shall be limited to an up to 320-unit multi-family residential apartment complex and other accessory uses including but not limited to a club house, maintenance garage, and community pool.
2. **Setbacks.** There shall be a minimum building setback of 25' from the parcel boundaries.
3. **Building Height.** The maximum building height for the site shall be 48'.
4. **Landscaping.** No landscaping shall be required where existing mature vegetation is preserved, provided the areas is a minimum of 25' in width. The site shall comply with the C-1 Commercial landscaping requirements.
5. **Parking.** Total number of parking spaces required shall be a minimum of 1.5 spaces per unit.
6. **Signage.** Two monument signs, not exceeding 8' in height and 60 square feet in area (and including an electronic reader board) shall be permitted for the site.

Continental Properties Company, Inc.

Continental Properties Company, Inc. · W134 N8675 Executive Parkway, Menomonee Falls, WI 53051

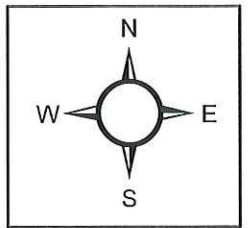
7. **Right-of-Way.** A roughly 38.5' x 458.1' (roughly .38 acres) portion of the Seggerman Parcel along Fir Road shall be dedicated to the City of Mishawaka as part of the final site plan approval and shall be determined by review of the City Director of Engineering and City Planner based on proposed construction.
8. **Lighting.** All site lighting shall be limited to 30 feet in height.
9. **Building Materials & Colors.** High-quality vinyl lap siding shall be a permitted and primary building material for all buildings on the property, including the multifamily residential buildings, the clubhouse, and any accessory buildings. For building facades which front Beacon Pkwy. and Fir Rd., Petitioner shall employ masonry (brick, brick veneer, or stone) accents; please refer to the enclosed elevations for a representative sample of these Fir- and Beacon-fronting building facades.
10. **Architecture.** The architecture shall include garages and private entrances as conceptually identified.
11. **Detention.** City shall permit the applicant to expand the existing detention pond on the southeast corner of the site as designed and approved as part of the final construction drawings.
12. **Traffic.** A Traffic Impact Study shall not be required given that the applicant is only requesting emergency access only along Fir Road.
13. **Off-Site Improvements.** Road improvements along Fir Road shall be limited to a 8' wide sidewalk located within the right-of-way. Under no circumstances shall any off-site improvements or special assessments come due as part of Continental's proposed development and subsequent construction activities.

Signed:

CONTINENTAL PROPERTIES 764 Fund LLC



By: Ben Walker
Its: Acquisitions Associate
Continental Properties Inc.
bwalker@cproperties.com
414.305.8865



ANNEX & ESTABLISH PUD

PUD AMENDMENT

GRANDE VISTA DR

N FIR RD

C-1

C-1

C-1

S-2

S-2

BEACON PKWY

Location Map

PET 23-21

HELEN M SEGGERMAN ESTATE AND
1ST SOURCE BANK (OWNERS)

NORTHWEST CORNER OF FIR ROAD
AND BEACON PARKWAY

ANNEX NORTHERN 13.55 ACRES
AND ESTABLISH PUD

AMEND PUD FOR SOUTHERN 6.88 ACRES

CLEVELAND RD

WB INDIANA TOLL RD (I-80/90)

OCT 12 2023

City Clerk
Mishawaka, IN

APPEAL #23-27

RESOLUTION NO. 2023-22

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:

550 Union, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its
intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval;
and

WHEREAS, the Common Council must take action within sixty (60) days after the
Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on
such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable
recommendation, pursuant to applicable state law, including the imposition of reasonable
conditions, to wit, the recommendations of the Department of City Planning.

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

Section I. The Common Council has provided notice of the hearing on the Petition
from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance
for property located **550 Union, Mishawaka, Indiana**, more particularly known and
described as follows:

PARCEL I:

Part of the Southeast Quarter of Section 16 and part of the Southwest Quarter of Section 15, Township 37 North, Range 3 East, City of Mishawaka, Indiana, described as follows: Commencing at the point of intersection of the East line of Union Street with the North line of Ward & Laing's Addition; thence North 00°00'00" East on the East line of Union Street, a distance of 649.465 feet to the point of intersection with the Easterly line of the Church-Union Underpass; thence on a curve to the left having a radius of 1477.39 feet and on the Easterly line of the Church-Union Underpass an arc distance of 450.92 feet, to the POINT OF BEGINNING; thence North 90°00'00" East, a distance of 119.27 feet; thence North 00°09'30" West, a distance of 370.995 feet to the Southerly right of way line of the Penn Central Railroad; thence South 84 degrees 00'30" West and on said right of way line, a distance of 86.115 feet to a point of curvature; thence continuing on said right of way line and on a curve to the right having a radius of 8557.96 feet, a chord distance of 159.32 feet bearing South 83°28'30" West; thence continuing on said right of way line South 83°18'0" West, a distance of 33.00 feet to a point of curvature; thence continuing on said right of way line, on a curve to the left having a radius of 611.40 feet, an arc distance of 49.22 feet to a point of the Easterly line of the Church-Union Underpass; thence South 34°30'00" East on the Easterly line of the Church-Union Underpass, a distance of 164.09 feet, to a point of curvature; thence continuing on the Easterly line of the Church-Union Underpass on a curve

to the right having a radius of 1477.39 feet, an arc distance of 227.96 feet, to the point of beginning.

PARCEL II:

Part of the Southeast Quarter of Section 16, and a part of the Southwest Quarter of Section 15, Township 37 North, Range 3 East, City of Mishawaka, Indiana, described as follows: Commencing at the point of intersection of the East line of Union Street with the North line of Ward & Laing's Addition; thence North 00°00'00" East on the East line of Union Street, a distance of 649.465 feet to the point of intersection with the Easterly line of the Church-Union Underpass; thence on a curve to the left having a radius of 1477.39 feet and on the Easterly line of the Church-Union Underpass, an arc distance of 450.92 feet, to the POINT OF BEGINNING; thence North 90°00'00" East, a distance of 192.085 feet; thence South 45°21'58" East, a distance of 54.71 feet; thence North 89°53'58" East, a distance of 55.02 feet; thence

South 00°06'02" East, a distance of 34.695 feet; thence North 89°52'51" East, a distance of 39.265 feet; thence South 00°02'15" East, parallel with and 5.00 feet East of the East line of Building 65, a distance of 167.49 feet; thence South 89°50'53" West, a distance of 112.11 feet; thence South 00°12'22" West, a distance of 96.53 feet; thence North 84°50'57" West, a distance of 100.89 feet to a point on the Easterly line of the Church-Union Underpass; thence on a curve to the left having a radius of 1477.39 feet, and on the Easterly line of the Church-Union Underpass, an arc distance of 347.66 feet, to the point of beginning, EXCEPTING THEREFROM all that portion of the above described real estate lying West of the centerline of Union Street as located prior to the creation of the Church-Union Underpass.

PARCEL III:

Rights and benefits of an Easement for Ingress & Egress granted in a Corporate Quit Claim Deeds dated November 20, 1985 and recorded November 22, 1985 as Document Number 8526186 and 8526187, and affecting the following described real estate: Commencing at the point of intersection of the East line of Union Street with the North line of Ward & Laing's Addition; thence North 00°00'00" East, on the East line of Union Street and said line extended North, a distance of 649.465 feet to the point of intersection with the Easterly line of the Church-Union Underpass; thence Northerly on a curve to the left having a radius of 1477.39 feet and on the Easterly line of Church-Union Underpass, an arc distance of 103.26 feet, to the POINT OF BEGINNING; thence South 84°50'57" East, a distance of 147.425 feet; thence South 00°12'26" East a distance of 25.11 feet; thence North 84°50'57" West, a distance of 142.12 feet to the Easterly line of the Church-Union Underpass; thence Northerly on the Easterly line of the Church-Union Underpass, an arc distance of 26.12 feet, to the point of beginning.

PARCEL IV:

Rights and benefits of an Easement for Ingress & Egress granted in Corporate Quit Claim Deeds dated November 20, 1985 and recorded November 22, 1985 as Document Number 8526186 and 8526187, and affecting the following described real estate: Commencing at the point of intersection of the East line of Union Street with the North line of Ward & Laing's Addition; thence North 00°00'00" East, on the East line of Union Street and said line extended North, a distance of 749.44 feet; thence South 84°50'57" East, a distance of 109.035 feet, to the POINT OF BEGINNING; thence North 00°12'22" West, a distance of 98.975 feet; thence North 89°50'53" East, a distance of 20.00 feet; thence South 00°12'22" East, a distance of 100.825 feet; thence North 84°50'57" West, a distance of 20.08 feet, to the point of beginning.

The Use Variance will to allow Adult Day Care center in the I-2 Heavy Industrial District.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because minimal external improvements will be made to the site, and will provide services on a pre-arranged schedule.;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the majority of neighboring properties are owned and utilized by the City. Traffic will use a signalized intersection at Seventh and Union.;
3. The need for the variance arises from some condition peculiar to the property in that this use, a social service, is not specifically listed in the ordinance. Rezoning this property to a commercial district which allows adult day care, also allows uses that may not be compatible with adjacent properties.;
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the zoning does not allow for the Appellant to expand their services which are already established nearby.
5. The recommendation is consistent, and/or, not in conflict with Comprehensive Plan which indicates Industrial. Office buildings are a permitted use in industrial districts. The adult day care will be a supplemental use.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2023, at _____ o'clock _____.m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2023, at _____ o'clock _____.m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2023, at _____ o'clock _____.m.

David A. Wood, Mayor

STAFF REPORT

Location: 550 Union St

Date: September 12, 2023
Moved to: Oct. 10, 2023

Appeal: 23 27

Prepared By: CH

GENERAL INFORMATION

Applicant: Comfy Homes, LLC

Status: Property Owner

Request: Use Variance to allow adult day care in the I-2 Heavy Industrial District

Zoning Classification: I-2 Heavy Industrial

Lot Size: 1.35 acres

Applicable Regulations: Section 137-42 Board of Zoning Appeals Use Variance
Section 137-609 I-2 Heavy Industrial Uses

SPECIAL INFORMATION

Area Development Pattern: North: I-2 Heavy Industrial (former Dodge buildings)
South: I-2 Heavy Industrial (Fire Station #1 and Central Services)
East: I-2 Heavy Industrial (former RMG buildings)
West: R-1 Single Family Residential (across Union St.)

Thoroughfare: Union Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available to, and currently serve the site

Comprehensive Plan: Industrial (Manufacturing, Warehousing and Distribution)

ANALYSIS

The Appellants are requesting a Use Variance to provide adult day care in the I-2 Heavy Industrial District. The building was built in 1965 and was most recently the home of the Troyer Group since 1997.

The new owner will be using the building as the office for Comfy Homes, LLC, but would like to make the most of the space by also operating an adult day care out of the building. Office buildings is a permitted use in I-2 Heavy Industrial. Daily activities/services will be provided. The building has been for sale since summer of 2019.

Engineering commented the sanitary sewer currently goes north under the railroad and is in poor condition. Coordinate rerouting south to Seventh Street with the Engineering Department. The Appellant has reached out to Engineering regarding the timing of this conversion.

Fire commented this is a change in use and all life safety will need to be added and inspected. This does not affect the Use Variance, but the occupancy of the building.

All other pertinent City departments have reviewed this petition and recommended approval.

RECOMMENDATION

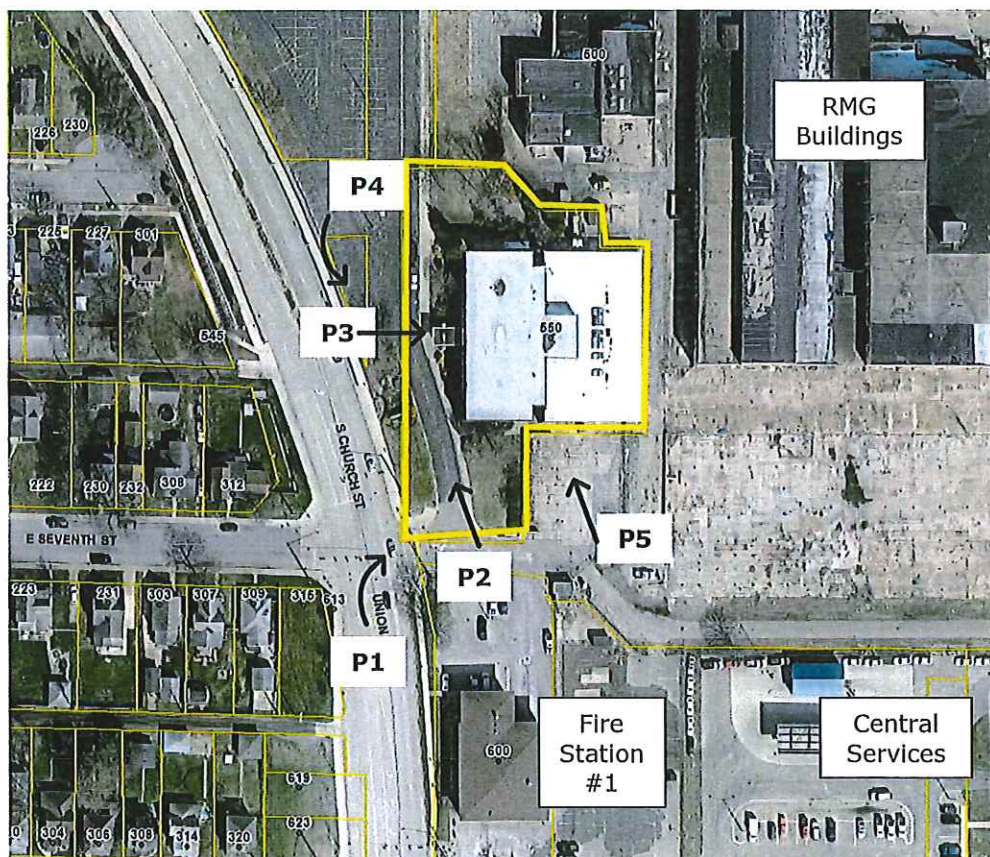
The Planning Staff recommends approval of Appeal #23-27 to provide adult day care services in the I-2 Heavy Industrial District at 550 Union Street.

This recommendation is based upon the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because minimal external improvements will be made to the site, and will provide services on a pre-arranged schedule.;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the majority of neighboring properties are owned and utilized by the City. Traffic will use a signalized intersection at Seventh and Union.;
3. The need for the variance arises from some condition peculiar to the property in that this use, a social service, is not specifically listed in the ordinance. Rezoning this property to a commercial district which allows adult day care, also allows uses that may not be compatible with adjacent properties.;
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the zoning does not allow for the Appellant to expand their services which are already established nearby.
5. The recommendation is consistent, and/or, not in conflict with Comprehensive Plan which indicates Industrial. Office buildings are a permitted use in industrial districts. The adult day care will be a supplemental use.

ATTACHMENTS

Aerial, Photographs, Appeal, Location Map





P1. From intersection of Seventh St and Union St.



P2. Entrance to parking lot from signalized intersection



P3. Front entrance facing Union Street



P4. Looking south from parking lot.



P5. Loading dock area on south side

5. Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?
Explain your reason why. **No**

SIGN VARIANCE

1. Will approval be injurious to the public health, safety, morals or general welfare of the community? *Explain your reason why*
2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *Explain your reason why*
3. Will strict application of the terms of the On-Premise Sign Standards Ordinance result in practical difficulties in the use of the property? *Explain your reason why*

THIS IS NOT A FILL-IN FORM, BUT A SAMPLE APPEAL TO BE USED AS A GUIDE WHEN PREPARING YOUR APPEAL

DATE: 08/14/2023

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. **Comfy Homes LLC**, I am the owner of the following described real estate 550 South Union Street located within the City of Mishawaka, ____ Township, St. Joseph County, State of Indiana, to-wit:
550 S Union
(PROVIDE ACCURATE LEGAL DESCRIPTION AND ALSO THE COMMON ADDRESS—A TAX KEY NUMBER IS NOT A LEGAL DESCRIPTION) see attached
2. The above-described real estate presently has a zoning classification of Industrial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (or proposes to occupy) the above-described property in the following manner: Adult Day Service and Office Use.
4. Appellant desires to (Explain what is proposed that violates the Ordinance.)
The current classification as industrial zoning is outdated. The buildings around us are owned by the City of Mishawaka and none of those buildings are currently used for industrial purposes. The neighboring buildings have no active industrial usage.
5. The Zoning Ordinance of the City of Mishawaka requires (Explain ordinance requirements and note Section Number of the Ordinance.)
6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.
Without the granting of the variance, the building will remain vacant or underutilized. The building was acquired in good faith that the zoning variance will be granted. The granting of the variance will contribute to community development, and jobs. Many adults will benefit by having a place they look forward to going to every morning and returning home with a fulfilled sense of purpose and accomplishment for a day well spent.

7. Answer the following necessary questions for a **USE VARIANCE**:

- (1) Will approval be injurious to the public health, safety, morals or general welfare of the community? *YES OR NO and explain your reason why.*
- (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *YES OR NO and explain your reason why.*
- (3) Does the need for the variance arise from some condition peculiar to the property involved? *YES OR NO and explain your reason why.*
- (4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *YES OR NO and explain your reason why.*
- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? *YES OR NO and explain your reason why.*

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

Signature of Property Owner/Title Holder

Print Name Here

Reuben Kangethe

Second Property Owner/Title Holder

Print Name Here

CONTACT PERSON:

Name: Reuben Kangethe/ Comfy Homes LLC
Address: 550 South Union Street, Mishawaka, 46544
Day Phone Number: 574 3002990
Fax Number: 5743450575
Email: rkangethe@residentialoption.com



Please understand that you or your representative **MUST** be present at the public hearing. In the case of a USE VARIANCE, two (2) public hearings will be conducted— one hearing with the Board of Zoning Appeals and one hearing with the City Council, normally the following week after the Board hearing. It is the responsibility of the Appellant to establish the date and time of the public hearing with the Common Council. **PERSONAL NOTIFICATION IS NOT GIVEN FOR THE COMMON COUNCIL PUBLIC HEARING.** The staff for the Board does send notification for the Board of Zoning Appeals meeting, along with a staff report to the Appellant. You are welcome to call the Department of City Planning if you have any questions. Secretary to the Board is:

Donna Burkart

(574) 258-1625 Fax (574) 968-6999

The following are the questions that **MUST** be addressed and discussed within the body of your appeal.

DEVELOPMENTAL VARIANCE

1. Will approval be injurious to the public health, safety, morals or general welfare of the community? *Explain your reason why.*
2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *Explain your reason why.*
3. Will strict application of the terms of this chapter result in practical difficulties in the use of the property? *Explain your reason why.*

USE VARIANCE

1. Will the approval be injurious to the public health, safety, morals or general welfare of the community? *Explain your reason why.*

NO the approval will not be injurious to the public health, safety, morals, or general welfare of the Community. We will use the building as an adult day service, where the attendees will learn skills that can help them with their activity of daily living. This is a great way to use the building. We will also use it as our offices.

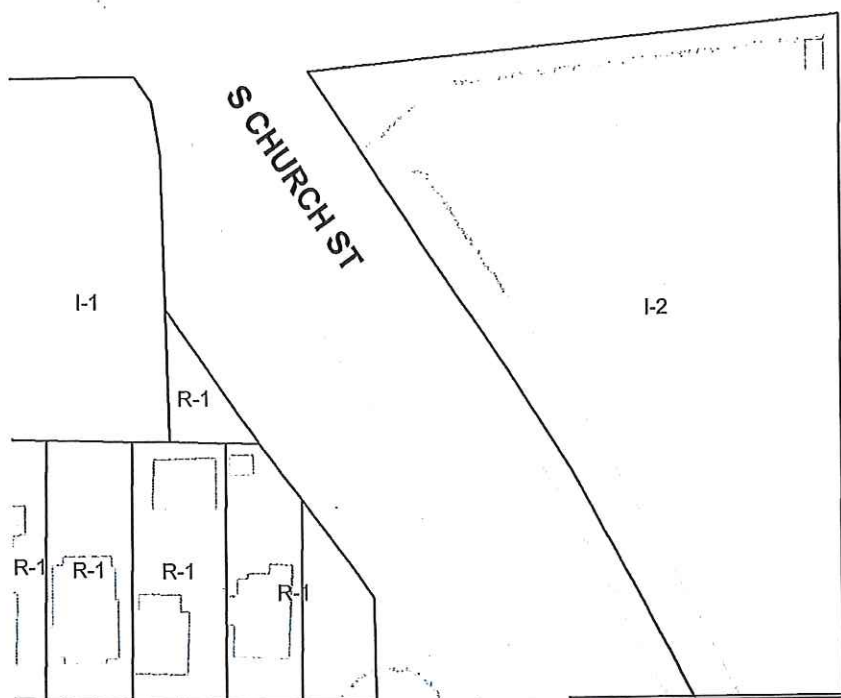
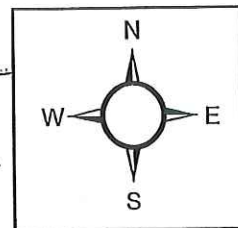
2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *Explain your reason why.*

No, the value of the property adjacent will lower due to granting if this variance. The building has been vacant for some years and the landscaping environment appears to be deteriorating due to lack of care. Our use of the building will enhance the landscaping appearance of the area, as we start using and taking care of the building, through regular maintenance. The building next door is owned by the city, and it is not in a usable condition.

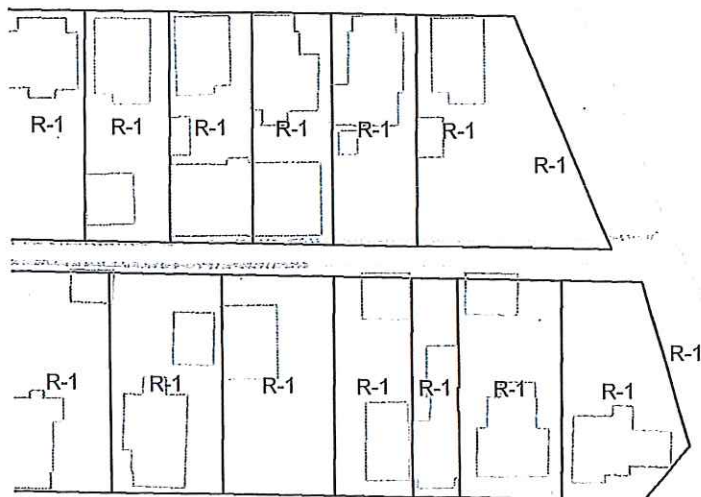
3. Does the need for the variance arise from some condition peculiar to the property involved? *Explain your reason why.*
No, the building is designed with large open spaces that are very appropriate for effective and efficient use for adult day service.

4. Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *Explain your reason why.*

Yes, we will have a huge building that cannot be used economically for office use only. We need the variance to be granted for use to use this building economically. This is a large building and day service program requires huge space for people with various needs to have their needs met without overcrowding.



E SIXTH ST



E SEVENTH ST

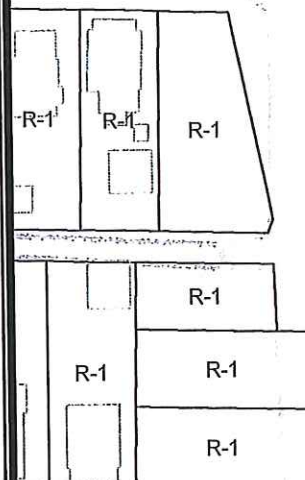
Location Map

AP 23-27

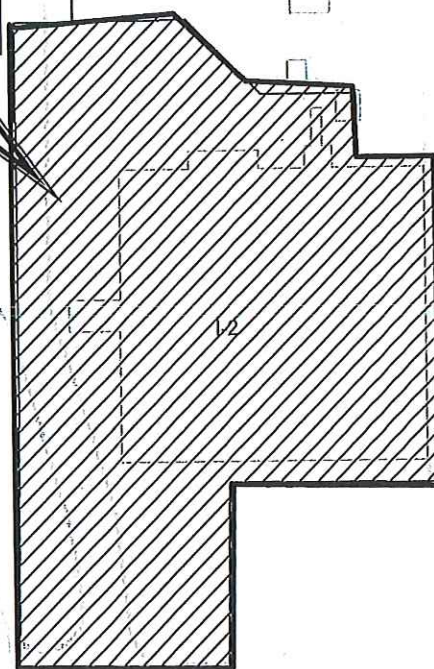
OWNER: COMFY HOMES LLC

LOCATION: 550 UNION ST

USE VARIANCE TO ALLOW
ADULT DAY CARE IN
I-2 HEAVY INDUSTRIAL DISTRICT



UNION ST



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Yes, we will have a huge building that cannot be used economically for office use only. We need the variance to be granted for use to use this building economically. This is a large building and day service program requires huge space for people with various needs to have their needs met without overcrowding.

5. Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?
Explain your reason why. **No**

SIGN VARIANCE

1. Will approval be injurious to the public health, safety, morals or general welfare of the community? *Explain your reason why*
2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *Explain your reason why*
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DATE: 08/14/2023

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City of Mishawaka, Indiana

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- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? *YES OR NO and explain your reason why.*

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

Signature of Property Owner/Title Holder

Print Name Here

Reuben Kangethe

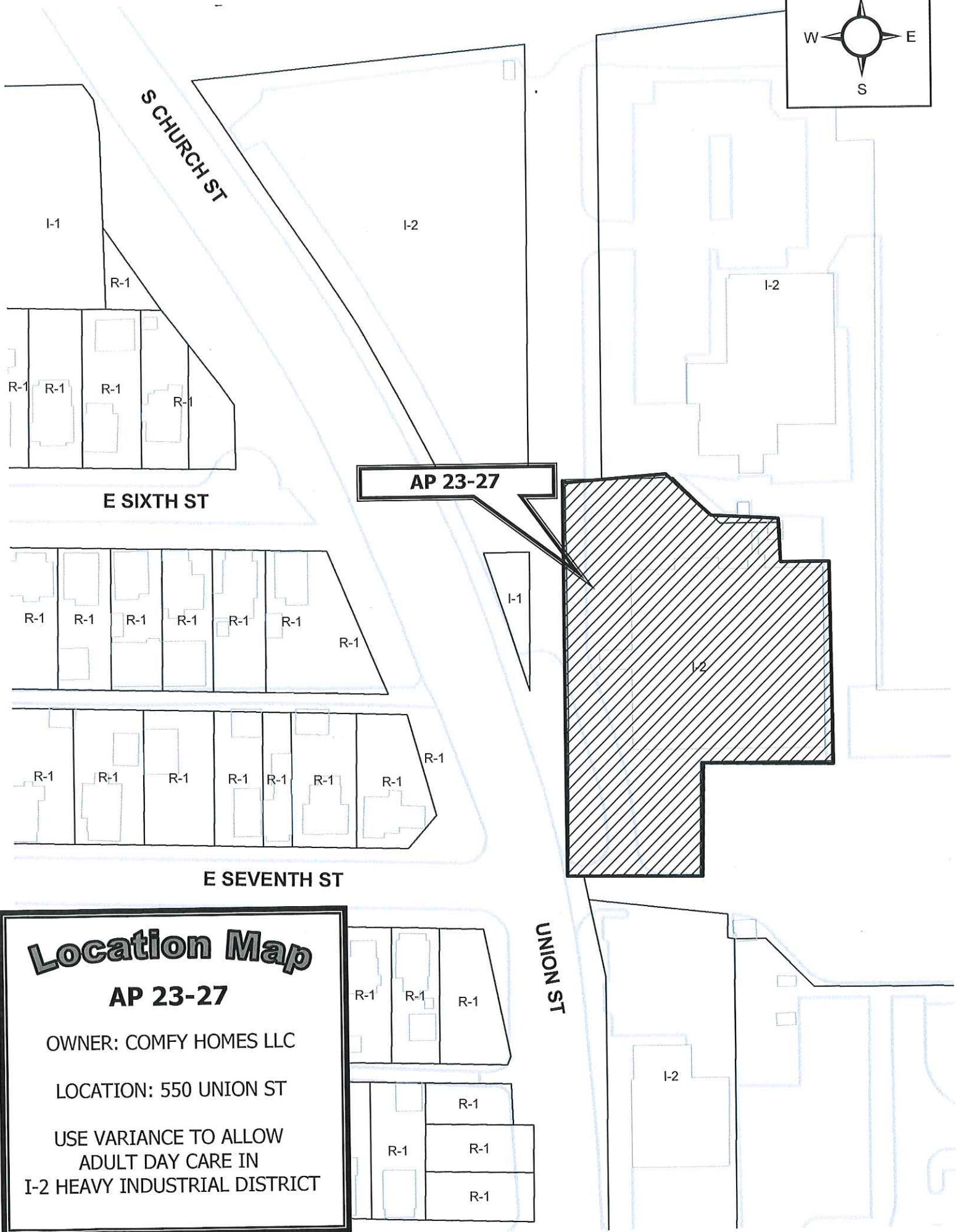
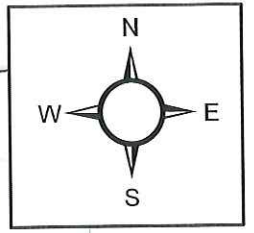
Second Property Owner/Title Holder

Print Name Here

CONTACT PERSON:

Name: Reuben Kangethe/ Comfy Homes LLC
Address: 550 South Union Street, Mishawaka, 46544
Day Phone Number: 574 3002990
Fax Number: 5743450575
Email: rkangethe@residentialoption.com





Location Map

AP 23-27

OWNER: COMFY HOMES LLC

LOCATION: 550 UNION ST

USE VARIANCE TO ALLOW
ADULT DAY CARE IN
I-2 HEAVY INDUSTRIAL DISTRICT

OCT 12 2023

City Clerk
Mishawaka, IN

APPEAL #23-34

RESOLUTION NO. 2023-23

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:

206 W Eighth Street, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its
intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval;
and

WHEREAS, the Common Council must take action within sixty (60) days after the
Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on
such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable
recommendation, pursuant to applicable state law, including the imposition of reasonable
conditions, to wit, the recommendations of the Department of City Planning.

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

Section I. The Common Council has provided notice of the hearing on the Petition
from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance
for property located **206 W Eighth Street, Mishawaka, Indiana**, more particularly known
and described as follows:

*Lots 55, 56, 57, 58, 59, 60 & 61 in Mc Inerny 2nd Addition & an East/West Vacated alley
between Spring & Mill and Lots 46, 47, 48, 49 & 50 R E Perkins*

The Use Variance will to allow for a daycare center in a R-1 Single Family Residential
District.

Section II. Following a presentation by the Petitioner, and after proper public
hearing, the Common Council hereby approves the Petition as recommended by the
Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to
wit, the recommendations of the Department of City Planning, a copy of which is on file in
the Office of the City Clerk.

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

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed use will have little to no additional impact than the previous schools.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the building is currently vacant and was previously a school.
3. The need for a variance arises from the history of the site, a former school. A use variance would allow those types of uses to take place, without rezoning, while still protecting the surrounding residential from more commercial uses.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the current R-1 Single Family Residential would not allow for the proposed commercial daycare.
5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies this area as residential and the property will remain zoned residential. The approval is consistent with the goals and objectives of the Comprehensive Plan.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2023, at _____ o'clock ____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2023,
at _____ o'clock ____ m.

Deborah S. Block, IAMC, MMC, City Clerk

RESOLUTION #2023-34

206 W Eighth St

Page 3 of 3

APPROVED by me this _____ day of _____, 2023, at
_____ o'clock _____.m.

David A. Wood, Mayor

STAFF REPORT

Location: 206 West Eighth Street

Date: October 10, 2023

Appeal: 23-34

Prepared By: SA

GENERAL INFORMATION

Applicants: South Bend Hebrew Day School Inc./Glory Bound Daycare Ministry
Status: Property Owner/Contingent Tenant
Request: Use Variance for Commercial Daycare Center
Zoning Classification: R-1 Single Family Residential
Lot Size: 1.7 Acres
Applicable Regulations: Section 137-165 R-1 Uses
Section 137-42 (4) Board of Zoning Appeals

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential/I-1 Light Industrial (Residence)
South: R-1 Single Family Residential
East: R-1 Single Family Residential
West: R-1 Single Family Residential

Thoroughfare: W. Eight St., S. Spring St., W. Seventh St., S. Mill St.

School District: School City of Mishawaka

Public Utilities: All public utilities are available and existing.

Comprehensive Plan: The Mishawaka 2000 Comprehensive Plan identifies the area around the school as Low Density Residential (Single Family Homes)

ANALYSIS

The Appellant desires to provide Christian before school programs, commercial daycare, and after school programs for children from 6 weeks to 13 years of age. The request is for a proposed use variance, instead of a rezoning to C-1 General Commercial or some other Commercial zoning. The use variance would allow them to use the property for a *commercial* daycare without the possibility of other commercial uses.

The building which is currently vacant was originally a City of Mishawaka elementary school and a former Hebrew Day School. The property occupies 1.7 acres, north of West Eight Street, south of West Seventh Street, east of South Spring Street, and west of South Mill Street. It is zoned R-1 Single Family Residential, which primarily allows single family homes, but does allow a few other supporting uses, like schools, religious uses, and adult or child care *homes*.

The Fire Department has commented that it will require an inspection of school & daycare area. The Building Department has commented that permits are required. The Engineering Department has commented they must accommodate off street drop off. All other pertinent City departments have reviewed and approved the request.

RECOMMENDATION

The Staff recommends in favor of Appeal 23-34, a Use Variance to allow a daycare center, at 206 West Eight Street.

This recommendation is based on the following reasons:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed use will have little to no additional impact than the previous schools.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the building is currently vacant and was previously a school.
3. The need for a variance arises from the history of the site, a former school. A use variance would allow those types of uses to take place, without rezoning, while still protecting the surrounding residential from more commercial uses.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the current R-1 Single Family Residential would not allow for the proposed commercial daycare.
5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies this area as residential and the property will remain zoned residential. The approval is consistent with the goals and objectives of the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Photographs of Site, Petition, Location Map



Aerial Photograph



P1 North facing from West Eighth Street



P2 East facing from South Spring Street



P3 Southwest facing from West Seventh Street



P4 West facing from South Mill Street

AD 23-24

Received

DATE: September 18th, 2023

SEP 20 2023

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

Planning and
Community Development

The undersigned appellant respectfully shows the Board:

1. I, SouthDend Hebrew Day School am the owner of the following described real estate located within the City of Mishawaka, St. Joseph County, State of Indiana, to-wit:
LOTS 46 THRU 50 IN R.E. PERKINS ADDITION,
LOTS 55 THRU 61 IN MCINERNEY'S 2ND ADDITION, AND VACATED AULY BETWEEN
2. The above-described real estate presently has a zoning classification of R-1 Single Family S. SPRING ST.
residential District under the Zoning Ordinance of the City of Mishawaka. AND S. MILL ST.
206 W. 8TH ST
3. Appellant presently occupies (or proposes to occupy) the above-described property in the following manner: Daycare center. MISHAWAKA, IN
46544
4. Appellant desires to Create a school with ages from 6 weeks to 13 years old.
5. The Zoning Ordinance of the City of Mishawaka requires- use of section 137-165 "uses".
6. Strict adherence will create hardship. Because, our center would have SOME trouble making money during the school day.
7. Answer the following necessary questions for a **USE VARIANCE**:

(1) No, Because we operate a Christian Facility.

(2) our center will overall, Promote Property value over time.

(3) No, this building was already a school. And the owners were blessed enough to move up and allow for new growth amongst our community.

(4) No. It would provide local childcare

(5) No, this will help improve quality of life in the Mishawaka area to low-income families! And the children of tomorrow, under God.

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

Yehuda Seligson

Print Name Here

[Signature]

Print Name Here

CONTACT PERSON: KATHERINE BAKER

Name: KATHERINE BAKER
Address: 30677 OLD US 20, ELKHART INDIANA - 46514
Phone Number: 574-485-4933
Email: Katbabies@hotmail.com

BUSINESS INFORMATION
DIEGO MORALES
INDIANA SECRETARY OF STATE
09/21/2023 08:46 AM

Business Details

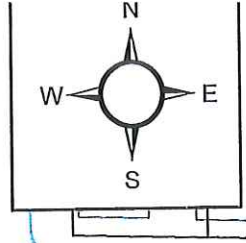
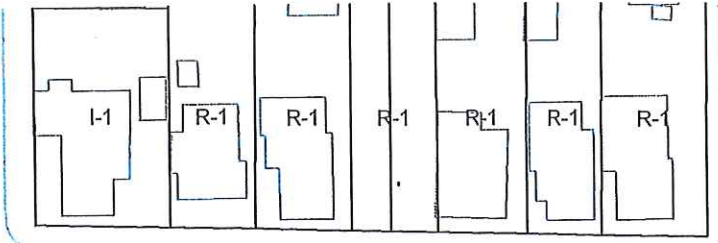
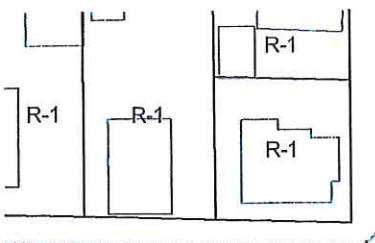
Business Name: **SOUTH BEND HEBREW DAY SCHOOL
INC** Business ID: **197408-317**
Entity Type: **Domestic Nonprofit Corporation** Business Status: **Active**
Creation Date: **08/19/1974** Inactive Date:
Principal Office Address: **19685 Johnson Rd, South Bend, IN, 46614,
USA** Expiration Date: **Perpetual**
Jurisdiction of Formation: **Indiana** Business Entity Report Due
Date: **08/31/2024**
Years Due:

Governing Person Information

Title	Name	Address
Secretary	Nissin Delmoor	2730 S. Twyckenham Dr, South Bend, IN, 46614, USA
Treasurer	Marc Lerman	1138 Dunrobin Lane, South Bend, IN, 46614, USA
President	Joshua C Solomon	3215 York Rd, South Bend, IN, 46614, USA

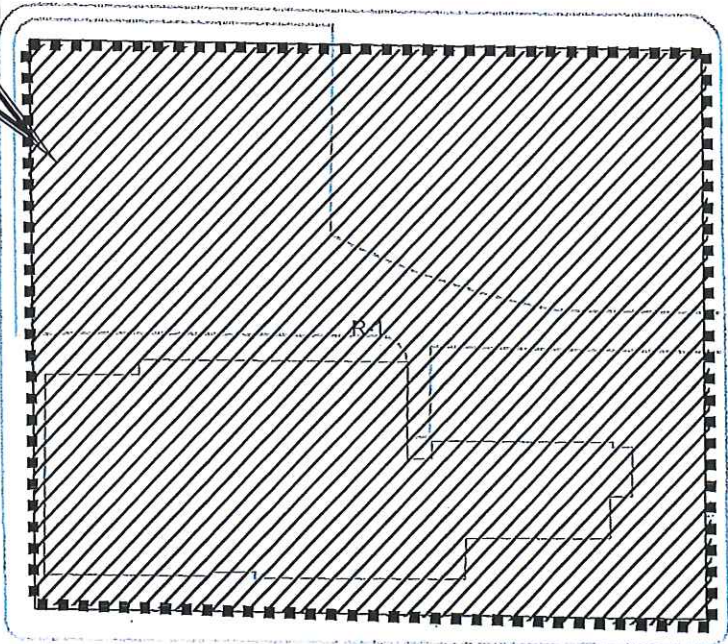
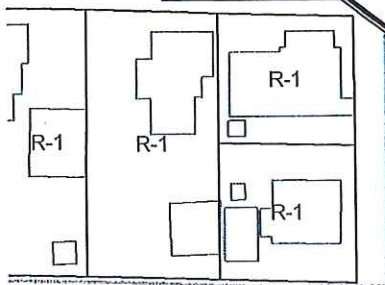
Registered Agent Information

Type: **Individual**
Name: **YEHUDA SELIGSON**
Address: **2627 YORK RD., SOUTH BEND, IN, 46614 - 0000, USA**

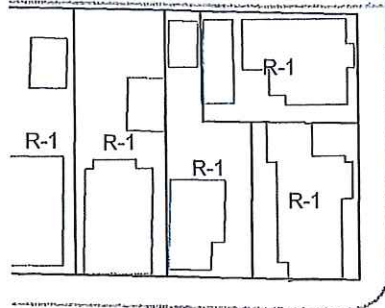
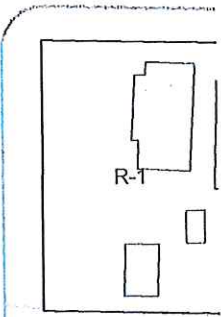


W SEVENTH ST

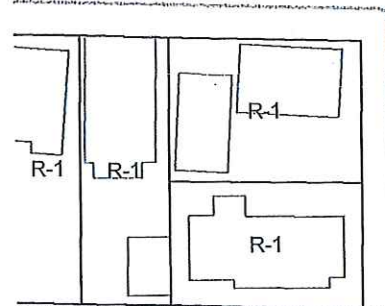
AP 23-34



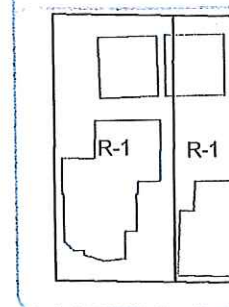
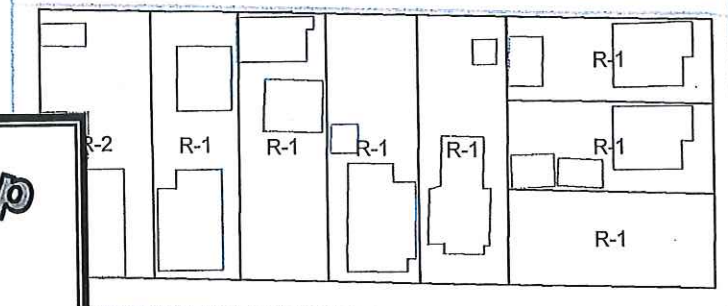
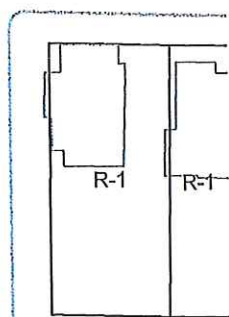
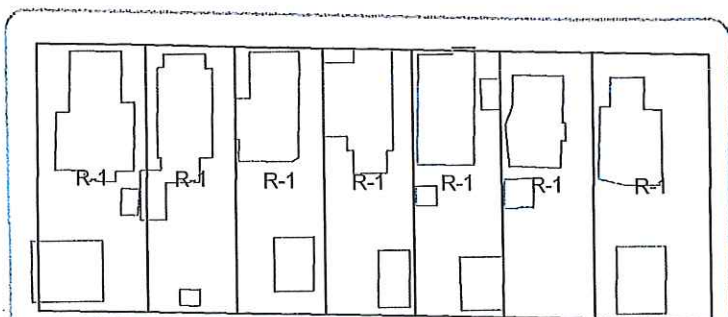
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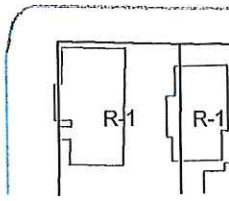
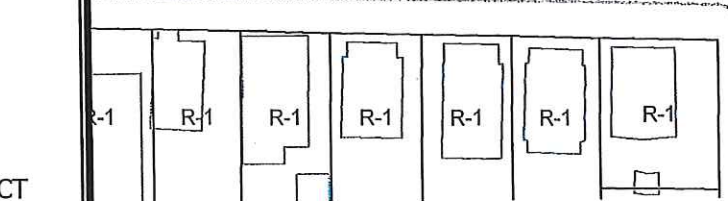
W EIGHTH ST



S SPRING ST



W NINTH ST



Location Map

APPEAL 23-34

SOUTH BEND HEBREW
DAY SCHOOL(OWNER)
GLORY BOUND DAYCARE MINISTRY-
(APPLICANT)

206 W EIGHTH STREET

USE VARIANCE TO ALLOW
A DAYCARE CENTER
IN R-1 SINGLE FAMILY DISTRICT

Deborah S. Block, IAMC, MMC

SEP 25 2023

City Clerk
Mishawaka, IN

AD 23-24
Received

SEP 20 2023

Planning and
Community Development

DATE: September 18th, 2023

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, South Bend Hebrew Day School am the owner of the following described real estate located within the City of Mishawaka, St. Joseph County, State of Indiana, to-wit:
LOTS 46 THRU 50 IN R.E. PERKINS ADDITION,
LOTS 55 THRU 61 IN MCINERNEY'S 2ND ADDITION, AND VACATED AULY BETWEEN
2. The above-described real estate presently has a zoning classification of R-1 Single Family S. SPRING ST.
residential District under the Zoning Ordinance of the City of Mishawaka. AND S. MILL ST.
3. Appellant presently occupies (or proposes to occupy) the above-described property in the 206 W. 8TH ST
following manner: Daycare center. MISHAWAKA, IN
46544
4. Appellant desires to Create a school with ages from 6 weeks to 13 years old.
5. The Zoning Ordinance of the City of Mishawaka requires- use of section 137-165 "uses".
6. Strict adherence will create hardship. Because, our center would have SOME trouble making money during the school day.
7. Answer the following necessary questions for a **USE VARIANCE**:
 - (1) No, Because we operate a Christian Facility.
 - (2) our center will overall, Promote Property value over time.
 - (3) No, this building was already a school. And the owners were blessed enough to move up and allow for new growth amongst our community.
 - (4) No. it would provide local childcare
 - (5) No, this will help improve quality of life in the Mishawaka area to low-income families! And the children of tomorrow, under God.

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

Yehuda Seligson

Print Name Here

[Signature]

Print Name Here

CONTACT PERSON: KATHERINE BAKER

Name: KATHERINE BAKER

Address: 30677 OLD US 20, ELKHART INDIANA - 46514

Phone Number: 574-485-4933

Email: Katbabies@hotmail.com

BUSINESS INFORMATION
DIEGO MORALES
INDIANA SECRETARY OF STATE
09/21/2023 08:46 AM

Business Details

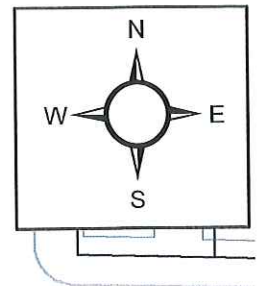
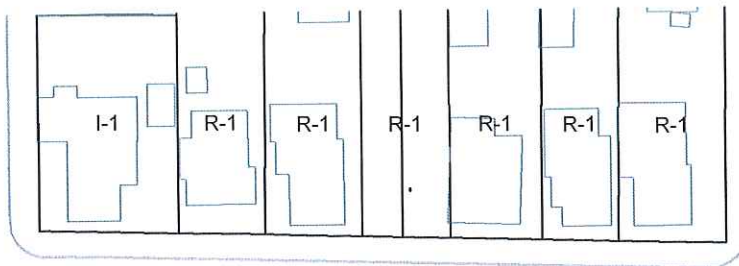
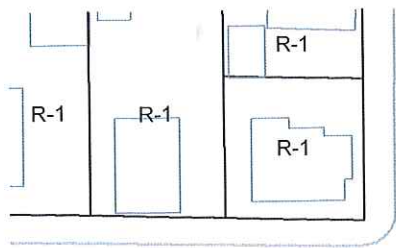
Business Name: **SOUTH BEND HEBREW DAY SCHOOL
INC** Business ID: **197408-317**
Entity Type: **Domestic Nonprofit Corporation** Business Status: **Active**
Creation Date: **08/19/1974** Inactive Date:
Principal Office Address: **19685 Johnson Rd, South Bend, IN, 46614,
USA** Expiration Date: **Perpetual**
Jurisdiction of Formation: **Indiana** Business Entity Report Due
Date: **08/31/2024**
Years Due:

Governing Person Information

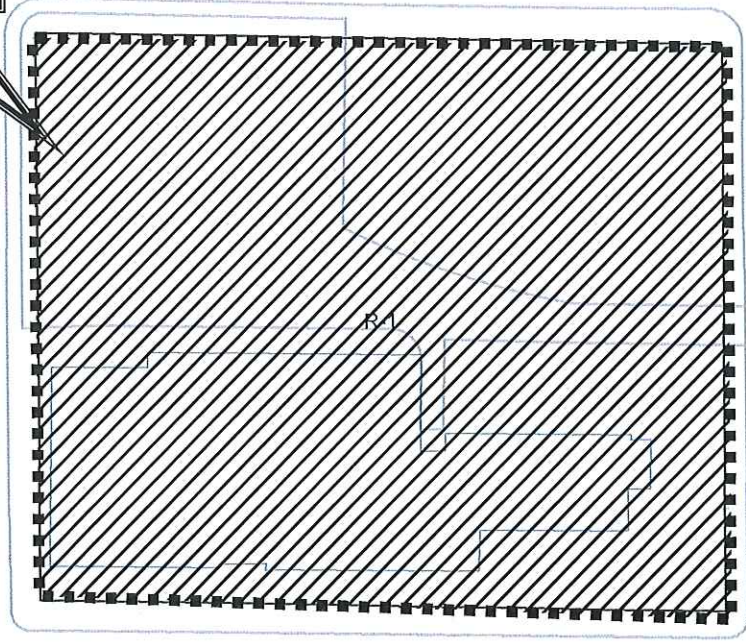
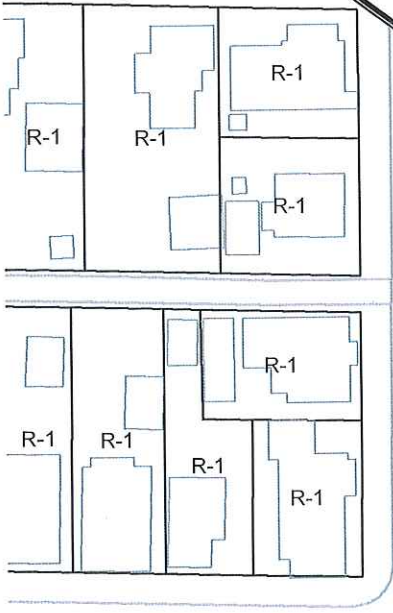
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Secretary	Nissin Delmoor	2730 S. Twyckenham Dr, South Bend, IN, 46614, USA
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President	Joshua C Solomon	3215 York Rd, South Bend, IN, 46614, USA

Registered Agent Information

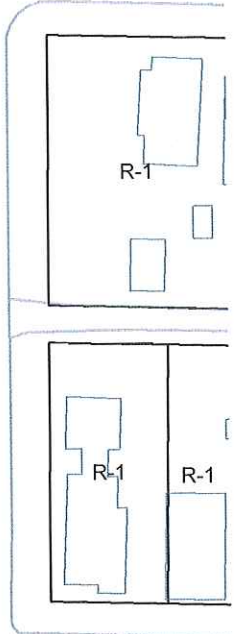
Type: **Individual**
Name: **YEHUDA SELIGSON**
Address: **2627 YORK RD., SOUTH BEND, IN, 46614 - 0000, USA**



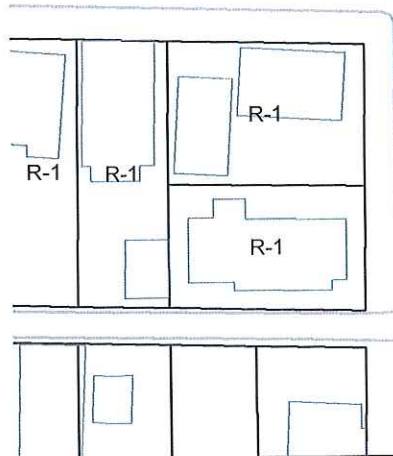
AP 23-34



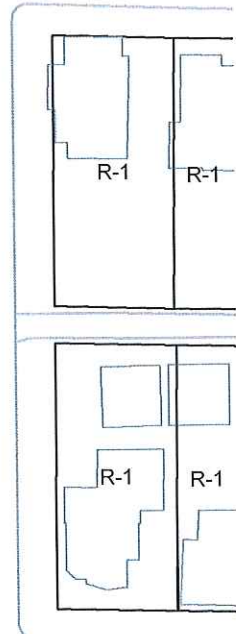
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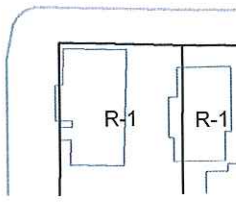
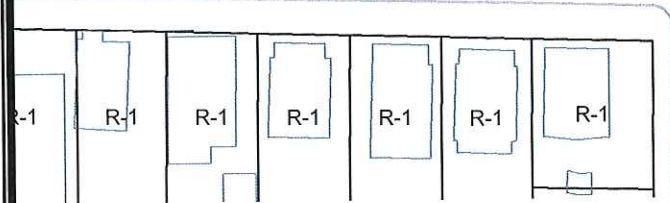
W EIGHTH ST



S SPRING ST



W NINTH ST



Location Map

APPEAL 23-34

SOUTH BEND HEBREW
DAY SCHOOL(OWNER)
GLORY BOUND DAYCARE MINISTRY
(APPLICANT)

206 W EIGHTH STREET

USE VARIANCE TO ALLOW
A DAYCARE CENTER
IN R-1 SINGLE FAMILY DISTRICT

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:

Northeast Corner of E McKinley and Maplehurst, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at the **northeast corner of E McKinley and Maplehurst, Mishawaka, Indiana**, more particularly known and described as follows:

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN ST JOSEPH COUNTY, INDIANA, DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3, RUNNING THENCE NORTH ALONG THE EAST LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 395.98 FEET; THENCE WEST 310.93 FEET TO A POINT WHICH IS 396 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 3 (SAID POINT ALSO BEING ON THE EAST LINE OF MAPLEHURST STREET); THENCE SOUTH ALONG THE EAST LINE OF SAID MAPLEHURST STREET 396 FEET TO THE SOUTH LINE; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION, 311.14 FEET TO THE PLACE OF BEGINNING,.

The Use Variance will to allow a self storage facility in the C-4 Automobile Oriented Commercial District.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

1. The use of the temporary asphalt and gravel parking areas for semi-trucks and trailers shall be limited to not more than 5 years.
2. Other than parking of semi-trucks and trailers, no other outside storage, including but not limited to automobile parts or vehicles in various states of disrepair, or storage containers, shall be permitted on the property.
3. If a building is not constructed within a 5 year period, the gravel parking areas shall be reverted back to green space.
4. An Administrative Site Plan shall be submitted for review and approval consistent with the preliminary site plan.

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

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community. The proposed self-storage facility will be compatible with several businesses in the area and will not affect the adjacent commercial uses. The requested developmental variances will also not be injurious to the public or adjacent uses, and are being requested to provide additional security for the property and allow for the maximum development potential while not requiring unneeded parking.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Compatible commercial uses are currently adjacent to and in close proximity to the site. The requested developmental variances will also not affect the use or value of the adjacent properties. The investment in the property will likely have a positive impact on surrounding properties.
3. The need for the use variance arises from some condition peculiar to the property in that the proposed C-4 Automobile Oriented Commercial zoning does not allow the proposed self-storage facility. Planning Staff instructed the appellant to request the commercial zoning for the property since an industrial zoning, which would permit the self-storage facility by right, would also permit other higher intensity non-compatible uses.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought and result in practical difficulties in the use of the property. The commercial zoning of the property will not allow the development of the proposed use. Self-storage facilities are only permitted within the industrial zoning districts. The developmental variances will allow for greater security and maximize the development potential of the property.
5. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Mishawaka 2000 Comprehensive Plan, created in 1990, identified a preferred land use of the subject property as open space. The plan does not reflect subsequent changes in the adjacent land use patterns from the mid-1990s to the early 2010s which permitted commercial uses to the west, north, and east. The proposed use is reasonably consistent with the goals and objectives of the plan and existing adjacent land uses.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2023, at _____ o'clock ____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2023, at _____ o'clock ____ m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2023, at _____ o'clock ____ .m.

David A. Wood, Mayor

STAFF REPORT

Location: West of 1500 E. McKinley Avenue - Northeast corner of E.
McKinley Avenue & Maplehurst Avenue

Date: June 13, 2023

Appeal: 23 -18

Prepared By: DJS

GENERAL INFORMATION

Applicant: 1500 McKinley LLC (d/b/a Cars2You on adjacent property to the east) / Wightman

Status: Property Owner / Surveyor & Site Design Consultant

Request: Use variance to allow a self-storage facility; and developmental variances to allow a reduced rear yard building setback, increased fence height in the front yard setback, and a reduction in the required number of parking spaces to zero.

Zoning Classification: C-4 Automobile Oriented Commercial District (Pending Petition 23-14)

Lot Size: 2.87 acres excluding the current E. McKinley Avenue right-of-way (additional right-of-way is required)

Applicable Regulations: Section 137-42 / (4) Board of Zoning Appeals – Use Variance; Section 137-42 / (5) Board of Zoning Appeals – Developmental Variance; Section 137-379 to 137-380 / C-4 Automobile Oriented Commercial District

SPECIAL INFORMATION

Area Development Pattern: North: Unincorporated St. Joseph County – C Commercial District (Dealer-Only Automobile Auction / Greater Mishawaka Auto Auction)

South: C-4 Automobile Oriented Commercial (Used Automobile Sales / Cars2You and Rite Way Auto, Vacant, and Automobile Repair / Town & Country Tire and Auto)

East: C-4 Automobile Oriented Commercial (Used Automobile Sales / Cars2You owned by the Applicant)

West: C-1 General Commercial (Commercial Building)

Thoroughfare: E. McKinley Avenue & Maplehurst Avenue

School District: Penn-Harris-Madison

Township: Penn

Public Utilities: All utilities are available and/or will be extended to/throughout the site at the owner's expense

Comprehensive Plan: Open Space

ANALYSIS

The appellant, 1500 McKinley LLC, is requesting a use variance to allow a self-storage facility; and developmental variances to allow a reduced rear yard building setback, increased fence height in the front yard setback, and a reduction in the required number of parking spaces to zero.

The 2.87 acre site, which includes two separate parcels (tax parcels 014-1019-0272.09 and 016-2093-3039.01), is located at the northeast corner of E. McKinley Avenue and Maplehurst Avenue. A majority of the site is a vacant wooded area with a small paved lot in the south part of the property previously serving the prior Swifty's gas station. The adjacent property to the east is also owned by the appellant and occupied by the Cars2You used automobile sales business (1500 E. McKinley Avenue).

An annexation and zoning petition (PET 23-14) was filed concurrent with the variance appeal and will zone the northern parcel to the C-4 Automobile Oriented Commercial District. The southern parcel, which is currently zoned C-4 Automobile Oriented Commercial, serves as an overflow vehicular display area for the appellant. A mini-storage facility, which is an I-1 Light Industrial use, is not a permitted use in the C-4 Auto Oriented Commercial District. Rezoning to the I-1 District zoning classification is not desired as it would allow for several permitted uses that would not be appropriate for the property. As a result, Planning Staff instructed that the C-4 Auto Oriented Commercial zoning be sought for the northern parcel and use variance be requested for both parcels. The commercial zoning also requires landscaping and design regulations on the type of architectural materials that can be used on the buildings which are not required for industrial zoned property. Staff believes that due to the location along a highly travelled commercial corridor, commercial landscaping and design regulations were appropriate for the property.

As indicated on the preliminary site plan, the development is proposed to include 5 storage unit buildings, an entrance drive from E. McKinley Avenue, and the associated access drives. The storage unit buildings will be located on both the annexation parcel and the applicant-owned property to the south zoned C-4 Auto Oriented Commercial and currently used for display of vehicles. Although not shown on the plan, an off-site storm water retention basin will be provided within the applicant-owned property to the east. The existing retention basin serving the adjacent property is proposed to be expanded to provide additional storm water storage for the proposed storage unit property. This basin shall be shown and dedicated as a drainage easement on the future required subdivision plat. No phasing is shown on the site plan so it is anticipated that it will be developed in one phase. An office building/space is also not shown within the property. No parking spaces will be required if there are no on-site employees.

The Developmental Variances are to allow a reduced rear yard building setback, increased fence height in the front yard setback, and a reduction in the required number of parking spaces to zero. Since the appeal was filed, the preliminary site plan was revised which modify several of the developmental variances as requested. A reduction in the required 30' rear building setback to a 5' rear setback for the westernmost building and 30' for all other buildings is proposed. The 5' rear setback for the building immediately east of Maplehurst Avenue is to provide more security for the property. The 30' rear setback for the other buildings is the minimum allowance for the required 5' pavement setback/landscape area and 25' drive aisle. The increased fence height in the front yard setback is to allow a 7' high solid fence along the west property line (Maplehurst Avenue) to be located 15' north of the future E. McKinley right-of-way. This fence will also allow for greater security for the property while maintaining proper sight distances at the E. McKinley Avenue and Maplehurst Avenue intersection. The appellant also requested the same variance along the east property, but is not applicable since an east-west drive aisle connection is required south of the storage unit buildings between the subject property and the appellant-owned property to the east. The final variance is to allow a reduction in the required number of parking spaces to zero (0) spaces. Per the C-4 District regulations, parking spaces shall be provided at a ratio of 5.5 spaces per 1,000 sf of gross floor area. The proposed self-storage facility will not have any office space or on-site employees requiring parking spaces.

Additional conditions of approval and development regulations are included in the Staff recommendation.

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

The Engineering Department had the following comments which shall be addressed with the final site plan and subdivision plat:

1. Remove the two existing drives at the corner of E. McKinley Avenue and Maplehurst Avenue. Throat shall be extended so vehicles don't back up on E. McKinley Ave. or come off of Maplehurst Ave.
2. The existing private lift station and force main shall be properly abandoned.
3. The site has restrictive covenants due to contaminated soils/groundwater from leaking underground storage tanks from previous owners. Confirm with the Indiana Department of Environmental Management that the proposed use is allowed.
4. A subdivision plat is required along with dedicating additional public right-of-way. A 60' half right-of-way shall be dedicated on the north side of E. McKinley Avenue.
5. A cross-access (ingress-egress) easement shall be provided to allow access to and from the adjacent property to the east.

All other pertinent City departments have reviewed and approved the use and developmental variance requests.

RECOMMENDATION

The Planning Staff recommends approval of Appeal 23-18 for a Use Variance to allow a self-storage facility subject to the following conditions:

1. No outside storage shall be permitted.
2. Freestanding off-premises signs (i.e. billboards) shall be prohibited.
3. Architectural building materials and colors per Section 137-380 (15) Design Review / Development Plan Restrictions shall only apply to the southern building façades facing E. McKinley Avenue. Fiber cement board shall be considered an appropriate material.
4. The minimum commercial landscaping and screening regulations per Section 137-815 shall be applicable.
5. Electrified fencing, barbed wire and razor wire are prohibited.
6. Any fencing along the E. McKinley Avenue frontage and within 15' of the additional right-of-way to be dedicated shall be decorative and is subject to review and approval by the Planning Department.
7. All access drives shall be hard surfaced (concrete or asphalt).
8. A Site Plan shall be submitted for review and approval by the Planning Department and Plan Commission. Additional review, including but not limited to, landscaping, drainage, access, and building materials will occur with the site plan review.

The Planning Staff recommends approval of Appeal 23-118 for Developmental Variances a reduced rear yard building setback, increased fence height in the front yard setback, and a reduction in the required number of parking spaces to zero (0).

These recommendations are based upon the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community. The proposed self-storage facility will be compatible with several businesses in the area and will not affect the adjacent commercial uses. The requested developmental variances will also not be injurious to the public or adjacent uses, and are being requested to provide additional security for the property and allow for the maximum development potential while not requiring unneeded parking.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Compatible commercial uses are currently adjacent to and in close proximity to the site. The requested developmental variances will also not affect the use or value of the adjacent properties. The investment in the property will likely have a positive impact on surrounding properties.

3. The need for the use variance arises from some condition peculiar to the property in that the proposed C-4 Automobile Oriented Commercial zoning does not allow the proposed self-storage facility. Planning Staff instructed the appellant to request the commercial zoning for the property since an industrial zoning, which would permit the self-storage facility by right, would also permit other higher intensity non-compatible uses.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought and result in practical difficulties in the use of the property. The commercial zoning of the property will not allow the development of the proposed use. Self-storage facilities are only permitted within the industrial zoning districts. The developmental variances will allow for greater security and maximize the development potential of the property.
5. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Mishawaka 2000 Comprehensive Plan, created in 1990, identified a preferred land use of the subject property as open space. The plan does not reflect subsequent changes in the adjacent land use patterns from the mid-1990s to the early 2010s which permitted commercial uses to the west, north, and east. The proposed use is reasonably consistent with the goals and objectives of the plan and existing adjacent land uses.

ATTACHMENTS

Aerial Map, Photographs, Appeal, Preliminary Site Plan, and Location Map



Aerial Photograph
Vacant Land – N. of E. McKinley Avenue & E. of Maplehurst Avenue
Proposed Self-Storage Facility



P1. Looking easterly from Maplehurst Avenue toward the applicant-owned property south of the annexation parcel.



P1. Looking easterly from Maplehurst Avenue toward the wooded area on the annexation parcel.



P3. Looking northerly from south of E. McKinley Avenue toward the property.

DATE: May 23, 2023

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

AP 23-18

Received

MAY 24 2023

The undersigned appellant respectfully shows the Board:

Planning and
Community Development
located within
wit:

1. I, **1500 McKinley LLC**, am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3, RUNNING THENCE NORTH ALONG THE EAST LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 395.98 FEET; THENCE WEST 310.93 FEET TO A POINT WHICH IS 396 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 3 (SAID POINT ALSO BEING ON THE EAST LINE OF MAPLEHURST STREET); THENCE SOUTH ALONG THE EAST LINE OF SAID MAPLEHURST STREET 396 FEET TO THE SOUTH LINE; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 3, 311.14 FEET TO THE PLACE OF BEGINNING, ~~EXCEPTING THE SOUTH 110'-~~

2. The above-described real estate presently has a zoning classification of C-4 District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (or proposes to occupy) the above-described property in the following manner: Storage buildings.
4. Appellant desires to (Explain what is proposed that violates the Ordinance.) Construct secure storage units on property formerly occupied by the Swifty Gas Station.
5. The Zoning Ordinance of the City of Mishawaka requires (Explain ordinance requirements and note Section Number of the Ordinance.)

137-380 (3)b – from the required 12.5' side set back to a 5' side setback along Maplehurst.

137-380 (4) – from the required 32.6' rear set back to 25' rear setback for buildings 2,3,4 & 5 and a 5' rear setback for building 1.

137-380(8)b – to allow 7' high fence along Maplehurst to 15' North of McKinley and to allow 7' high fence along interior lot line to 15' North of McKinley.

137-380 (9)a – From the required parking to zero parking required.

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. – I would not be able to build the storage units the size and location I want them without getting approval.

7. Answer the following necessary questions for a **USE VARIANCE**:

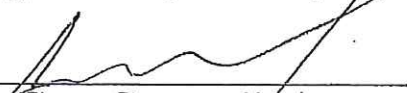
- (1) Will approval be injurious to the public health, safety, morals, or general welfare of the community? YES OR NO and explain your reason why.

No, the site has been cleaned of contamination. The site can now be improved.

- (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? YES OR NO and explain your reason why.
No – similar use to surrounding.

- (3) Does the need for the variance arise from some condition peculiar to the property involved? *YES OR NO and explain your reason why.*
Yes, with adjacent zoning, these variances will accommodate the intended use of the property. Also, IDEM restrictive covenants on this site make traditional commercial development Economically impractical.
- (4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *YES OR NO and explain your reason why.*
Yes, staff has recommended a C-4 zoning for this property to remain consistent.
- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? *YES OR NO and explain your reason why.*
No.

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



Stoyan Stoyanov, Member

N/A _____
Print Name Here

CONTACT PERSON:

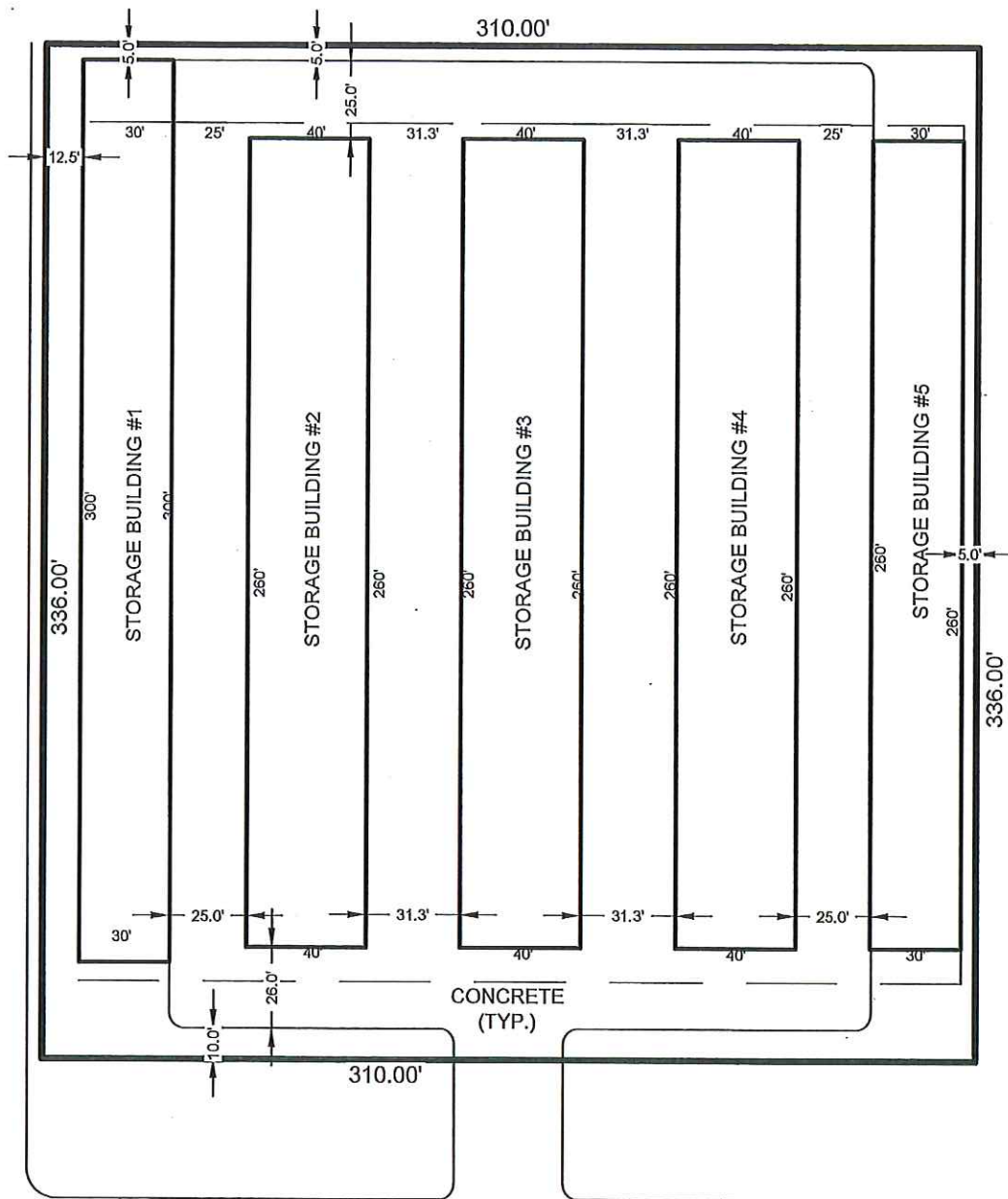
Stoyan Stoyanov
1500 E. McKinley Avenue
Mishawaka, IN 46545
574-329-8909
sales@cars2you.com

J. Bernard Feeney
1405 N. Michigan Street
Plymouth, IN 46563
574-936-3469
bfeeney@gowightman.com

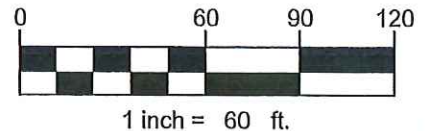
PRELIMINARY SITE PLAN

PE 23-14 +
AP 23-13

MAPLEHURST AVE.



MCKINLEY HWY.



1405 N. MICHIGAN ST. PLYMOUTH, IN. 46563
574.936.3469
www.gowightman.com

CLIENT: STOYAN
PROJECT:
JOB No:
DATE: 05/01/2023
SCALE: 1"=60'

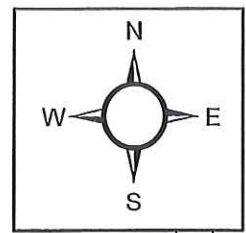
Received

JUN 05 2023

Planning and
Community Development

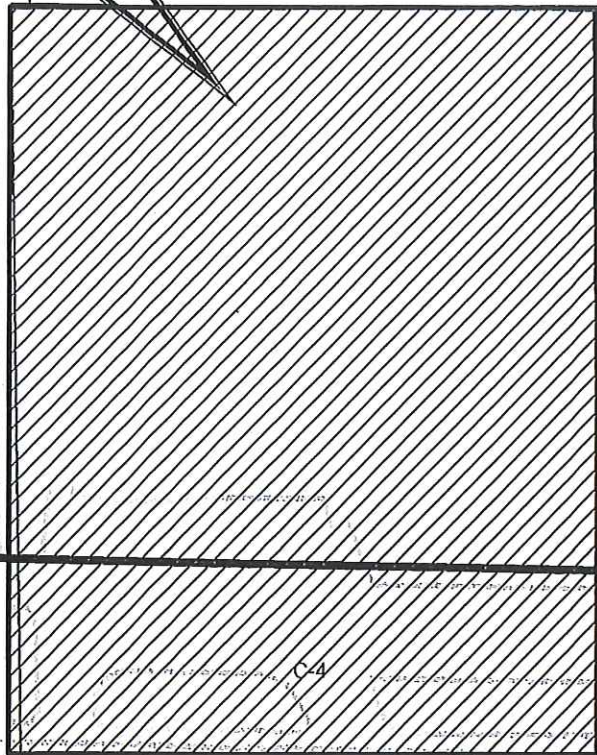
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REVISAO #1



AP 23-18

EXISTING CITY LIMITS



E MCKINLEY AVE

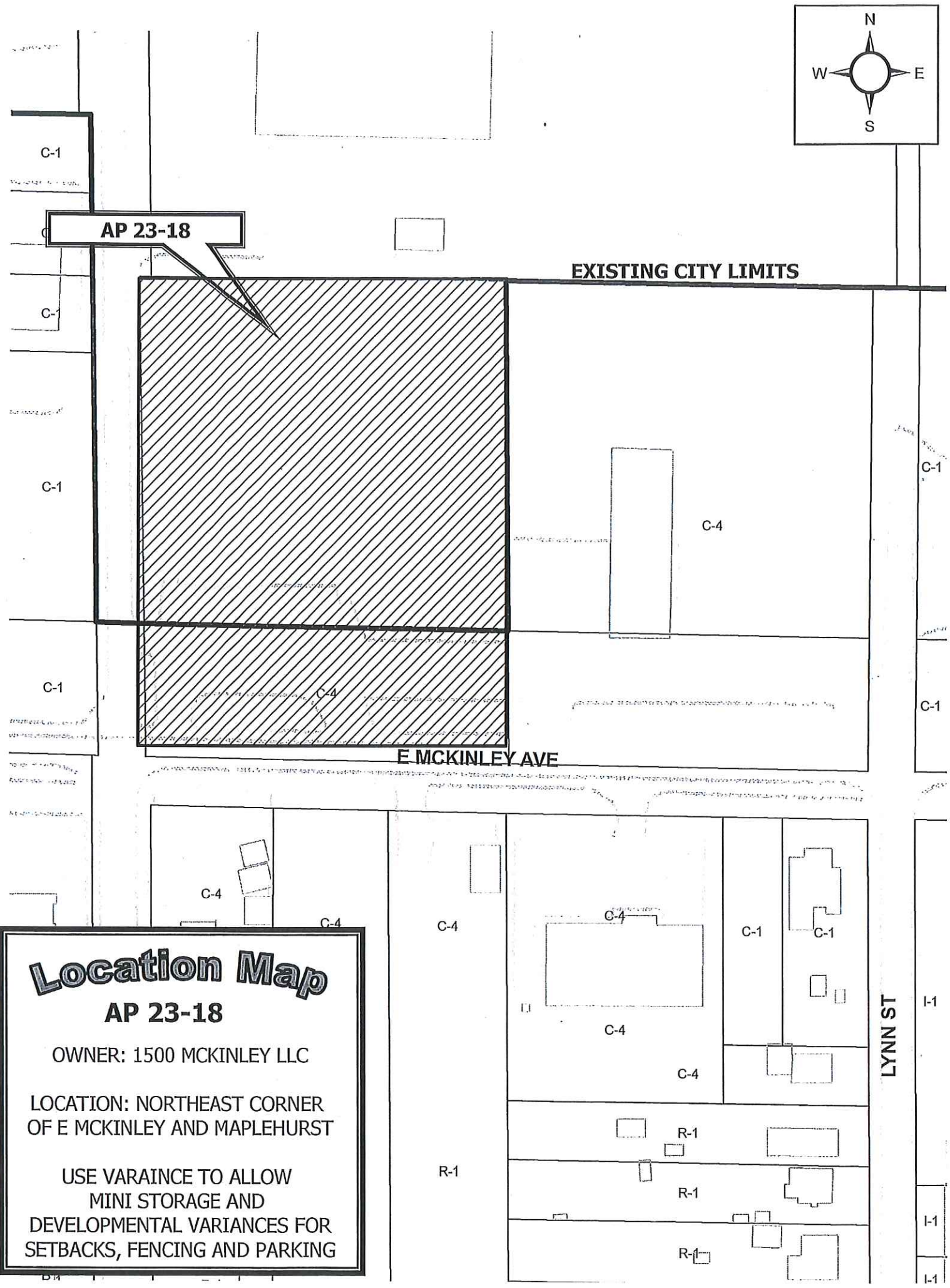
Location Map

AP 23-18

OWNER: 1500 MCKINLEY LLC

LOCATION: NORTHEAST CORNER
OF E MCKINLEY AND MAPLEHURST

USE VARAINCE TO ALLOW
MINI STORAGE AND
DEVELOPMENTAL VARIANCES FOR
SETBACKS, FENCING AND PARKING



DATE: May 23, 2023

Deborah S. Block, IAMC, MMC

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

JUN 01 2023

City Clerk
Mishawaka, IN

The undersigned appellant respectfully shows the Board:

1. I, **1500 McKinley LLC**, am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3, RUNNING THENCE NORTH ALONG THE EAST LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 395.98 FEET; THENCE WEST 310.93 FEET TO A POINT WHICH IS 396 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 3 (SAID POINT ALSO BEING ON THE EAST LINE OF MAPLEHURST STREET); THENCE SOUTH ALONG THE EAST LINE OF SAID MAPLEHURST STREET 396 FEET TO THE SOUTH LINE; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 3, 311.14 FEET TO THE PLACE OF BEGINNING, EXCEPTING THE SOUTH 110'.

2. The above-described real estate presently has a zoning classification of C-4 District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (*or proposes to occupy*) the above-described property in the following manner: Storage buildings.
4. Appellant desires to (*Explain what is proposed that violates the Ordinance.*) Construct secure storage units on property formerly occupied by the Swiftly Gas Station.
5. The Zoning Ordinance of the City of Mishawaka requires (*Explain ordinance requirements and note Section Number of the Ordinance.*)

137-380 (3)b – from the required 12.5' side set back to a 5' side setback along Maplehurst.

137-380 (4) – from the required 32.6' rear set back to 25' rear setback for buildings 2,3,4 & 5 and a 5' rear setback for building 1.

137-380(8)b – to allow 7' high fence along Maplehurst to 15' North of McKinley and to allow 7' high fence along interior lot line to 15' North of McKinley.

137-380 (9)a – From the required parking to zero parking required.

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. – I would not be able to build the storage units the size and location I want them without getting approval.
7. Answer the following necessary questions for a **USE VARIANCE**:

- (1) Will approval be injurious to the public health, safety, morals, or general welfare of the community? **YES OR NO and explain your reason why.**

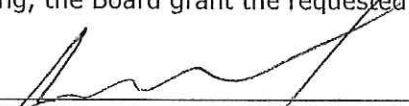
No, the site has been cleaned of contamination. The site can now be improved.

- (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? **YES OR NO and explain your reason why.**
No – similar use to surrounding.

- (3) Does the need for the variance arise from some condition peculiar to the property involved? *YES OR NO and explain your reason why.*
Yes, with adjacent zoning, these variances will accommodate the intended use of the property. Also, IDEM restrictive covenants on this site make traditional commercial development Economically impractical.
- (4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *YES OR NO and explain your reason why.*
Yes, staff has recommended a C-4 zoning for this property to remain consistent.
- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? *YES OR NO and explain your reason why.*

No.

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



Stoyan Stoyanov, Member

N/A _____
Print Name Here

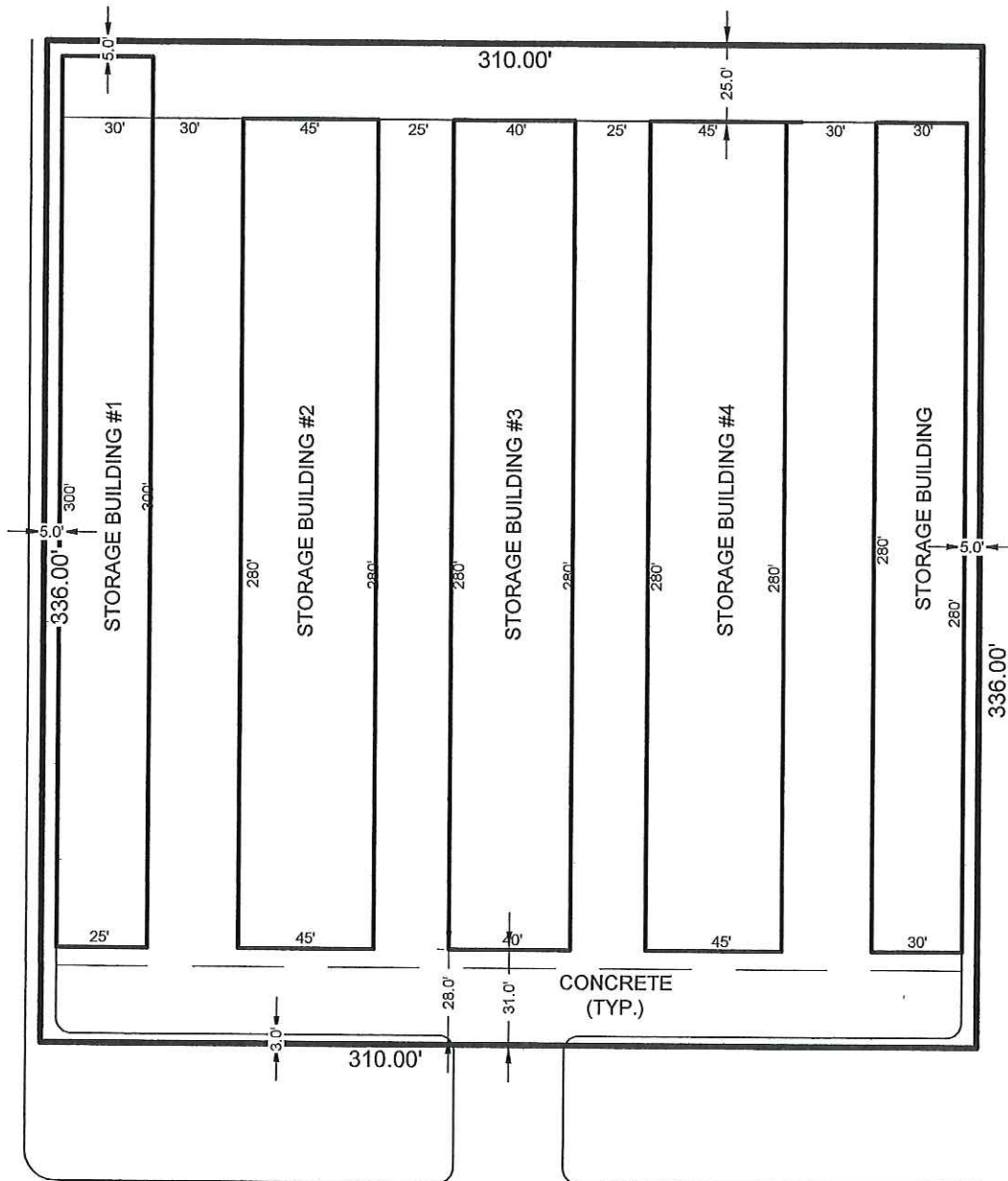
CONTACT PERSON:

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sales@cars2you.com

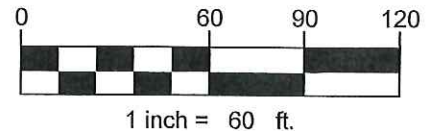
J. Bernard Feeney
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574-936-3469
bfeeney@gowightman.com

PRELIMINARY SITE PLAN

MAPLEHURST AVE.



MCKINLEY HWY.



W+ WIGHTMAN

1405 N. MICHIGAN ST. PLYMOUTH, IN. 46563

574.936.3469

www.gowightman.com

CLIENT: STOYAN

PROJECT:

JOB No:

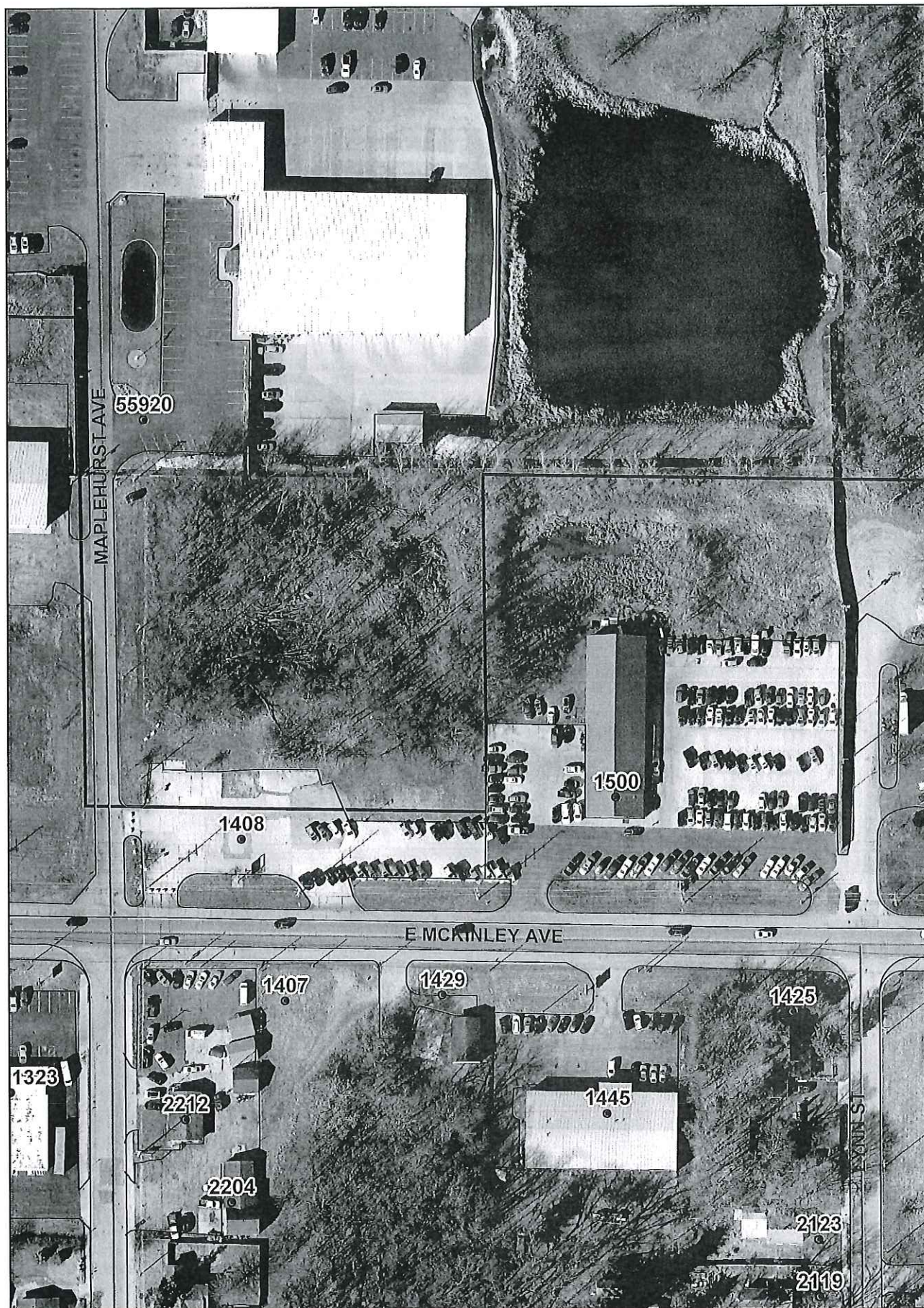
DATE:

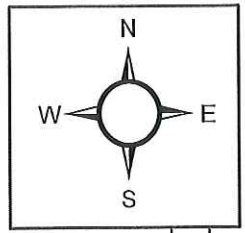
SCALE:

05/01/2023

1"=60'

10F1





AP 23-18

EXISTING CITY LIMITS

E MCKINLEY AVE

LYNN ST

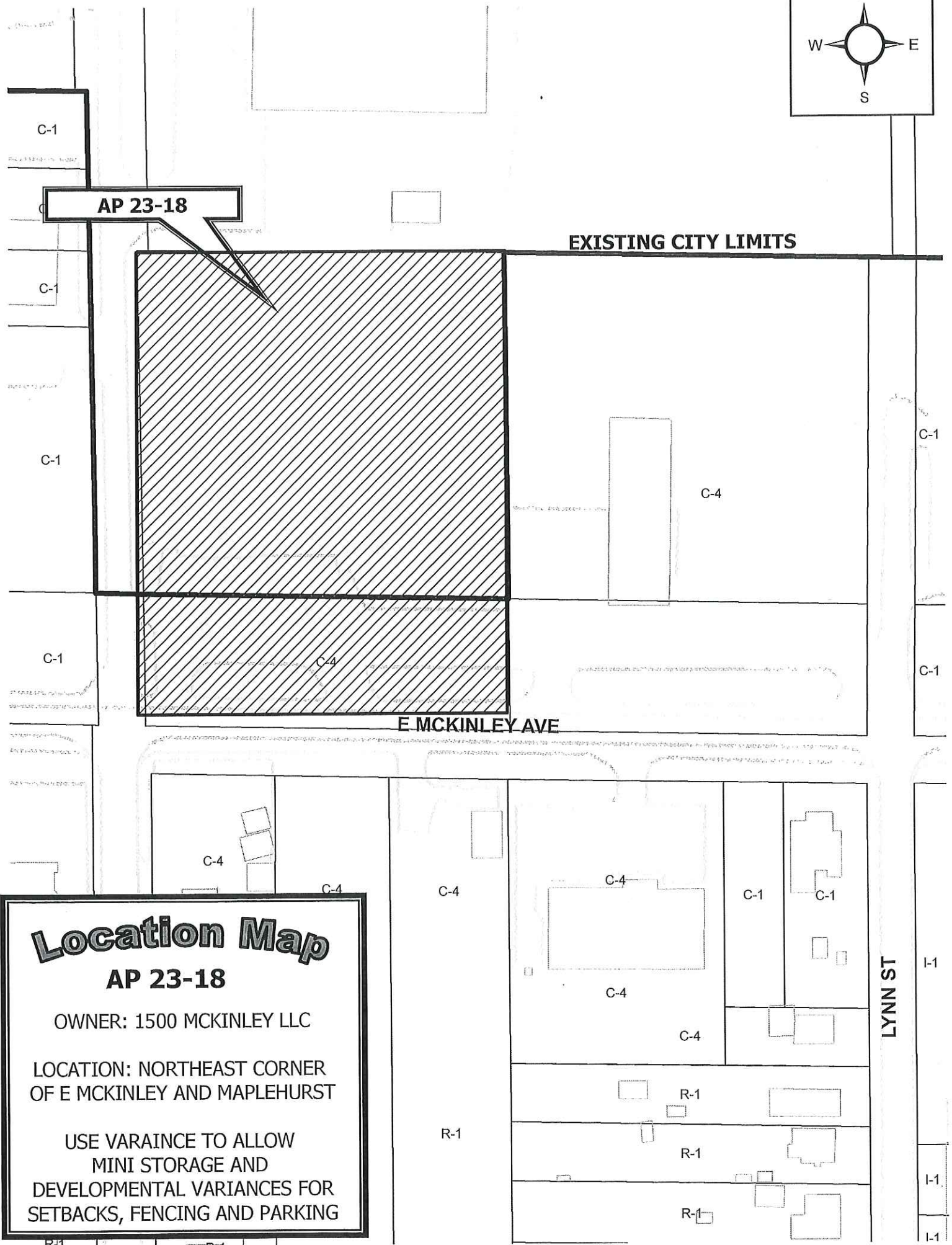
Location Map

AP 23-18

OWNER: 1500 MCKINLEY LLC

**LOCATION: NORTHEAST CORNER
OF E MCKINLEY AND MAPLEHURST**

**USE VARINCE TO ALLOW
MINI STORAGE AND
DEVELOPMENTAL VARIANCES FOR
SETBACKS, FENCING AND PARKING**



ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

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

Budget Form No. 4
Generated 9/15/2023 12:00:43 PM

Proposed Ordinance No. 2023-40

Ordinance / Resolution Number:

Be it ordained/resolved by the **Mishawaka Common Council** that for the expenses of **MISHAWAKA CIVIL CITY** for the year ending December 31, **2024** 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	10/16/2023

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0101	GENERAL	\$44,254,117	\$43,022,062	2.8681
0254	LOCAL INCOME TAX	\$2,974,564	\$0	0.0000
0341	FIRE PENSION	\$2,120,000	\$0	0.0000
0342	POLICE PENSION	\$1,432,000	\$0	0.0000
0706	LOCAL ROAD & STREET	\$1,155,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$4,696,842	\$7,012,604	0.4675
1109	MUNICIPAL EMERGENCY MEDICAL SERVICES	\$655,000	\$0	0.0000
1151	CONTINUING EDUCATION	\$115,000	\$0	0.0000
1301	PARK & RECREATION	\$5,209,473	\$10,239,667	0.6826
1310	PARK NONREVERTING - CAPITAL	\$453,800	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$108,475	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$800,000	\$3,331,372	0.2221
2411	ECONOMIC DEV INCOME TAX CEDIT	\$6,126,400	\$0	0.0000
6290	CUMULATIVE SEWER	\$50,000	\$0	0.0000
		\$70,150,671	\$63,605,705	4.2403

Home-Ruled Funds (Not Reviewed by DLGF)

Fund Code	Fund Name	Adopted Budget
9505	AMERICAN RESCUE PLAN ACT	\$116,000
		\$116,000

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

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

Budget Form No. 4
 Generated 9/15/2023 12:00:43 PM

Name		Signature
Anthony "Tony" Hazen	Aye ☐ Nay ☐ Abstain ☐	
Maggie DeMaegd	Aye ☐ Nay ☐ Abstain ☐	
Ron Banicki	Aye ☐ Nay ☐ Abstain ☐	
Matt Mammolenti	Aye ☐ Nay ☐ Abstain ☐	
Dale "Woody" Emmons	Aye ☐ Nay ☐ Abstain ☐	
Mike Bellovich	Aye ☐ Nay ☐ Abstain ☐	
Mike Compton	Aye ☐ Nay ☐ Abstain ☐	
Kate Voelker	Aye ☐ Nay ☐ Abstain ☐	
Gregg Hixenbaugh	Aye ☐ Nay ☐ Abstain ☐	

ATTEST

Name	Title	Signature
Deborah S. Block	City Clerk	

MAYOR ACTION (For City use only)

Name		Signature	Date
David A. Wood	Approve ☐ Veto ☐		

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 ☒



CITY OF MISHAWAKA 2024 DRAFT BUDGET

David A. Wood, Mayor

CITY OF MISHAWAKA 2024 DRAFT BUDGET

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CITY OF MISHAWAKA
2024 DRAFT BUDGET

MAYOR
1101-01

1 PERSONAL SERVICES

Salaries and Wages

biweekly

411-01	Mayor	91,794.00	3,530.54
411-02	Mayor Executive Asst	53,704.00	2,065.51
	Mayor's Administrative Asst	<u>48,134.00</u>	1,851.28

Other Services Personal

411-63	Longevity	<u>450.00</u>	
			194,082.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	<u>1,000.00</u>	
			1,000.00

3 OTHER SERVICES AND CHARGES

Communication and Transportation

432-03	Travel and Training	3,500.00	
432-04	Telephone/Technology	<u>500.00</u>	

Printing and Advertising

433-01	Printing	500.00	
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Other Services and Charges

439-03	Subscriptions, Dues, etc.	<u>2,000.00</u>	
439-04	Leadership	<u>2,500.00</u>	
439-07	Memorial Day AL/VFW/DAR	2,500.00	
439-92	Community Promotion	<u>7,500.00</u>	
			19,000.00
			<u>214,082.00</u>

CITY OF MISHAWAKA
2024 DRAFT BUDGET

CONTROLLER
1101-02

1 PERSONAL SERVICES

Salaries and Wages

			biweekly
411-01	Controller	90,277.00	3,472.18
411-02	Deputy Controller	63,912.00	2,458.14
	Accountant	49,262.00	1,894.69
	Senior Purchasing Agent	51,614.00	1,985.13
	Bookkeeper A	45,993.00	1,768.95
	Payroll Clerk	44,912.00	1,727.35
411-03	Part time	<u>20,000.00</u>	
			365,970.00

Other Services Personal

411-63	Longevity	6,525.00	
411-64	FTO (Flexible Time Off) Plan	35,000.00	
411-65	Certifications	<u>7,000.00</u>	
			48,525.00

Employee Benefits

413-01	Social Security	266,603.00	
413-02	Medicare	62,351.00	
413-03	INPRS 14.2%	598,720.00	
413-04	Unemployment Compensation	20,000.00	
413-05	Employee Insurance Benefits	1,500,000.00	
413-06	Employee Life Insurance	4,000.00	
413-08	Deferred Comp Match	<u>70,000.00</u>	
			<u>2,521,674.00</u>
			2,936,169.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies/Misc Supplies	<u>15,000.00</u>	
			15,000.00

3 OTHER SERVICES AND CHARGES

Communication and Transportation

432-02	Postage	15,000.00	
432-03	Travel and Training	5,000.00	
432-04	Telephone/Technology	50,000.00	

Printing and Advertising

433-02	Publications	15,000.00	
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CITY OF MISHAWAKA
2024 DRAFT BUDGET

CONTROLLER

1101-02

Insurance

434-90 Insurance Premiums/ Deductible **1,500,000.00**

Utility Services

435-01 MU Charges 850,000.00

435-02 NIPSCO 60,000.00

Repairs and Maintenance

436-01 Building/ Equipment/Software
Maintenance/Service Contracts 50,000.00

Other Services and Charges

439-03 Subscription, Dues, etc. 1,000.00

439-09 Miscellaneous Charges 1,500.00

2,547,500.00

4 CAPITAL OUTLAYS

Other Capital Outlays

444-05 Capital Outlay **500,000.00**

500,000.00

5,998,669.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

CITY CLERK
1101-03

1 PERSONAL SERVICES

Salaries and Wages

			biweekly
411-01	City Clerk	65,155.00	2,505.94
411-02	Chief Deputy Clerk I	49,105.00	1,888.65
	Chief Deputy Clerk II	46,182.00	1,776.20
411-03	Temporary	20,000.00	

Other Personal Services

411-63	Longevity	375.00	
411-65	Certifications	<u>2,750.00</u>	
			183,567.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	2,000.00	
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Operating Supplies

422-01	Violations Bureau Supplies	<u>2,000.00</u>	
			4,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-01	Attorney Fees	1,000.00	
431-04	Professional Services	14,000.00	

Communication and Transportation

432-03	Travel and Training	5,000.00	
432-04	Telephone/Technology	1,100.00	

Other Services and Charges

439-03	Subscriptions, Dues, etc.	1,500.00	
439-92	Community Promotion	<u>1,750.00</u>	
			24,350.00
			<u>211,917.00</u>

CITY OF MISHAWAKA
2024 DRAFT BUDGET

HUMAN RESOURCES
1101-04

1 PERSONAL SERVICES

Salaries and Wages

411-02	Asst HR Director	47,956.00	biweekly	2,473.88
	HR Office Asst	40,000.00		1,384.62
411-03	Temporary Help	<u>25,000.00</u>		

Other Personal Services

411-63	Longevity	300.00		
411-65	Certifications	<u>1,000.00</u>		
				114,256.00

2 SUPPLIES

Office Supplies

421-90	Supplies	<u>1,000.00</u>		
				1,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-06	Consulting	66,000.00		
431-08	Employee Assistance Program	10,000.00		
431-09	Testing/Wellness	5,000.00		
436-90	Service Contracts	16,000.00		

Communication and Transportation

432-03	Travel and Training	2,500.00		
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Printing and Advertising

433-01	Printing/ Advertising	1,000.00		
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Other Services and Charges

439-03	Subscription, Dues, etc.	1,000.00		
439-20	Staff Education	<u>2,000.00</u>		
				<u>103,500.00</u>
				218,756.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

INFORMATION TECHNOLOGY
1101-05

1 PERSONAL SERVICES

Salaries and Wages

			biweekly
411-01	Director	85,000.00	3,269.23
411-02	Public Safety Administrator	70,000.00	2,692.31
	Network Administrator	67,000.00	2,576.92
	Systems Administrator	67,000.00	2,576.92
	Tier 2 Help Desk	54,000.00	2,076.92
	Tier 1 Help Desk	51,000.00	1,961.54
	Office Coordinator	<u>50,000.00</u>	1,923.08

Other Personal Services

411-63	Longevity	<u>3,825.00</u>	
			447,825.00

2 SUPPLIES

Operating Supplies

422-01	Operating Supplies	<u>20,000.00</u>	
			20,000.00

3 OTHER SERVICES AND CHARGES

Communication and Transportation

432-03	Travel and Training	15,000.00	
--------	---------------------	------------------	--

Other Services and Charges

439-03	Subscriptions, Dues, etc.	<u>8,000.00</u>	
			23,000.00
			<u>490,825.00</u>

CITY OF MISHAWAKA
2024 DRAFT BUDGET

DEPARTMENT OF LAW
1101-06

1 PERSONAL SERVICES

Salaries and Wages

biweekly

411-01	Corporation Counsel	61,926.00	2,381.75
411-02	City Attorney	<u>71,675.00</u>	2,756.71

Utility salary ordinance displays utility portion of salaries

Other Personal Services

411-63	Longevity	<u>375.00</u>	133,976.00
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2 SUPPLIES

Office Supplies

421-03	Professional Books	500.00	
421-90	Office Supplies	<u>500.00</u>	1,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-01	Attorney Fees-Code Hearings	6,000.00	
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Communication and Transportation

432-03	Travel and Training	3,000.00	
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Insurance

434-90	Payment of Claims/Litigation	42,000.00	
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Other Services and Charges

439-03	Subscriptions, Dues, etc.	5,000.00	
439-09	Miscellaneous Charges	<u>1,500.00</u>	
			<u>57,500.00</u>
			<u>192,476.00</u>

CITY OF MISHAWAKA
2024 DRAFT BUDGET

CITY COUNCIL
1101-07

1 PERSONAL SERVICES

Salaries and Wages

411-04	Council members		biweekly
	9 @ 13,592	122,328.00	522.76
411-02	Council Attorney	19,435.00	747.46
413-05	Council Attorney Insurance Stipend	<u>6,000.00</u>	

147,763.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	<u>1,500.00</u>	1,500.00
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3 OTHER SERVICES AND CHARGES

Communication and Transportation

432-03	Travel and Training	6,000.00	
432-04	Telephone/Technology	3,500.00	
439-03	Subscriptions, Dues, etc.	2,000.00	

Other Services and Charges

439-92	Community Promotion	<u>5,000.00</u>	
			16,500.00
			<u>165,763.00</u>

CITY OF MISHAWAKA
2024 DRAFT BUDGET

ENGINEERING DEPARTMENT
1101-13

1 PERSONAL SERVICES

Salaries and Wages

biweekly

411-01	Director of Engineering	90,277.00	3,472.18
411-02	Assistant Director	74,944.00	2,882.43
	Project Manager	72,639.00	2,793.78
	Traffic Manager	61,938.00	2,382.23
	Project Coordinator	46,158.00	1,775.30
	Office Manager	40,778.00	1,568.36
	City GIS Coordinator	<u>61,938.00</u>	2,382.23
	<i>Utility salary ordinance displays utility portion of salaries</i>		448,672.00

Other Personal Services

411-63	Longevity	11,850.00	
411-65	PE Certification	<u>10,000.00</u>	<u>192.31</u>
			470,522.00

2 SUPPLIES

Office Supplies

421-90	General Supplies	<u>8,000.00</u>	
			8,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-06	Consulting	5,000.00	
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Communication and Transportation

432-03	Travel and Training	10,000.00	
432-04	Telephone/Technology	750.00	

Repairs and Maintenance

436-01	Equipment Repair	2,500.00	
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Other Services and Charges

439-03	Subscriptions, Dues, etc.	<u>1,000.00</u>	
			<u>19,250.00</u>
			497,772.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

CODE ENFORCEMENT DEPARTMENT
1101-14

1 PERSONAL SERVICES

Salaries and Wages

411-01	Director of Code Enforcement	70,000.00	biweekly 2,692.31
411-02	Code Enforcement Officers		
	5 @ 55,565	277,825.00	2,137.11
	Office Manager	<u>40,778.00</u>	1,568.36

Other Personal Services

411-63	Longevity	<u>13,575.00</u>	
			402,178.00

2 SUPPLIES

Operating Supplies

422-01	Operating Supplies	<u>3,500.00</u>	
			3,500.00

3 OTHER SERVICES AND CHARGES

Communication and Transportation

432-03	Travel and Training	3,000.00	
432-04	Telephone/Technology	2,200.00	

Other Services and Charges

439-10	Clean up, Board up, Disposal, etc.	<u>40,000.00</u>	
			45,200.00
			<u>450,878.00</u>

CITY OF MISHAWAKA
2024 DRAFT BUDGET

BUILDING DEPARTMENT
1101-15

1 PERSONAL SERVICES

Salaries and Wages

		biweekly
411-01	Building Commissioner	70,000.00 2,692.31
411-02	Permit Tech I	48,410.00 1,861.92
	Inspector A 2 @ 66,900	<u>133,800.00</u> 2,573.07

Other Personal Services

411-63	Longevity	<u>3,675.00</u>
		255,885.00

2 SUPPLIES

Operating Supplies

422-01	Operating Supplies	<u>2,000.00</u>
		2,000.00

3 OTHER SERVICES AND CHARGES

Communication and Transportation

432-03	Travel and Training	4,000.00
432-04	Telephone/Technology	1,100.00

Other Services and Charges

439-03	Subscription, Dues, etc.	<u>800.00</u>
		<u>5,900.00</u>
		<u>263,785.00</u>

CITY OF MISHAWAKA
2024 DRAFT BUDGET

FIRE/EMS DEPARTMENT
1101-19

1 PERSONAL SERVICES

Salaries and Wages

		biweekly
411-01	Fire Chief	94,681.00 3,641.55
411-02	Assistant Chief	
	4 @ 87,903	351,612.00 3,380.88
	Battalion Chief	
	3 @ 80,527	241,581.00 3,097.16
	Captain 15 @ 76,596	1,148,940.00 2,945.98
	Lieutenant	
	15 @ 74,707	1,120,605.00 2,873.33
	Fire Inspector	
	1 @ 76,596 2 @ 74,707	226,010.00 2,945.98 2,873.33
	Driver Operator	
	30 @ 72,921	2,187,630.00 2,804.64
	1st Class Firefighter	
	33 @ 71,163	2,348,379.00 2,737.02
	Master Firefighter	
	18 @ 68,095	<u>1,225,710.00</u> 2,619.03
		8,945,148.00

Civilian

Administrative Assistant	<u>48,134.00</u>	1,851.28
		48,134.00

Other Personal Services

411-12	Specialty Pay	550,000.00	
411-60	Overtime	1,000,000.00	
411-63	Longevity	450.00	
411-66	Uniform Allowance 120 @ 1,250	152,000.00	
	new hires 2 @ 625		
411-67	Pension Equalization	<u>11,700.00</u>	
			<u>1,714,150.00</u>

Employee Benefits

413-01	Social Security	15,257.00	
413-02	Medicare	155,748.00	
413-03	INPRS 14.2%	34,944.00	
413-05	Health Insurance	2,900,000.00	
413-06	Life/Disability Insurance	6,500.00	
413-08	Deferred Comp Match	160,000.00	
413-09	77 Pension 19.1% + 3%	<u>1,887,243.00</u>	
			<u>5,159,692.00</u>
			15,867,124.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

FIRE/EMS DEPARTMENT
1101-19

2 SUPPLIES

Office Supplies

421-90 Office Supplies 6,000.00

Operating Supplies

422-01 Operating Supplies 250,000.00

422-03 Medical Supplies 210,000.00

Other Supplies

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

472,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-09 Clinic Services 35,800.00

431-11 Physicals 120,000.00

Communication and Transportation

432-03 Travel and Training 80,000.00

Repairs and Maintenance

436-01 Building/ Equipment Repair 100,000.00

Professional Services

436-91 Laundry Maintenance 3,000.00

Other Services and Charges

439-03 Subscriptions, Dues, etc. 20,000.00

358,800.00

16,697,924.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

EMERGENCY MEDICAL SERVICES
6606-50

4 CAPITAL OUTLAY

Machinery and Equipment

445-07	Medical Equipment	55,000.00	
	Powerload Cot \$30K		
	Med Vending \$25K		
445-09	Ambulance - demo	400,000.00	
	Ambulance - remount	200,000.00	
			<u>655,000.00</u>

CITY OF MISHAWAKA
2024 DRAFT BUDGET

AMERICAN RESCUE PLAN ACT
2403-50

4 CAPITAL OUTLAYS

Other Capital Outlays

443-93 Fire Station Improvements 116,000.00

116,000.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

POLICE DEPARTMENT

1101-20

1 PERSONAL SERVICES

Salaries and Wages

biweekly

411-01	Police Chief	101,500.00	3,903.85
411-02	Assistant Chief		
	3 @ 96,500	289,500.00	3,711.54
	Captain		
	5 @ 93,500	467,500.00	3,596.15
	Lieutenant		
	14 @ 92,000	1,288,000.00	3,538.46
	Sergeant		
	20 @ 90,500	1,810,000.00	3,480.77
	1st Class Patrol Officer		
	47 @ 89,000	4,183,000.00	3,423.08
	2nd Class Patrol Officer		
	10 @ 64,739	647,390.00	2,489.96

8,786,890.00

Civilians

	Trainer	55,105.00	2,119.42
	Crime Tech	53,470.00	2,056.51
	Recruiter	52,789.00	2,030.33
	Digital Media/Statistical Analyst	44,794.00	1,722.83
	Administrative Assistant	48,134.00	1,851.28
	Administrative Secretary	41,315.00	1,589.02
	Secretary 2 @ 40,797	81,594.00	1,569.11
	Parking Personnel	40,797.00	1,569.11
	Property Manager	44,794.00	1,722.83
	Office Manager	44,880.00	1,726.15

507,672.00

	Crossing Guards 15 @ 8,154	122,310.00	
411-03	Substitute Crossing Guard	2,000.00	
	Temporary Help/Part-time	30,000.00	
411-65	Certifications	4,500.00	158,810.00

Other Personal Services

411-02	Shift Differential 2nd @700	30,000.00	
411-12	Specialty	75,000.00	
411-60	Overtime/ Court-time Officer-Non Officer	600,000.00	
411-63	Longevity	11,325.00	
411-66	Uniform Allowance 1@600, 102@2050	210,700.00	
	1@1000 Crime Tech		
411-66	Equipment Allowance 102@1250	127,500.00	1,054,525.00

Employee Benefits

413-01	Social Security	42,123.00	
413-02	Medicare	137,261.00	
413-03	INPRS 14.2%	74,564.00	
413-05	Health Insurance	2,515,252.00	
413-06	Life Insurance	7,000.00	

CITY OF MISHAWAKA
2024 DRAFT BUDGET

POLICE DEPARTMENT
1101-20

413-08	Deferred Comp Benefit	180,000.00	
413-10	77 Pension 19.1% + 3%	<u>2,006,238.00</u>	<u>4,962,438.00</u>
			15,470,335.00

2 SUPPLIES

Operating Supplies

422-01	Operating Supplies	120,000.00	
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Other Supplies

429-11	Seminars/ Community Relations	<u>1,000.00</u>	
			121,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-09	Clinic Services	35,800.00	
431-11	Testing	2,000.00	

Communication and Transportation

432-03	Travel and Training	2,000.00	
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Printing and Advertising

433-01	Printing	1,800.00	
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Repairs and Maintenance

436-01	Building Repair/ Maintenance	100,000.00	
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Other Services and Charges

439-03	Subscriptions, Dues, etc.	18,000.00	
439-09	Miscellaneous Charges	5,000.00	
439-11	Special Expense	13,000.00	
439-12	Canine Expenses	<u>9,000.00</u>	

186,600.00
15,777,935.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

PLANNING and COMMUNITY DEVELOPMENT
1101-21

1 PERSONAL SERVICES

Salaries and Wages

		biweekly
411-01	Executive Director	90,277.00 3,472.18
411-02	City Planner	73,776.00 2,837.52
	Senior Planner	61,911.00 2,381.17
	Associate Planner	53,331.00 2,051.17
	Administrative Planner	<u>47,616.00</u> 1,831.37
		326,911.00

411-06	Plan Commission 9 @ \$600	5,400.00
	BZA Members 5 @ \$375	<u>1,875.00</u>

Other Personal Services

411-63	Longevity	<u>3,000.00</u>
		337,186.00

2 SUPPLIES

Operating Supplies

422-01	Operating Supplies	<u>5,000.00</u>
		5,000.00

3 OTHER SERVICES AND CHARGES

Communication and Transportation

432-03	Travel and Training	2,000.00
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Professional Services

436-90	Service Contracts	<u>7,500.00</u>
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Other Services and Charges

439-03	Subscriptions, Dues, etc.	<u>3,000.00</u>
		<u>12,500.00</u>
		354,686.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

CENTRAL SERVICES DEPARTMENT
1101-22

1 PERSONAL SERVICES

Salaries and Wages

411-02	Assistant 4 @ 61,962	247,848.00	biweekly 2,383.13
	Fleet Maintenance Technician		
	6 @ 24.84*2092	311,804.00	
	Group 1: 4 @ 23.60*2092	197,522.00	
	PT maintenance 1040 hrs @ 11.00	11,440.00	
	3 Additional Employees	150,000.00	

918,614.00

Other Services Personal

411-60	Overtime	15,000.00
411-63	Longevity	<u>12,775.00</u>

27,775.00
946,389.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	2,000.00
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Operating Supplies

422-02	Gas, Oil, etc.	1,000,000.00
422-05	Equipment/Vehicle/Maint Supplies	185,000.00

Other Supplies

429-08	Uniform/Supplies	<u>7,550.00</u>
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1,194,550.00

3 OTHER SERVICES AND CHARGES

Professional Services

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

432-03	Travel and Training	1,000.00
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Repairs and Maintenance

436-01	Building Repair/Equipment/Maint	145,000.00
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Rentals

437-05	Uniforms	11,080.00
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Other Services and Charges

439-09	Miscellaneous Charges	<u>1,500.00</u>
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159,580.00
2,300,519.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

REDEVELOPMENT

1101-28

1 PERSONAL SERVICES

Salaries and Wages

biweekly

411-02	TIF Construction Manager	72,639.00	2,793.78
	Program Construction Manager	65,936.00	2,535.99
	Grant Manager	60,480.00	2,326.15
	Program Coordinator	48,150.00	1,851.89

Other Personal Services

411-63	Longevity	<u>4,725.00</u>	
			251,930.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	<u>1,000.00</u>	
			1,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-04	Professional Services	130,000.00	
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Communication and Transportation

432-03	Travel and Training	4,000.00	
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Printing and Advertising

433-02	Publications	<u>1,200.00</u>	
			135,200.00
			<u>388,130.00</u>

CEMETERY

1101-29

3 OTHER SERVICES AND CHARGES

Other Services and Charges

439-09	Maintenance	<u>30,000.00</u>	
			<u>30,000.00</u>

CITY OF MISHAWAKA
2024 DRAFT BUDGET

MOTOR VEHICLE HIGHWAY
2201-50

1 PERSONAL SERVICES

Salaries and Wages

biweekly

411-01	Street Commissioner	78,332.00	3,012.74
411-02	Office Administrator	43,888.00	1,687.99
	Office Manager	40,778.00	1,568.36
	Group 1: 34 @ 23.60*2092	1,678,940.00	
	CS reimburse - 61,962* 1.25 for assts.	<u>77,453.00</u>	
			1,919,391.00

Other Services Personal

411-12	Specialty CDL Instructors	5,000.00	
411-60	Overtime	80,000.00	
411-63	Longevity	23,015.00	
411-64	FTO (Flexible Time Off) Plan	<u>8,000.00</u>	
			116,015.00

Employee Benefits

413-01	Social Security	126,195.00	
413-02	Medicare	29,513.00	
413-03	INPRS 14.2%	289,028.00	
413-04	Unemployment	5,000.00	
413-05	Employee Ins Benefits	600,000.00	
413-06	Life Insurance	2,200.00	
413-07	Deferred Comp Benefit	20,000.00	
			<u>1,071,936.00</u>
			3,107,342.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	1,500.00	
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Other Supplies

429-08	Uniform Supplies	7,500.00	
429-13	Traffic Supplies	45,000.00	
			54,000.00

3 OTHER SERVICE AND CHARGES

Professional Services

431-09	Health Screenings/ Vaccines	5,000.00	
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Communication and Transportation

432-03	Travel and Training	3,000.00	
432-04	Telephone/ Paging	8,000.00	

Printing and Advertising

433-02	Publications	500.00	
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CITY OF MISHAWAKA
2024 DRAFT BUDGET

MOTOR VEHICLE HIGHWAY
2201-50

<u>Rentals</u>			
437-05	Uniforms	16,000.00	
<u>Other Services and Charges</u>			
439-09	Miscellaneous Charges	<u>3,000.00</u>	35,500.00
4 CAPITAL OUTLAYS MVHR			
Improvements Other than Buildings			
442-01	Street Repair	<u>1,500,000.00</u>	
			<u>1,500,000.00</u>
			<u>4,696,842.00</u>

LOCAL ROAD AND STREET
2202-50

4 CAPITAL OUTLAYS			
<u>Improvements other than Buildings</u>			
442-01	Street Repair	500,000.00	
442-04	Sidewalk and Curb Program	300,000.00	
	50/50 Program	25,000.00	
445-02	Equipment	<u>330,000.00</u>	
			<u>1,155,000.00</u>
	Trackless vehicle w/ plow		
	CV Mid size dump w/ plow		

CITY OF MISHAWAKA
2024 DRAFT BUDGET

PARK AND RECREATION
2204-50

1 PERSONAL SERVICES

Salaries and Wages

			biweekly
411-01	Department Head	80,000.00	3,076.92
411-02	Regular Employees	797,160.00	
	Group 1: 16@23.60*2092	789,940.00	
411-03	Temporary/Summer Help	800,000.00	2,467,100.00
	CS reimburse - 61,962* 1.25 for assts.	77,453.00	
	Reimburse MVH Director - 78,332*5%	3,917.00	<u>81,370.00</u>
			2,548,470.00

Other Services Personal

411-60	Overtime	25,000.00	
411-63	Longevity	23,125.00	
411-64	FTO	<u>12,000.00</u>	
			60,125.00

Employee Benefits

413-01	Social Security	161,733.00	
413-02	Medicare	37,825.00	
413-03	PERF 14.2%	256,820.00	
413-04	Unemployment	5,000.00	
413-05	Employee Insurance Benefits	365,000.00	
413-06	Life Insurance	2,000.00	
413-08	Deferred Comp Match	20,000.00	
			<u>848,378.00</u>

2 SUPPLIES

3,456,973.00

Office Supplies

421-90	Office Supplies	8,000.00	
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Operating Supplies

422-02	Gas, Oil, Parts, etc.	73,000.00	
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Other Supplies

429-09	Merrifield/Ironworks Complex Supplies	42,000.00	
429-14	Maintenance Supplies	110,000.00	
429-15	Program Supplies	60,000.00	
429-16	Golf Course Concessions	60,000.00	
429-18	Athletic Event Supplies	70,000.00	
429-19	Battell Center Supplies	15,000.00	
429-20	Golf Course Supplies	65,000.00	
429-21	Other Concessions	5,000.00	
429-23	Merrifield Concessions	<u>18,000.00</u>	
			526,000.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

PARK AND RECREATION
2204-50

3 OTHER SERVICES AND CHARGES

Professional Services

431-09 Health Screenings/Vaccines 8,000.00

Communication and Transportation

432-02 Postage and Freight 2,000.00

432-03 Travel and Training 8,000.00

432-04 Telephone 7,000.00

Printing and Advertising

433-01 Printing/Newsletter etc. 10,000.00

Insurance

434-90 Insurance Premiums/Deductibles **200,000.00**

Utility Services

435-01 MU/AEP Charges 500,000.00

435-02 NIPSCO 50,000.00

Repairs and Maintenance

436-01 Equipment/Facility Repair 100,000.00

436-90 Service Contracts 180,000.00

Rentals

437-05 Uniforms/Port-o-lets 17,500.00

Other Services and Charges

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

439-09 Miscellaneous/Charges 1,000.00

439-18 Instructor Fees 15,000.00

439-19 Official/Referee Fees **26,000.00**

439-21 Recreation Event/Entertainment **74,000.00**

439-93 Sales Tax 25,000.00

1,226,500.00

5,209,473.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

PARK AND RECREATION NON-REVERTING
2211-50

1 PERSONAL SERVICES

Salaries and Wages

411-03	Temporary Help	<u>25,000.00</u>	25,000.00
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2 SUPPLIES

Other Supplies

429-09	Merrifield Supplies and Repairs	45,000.00	
429-09	Wilson Supplies and Repairs	12,000.00	
429-17	Landscaping/Chemical Supplies	<u>100,000.00</u>	157,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-06	Consulting	95,000.00	
436-90	Animal Control	15,000.00	

Communication and Transportation

432-04	Wilson Hill Phone and Internet	2,500.00	
436-90	GPS Contract	19,000.00	

Repairs and Maintenance

436-01	Golf Cart Repair	5,000.00	
436-22	Athletic Field Maintenance	<u>15,000.00</u>	151,500.00

4 CAPITAL OUTLAYS

Machinery and Equipment

444-10	Golf Carts - \$89.3K	<u>120,300.00</u>	
	Leaf Sweeper - \$30K		<u>120,300.00</u>
			453,800.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

LAW ENFORCEMENT CONTINUING EDUCATION
2228-50

2 SUPPLIES

Operating Supplies

422-36 Ammunition

40,000.00

40,000.00

3 OTHER SERVICES AND CHARGES

Communication and Transportation

432-03 Travel and Training

50,000.00

50,000.00

4 CAPITAL OUTLAYS

Machinery and Equipment

445-08 Vests

25,000.00

25,000.00

115,000.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

PUBLIC SAFETY LIT
2240-50

2 SUPPLIES

Other Supplies

429-08	Dept.Uniform	50,000.00	
			50,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-11	New Hire Physicals	40,000.00
436-01	Fire Training Software	20,000.00
436-90	Fire Service Contracts	193,000.00
436-90	Police Service Contracts	500,000.00

Debt Service

principal - leases

438-01	Fire Station #4 24&25/30	266,668.00
438-01	Records Mgmt System 12&13/20	110,000.00
438-01	2020 Police cars 8&9&10/10	205,685.00
438-01	2021 Police cars 3&4/10	200,000.00
438-01	2023 Fire trucks 2&3/10	250,000.00

interest

438-02	Fire Station Lease	17,396.00
438-02	Records Mgmt System	12,915.00
438-02	2020 Police car lease	5,344.00
438-02	2021 Police car lease	13,109.00
438-02	2023 Fire truck purchases	20,447.00

1,854,564.00

4 CAPITAL OUTLAYS

Machinery and Equipment

445-08	PD misc equip	200,000.00
	optic duty pistols and rifles \$110K	
	weapons/ radios \$30K	
	computers in vehicles \$60K	
445-09	2023 DB Cars (2) equipped	80,000.00
445-13	FD misc equip	375,000.00
	Apparatus and Operations Equipment \$150K	
	Mechanics and Dive Equipment \$35K	
	PPE \$20K	
	Radio and Computer Equipment \$30K	
	Drone Program \$10K	
	Hose \$40K	
	360 Camera Fire Marshal \$20K	
	Equipment St.1 \$70K	

CITY OF MISHAWAKA
2024 DRAFT BUDGET

445-13 Turn Out Gear

415,000.00

1,070,000.00

2,974,564.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

CUMULATIVE CAPITAL IMPROVEMENT
4401-50

3 OTHER SERVICES AND CHARGES

Debt Service

438-01 2019 Aerial Fire Truck Principal 10&11/19 100,000.00

438-02 Fire Truck Interest 8,475.00

108,475.00

CUMULATIVE CAPITAL DEVELOPMENT
4402-50

3 OTHER SERVICES AND CHARGES

Repairs and Maintenance

436-90 Service Contracts/Software Maintenance 400,000.00

400,000.00

4 CAPITAL OUTLAYS

Machinery and Equipment

445-11 Computer Equipment/Software 400,000.00

400,000.00

800,000.00

CUMULATIVE SEWER
4428-50

4 CAPITAL OUTLAYS

Improvements Other than Buildings

445-21 Storm/Sanitary Reconstruction 50,000.00

50,000.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

CEDIT
2209-50

2 SUPPLIES

Operating Supplies

422-02 MVH Gas, Oil, etc. 125,000.00

Repair and Maintenance Supplies

423-03 MVH Equipment/ Parts, Supplies **185,000.00**

423-01 Street Material/Dust Control 175,000.00

Other Supplies

429-17 Landscaping Supplies/Chemicals 120,000.00

429-91 Salt 175,000.00

780,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-04 Chamber of Commerce 25,000.00

431-05 Humane Society 566,500.00

431-06 Consulting 300,000.00

431-07 Aim 15,000.00

WNIT Public Access 10,000.00

431-09 Clinic Services - other portions in MU and General fund 81,600.00

431-13 EMS billing service **140,000.00**

Insurance

434-90 MVH Insurance Premiums/Deductibles **230,000.00**

Utility Service

435-01 MVH MU Charges 165,000.00

435-02 MVH NIPSCO 80,000.00

Repairs and Maintenance

436-01 MVH Building/ Equipment Repair 200,000.00

436-02 City Maintenance 175,000.00

436-23 Park Repairs and Maintenance **250,000.00**

436-80 City Hall **250,000.00**

436-89 IT Service Contracts 250,000.00

436-90 Engineering Maintenance 175,000.00

436-93 Signal Maintenance **200,000.00**

3,113,100.00

4 CAPITAL OUTLAYS

Machinery and Equipment

445-02 Street/CSD/Park Equipment

Kubota tractor

Mohawk Vehicle Lift

Tennant Scrubber Sweeper

Maintenance van

CITY OF MISHAWAKA
2024 DRAFT BUDGET

	PARK Toro Grand Master - 71,000	
	PARK Hustler Diesel Mower - 18,000	
	PARK F350 Crew Cab Truck (2) - 110,000	
	PARK Mini Dump - 100,000	
	PARK Zero Turn Mower - 5,000	541,300.00
445-09	Building Dept vehicle	40,000.00
	<u>Improvements Other than Buildings</u>	
443-93	Fire Station 3 - Douglas Rd. Exit Signal	400,000.00
445-17	Rose Park \$1M	1,252,000.00
	Golf Cart Paths \$150K	
	Irrigation upgrade/satellite \$77K	
	Pickleball Expansion @ Central Park \$25K	
		<u>2,233,300.00</u>
		6,126,400.00

CITY OF MISHAWAKA
2024 DRAFT BUDGET

FIRE PENSION
8801-50

1 PERSONAL SERVICES			
<u>Salaries and Wages</u>			
411-05	Pension Benefits	2,073,250.00	
411-06	Secretary Salary	3,000.00	
	Pension Board Members		
	5 @ 750.00 per yr	3,750.00	
411-07	Death Benefits	36,000.00	
			2,116,000.00
2 SUPPLIES			
<u>Office Supplies</u>			
429-09	Misc Supplies	1,000.00	
			1,000.00
3 OTHER SERVICES AND CHARGES			
<u>Professional Services</u>			
431-01	Legal Fees	2,000.00	
<u>Communication and Transportation</u>			
432-03	Travel and Training	500.00	
<u>Repairs and Maintenance</u>			
436-01	Equipment Repair	500.00	
			3,000.00
			<u>2,120,000.00</u>

POLICE PENSION
8802-50

1 PERSONAL SERVICES			
<u>Salaries and Wages</u>			
411-05	Pension Benefits	1,390,500.00	
411-06	Secretary Salary	3,000.00	
411-07	Death Benefits	36,000.00	
			1,429,500.00
3 OTHER SERVICES AND CHARGES			
<u>Professional Services</u>			
431-01	Legal Fees	2,100.00	
<u>Communication and Transportation</u>			
432-03	Travel and Training	400.00	
			2,500.00
			<u>1,432,000.00</u>

Expenditure Budget Comparison General Fund					
Department	2023 Budget	2024 Budget	\$ Change	% Change	% of 2024 Total Budget
Mayor	203,880	214,082	10,202	5.0%	0.30%
Controller	5,676,184	5,998,669	322,485	5.7%	8.54%
Clerk	208,407	211,917	3,510	1.7%	0.30%
Human Resources	175,523	218,756	43,233	24.6%	0.31%
IT	488,326	490,825	2,499	0.5%	0.70%
Law	190,728	192,476	1,748	0.9%	0.27%
Council	165,456	165,763	307	0.2%	0.24%
Engineering	488,413	497,772	9,359	1.9%	0.71%
Code	431,569	450,878	19,309	4.5%	0.64%
Building	256,449	263,785	7,336	2.9%	0.38%
Fire	15,554,528	16,697,924	1,143,396	7.4%	23.76%
Police	14,213,774	15,777,935	1,564,161	11.0%	22.45%
Planning	346,618	354,686	8,068	2.3%	0.50%
Central Services	1,984,167	2,300,519	316,352	15.9%	3.27%
Redevelopment	380,839	388,130	7,291	1.9%	0.55%
Cemetery	30,000	30,000	-	0.0%	0.04%
Dept. Totals	40,794,861	44,254,117	3,459,256	8.48%	

All Appropriated Funds					
Department	2023 Budget	2024 Budget	\$ Change	% Change	% of 2024 Total Budget
General	40,794,861	44,254,117	3,459,256	8.5%	62.98%
Park and Recreation	4,952,641	5,209,473	256,832	5.2%	7.41%
MVH Funds					
Motor Vehicle Highway	4,603,168	4,696,842	93,674	2.0%	6.68%
Local Road & Street	1,088,000	1,155,000	67,000	6.2%	1.64%
Cumulative Sewer	100,000	50,000	(50,000)	-50.0%	0.07%
Capital Fund					
Cum. Cap. Development	700,000	800,000	100,000	14.3%	1.14%
Cum. Cap. Improvement	110,229	108,475	(1,754)	-1.6%	0.15%
CEDIT	5,921,600	6,126,400	204,800	3.5%	8.72%
Other Operating Funds					
LECE	100,000	115,000	15,000	15.0%	0.16%
Public Safety	2,194,602	2,974,564	779,962	35.5%	4.23%
EMS	356,000	655,000	299,000	84.0%	0.93%
ARPA	800,000	116,000	(684,000)	-85.5%	0.17%
Park Non - Reverting	316,500	453,800	137,300	43.4%	0.65%
Pension Funds					
Fire Pension	2,070,000	2,120,000	50,000	2.4%	3.02%
Police Pension	1,140,000	1,432,000	292,000	25.6%	2.04%
Gross Totals	65,247,601	70,266,671	5,019,070	7.69%	
Circuit Breaker loss:					
General	8,904,151	8,333,267			
MVH	763,452	438,943			
Park & Rec	-	860,430			
CCD	350,000	250,000			
	10,017,603	9,882,640	(134,963)	-1.3%	
Net Totals	75,265,204	80,149,311	4,884,107	6.49%	
Civil City Budget Comparison By Category Appropriated Funds					
Department	2023 Budget	2024 Budget	\$ Change	% Change	Total Budget
100 - Personal Services	44,689,220	48,294,002	3,604,782	8.1%	68.73%
200 - Supplies	3,236,250	3,458,550	222,300	6.9%	4.92%
300 - Other Services & Charges	10,147,131	10,689,519	542,388	5.3%	15.21%
400 - Capital Outlays	7,175,000	7,824,600	649,600	9.1%	11.14%
Fund Totals	65,247,601	70,266,671	5,019,070	7.69%	100.00%

PROPOSED ORDINANCE 2023 -41

ORDINANCE NO.

AN ORDINANCE OF THE COMMON COUNCIL OF MISHAWAKA AUTHORIZING ADVANCE PAYMENTS ON CONTRACTS FOR PUBLIC WORKS PROJECTS AND GOODS AND SERVICES

WHEREAS, the Indiana legislature recently enacted Public Law 181 which amends Ind. Code § 5-11-10-1.6 to permit political subdivisions to make advance payments for purchases of goods and services;

WHEREAS, Ind. Code § 5-11-10-1.6(d)(3) and (4) allow a political subdivision to make advance payments to contractors to enable them to purchase materials needed for a public works project and advance payments for goods or services before the goods or services are delivered or completed, if the fiscal body of the political subdivision authorizes making advance payments and the goods or services are otherwise purchased in accordance with applicable law;

WHEREAS, pursuant to Ind. Code § 5-11-10-1.6(e), an advance payment made for goods and services or to enable the purchase of materials for a public works project may not exceed the lesser of fifty percent (50%) of the entire cost of the contract or two million dollars (\$2,000,000.00);

WHEREAS, pursuant to Ind. Code § 36-1-2-6 the Mishawaka Common Council is the fiscal body of the City;

WHEREAS, it is determined that it is necessary and fiscally efficient to authorize City purchasing agents to make advance payments in accordance with applicable law for goods or services before they are delivered or completed,

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

Section 1. The City Controller or the City Controller's designee of the City of Mishawaka may allow advance payment for the purchase of goods and services either directly or as part of a public works project consistent with and to the fullest extent permitted by law.

Section 2. The solicitation for a public works contract providing for advance payments for contractors to purchase materials for public works projects under Indiana Code § 5-11-10-1.6 must include the following information:

- a. That the City of Mishawaka will make advance payments to contractors to enable contractors to purchase materials;
- b. Any limitations on the amount of advance payments that will be made;
- c. Requirements for documentation relating to making advance payments to contractors for materials;
- d. Any other information about advance payment for materials the City of Mishawaka considers useful to contractors that make offers.

Section 3. The City Controller or the City Controller's designee must do all of the following when advance payments are made for goods or services prior to delivery of goods or completion of service:

- a. Track prepayments by defining the prepayment on a purchase order;
- b. Create a prepayment invoice that is associated with the purchase order; and
- c. Require insurance or a surety bond in the amount of the prepayment if the amount of the prepayment is more than one hundred fifty thousand dollars (\$150,000.00).

Section 4. Advance payments made under Section 1 and Section 2 may not exceed the lesser of the following:

- a. Fifty percent (50%) of the entire cost of the contract; or
- b. Two million dollars (\$2,000,000.00).

Section 5. All other requirements for the payment of public works projects, goods, and services by the City of Mishawaka remain in effect and ordinances not directly contradicted by the provisions of this ordinance remain in full force and effect.

Section 6. This Ordinance shall be in full force and effect from and after its passage, signing, and attestation.

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

this _____ day of _____ 2023, 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 _____ 2023, at _____
o'clock, ____ m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____ 2023, at _____ o'clock,
_____ m.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Date: October 2, 2023
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: **Ordinance for Advanced Payments**

On first reading I am requesting approval for an ordinance which allows the City to make deposits and advanced payments. We find more and more vendors require down payments for their materials.

This ordinance has been reviewed by the Law Department.

c: David A. Wood – Mayor

PROPOSED ORDINANCE NO. 2023 -42

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2023

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

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the Park and Recreation Non Reverting budget in the Park and Recreation Non Reverting Fund adopted for the fiscal year ending December 31, 2023

Section 2. There is hereby transferred and reappropriated the sum of \$25,000.00 as follows:

Park and Recreation Non Reverting Fund

From: Other Services and Charges
2211-50-431-06

Consulting \$25,000.00

To: Capital Outlays
2211-50-445-17

Park Development \$25,000.00

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

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

This _____ day of _____, 2023 at _____ o'clock, _____.M.

Presiding Officer

ATTEST;

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

PRESENTED BY ME to the Mayor this _____ day of

_____, 2023 at _____ o'clock, _____. M.

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

APPROVED BY ME this _____ day of _____, 2023

at _____ o'clock, _____. M.

David A. Wood, Mayor



CITY OF MISHAWAKA



DAVID A. WOOD, MAYOR

PARKS AND RECREATION DEPARTMENT
ADMINISTRATION OFFICE

Honorable Common Council,

The Mishawaka Parks and Recreation Department would like to request a transfer of funds from our Non-Reverting Consulting line of \$25,000 in order to rebuild the Red Bridge at the Shiojiri Garden. Our funds will be matched by a \$39,231 donation from the Nancy and Donald Crawford Funds from the Community Foundation of St. Joseph County. From a quick glance the Red Bridge might look like most of the wood is acceptable but the rot in the eight vertical pillars is substantial. We recently removed the "giboshi", the decorative ornaments because the lag bolts had nothing left to grip. There is rot under some of the horizontal banisters too. When I met with the contractors for quotes, they all recommended a full replacement. As a woodworker myself it is warranted. There is a strategy to build a new bridge with fresh materials to ensure another 30+ years of longevity. I worry that if we salvaged materials and they fail within 10 years we will be looking at this entire process again. It is also worth noting that this iteration of the bridge will be set on concrete footers to prevent direct soil to wood contact which should help to deter rot. Irrigation has been changed to avoid hitting the bridge as well. I am hoping with these changes we will get a longer lifespan out of the new bridge.

Phil Blasko
Parks Superintendent

PROPOSED ORDINANCE NO. 2023 - 43

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2023

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

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2023, in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the General, Park, and Public Safety LIT funds of the City of Mishawaka the sum of \$1,220,000.00 for assignment as follows:

General Fund

Human Resources

Personal Services

1011-04-411-02

Safety Director

\$ 20,000.00

\$ 20,000.00

Park Fund

Other Services and Charges

2204-50-434-90

Insurance/Claims

\$ 50,000.00

\$ 50,000.00

Public Safety Local Income Tax

Capital Outlays

2240-50-445-08

Tasers – Police

\$400,000.00

2240-50-445-13

Fire Truck

\$750,000.00

\$1,150,000.00

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

_____ day of _____, 2023 at _____ o'clock, _____. M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

on this _____ day of _____, 2023 at _____ o'clock, _____ M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2023 at

_____ o'clock, _____ M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Date: October 2, 2023
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: **Items for Additional Appropriation**

On first reading we have several items which require an additional appropriation.

We have revamped the Safety Director's position, which will now be paid from the General fund. The original Safety Director position was established to assist the Electric Department but has evolved to support the entire workforce. Human Resources is currently taking applications.

The Park department is requesting additional funding for their property and liability insurance. As replacement costs increase so does the premium.

The Public Safety items are on separate memos.

Please contact me with any questions.

c: David A. Wood
Susan Kile
Phil Blasko



CITY OF MISHAWAKA



P.O. Box 902
100 Lincoln Way West
Mishawaka, IN 46544

Police Department
Kenneth L. Wilkowskl, Chief
David A. Wood, Mayor

September 22, 2023

Honorable Common Council,

The Police Department is requesting additional appropriation of \$400,000 for the acquisition of Axon Taser 10 devices, maintenance and subscription. The Department currently utilizes Axon Taser X26P devices for use by officers as a tool to gain compliance of a subject with the least amount of force necessary. These X26P devices were on two schedules for subscription, one of which expired in June of 2023. Researching options moving forward, Axon presented the Taser 10 device that has many advancements in technology and safety for the officer.

The Taser X26P allows for one deployment attempt. If the deployment does not connect, a complete change of the cartridge must be done before a second attempt. The Taser 10 allows for up to 10 attempts to connect two probes and complete a circuit for activation.

The Taser X26P cartridge deploys two probes at one time. To accomplish this, the officer must have a distance of at least 7 feet to allow the two probes to separate for desired effectiveness. If either probe misses the target, a full cartridge change must be done for a second shot, or the officer must choose another force option, if appropriate. Taser X26P is effective up to 25 feet

The Taser 10 allows the officer to deploy the probes individually, targeting each probe for optimal effectiveness. With Taser 10, this can be accomplished from a distance of one foot, up to 40 feet from the target. If either of the probes do not connect, the officer has eight additional attempts to connect a probe, without need for a cartridge change. This reduces valuable time to "reload" cartridges and gain control of a non-compliant subject with the least amount of force.

The Police Department was able to negotiate a discount with Axon of approximately \$25,000 for the Taser 10 by paying a five year contract, in entirety, at the onset. The obligation to the remainder of the second Taser X26P contract will be cancelled by Axon.

In addition, the X26 is no longer offered with a services contract. All hardware, software, maintenance, instructor training, training materials and other related components are only offered a-la-carte. The Taser 10 contract is all inclusive and should not incur additional cost during the term of the contract.

Thank you for your consideration of this additional appropriation,

Alex Arendt
Services Division Chief

EMERGENCY911
FRONT DESK(574) 258-1678
DETECTIVE BUREAU(574) 258-1684
RECORDS(574) 258-1681

CHIEF(574) 258-1683
UNIFORM CHIEF(574) 258-1688
TRAFFIC DIVISION(574) 259-2966
FAX(574) 258-1690



CITY OF MISHAWAKA



DAVID A. WOOD, MAYOR

MISHAWAKA FIRE DEPARTMENT

Bryon P. Woodward
Chief of Department

Date: September 20th, 2023

To: Common Council

From: Bryon Woodward, Fire Chief

Re: New Engine Appropriation

I am requesting your approval for this supplemental appropriation of funds towards the purchase of a Pierce Saber Top Mount Pumper that will fill an immediate need as a reserve apparatus. Our department utilizes three fire engines as reserves to back up our four frontline engines, our heavy rescue and at times our two frontline aerials.

Our reserve fleet is down to two engines due to the catastrophic failure of two reserve engines and a third needing to be decommissioned due to age and in a constant state of repair. We were presented with an opportunity to purchase this stock engine that we cannot pass up as it will be available to us and operationally ready within the next couple of months. The current market timeline to order, build and take possession of a new engine is currently three years and it continues to increase. Having mission capable fleet is imperative to our operations, the service we provide to our community and the safety of the members who provide that service.

This purchase is an essential investment and immediately will allow us to solidify our reserve fleet.

Thank you,

Bryon Woodward

Bryon Woodward
Fire Chief

PROPOSED ORDINANCE NO. 2023 - 44

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 5829 THE FIXING THE SALARIES OF ALL SWORN PUBLIC SAFETY FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING SEPTEMBER 20, 2023.

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

Section 1. Ordinance number 5829 passed by the Common Council of the City of Mishawaka, Indiana, on the 20th of February 2023 is hereby amended as follows:

DELETE:

POLICE DEPARTMENT

ANNUAL/MISC

SIGNING BONUS

LATERAL TRANSFER – 1 ST INSTALLMENT	\$7,000
2 ND INSTALLMENT	\$3,000
NEW HIRE OFFICER – 1 ST INSTALLMENT	\$3,000
2 ND INSTALLMENT	\$2,000

Section 2. 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 _____, 2023, at _____ o'clock, _____ m.

ATTEST:

Gregg Hixenbaugh, Presiding Officer

Deborah S. Block, IAMC, MMC, City Clerk

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____ 2023, at _____ o'clock, ____ m.

David A. Wood, Mayor

CITY OF MISHAWAKA



DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Date: October 2, 2023

To: Honorable Members of the Common Council

From: Rebecca Maguire

Re: 2023 Salary Ordinance Amendments

On first reading I am requesting approval for two 2023 salary ordinance amendments.

The first is the corresponding Safety Director position being established with a new salary and being paid from Civil City funds.

The second is the removal of the sign on bonuses for the police department that was put in place for recruitment purposes. With the change to 12 hour shifts and increased pay it has been determined that it is no longer needed.

c: David A. Wood – Mayor
Susan Kile – HR Director
Ken Witkowski – Police Chief

PROPOSED ORDINANCE NO. 2023 - 45

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 5811 FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING SEPTEMBER 20, 2023.

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

Section 1. Ordinance number 5811 passed by the Common Council of the City of Mishawaka, Indiana, on the 18th of October 2022 is hereby amended as follows:

HUMAN RESOURCES:

BI-WEEKLY

Safety Director

\$ 2,521.62

Section 2. 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 _____ 2023 at _____ o'clock, ____ . m.

Gregg A. Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____ 2023, at _____ o'clock, ____m.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Date: October 2, 2023
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: **2023 Salary Ordinance Amendments**

On first reading I am requesting approval for two 2023 salary ordinance amendments.

The first is the corresponding Safety Director position being established with a new salary and being paid from Civil City funds.

The second is the removal of the sign on bonuses for the police department that was put in place for recruitment purposes. With the change to 12 hour shifts and increased pay it has been determined that it is no longer needed.

c: David A. Wood – Mayor
Susan Kile – HR Director
Ken Witkowski – Police Chief

PROPOSED ORDINANCE 2023- 46

ORDINANCE _____

AN ORDINANCE AMENDING ORDINANCE 5820 FIXING THE SALARIES OF ALL SWORN POLICE OFFICERS FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2024.

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

Section 1. Ordinance number 5820 passed by the Common Council of the City of Mishawaka, Indiana, on the 19th of December 2022 is hereby amended as follows:

	BIWEEKLY SALARY 2024
POLICE CHIEF	\$ 3,903.85
ASSISTANT CHIEF	\$ 3,711.54
CAPTAIN	\$ 3,596.15
LIEUTENANT	\$ 3,538.46
SERGEANT	\$ 3,480.77
1 st CLASS OFFICER	\$ 3,423.08
2 nd CLASS OFFICER	\$ 2,489.96
PROBATION	\$ 2,261.88
NIGHT SHIFT DIFFERENTIAL	\$26.92/HR
 POLICE:	
UNIFORM ALLOWANCE	2,050
EQUIPMENT MAINT ALLOWANCE	1,250
	2024
RESIDENCY STIPEND	\$2,500.00
	ANNUAL/MISC
SPECIALTY PAY:	
MAJOR CRIMES DETECTIVE	2,000
MAJOR CRIMES EVIDENCE TECHNICIAN	2,000
SWAT	
DRE – DRUG RECOGNITION EXPERT	500
EMERGENCY RESPONSE TEAM	500
EVIDENCE TECHNICIAN	500
FACT – FATAL ALCOHOL & CRASH TEAM	500
NEGOTIATOR	500
SVU – SPECIAL VICTIMS UNIT	1,000
TRAFFIC TECHNICIAN/DIAGRAMMER	500
BREATH TEST OPERATOR	250
INSTRUCTORS	500
MOTORCYCLE	250

Section 2. The City will contribute 3% of the employee portion to the 1977 Police Pension for all employees eligible for participation in the 1977 Police Pension 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 a match of 100% of the employee's contribution not to exceed 2% of the employee's base biweekly pay for all employees eligible for participation in the State's 457(b) plan.

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 _____ 2023, 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 _____ 2023, at _____ o'clock, _____. m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____ 2023, at _____ o'clock, _____. m.

David A. Wood, Mayor

PROPOSED ORDINANCE 2023 - 47

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, 2024.

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, 2024 and shall be payable in 26 bi-weekly pay periods commencing on January 5, 2024.

BIWEEKLY SALARY

MAYOR'S EXECUTIVE ASSISTANT	\$ 2,065.51
MAYOR'S ADMINISTRATIVE ASSISTANT	\$ 1,851.28
MAYOR'S EXECUTIVE SECRETARY	\$ 1,569.06

CONTROLLER	\$ 3,472.18
DEPUTY CONTROLLER	\$ 2,458.14
ACCOUNTANT	\$ 1,894.69
PAYROLL CLERK	\$ 1,727.35
BOOKKEEPER A	\$ 1,768.95
BOOKKEEPER B	\$ 1,535.98
BOOKKEEPER C	\$ 1,438.08
SENIOR PURCHASING AGENT	\$ 1,985.13
PURCHASING AGENT	\$ 1,787.04

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	\$ 1,888.65
CHIEF DEPUTY CLERK II	\$ 1,776.20

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	\$ 2,548.10
SAFETY DIRECTOR	\$ 2,597.26
ASST DIRECTOR	\$ 1,844.44
OFFICE ADMINISTRATOR	\$ 1,579.13
HR OFFICE MANAGER	\$ 1,568.36
HR OFFICE ASSISTANT	\$ 1,538.46
HR CERTIFICATION	19.23

DIRECTOR OF IT	\$ 3,269.23
PUBLIC SAFETY ADMINISTRATOR	\$ 2,692.31
NETWORK ADMINISTRATOR	\$ 2,576.92
SYSTEMS ADMINISTRATOR	\$ 2,576.92
TIER II HELP DESK	\$ 2,076.92
TIER I HELP DESK	\$ 1,961.54
IT OFFICE COORDINATOR	\$ 1,923.08
 CORPORATE COUNSEL	 \$ 2,381.75
1 st DEPUTY CITY ATTORNEY	\$ 2,756.71
2 nd DEPUTY ASST CITY ATTORNEY	\$ 747.46
COUNCIL ATTORNEY	\$ 747.46
 DIRECTOR OF ENGINEERING	 \$ 3,472.18
ASSISTANT DIRECTOR	\$ 2,882.43
PROJECT MANAGER	\$ 2,793.78
TRAFFIC MANAGER	\$ 2,382.23
CONSTRUCTION COORDINATOR	\$ 2,142.33
TECHNICIAN	\$ 2,128.40
GIS COORDINATOR	\$ 2,382.23
PROJECT COORDINATOR	\$ 1,775.30
LOCATOR/INSPECTOR	\$ 1,821.72
OFFICE ADMINISTRATOR	\$ 1,579.13
OFFICE MANAGER	\$ 1,568.36
PE BONUS FT	192.31
IDEM REVIEW BOARD BONUS	153.85
 FIRE ADMINSTRATIVE ASSISTANT	 \$ 1,851.28
FIRE OFFICE ADMINISTRATOR	\$ 1,579.01
FIRE EXECUTIVE SECRETARY	\$ 1,569.06
FIRE OFFICE MANAGER	\$ 1,564.01
 TRAINER	 \$ 2,119.42
RECRUITER	\$ 2,030.33
FORENSIC SCIENCE LAB TECHNICIAN/ PROPERTY ROOM SPECIALIST	\$ 2,056.51
POLICE RECRUIT	\$ 1,873.93
ADMINISTRATIVE ASSISTANT	\$ 1,851.28
DIGITAL MEDIA/STATISTICAL	\$ 1,722.83
PROPERTY MANAGER	\$ 1,722.83
EXECUTIVE SECRETARY	\$ 1,569.45
ADMINISTRATIVE SECRETARY	\$ 1,589.02
SERVICES ADMINISTRATOR	\$ 1,778.85
OFFICE MANAGER	\$ 1,726.15
PROPERTY CLERK	\$ 1,520.18
SECRETARY	\$ 1,569.11
PARKING PERSONNEL	\$ 1,569.11
CROSSING GUARDS	21 pays@ 388.28
CLOTHING:	
PARKING PERSONNEL	600
FORENSIC SCI. LAB ANALYST/PR. SP.	1,000
IDAC SPECIALIST	2,500
MAJOR CRIMES EVIDENCE TECHNICIAN	2,000
CROSSING GUARD SUBSTITUTE	20 per day
SUMMER SCHOOL CROSS GUARD	20 per day
 DIRECTOR OF CODE ENFORCEMENT	 \$ 2,692.31

OFFICE ADMINISTRATOR	\$ 1,579.13
OFFICE MANAGER	\$ 1,568.36
CODE ENF OFFICER A	\$ 2,137.11
CODE ENF OFFICER B	\$ 1,793.90
BUILDING COMMISSIONER	\$ 2,692.31
ASSISTANT BUILDING COMMISSIONER	\$ 2,530.54
OFFICE ADMINISTRATOR	\$ 1,579.13
OFFICE MANAGER	\$ 1,568.36
INSPECTOR A	\$ 2,573.07
INSPECTOR B	\$ 2,336.91
PERMIT TECH I	\$ 1,861.92
EXECUTIVE DIRECTOR	\$ 3,472.18
SENIOR PLANNER/ECONOMIC DEVELOPMENT SPECIALIST	\$ 2,371.38
CITY PLANNER	\$ 2,837.52
SENIOR PLANNER	\$ 2,381.17
ASSOCIATE PLANNER	\$ 2,051.17
ADMINISTRATIVE PLANNER	\$ 1,831.37
OFFICE MANAGER	\$ 1,556.55
DIRECTOR OF COMMUNITY DEVELOPMENT	\$ 2,947.82
TIF CONSTRUCTION MANAGER	\$ 2,793.78
PROGRAM CONSTRUCTION MANAGER	\$ 2,535.99
PROGRAM COORDINATOR	\$ 1,851.89
GRANT MANAGER	\$ 2,326.15
GRANT SPECIALIST	\$ 1,584.44
CENTRAL SERVICES ASSISTANT	\$ 2,383.13
STREET COMMISSIONER	\$ 3,012.74
OFFICE ADMINISTRATOR	\$ 1,687.99
OFFICE MANAGER	\$ 1,568.36
SECRETARY	\$ 1,536.17

BIWEEKLY HOURLY

PART-TIME HELP	7.25-30.00
CENTRAL SERVICES: FLEET MAINTENANCE TECHNICIAN	24.84
CENTRAL SERVICES/MVH: GROUP 1	23.60
GROUP 2	22.37
GROUP 3	21.46
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
MEMBER
PLAN COMMISSION
BZA MEMBER

1500
1000
600
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 2% 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. Longevity Bonus will be provided annually to the Civil City non-union 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 \$150.00 will be added for each year of service after the 10th year.

Section 5. 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 6. 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 _____ 2023, 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 _____ 2023, at _____ o'clock, _____. m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____ 2023, at _____ o'clock, _____. m.

David A. Wood, Mayor

PROPOSED ORDINANCE NO. 2023-48

ORDINANCE NO. _____

AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024

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, 2024 shall be payable in 26 equal biweekly pay periods beginning January 5, 2024 in the following amounts:

	Biweekly salary
Mayor	\$ 3,530.54
Clerk	2,505.94
Council member	522.76

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 _____, 2023, at ____ o'clock, __. m.

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor, this _____ day of _____ 2023, at _____
o'clock, _____. m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2023, at _____ o'clock, _____. m.

David A. Wood, Mayor