

AGENDA

Monday, March 16, 2015

**Meetings of Standing Committees
Council Conference Room
6:45 P.M.**

**REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00 P.M.**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of the Minutes of the Previous Regular Meeting**

March 02, 2015

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendations from their March 10, 2015 meeting.

A letter from the City Plan Commission regarding recommendations from their March 10, 2015 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2015-04 Rezone from C-1 General Commercial to R-1 Single Family - 502 West 6th St.

P.O. NO. 2015-05 Amend PUD for Signage - Northwest corner of Jefferson Blvd and Byrkit Ave

P.O. NO. 2015-06 Amend PUD to allow for Childcare Services - 235 W University Dr

P.O. NO. 2015-07 Amend PUD to allow for a Hotel - Toscana Park (Gumwood Rd)

8. Resolutions

R2015-07 Honoring Penn High School State Champion Wrestler - Chase Osborn

R2015-08 Honoring Penn High School State Champion Wrestler Kobe Woods

R2015-09 Honoring Penn High School Team State Champion Wrestlers

R2015-10 Fiscal Plan for Annexation & Zoning I-2 - S of Conrail RR - Adjacent to 226 S. Elder

R2015-11 Use Variance to allow a Cell Tower - West of Tanglewood Trace Lane - West side of Grape Rd North of Edison Rd

R2015-12 Use Variance to allow Automotive Use - 403 South Main St

R2015-13 Use Variance to allow a Drop-off Donation Center at the corner of 1231 LWW and Logan St.

9. Ordinances on Second Reading

P.O. NO. 2015-03 Annex and Zone I-2 Heavy Industrial - South of Conrail RR adjacent to 226 S. Elder (Assigned to Land Use Planning Committee) **VOTE ONLY**

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment

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



REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
March 2, 2015

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday March 2, 2015, at 7:00 p.m. The meeting was called to order by Council President Emmons and all were asked to stand for the Pledge of Allegiance.



Roll Call.

Present: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons, (Not voting).

The minutes from the February 16, 2015 meeting were approved as received from the City Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals Recommendations from their February 10, 2015 Public Hearing.

Appeal No. 2015-09	Use Variance to allow a Cell tower – West of Tanglewood Trace Lane – West side of Grape Rd North of Edison Rd
Appeal No. 2015-11	Use Variance to allow Automotive Use – 403 South Main Street
Appeal No. 2015-12	Use Variance to allow a Drop-Off Donation Center corner of 1231 LWW and Logan Street.
Petition No. 2015-05	Rezone from C-1 General Com to R-1 Single Family 502 West 6 th Street
Petition No. 2015-06	Amend PUD for Signage – Northwest corner of Jefferson Blvd and Byrkit Avenue
Petition No. 2015-07	Amend PUD to allow for Childcare Services – 235 W University Drive
Petition No. 2015-08	Amend PUD to allow for a Hotel – Toscana Park (Gumwood Rd)

Clerk Block read **RESOLUTION R2015-05 HONORING MHS State Champion Wrestler Tommy Forte.**

Charlie Cornet Head Wrestling Coach at Mishawaka High School said what he would like to acknowledge Tommy for was his performance off the mat as well, he is a true leader understands the tradition of the Mishawaka Wrestling Program and the position it represents. He said in addition to some of the accomplishments mentions he has been the Champion of the Al Smith Tournament all 4 years of high

school, which has only happened twice in the 36 year history of the tournament, as well as winning the State Championship twice which has happened on twice at Mishawaka High School.

Sharon Forte, 29851 County Road 16, Elkhart, Indiana speaking on behalf of her husband and herself and thank Mayor Wood and all of the Councilmembers, the Administration and coaches

Mr. Reisdorf said Tommy was also named the Indianamat outstanding senior wrestler and won the Mr. Gorilla award. He said Tommy also has been a dedicated student as well.

Tommy Forte 29851 County Road 16, Elkhart said he wanted to thank the Council, City of Mishawaka for supporting him through everything.

All of the Council members congratulated Tommy and his success and the great young man that he was.

Mr. Emmons called for the question on **RESOLUTION NO. 2015-05** at 7:16 p.m. the  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9 **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons.

Clerk Block read **RESOLUTION NO. R2015-06** Honoring MSH Student Tanner Bradley in 3 sports.

Coach Smith said he wanted to make a reference to Tommy Forte along with Tanner Bradley and looking at the Council knowing how many of the aforementioned have been injured, beat up, pulverized legs, arms, and teeth Tommy Forte won the invitational on one leg, and technically speaking won the State Championship with one arm. He went on to say Tanner Bradley came out of football injured and he fought that every step of the way all year long, he was academically an excellent young man, and a fine representative of the City of Mishawaka.

Mishawaka School City Superintendent Terry Barker 6605 Dockside Drive, South Bend, said he wanted to commend both of these young men for their resilience, determination and dedication to their sports, school, community, the way they represented Mishawaka High School, and the Mishawaka Community and knows they will continue to do so in an exemplary way.

Family members spoke of how proud they were of his accomplishments and how he has maintained a great attitude and thanked the Council for recognizing him for his achievements.

Coach Charlie Cornett 727 West North Shore Drive, South Bend said both of these young men have iron will, they have both battled injuries all year long and still accomplished great feats in the sport of wrestling. He said in addition to his accomplishment in sports Tanner is a role model in the classroom, on the football field, on the wrestling mat, and after the state tournament instead of taking the day off and relaxing he went to John Young Middle School to work with the middle school wrestlers, that is the kind of character that he has. Coach Cornett said he was proud to have coached him and knows he would make Mishawaka proud at the next level.

Mayor Wood said he wanted to express his support for this resolution and honor this great kid, while he has some great accomplishments in the athletic field he was equally impressed with Tanner for his commitment to this community off of the athletic field. He said Tanner was a member of the Mayor's Youth Council during the Thanksgiving Holiday over fifty baskets of food were delivered to families in need and Tanner lifted almost every one of those very heavy boxes to be delivered. Mayor Wood said he would represent Mishawaka well wherever he goes hoping he would wind up back in Mishawaka because he sees Tanner and Tommy being future leaders of this community, we are blessed to have them. He said as a rule he only gives Keys to the City to State Champions Tanner has gone to State in three different sports he would like to present him with The Key to the City.

Tanner Bradley 935 Homewood Avenue, Mishawaka said thank you to all of his supporters, City of Mishawaka, Dr. Barker, Mayor Wood, Council, Al Smith and his parents and grandmother, and a big thanks to everyone who has helped along the way.

Question was called for at 7:36 p.m. on **RESOLUTION NO. 2015-6** the  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons.**

Mr. Reisdorf said he has had the opportunity to talk with all of Tanner Coaches; Coach Bart Curtis wanted to be present but was at an award presentation and could not make it. He said all of the Coaches expressed how proud they were of Tanner and his accomplishments.

All Councilmen spoke stating how proud they were that Tanner represented the City of Mishawaka in such a fine way and they knew he had great things coming ahead of him, and hoped he would come back to Mishawaka to raise his family.

Mr. Reisdorf said the Council would be honoring the Penn High School Wrestling team and their champions at the March 16th Council Meeting.

Question was called for at 7:36 p.m. on **RESOLUTION NO. 2015-06** the  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons.**

Clerk Block Read **PROPOSED ORDINANCE NO. 2015-02** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-02

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

Vacation of public right of way – South of State Road 23 and West of Cleveland Road (Access Drive)

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

Bernard Fenney Registered Land Surveyor 715 South Michigan Street, South Bend, said he was speaking on behalf of Belmont Beverage for the vacation of the right of way request.

Ms. Voelker asked about people cutting through this parking lot taking a short cut to avoid the traffic light, would they be putting something to deter that. Mr. Fenney said potentially speed bumps but they have a commitment to the offices located there; it is a convenience for them to cut through there, and it is the owners commitment to keep that open for that purpose, some speed control might be necessary.

Question was called for at 7:43 p.m. on **PROPOSED ORDINANCE NO. 2015-02** the **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mr. Reisdorf, Mr.**

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

Clerk Block opened **PROPOSED ORDINANCE NO. 2015-03** For public hearing no vote would be taken at this meeting.

PROPOSED ORDINANCE NO. 2015-03

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

**Annex and Zone I-2 Heavy Industrial – South of The Central RR adjacent to
226 S. Elder**

Bernard Finney Registered Land Surveyor said he was speaking on the behalf of Mr. Campbell, the owner of the property that they are proposing to annex into the City of Mishawaka. He said late in 2014 they were hired by Mr. Campbell to do a survey of the two buildings that he owns on the east side of the road immediately south of the Conrail tracks. Mr. Finney stated upon surveying primarily the north building they found that it encroached on part of the property that was described for the south building, the north building resides within the city limits the south building does not. Mr. Finney went on to explain Mr. Campbell wants to correct this problem after consulting with the Plan Commission Staff it was determined that the best course of action, the only course of action would be to annex the south property into the city limits and then reconfigure the property so the north building no longer encroached the property line. He said this was the first step in that process and would be followed by a subdivision that would remedy the problem of the property line running through the north building. Mr. Emmons closed the hearing at 7:46 p.m.

NEW BUSINESS

Mr. Compton said he would like to recognize Councilmen Matt Mammolenti who has been inducted to the Mishawaka High School Athletic Hall of Fame he would be joining Councilman Roggeman, who was previously inducted and he congratulated Coach Smith for having Coached so many good athletes.

Mr. Emmons also congratulated Mr. Mammolenti and said that ceremony would be on March 14, 2015 and Mr. Roggeman would be the master of ceremony of that event.

Mr. Mammolenti said Neighborhood Watch Meeting would be held at Twin Branch School on March 18th at 7:00 p.m. and the guest speaker would be Todd Gears the director of the new Dispatch center.

Mr. Emmons said he would be on vacation in March so there would be no monthly meeting .

Adjournment 7:50 p.m.



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

March 11, 2015

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 12 2015

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
March 10, 2015, Public Hearing

CITY CLERK
MISHAWAKA, IN

Honorable Members:

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

APPEAL #15-09

An appeal submitted by Charles S. Hayes, Inc., (purchaser) on behalf of Saint Pius X Catholic Church (owner) requesting a Use Variance to permit a cell tower on property located west of Tanglewood Trace.

The Board, with a vote of 3-0, forwarded a favorable recommendation subject to the following conditions:

1. The tower shall not exceed more than 195' in height.
2. An Administrative Site Plan shall be submitted for the property. The site plan shall be consistent with the general standards identified in the schematic site plan submitted.
3. Care shall be taken to preserve a significant number of trees west and south of the proposed tower location. Existing trees to be preserved shall be surveyed and identified on the Administrative Site Plan and shall be subject to staff review and approval. Placement of the tower may need to be shifted to the east, but should maintain a 5' setback. Existing vegetation shall be supplemented with new evergreen trees depending on the ability to save existing vegetation. Evergreen trees shall be planted in sparse areas and shall not exceed a 15' X 15' triangular spacing with a minimum installed height of 8'.
4. The proposed access shall be paved.

APPEAL #15-11

An appeal submitted by Maurice Bokhart (purchaser) on behalf of Thomas W. Mittler Family Trust (owner) requesting a Use Variance for **403 South Main Street** to permit the warehousing, resale, detailing, and rental of high-end, luxury automobiles.

The Board, with a vote of 3-0, forwarded a favorable recommendation subject to the following conditions:

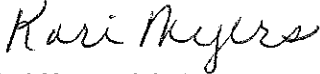
1. Outdoor parking of vehicles may be allowed. However, vehicles shall be parked only in the existing on-site parking spaces and the required number of parking spaces for industrial, one (1) space per employee at maximum shift, shall be maintained. A site plan shall be submitted showing location of proposed parking.
2. A grease/grit interceptor shall be installed per the Department of Engineering.
3. No Auto-mechanical and/or auto-body work may be performed on the property.

APPEAL #15-12

An appeal submitted by Kai Nielson (leaseholder) on behalf of Bruce Gafill III (Owner) requesting a Use Variance for **1231 Lincolnway West** to permit a collection/distribution center in a C-1 General Commercial District and various Developmental Variances for parking, landscape, and setbacks.

The Board, with a vote of 3-0, forwarded a favorable recommendation.

Respectfully,

A handwritten signature in black ink that reads "Kari Myers". The signature is written in a cursive, flowing style.

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Charles Hayes
Maurice Bokhart
Greg Kil

STAFF REPORT

Location: West and adjacent to Tanglewood Trace

Date: March 10, 2015

Appeal: 15 09

Prepared By: CH

GENERAL INFORMATION

Applicant: Charles S Hayes, Inc on behalf of Saint Pius X Catholic Church

Status: Purchaser on behalf of Property Owner

Request: Use Variance for cell tower

Zoning Classification: R-3 Multi-Family Residential

Lot Size: Approximately 0.5 acres

Applicable Regulations: Section 137-42 (4) Board of Zoning Appeals

SPECIAL INFORMATION

Area Development Pattern: North: R-3 Multi-Family Residential
South: R-3 Multi-Family Residential
East: C-4 Automobile Oriented Commercial
West: R-3 Multi-Family Residential

Thoroughfare: Grape Road

School District: South Bend School Corporation

Township: Clay

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

Comprehensive Plan: Medium Density Residential

ANALYSIS

The petitioner, Charles S Hayes, Inc, is requesting a use variance to allow a 195-foot overall monopole type radio communications tower, various equipment shelters, equipment platforms, generators and related equipment. The property is currently 3.19 acres, but after the approval of the use variance, will be submitted a subdivision to separate the cell tower from the larger lot. It will be located in the Tanglewood Trace development, over 600' west of Grape Road. The tower will be accessed from a gravel driveway off an access easement (Book 270, Page 231) off of Tanglewood Lane, a private drive (Doc No 0329077). The preliminary site plan submitted with the proposal indicated an 80-foot by 80-foot yard enclosed by a 6-foot chain link fence. No landscaping is proposed.

The property on which the communication tower is proposed is zoned R-3 Multi-Family Residential and is utilized as Tanglewood Trace, a senior assisted living and independent retirement living community. The Zoning Ordinance of the City of Mishawaka requires communications to be constructed as a conditional use in the I-2 Heavy Industrial Zoning District. Due to the unique requirements for locating such facilities, and in consideration of the tower height and equipment pads needed, requests to erect towers and construct the accompanying equipment need to be evaluated on an individual basis. The Conditional Use Permit process allows the City to do just that. Because the property on which the proposed tower is to be constructed is zoned R-3 Multi-Family Residential, not I-2 Heavy Industrial, a conditional use cannot be

obtained. Therefore, the Petitioner is requesting a use variance to vary from the permitted uses identified within the R-3 Multi-Family Residential Zoning District to allow a 195-foot overall communications tower and related equipment.

The proposed site for the proposed tower is appropriate for a communication tower use. The proposed location represents an optimal location for one of these towers required for the desired coverage. The location is far enough back from the thoroughfare, but also near many cell phone uses. This location is approximately 200' from the nearest residential building.

All pertinent City Departments have reviewed this request and recommend approval.

RECOMMENDATION

The staff recommends in favor Appeal 15-09 to allow for the installation a 195-foot overall communications tower and related equipment subject to the following conditions:

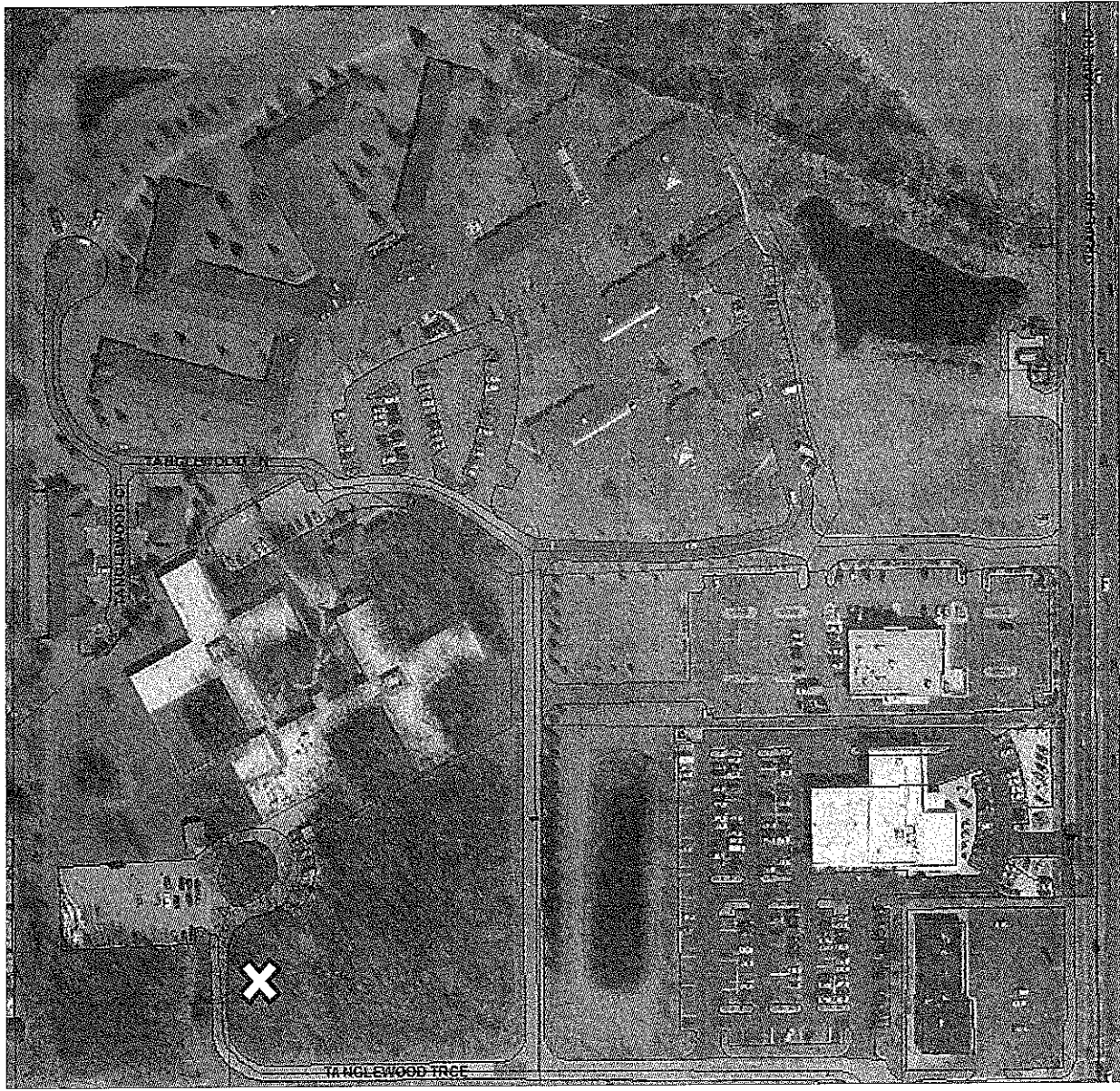
- 1) The tower shall not exceed more than 195-feet in height.
- 2) An Administrative Site Plan shall be submitted for the property. The site plan shall be consistent with the general standards identified of the schematic site plan submitted.
- 3) Care shall be taken to preserve a significant number of trees west and south of the proposed tower location. Existing trees to be preserved shall be surveyed and identified on the Administrative site plan and shall be subject to staff review and approval. Placement of the tower may need to be shifted to the east, but should maintain a 5' setback. Existing vegetation shall be supplemented with new evergreen trees depending on the ability to save existing vegetation. Evergreen trees shall be planted in sparse areas and shall not exceed a 15' x 15' triangular spacing with a minimum installed height of 8'.
- 4) The proposed access shall be paved.

This recommendation is based upon the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the property on which the tower is to be located sits far back from the road and at least 200' away from the closest residential building.
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 property on which the tower is to be located sits far back from the road and at least 200' away from the closest residential building.
3. The need for a variance arises because the Zoning Ordinance for the City of Mishawaka restricts the installation of cellular communication towers from all zoning districts other than I-2 Heavy Industrial zoned districts. With the increased usage of cell phones, the number of properly zoned parcels in areas needed to provide adequate cell coverage are becoming less available. However, each site needs to be evaluated on an individual basis.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because cell towers are only allowed in industrial zoned properties. The use of cellular phones and technology have rapidly increased in the past few years and created a higher demand for better cellular coverage for users. The location of properties zoned heavy industrial within the City requires that sites be evaluated on a case by case basis relative to the context of a specific location.
5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan. Although the Comprehensive Plan identifies this property for low density residential, the Comprehensive will not be substantially interfered with because of the limited use of the property and the specific hardships associated with the request.

ATTACHMENTS

Photographs, Aerial, Appeal, Site Plan, Location Map



Aerial

STAFF REPORT

Location: 403 South Main Street

Date: March 10, 2015

Appeal: 15 - 11

Prepared By: GGS

GENERAL INFORMATION

Applicant: Maurice Bokhart

Status: Binding Purchase Contract Property Owner

Request: Use variance for to allow for warehousing, resale, detailing, and renting of high-end, luxury automobiles.

Zoning Classification: I-1 Light Industrial

Lot Size: 1.18 acres

Applicable Regulations: Section 137-42 Board of Zoning Appeals Use Variance

SPECIAL INFORMATION

Area Development Pattern: North: C-3 City Center Commercial
South: I-1 Light Industrial
East: I-1 Light Industrial
West: C-1 General Commercial

Thoroughfare: North Main Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available to the site

Comprehensive Plan: General Commercial & Industrial

ANALYSIS

The appellant is requesting a use variance to allow for warehousing, resale, detailing, and rental of high-end, luxury automobiles in an I-1 Light Industrial zoning district.

The appellant has entered into a binding purchase contract for property located at 403 South Main Street located at the southwest corner of Main Street and the railroad tracks. This property was currently utilized for indoor storage and showroom for automobiles with an indoor wash bay for cleaning the automobiles. The appellant desires to occupy the building for the warehousing, resale, detailing and rental of high-end, luxury automobiles. Auto sales will both be internet driven and on-site. All vehicles will be housed indoors, and no painting or mechanical work will take place at this location. Hours of operation are expected to be from 8 a.m. to 6 p.m Monday through Friday, and 8 a.m. to 2 p.m. on Saturday.

Given the near downtown location of the property, rezoning to the appropriate zoning of C-4 Automobile Oriented Commercial would not be appropriate. The proposed use as being indoor/internet car sales also

is unique relative to typical C-4 businesses that rely on an extensive amount of pavement and small buildings.

The proposed auto use is a low intensity use that will have minimal traffic. The parking requirement will be extremely low given that the inventory will remain under roof. In addition, parking will be driven by appointments being made by the business operator.

RECOMMENDATION

The Planning Staff recommends approval of Appeal 14-19 to allow in warehousing, resale, detailing, and renting of high-end, luxury automobiles in an I-1 Heavy industrial district subject to the following conditions:

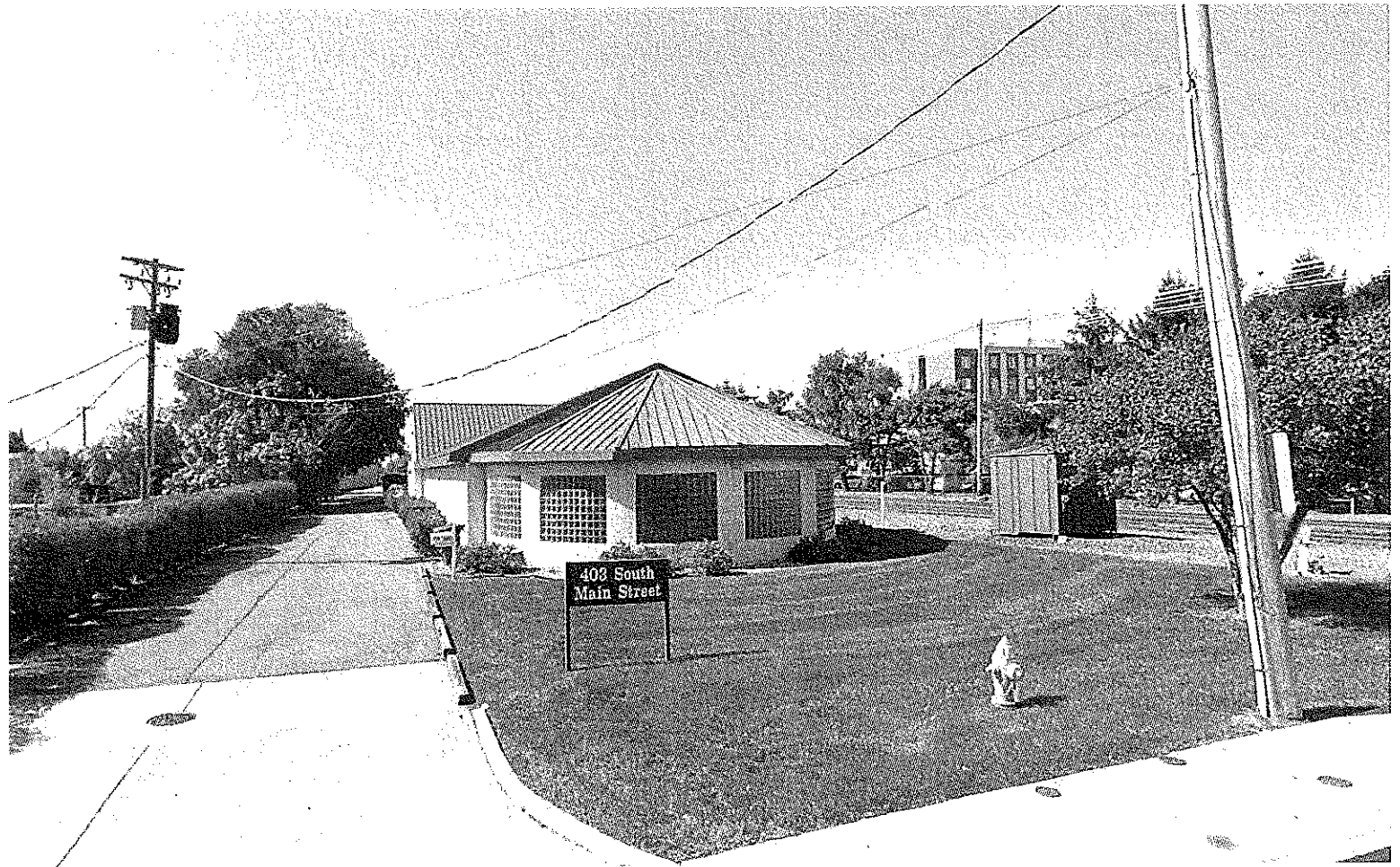
1. Outdoor parking of vehicles may be allowed. However, vehicles shall be parked only in the existing on-site parking spaces and the required number of parking spaces for industrial use, (1) space per employees at maximum shift, shall be maintained. A site plan shall be submitted showing location of proposed parking.
2. A grease/grit interceptor shall be installed per the Department of City Engineering.
3. No auto-mechanical and/or auto-body work may be performed on the property.

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 all state and local building codes will be adhered to during construction and/or improvements to the existing structure;
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 adjacent properties are zoned for industrial and/or commercial uses.
3. The need for the variance arises from some condition peculiar to the property in that it is located in an industrial area and does not allow for the proposed auto use which is more applicable to an industrial property than to a commercial property.
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 specific automotive uses within industrial zoned properties. The only means by which to allow the proposed car use and maintain the current industrial portion is through the use variance process;
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

ATTACHMENTS

Photographs, Appeal, Location Map



View looking onto 403 South Main Street

STAFF REPORT

Location: 1231 Lincolnway West

Date: March 10, 2015

Appeal: 15 - 12

Prepared By: GGS

GENERAL INFORMATION

Applicant: Bruce Gafill III

Status: Property Owner

Request: Use variance for to allow for donation center and various developmental variances

Zoning Classification: C-1 General Commercial

Lot Size: 0.29 acres

Applicable Regulations: Section 137-42 Board of Zoning Appeals Use Variance & Section 137-42 (5) BZA Developmental Variance

SPECIAL INFORMATION

Area Development Pattern: North: S-1 Open Space
South: R-1 Single-Family Residential
East: C-1 General Commercial
West: R-3 Multi-Family Residential

Thoroughfare: Lincolnway West & South Logan Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available to the site

Comprehensive Plan: General Commercial

ANALYSIS

The appellant is requesting a use variance to allow for a drop-off donation center for the organization Planet Aid. The proposed donation center will be located at the southeast corner of Lincolnway West and Logan Street. This property was originally a service station and most recently a carry-out pizza restaurant. The building and property has been vacant for the past 8 to 10 years. The appellant desires to convert the building into a drop-off collection center for donated clothing. Two exterior donations bins are proposed along the west side of the building and a drop-off slot on the north side of the building. The building will not be occupied and utilized just as a cold storage collect/distribution center for the organization.

Several improvements to the property are proposed. Repair and re-painting of the building are proposed. Overgrown weeds and scrub vegetation will be removed and (3) new trees are proposed along Logan Street.

Given the property has been vacant for the past 8 to 10 years, it is required that the site be brought into compliance with the current Zoning Ordinance. Due to the relative small size of the property, the

appellant is requesting several developmental variances in order to bring the property into compliance. The requested variances are as follows:

1. Variance from the required landscaping to what is presented on the submitted site plan (3 proposed trees).
2. Reduction in parking from 4 spaces to 3 spaces. Ordinance requires 1 space per 1000 sf of building area. The existing building is 1064.6 sf.
3. Variance to allow a 4-ft building setback for the existing building along the east property line. A 5-ft building setback is required.
4. Variance to allow a 0-ft pavement setback along the northwest corner of the property resulting from the Lincolnway widening project and a 0-ft pavement setback along the eastern lot line as existing.

RECOMMENDATION

The Planning Staff recommends approval of Appeal 15-12 to allow a use variance for a donation drop-off/collection center. 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 all state and local building codes will be adhered to during construction and/or improvements to the existing structure;
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 proposed use is less intense than what is allowed under the C-1 General Commercial zoning.
3. The need for the variance arises from some condition peculiar to the property in that it is located on a commercial zoned property and the Ordinance does not specify the proposed use as an allowable use in any of the zoning districts.
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 specific proposed use within commercially zoned properties. The only means by which to allow the proposed use is through the use variance process;
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

The Planning Department recommends approval of the aforementioned developmental variances for 1231 Lincolnway West. This recommendation is based on the following finding of fact:

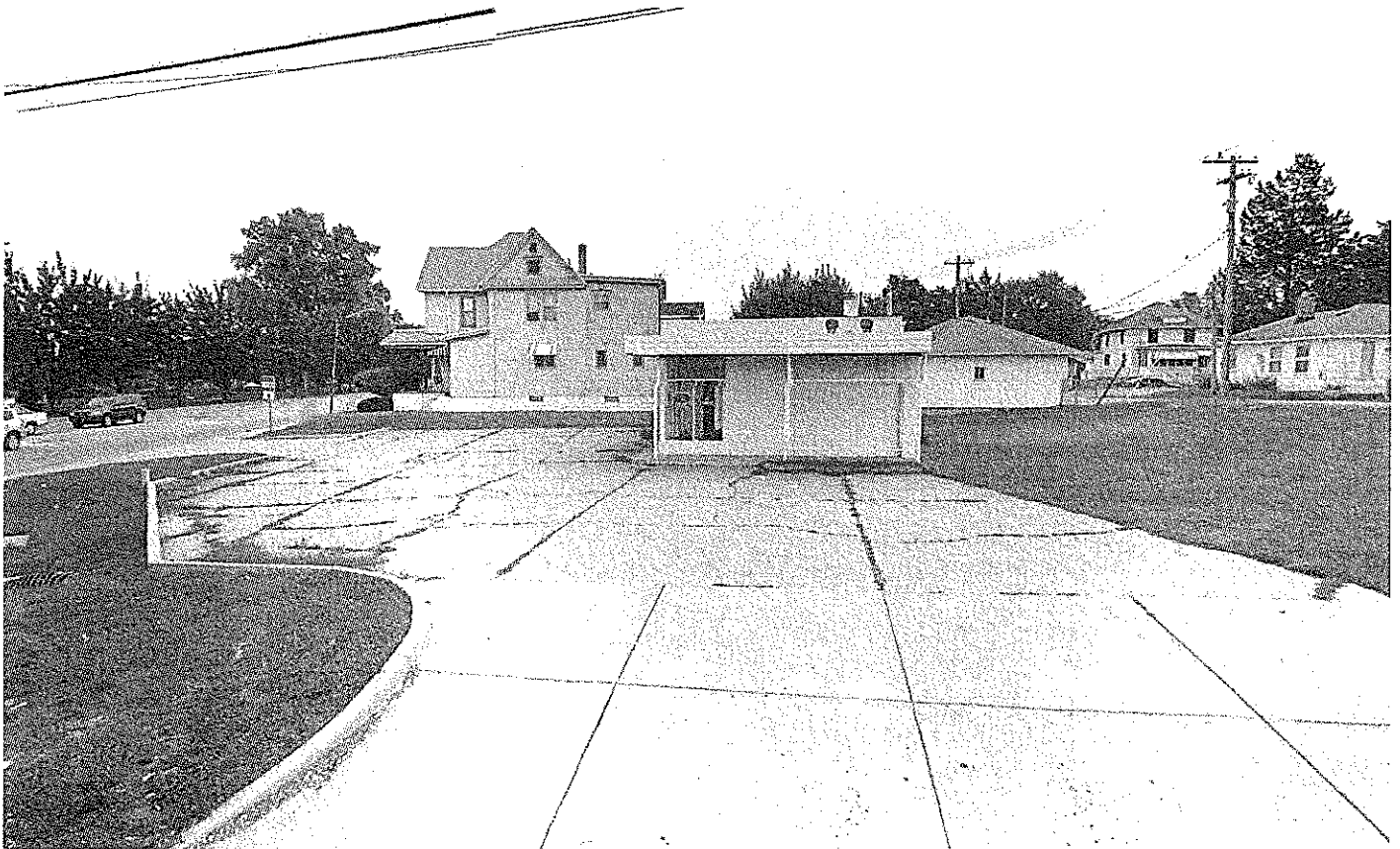
1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the conditions on the property are existing.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the site conditions are existing and several site improvements to the property are proposed.
3. Strict application of the terms of this chapter will result in practical difficulties in the use of the property because the site is small in size and does not allow for required developmental standards without hindering the functionality of the property for the intended use.

ATTACHMENTS

Photographs, Appeal, Location Map



View looking onto property from Lincolnway



View looking onto property from Logan



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

March 11, 2015

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 12 2015

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
March 10, 2015, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

PETITION #15-05 A request submitted by the City of Mishawaka Redevelopment Commission requesting to rezone **502 West Sixth Street** from C-1 General Commercial District to R-1 Single Family Residential District.

The Commission, with a vote of 7-0, forwarded a favorable recommendation.

PETITION #15-06 A request submitted by Black Gold LLC requesting an amendment to the Highlands Development Planned Unit Development for signage at the **northwest corner of Jefferson Boulevard and Byrkit Avenue.**

The Commission, with a vote of 7-0, forwarded a favorable recommendation subject to the following conditions:

1. To allow the development sign and the individual outlot sign to be combined into a single sign.
2. To allow this sign to have a maximum 135 square feet of display area to include name of the development, name/logo of fuel brand, LED price sign, and five additional business signs.
3. To allow the overall height of this sign to be 13'6", consisting of a 3' base, 9' sign cabinet, and 1'6" architectural enclosure on top.

PETITION #15-07 A request submitted by DF Properties LLP requesting to amend the Park Plus Planned Unit Development to permit childcare services at **235 West University Drive.**

The Commission, with a vote of 7-0, forwarded a favorable recommendation.

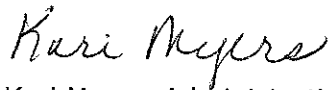
PETITION #15-08 A request submitted by Toscana Realty, LLC, requesting to amend the Toscana Park Planned Unit Development to permit a hotel with maximum height of 59', and an additional freestanding monument sign located on Gumwood Road.

The Commission, with a vote of 7-0, forwarded a favorable recommendation subject to the following conditions:

1. The maximum building height for the hotel shall be limited to 59'.
2. The total number of parking spaces for the existing commercial uses may be reduced to 4 parking spaces per 1000 sf of building area for the internal non-outlot portion of the development.
3. An additional free-standing monument sign may be installed along Gumwood Road for the identification of the hotel subject to Staff review and approval of a signage master plan for Gumwood Road which includes signage for the outlot parcels. Signage shall comply with the overlay signage district standards.

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

Respectfully,

A handwritten signature in cursive script that reads "Kari Myers".

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Philip Troyer
Denise Cunningham
Brad Mosness

STAFF REPORT

Location: 502 West Sixth Street

Date: March 10, 2015

Petition: 15 05

Prepared By: KM

GENERAL INFORMATION

Applicant: City of Mishawaka Redevelopment Commission

Status: Property Owner

Request: Rezone from C-1 General Commercial to R-1 Single Family Residential District

Zoning Classification: C-1 General Commercial

Lot Size: 49.5' X 115.5'

Applicable Regulations: Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial District
South: R-1 Single Family Residential District
East: C-1 General Commercial, I-1 Light Industrial District
West: R-2 Two Family Residential District

Thoroughfare: West Sixth Street and South West Street

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner is requesting to rezone 502 West Sixth Street from C-1 General Commercial District to R-1 Single Family Residential District. The property is located at the northwest corner of Sixth and West and was formerly Squad's 2nd Precinct. The City purchased the property and demolished the bar/restaurant. The neighborhood has a mix of zoning designations, but the area is primarily residential in nature.

Prior to the 1980's residential uses were permitted in the C-1 General Commercial District. Around 1986 the C-1 General Commercial District was amended to prohibit residential uses. Petitioner states the property will be used to construct a single family home for Habitat for Humanity.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

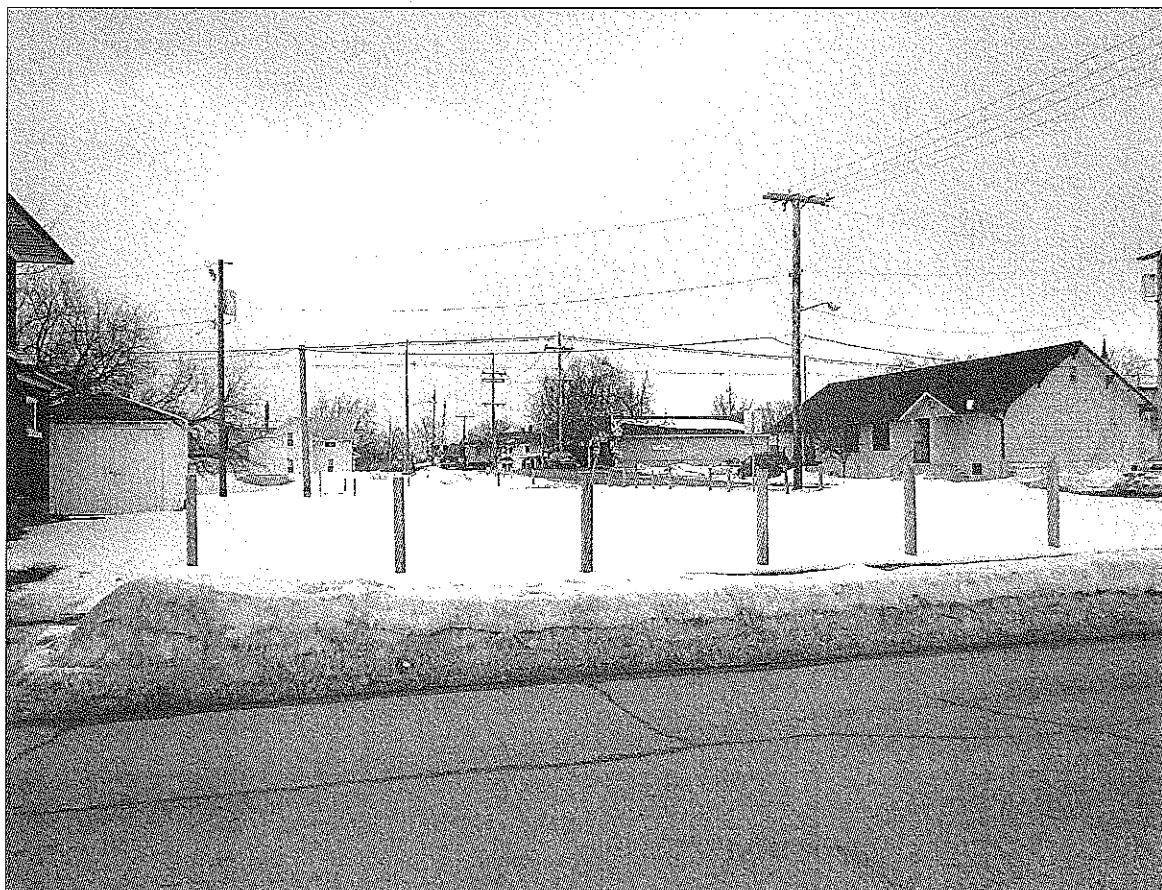
The Planning Department recommends **approval** of Petition 15-05 to rezone 502 West Sixth Street from C-1 General Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. There are commercial zonings to the east and southeast of this property, but the neighborhood surrounding the property is primarily residential in nature, and its proposed use as a single family dwelling would be compatible to the area;

2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as an commercial project, staff feels that the most desirable use for this property is single-family use;
3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for general commercial but its proposed use as a single family home is compatible and consistent with the historic residential uses in the area.

ATTACHMENTS

PETITION, PHOTOGRAPHS, AERIAL, LOCATION MAP



502 W. Sixth Street

STAFF REPORT

Location: Northwest corner of Jefferson Blvd and Byrkit Street

Date: March 10, 2015

Petition: 15 06

Prepared By: CH

GENERAL INFORMATION

Applicant: Black Gold LLC

Status: Property Owner

Request: Amend PUD to allow for revised signage standards

Zoning Classification: S-2 Planned Unit Developments

Lot Size: Approximately 1.04 acres

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

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development
South: S-2 Planned Unit Development
East: I-2 Heavy Industrial
West: S-2 Planned Unit Development

Thoroughfare: Jefferson Blvd and Byrkit Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available to the site

Comprehensive Plan: General Commercial

ANALYSIS

The petitioner is requesting to amend the Fields at Highlands PUD to allow for revised signage standards. In 2008, the PUD was approved Tract 3 for the following uses: multi-family residential, office/retail spaces as allowed within the C-1 General Commercial zoning district, a bank office branch with drive-up window service, and a convenience/fuel center. The PUD also included restrictions for signage, that all commercial lots of the PUD shall be limited to the restrictions the Sign Overlay District, and more specifically, to allow one monument sign for each commercial lot not exceeding 60 square feet in display area and 8-feet in height and one overall development sign in addition to the individual out lot signs. The height of the development sign shall not exceed 12-feet in height and 80 square feet and otherwise meet the sign overlay restriction.

The petitioner is requesting to combine the development sign and the individual out lot sign into a single sign. This proposed sign has 135 square feet of display area and will include the name of the development, name/logo of fuel brand, LED price sign, and five additional business signs. In addition to the 9' high display area, the sign will have a 3' base and a 1'6" architectural enclosure on top for a total of 13'6" overall height.

All pertinent City Departments have reviewed this request and recommend approval.

RECOMMENDATION

Staff recommends in favor of amending the Fields at Highlands PUD to allow the following in regards to the signage for Lot 1, Jefferson and Byrkit Minor Subdivision:

1. To allow the development sign and the individual out lot sign to be combined into a single sign.
2. To allow this sign to have a maximum 135 square feet of display area to include name of the development, name/logo of fuel brand, LED price sign, and five additional business signs.
3. To allow the overall height of this sign to be 13'6", consisting of a 3' base, 9' sign cabinet, and 1'6" architectural enclosure on top.

This recommendation is based on the following findings of fact:

1. Existing Conditions – Even though the site is vacant, several uses including multi-family residential, office/retail spaces, a bank with drive-up window, and a convenience/fuel center have already been approved for the site.
2. Character of Buildings in Area - The character of the buildings proposed within this development and the surrounding area is commercial and residential.
3. The most desirable/highest and best use – Given the parcel's location on the corner, and potentially more utilized intersection, a centralized sign is the highest and best use.
4. Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the uses are not changing and there are still conditions put on the signage.
5. Comprehensive Plan- The proposed amendment is consistent with the Comprehensive Plan identifying this area for residential uses and service commercial uses.

ATTACHMENTS

Aerial, Photographs, Petition, Location Map



Aerial



View looking southwest over Tract 3

STAFF REPORT

Location: 235 W University Drive

Date: March 10, 2015

Petition: 15 07

Prepared By: CH

GENERAL INFORMATION

Applicant: Denise Cunningham on behalf of Aaron Slagel
Status: Tenant on behalf of Property Owner
Request: Amend PUD to allow child care use
Zoning Classification: S-2 Planned Unit Developments
Lot Size: Approximately 2.57 acres
Applicable Regulations: Section 137-671 to 137-679 S-2 Planned Unit Development District
Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development
South: S-2 Planned Unit Development
East: S-2 Planned Unit Development
West: C-1 General Commercial

Thoroughfare: University Drive

School District: South Bend Community School Corporation

Township: Clay

Public Utilities: All utilities are available to the site

Comprehensive Plan: Service Commercial

ANALYSIS

The petitioner is requesting to amend the Park Plus PUD to allow for hourly, drop-in child care. In 1995, this parcel was rezoned to S-2 Planned Unit Development as part of the Park Plus PUD. Uses allowed at the time were a shopping center on Lot 5 (south of University Drive), a furniture store use on Lot 6, and a sporting goods store for Lot 7 (both north of University Drive), and/or other modified but not incompatible or significantly different uses. A final site plan was submitted later that year for the Macri's shopping center.

The petitioner is requesting to add child care to the uses allowed in the shopping center. This will be an hourly, drop-in, non-routine child care for no more than 4 hours per day. For example, if a parent wanted to go shopping at the mall, they could drop off their child for a couple of hours while they run errands. There may also come a time when they provide seasonal camps for school-aged children only and in this instance, services can be used up to 8 hours. Both of these activities are exempt from state licensing. All pertinent City Departments have reviewed this request and recommend approval.

RECOMMENDATION

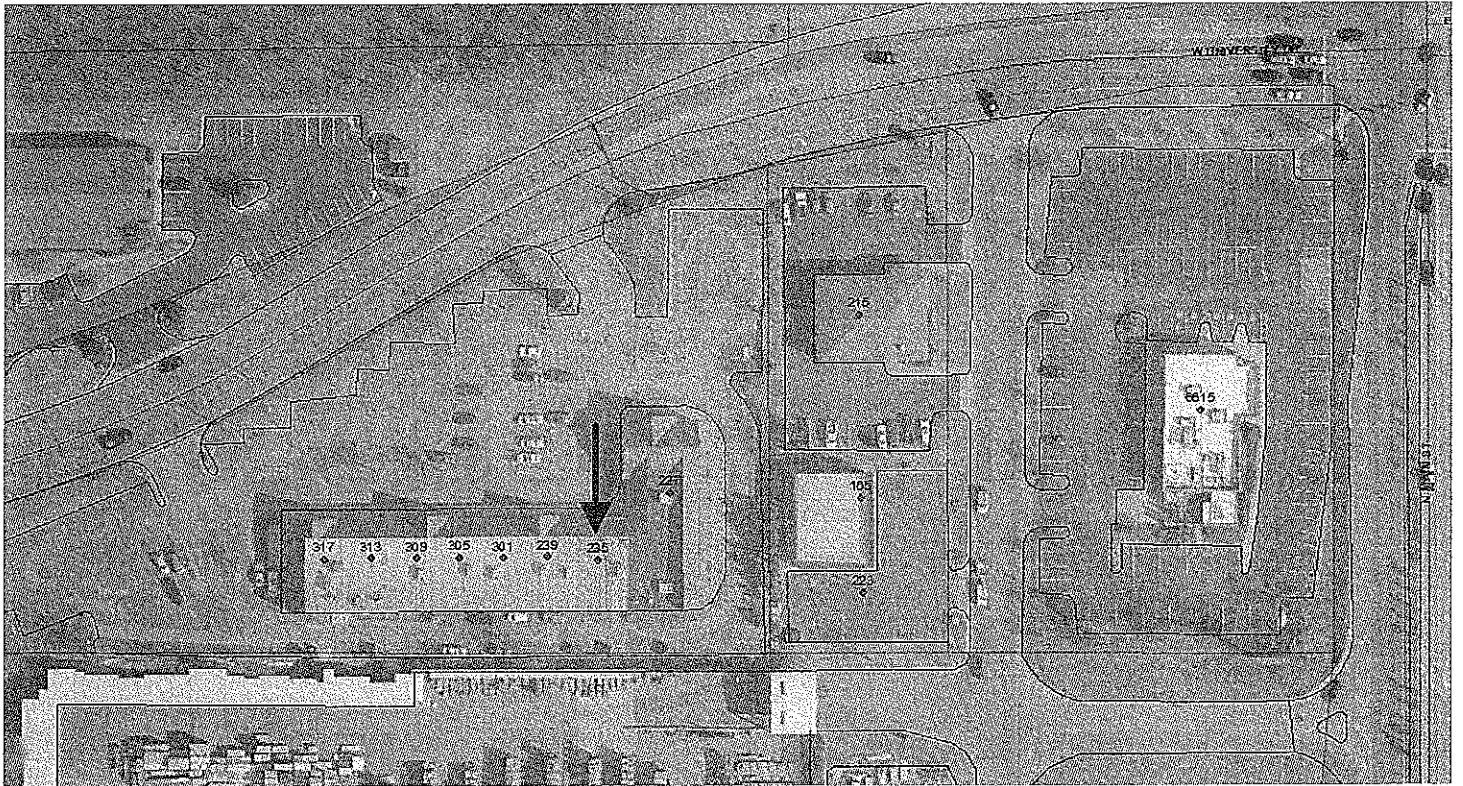
Staff recommends in favor of amending the Park Plus PUD to allow the following in regards to allowing hourly, drop in child care use in the shopping center on the south side of University Drive.

This recommendation is based on the following findings of fact:

1. Existing Conditions – The use will be located in an existing building with other commercial uses, including a restaurant and a hair salon.
2. Character of Buildings in Area - The character of the buildings proposed within this development and the surrounding area is commercial.
3. The most desirable/highest and best use – Because of the parcel's location on University Drive, the most desirable use for the property is commercial.
4. Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the nature of the hourly, drop-in child care does not put an increase on parking with drop/off pick up routines like a traditional child care would.
5. Comprehensive Plan- The proposed amendment is consistent with the Comprehensive Plan identifying this area for service commercial uses.

ATTACHMENTS

Aerial, Photographs, Petition, Location Map



Aerial



Times Square Shopping Center

STAFF REPORT

Location: Toscana Park

Date: March 10, 2015

Petition: 15 08

Prepared By: GGS

GENERAL INFORMATION

Applicant: Toscana Realty, LLC

Status: Property Owner

Request: Amend PUD to allow for a hotel

Zoning Classification: S-2 Planned Unit Developments

Lot Size: Approximately 0.98 acres

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

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development
South: S-2 Planned Unit Development
East: S-2 Planned Unit Development
West: S-2 Planned Unit Development

Thoroughfare: Torino Avenue & Florence Avenue

School District: Penn-Harris-Madison School Corporation

Township: Harris

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

Comprehensive Plan: Not identified

ANALYSIS

The petitioner is requesting to amend the Toscana Park PUD to allow for a new hotel in the internal non-outlot portion of the development. The proposed hotel will be located on the vacant piece of property just north of the existing shopping complex along Florence Avenue and south of the building that houses the Villa Macri restaurant. The current PUD at this location allows for general retail uses and restaurant uses. The proposed hotel will consist of a 4-story building with 91 rooms.

As part of the proposed use amendment, the petitioner is requesting several amendments to the developmental standards of the PUD to allow for the construction of the hotel. The first amendment requested is to allow for a maximum building height of 59-feet. The underlying developmental standards for the PUD would limit buildings to 3-stories or 48-feet in height. The 59-ft height is the same height that was approved for the Hampton Inn located to the south in Heritage Square.

The second developmental standard to be amended is for the total required amount of parking. The original PUD standards required a minimum of 5 parking spaces per 1000 sf of building area for the internal non-outlot shopping center portion of Heritage Square. The petitioner is requesting to amend the

PUD standards to allow for 4 parking spaces per 1000 sf of building area for the internal non-outlot portion. That portion being the shopping center south of the proposed hotel location and the Villa Macri building located to the north. The existing building square footage for the two buildings is approximately 65,854 sf. With the amended parking requirements, a total of 263 parking spaces are required. Required parking for hotels is 1 space/room; 1 space/employee at max. shift; 1 space/150 sf of conference room; and 10 spaces/1000 sf eating/drinking space. According per the proposed hotel plan, a total of 102 parking spaces would be required. With the hotel parking and the amended parking ratio of 4 per 1000 sf of building area, a total of 365 parking spaces would be required. With the proposed parking and the existing parking located on site, a total of 415 parking spaces will be provided.

In addition to the use and developmental standards amendments, the petitioner is requesting to amend the PUD to allow for additional signage. The petitioner desires to allow an additional freestanding monument sign for the proposed hotel along Gumwood Road. The proposed signage is appropriate given the fact that the hotel will be located toward the rear of property and will not be visible from Gumwood. The signage will be needed to provide visual identification of the proposed hotel.

RECOMMENDATION

Staff recommends in favor of amending the Toscana PUD to allow for a hotel located within the internal non-outlot portion of the PUD with the following amended PUD developmental stands/conditions:

1. The maximum building height for the hotel shall be limited to 59-feet.
2. The total number of parking spaces for the existing commercial uses may be reduced to 4 parking spaces per 1000 sf of building area for the internal non-outlot portion of the development.
3. An additional free-standing monument sign may be installed along Gumwood Road for the identification of the hotel subject to Staff review and approval of a signage master plan for Gumwood Road which includes signage for the outlot parcels. Signage shall comply with the overlay signage district standards.

This recommendation is based upon the following findings of fact:

1. Existing Conditions- The proposal is in keeping with the existing area by maintaining commercial uses.
2. Character of Buildings in Area- The character of the buildings located in the Toscana Park PUD is commercial. The proposed facility will be commercial in nature.
3. The most desirable/highest and best use- Due to the presence of the commercial activity in the surrounding area, the most desirable/highest use is the proposed commercial use.
4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area, because the proposed use is compatible with the surrounding commercial area.
5. Comprehensive Plan- This area was not identified within The Comprehensive Plan. However, the proposed is consistent with the commercial development of the area.

ATTACHMENTS

Photographs, Petition, Plan, Location Map



View looking onto proposed hotel property

MAR 12 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 3-16-15
2nd Reading
Passed
Failed
Continued To

PETITION 15-05

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-04

ORDINANCE NO. _____

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

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

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

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

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

Lot 22, Tallieus 1st Subdivision

COMMON ADDRESS: 502 West Sixth Street

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

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

1. There are commercial zonings to the east and southeast of this property, but
the neighborhood surrounding the property is primarily residential in nature,
and its proposed use as a single family dwelling would be compatible to the
area;
2. Use and value of the area adjacent to the property included in the rezoning
will not be affected in a substantially adverse manner because given the
context of its location, its relationship to surrounding properties, and the
potential of development as an commercial project, staff feels that the most
desirable use for this property is single-family use;
3. Because the parcel is located in an area of residential uses, the rezoning to R-
1 Single-Family Residential is a desirable use for this property;

Proposed Ordinance No: 15-04

Ordinance No: _____

4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for general commercial but its proposed use as a single family home is compatible and consistent with the historic residential uses in the area.

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 _____, 2015, at _____ o'clock ____ .M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2015, at _____ o'clock ____ .M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2015, at _____ o'clock ____ .M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

February 18, 2015

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 25 2015

CITY CLERK
MISHAWAKA, IN

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

RE: PETITION TO REZONE

The undersigned City of Mishawaka Redevelopment Commission 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 22 Tallieus 1st Subdivision, City of Mishawaka, Indiana, recorded in the Office of the Recorder of St. Joseph County, Indiana.

Commonly known as property located at 502 West 6th Street

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 General Commercial District and desires said real estate to be rezoned to R-1 Single-Family Residential

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

Kenneth B. Prince, ASLA, AICP
City Planner

CONTACT PERSON:

Name: Greg Shearon
Address: 600 East Third Street
Day Phone Number: 258-1625
Fax Number: 968-6999
Email: gshearon@mishawaka.in.gov

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

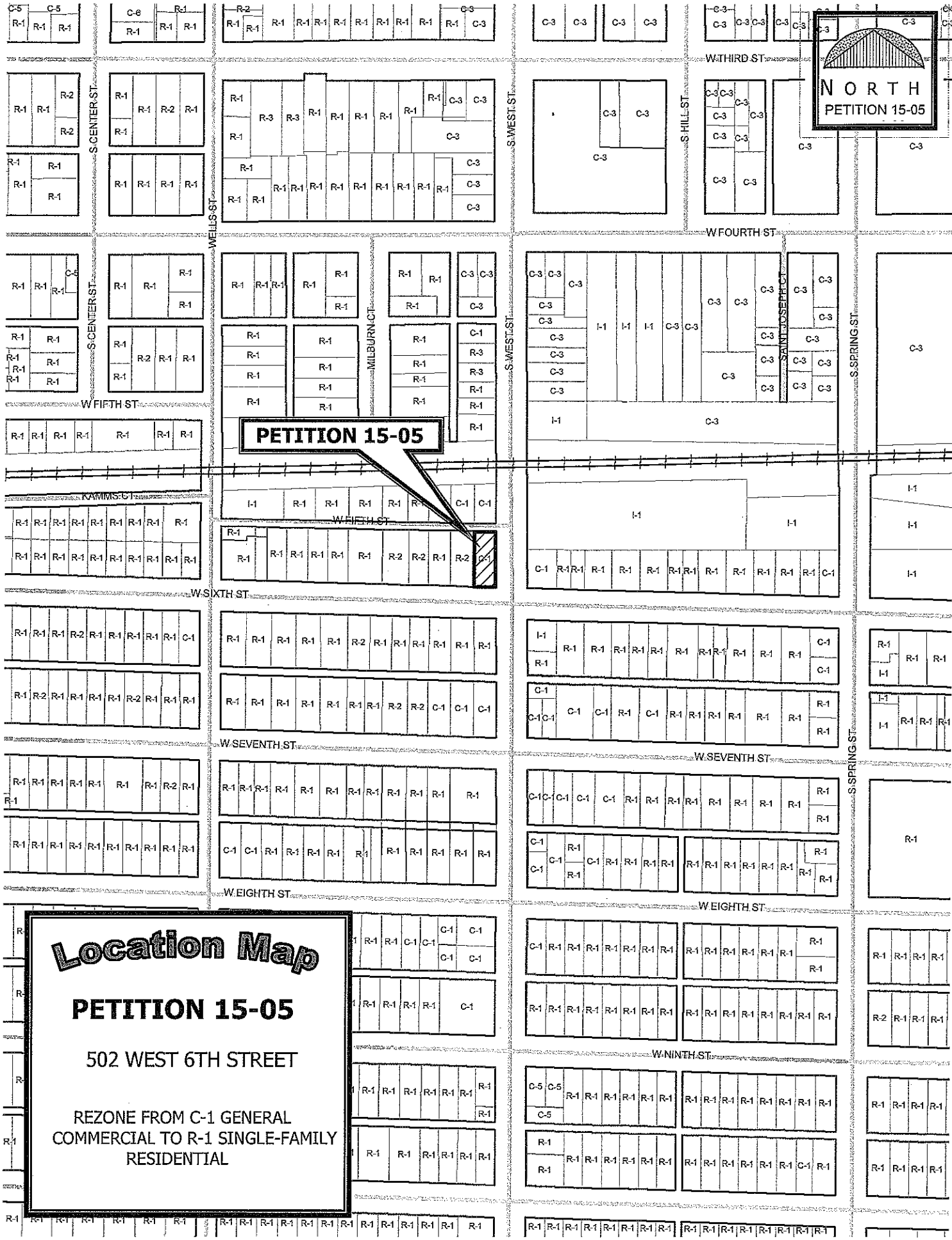
City Hall • 600 East Third Street • Mishawaka IN • 46544-2241

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

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

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

Per 15-05



Location Map

PETITION 15-05

502 WEST 6TH STREET

REZONE FROM C-1 GENERAL
COMMERCIAL TO R-1 SINGLE-FAMILY
RESIDENTIAL

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 12 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 3-16-15
2nd Reading
Passed
Failed
Continued To

PETITION 15-06

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-05

ORDINANCE NO. _____

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

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

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

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

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

LOT NUMBERED ONE (1) AS SHOWN ON THE RECORDED PLAT OF JEFFERSON & BYRKIT MINOR SUBDIVISION, RECORDED JUNE 3, 2014, AS DOCUMENT NO. 1412585 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA

COMMON ADDRESS: Northwest Corner of Jefferson Boulevard and Byrkit Street

which real estate is now classified as S-2 Planned Unit Development District and shall hereafter be amended to allow for revised signage standards for Lot One (1) subject to the following:

1. To allow the development sign and the individual outlot sign to be combined into a single sign.
2. To allow this sign to have a maximum 135 square feet of display area to include name of the development, name/logo of fuel brand, LED price sign, and five additional business signs.
3. To allow the overall height of this sign to be 13'6", consisting of a 3' base, 9' sign cabinet, and 1'6" architectural enclosure on top.

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

Proposed Ordinance No: 2015-05

Ordinance No: _____

1. Existing Conditions – Even though the site is vacant, several uses including multi-family residential, office/retail spaces, a bank with drive-up window, and a convenience/fuel center have already been approved for the site.
2. Character of Buildings in Area - The character of the buildings proposed within this development and the surrounding area is commercial and residential.
3. The most desirable/highest and best use – Given the parcel's location on the corner, and potentially more utilized intersection, a centralized sign is the highest and best use.
4. Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the uses are not changing and there are still conditions put on the signage.
5. Comprehensive Plan- The proposed amendment is consistent with the Comprehensive Plan identifying this area for residential uses and service commercial uses.

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 _____, 2015, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2015, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2015, at _____ o'clock ____M.

David A. Wood, Mayor

2-17-15

Honorable Members of the Common Council
Mishawaka, IN

And

Mishawaka City Plan Commission
Mishawaka, IN

Re: Petition for PUD Amendment

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 25 2015

CITY CLERK
MISHAWAKA, IN

The undersigned Black Gold LLC respectfully show they are owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana to wit:

See attached Legal

Petitioner owns 100% of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for a convenience store and fuel dispensing.

Petitioner desires said real estate to be amended to allow the combination of the overall development sign (80sf sign and 12'ht) together with the individual project sign (60sf sign and 8'ht) into a single sign (135sf and 12'ht) with a masonry base (3'ht) and an architectural surround (13'-6"ht). Requested sign to include: name of the development, name/logo of the fuel brand, LED price sign, and (5) additional business signs.

See attached sign schematic.

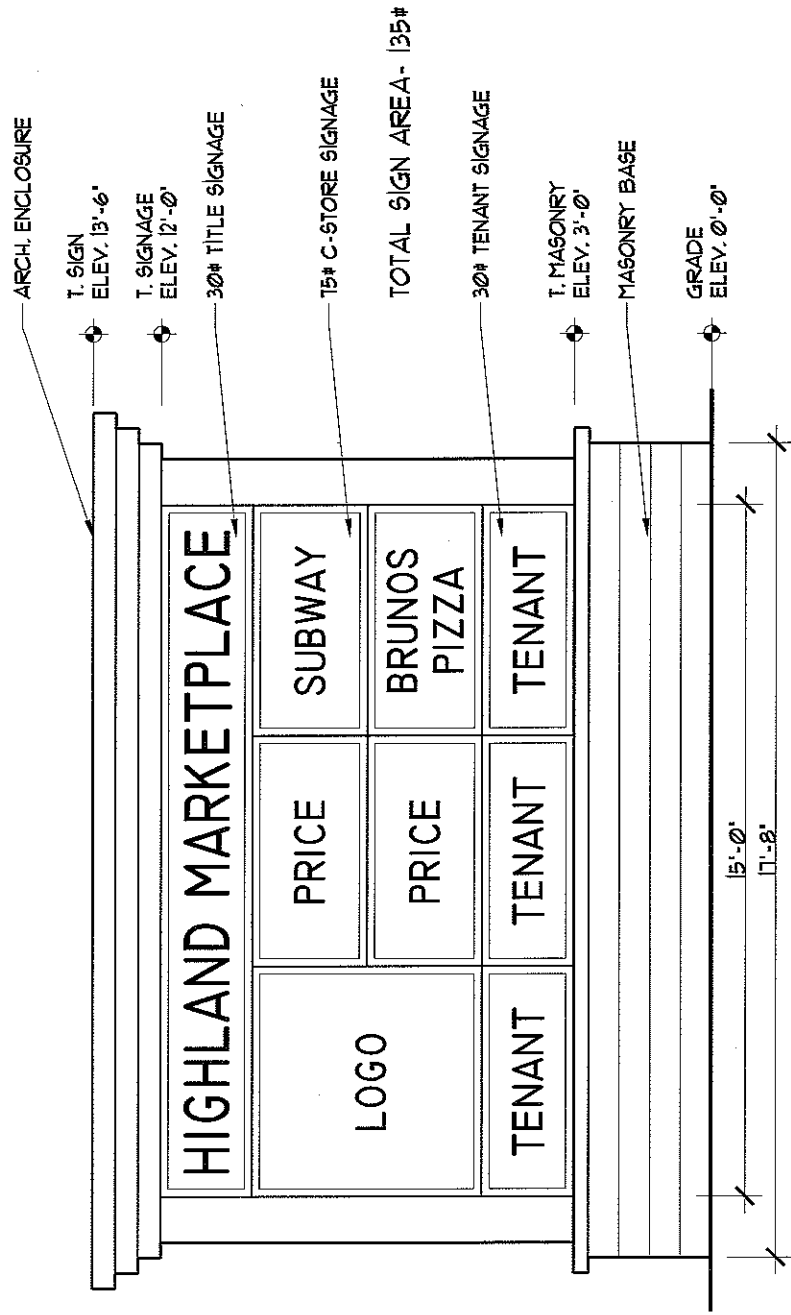

Signature of property owner

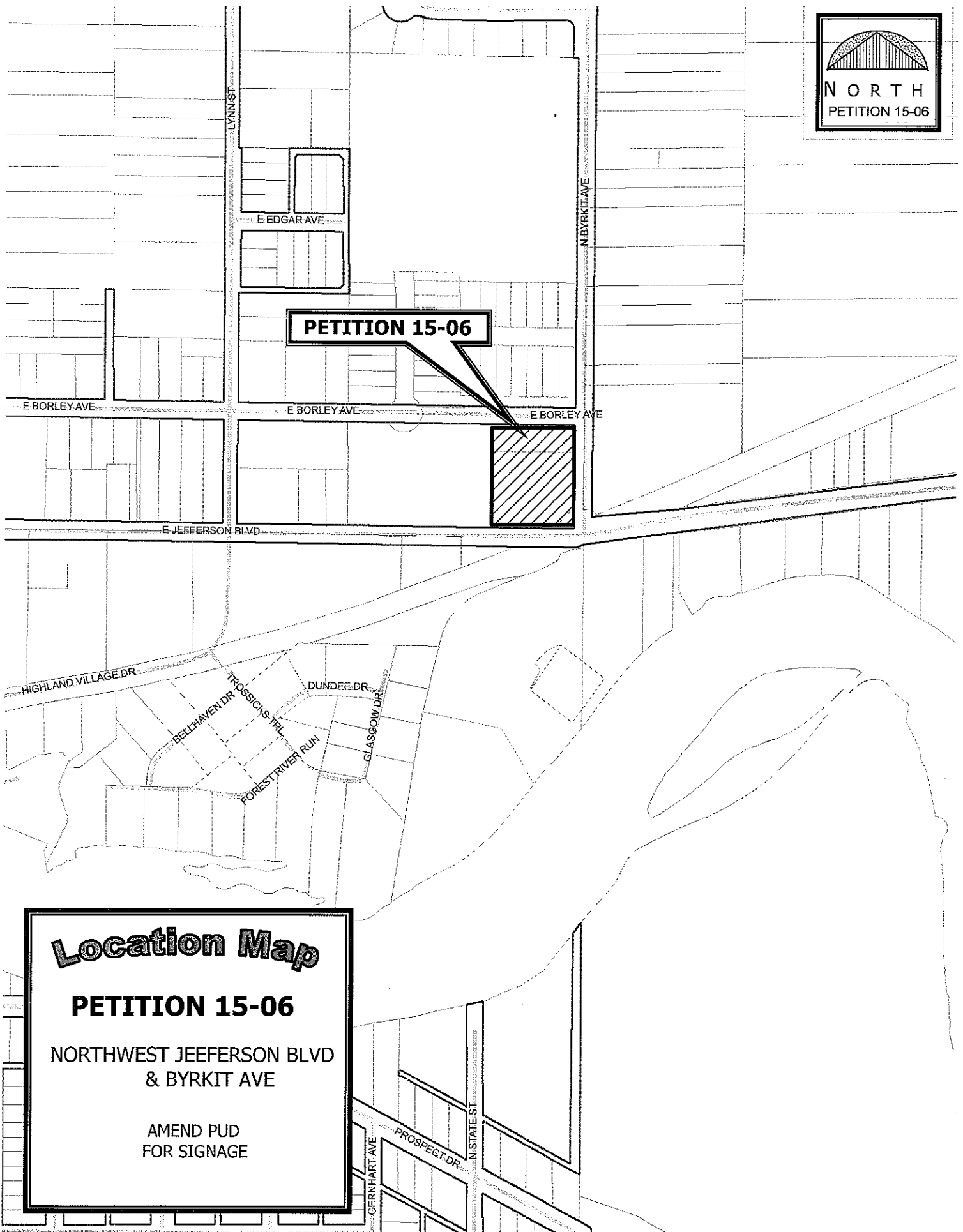
Trout Moser
Black Gold LLC

Contact Person:

Phillip A Troyer Architect
1510 W Ludwig Rd, Fort Wayne IN 46825
260-489-2810

Pet 15-06





Location Map

PETITION 15-06

NORTHWEST JEEFERSON BLVD
& BYRKIT AVE

AMEND PUD
FOR SIGNAGE

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 12 2015

CITY CLERK
MISHAWAKA, IN

PETITION 15-07

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-06

ORDINANCE NO. _____

1st Reading 3-16-15
2nd Reading
Passed
Failed
Continued To

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

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

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

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

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

Lot 5 being a parcel of land being a part of the Northeast Quarter of Section 28, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as commencing at the Southeast corner of the Northeast Quarter of said Section 28; thence North 0°-34'-41" East along East line of said Northeast quarter, a distance of 915.81 feet; thence South 89°-35'-28" West, a distance of 450.86 feet to the place of beginning also being the Southwest corner of a parcel of land conveyed to Midas Realty; thence continuing South 89°-35'-28" West, a distance of 523.88 feet; thence North 0°-24'-32" West, a distance of 91.89 feet to the South right-of-way line of University Drive, thence along a non-tangent curve to the left having a radius of 994.93 feet and a central angle of 14°-13'-25" and limited in length by a chord which bears North 66°-37'-58" East, a distance of 246.36 feet; thence North 59°-31'-13" East, a distance of 105.76 feet; thence along a curve to the right having a radius of 914.93 feet and a central angle of 14°-21'-05" and limited in length by a chord which bears North 66°-41'-44" East, a distance of 228.57 feet to the Northwest corner of said Midas Realty parcel; thence South 0°-28'-44" West along the West line of said Midas parcel, a distance of 332.00 feet to the place of beginning containing 2.54 acres more or less. Located on the south side of University Drive approximately 415 feet west of North Main Street, Mishawaka, Indiana.

COMMON ADDRESS: 235 West University Drive

which real estate is now classified as S-2 Planned Unit Development District and shall hereafter be amended to allow for hourly, drop-in child care.

Proposed Ordinance No: 15-06

Ordinance No: _____

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

1. Existing Conditions – The use will be located in an existing building with other commercial uses, including a restaurant and a hair salon.
2. Character of Buildings in Area - The character of the buildings proposed within this development and the surrounding area is commercial.
3. The most desirable/highest and best use – Because of the parcel's location on University Drive, the most desirable use for the property is commercial.
4. Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the nature of the hourly, drop-in child care does not put an increase on parking with drop/off pick up routines like a traditional child care would.
5. Comprehensive Plan- The proposed amendment is consistent with the Comprehensive Plan identifying this area for service commercial uses.

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 _____, 2015, at _____ o'clock ____ .M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2015, at _____ o'clock ____ .M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2015, at _____ o'clock ____ .M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 25 2015

February 13, 2015

To: ~~Board of Zoning Appeals~~
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

Plan Commission

The undersigned Owner on behalf of Appellant, Denise Cunningham dba Free Time Kids Playcare, Inc respectfully shows the Board:

1. I, DF Properties, LLP, am the Owner of the following described real estate located within the City of Mishawaka, Clay Township, St. Joseph County, State of Indiana, to-wit:

BEG 915.81' N & 450.86' W FROM SE COR E ½ NE ¼ SEC 28-38-3E 523.83' W 91.89' N 246.36' NE 105.76' NE 228.57' NE 332.5' 10 POB 2 60 AC M OR L

UNIVERSITY DRIVE (TIMES SQUARE)
235 W. UNIVERSITY DR.
MISHAWAKA, IN 46545

2. The above-described real estate presently has a zoning classification of S-2 Planned Unit Development under the Zoning Ordinance of the City of Mishawaka. The S-2 Planned Unit Development, basically means that conditions are written specifically for a property. As such, the only uses currently permitted at Times Square are C-2 Shopping Center uses, (permitted uses outlined under municipal code, chapter 137, zoning). The C-2 District does not permit Childcare or day care operations by right.
3. Appellant proposes to occupy the above-described property in the following manner: as an hourly, drop-in childcare facility.
4. The Zoning Ordinance of the City of Mishawaka requires that commercial C-2 shopping center district has been established to "promote the grouping of contiguous buildings, stores, offices and other uses on a lot in a manner which constitutes an organized, architecturally harmonious, efficient, and convenient shopping center, and to provide a means for permitting the establishment of such centers as part of the development of the city". Section 137-325 - Intent
5. Strict adherence to the Ordinance requirements for C-2 District would create an unusual hardship due to the manner of services which the hourly, drop-in childcare would provide. This service does not fall in the grouping details listed in #4 above.
6.
 - 1) Will approval be injurious to the public health, safety, morals or general welfare of the community? NO
 - 2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? NO
 - 3) Does the need for the variance arise from some condition peculiar to the property involved? No

FEB 18 2015

Per 15-07

- 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? NO
5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? NO

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



Print Name Here

Aaron Slagel

CONTACT PERSON:

Name: Aaron Slagel

Address: 1336 E. 510 S. Lafayette, IN 47909

Day Phone Number: 765-412-4272 / 765-427-2415

Fax Number:

Email: aaron.slagel@msn.com

Name: Denise Cunningham

Address: 51180 Bridlewood Cir
Granger, IN 46530

Phone: 219-771-0771 (cell)

email: freetimekidsplaycare@aol.com

February 13, 2015

Department of Building – Community Development – Planning
City Hall
600 E Third St., Room 201
Mishawaka, IN 46544

RE: Proposed Use Variance – Times Square

To whom it may concern,

Please accept this letter on behalf of I, Aaron Slagel/Gary Standiford, authorized members of DF Properties, LLP, Owner of University Drive - Time Square Shopping Center located at 235 University Dr., Mishawaka, IN 46545. We permit Denise Cunningham, dba Free Time Kids Playcare, Inc, Proposed Tenant to act as our authorized agent ONLY WITH RESPECT TO THE ZONING USE VARIANCE required specific to her business as an hourly, drop-in childcare facility. Such use is not currently specifically permitted under the S-2 zoning classification. We permit her to appear on our behalf to at the following meetings only, BZA Hearing Date, Tuesday, March 10, 2015 and at the Common Council Hearing, Monday, March 16th only.

Thank you.

Sincerely,
DF Properties, LLP

AAR Slagel
Its authorized agent

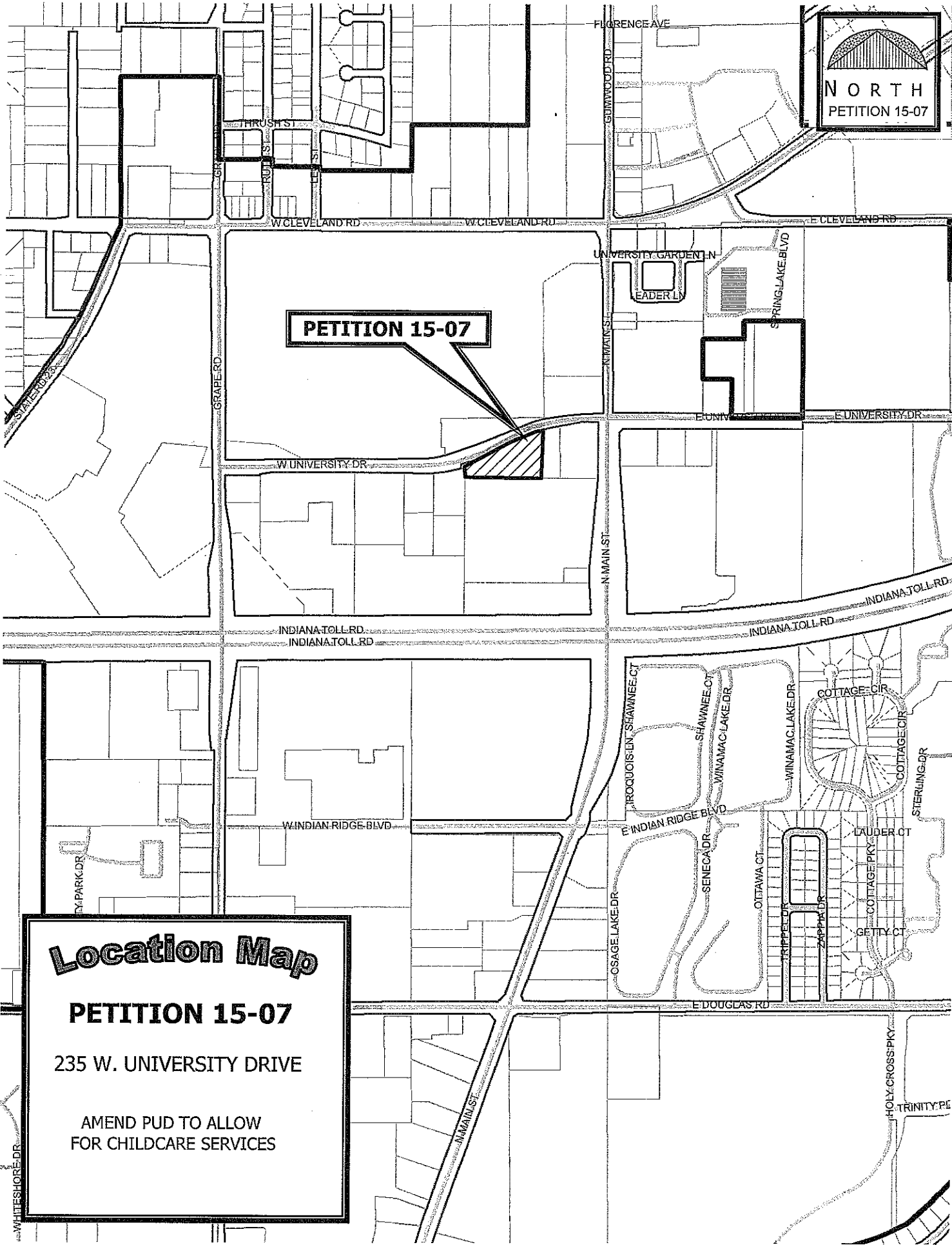
Aaron Slagel
Print Name Here

Address: 1336 E. SIO S.
LaF., IN 47909

Day Phone Number: 765-412-4272

Email: aaron.slagel@msn.com

FEB 18 2015



Location Map

PETITION 15-07

235 W. UNIVERSITY DRIVE

**AMEND PUD TO ALLOW
FOR CHILDCARE SERVICES**

Location Map

PETITION 15-07

235 W. UNIVERSITY DRIVE

**AMEND PUD TO ALLOW
FOR CHILDCARE SERVICES**

Location Map

PETITION 15-07

235 W. UNIVERSITY DRIVE

**AMEND PUD TO ALLOW
FOR CHILDCARE SERVICES**

Location Map

PETITION 15-07

235 W. UNIVERSITY DRIVE

**AMEND PUD TO ALLOW
FOR CHILDCARE SERVICES**

MAR 12 2015

PETITION 15-08

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

1st Reading 3-16-15
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2015-07

ORDINANCE NO. _____

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

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

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

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

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

LOT 23A, AS SHOWN ON THE PLAT OF TOSCANA PARK P.U.D. PHASE III, RECORDED NOVEMBER 15, 2012, AS INSTRUMENT #1236793 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

COMMON ADDRESS: Toscana Park Shopping Center

which real estate is now classified as S-2 Planned Unit Development District and shall hereafter be amended to allow for a hotel within the internal non-outlot portion of the Planned Unit Development and the following amended PUD standards/conditions:

1. The maximum building height for the hotel shall be limited to 59'.
2. The total number of parking spaces for the existing commercial uses may be reduced to 4 parking spaces per 1000 sf of building area for the internal non-outlot portion of the development.
3. An additional free-standing monument sign may be installed along Gumwood Road for the identification of the hotel subject to Staff review and approval of a signage master plan for Gumwood Road which includes signage for the outlot parcels. Signage shall comply with the overlay signage district standards.

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

Proposed Ordinance No: 2015-07

Ordinance No: _____

1. Existing Conditions - The proposal is in keeping with the existing area by maintaining commercial uses.
2. Character of Buildings in Area- The character of the buildings located in the Toscana Park PUD is commercial. The proposed facility will be commercial in nature.
3. The most desirable/highest and best use - Due to the presence of the commercial activity in the surrounding area, the most desirable/highest use is the proposed commercial use.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area, because the proposed use is compatible with the surrounding commercial area.
5. Comprehensive Plan - This area was not identified within The Comprehensive Plan. However, the proposed is consistent with the commercial development of the area.

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 _____, 2015, at _____ o'clock ____ .M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2015, at _____ o'clock ____ .M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2015, at _____ o'clock ____ .M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 25 2015

CITY CLERK
MISHAWAKA, IN

DATE: February 18, 2015

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

RE: **PETITION FOR PUD AMENDMENT**
Lot 23A Toscana Park PUD, Phase III

FEB 18 2015

Pet 15-08

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

LOT 23A, AS SHOWN ON THE PLAT OF TOSCANA PARK P.U.D. PHASE III, RECORDED NOVEMBER 15, 2012 AS INSTRUMENT #1236793 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

The above described parcel of land contains the following property:

Lot 23A Toscana Park PUD, Phase III on
Gumwood Road, Granger, IN 46530

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for a mixed use commercial development allowing all C-1 General Commercial uses.

The purpose of this petition is to revise the approved preliminary site plan and its associated conditions to allow for a hotel use. Accompanying this petition is a drawing showing the boundary of the above-described parcel of real estate, preliminary site plan showing the proposed use, and supporting documentation.

Petitioner desires said real estate to be amended as follows:

1. To allow for hotel use
2. To allow for a maximum building height of 59 feet
3. To allow for a blended parking requirement of 4 parking spaces per 1,000 sq. ft. of building area for the current lot 23A
4. To allow for an additional freestanding monument sign located along Gumwood Road

Petition for PUD Amendment
Toscana Park PUD Phase III
February 18, 2015
Page 2 of 2

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

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate and preliminary site plan of the project.

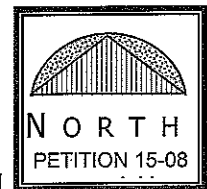
DocuSigned by:

Ryan Rons

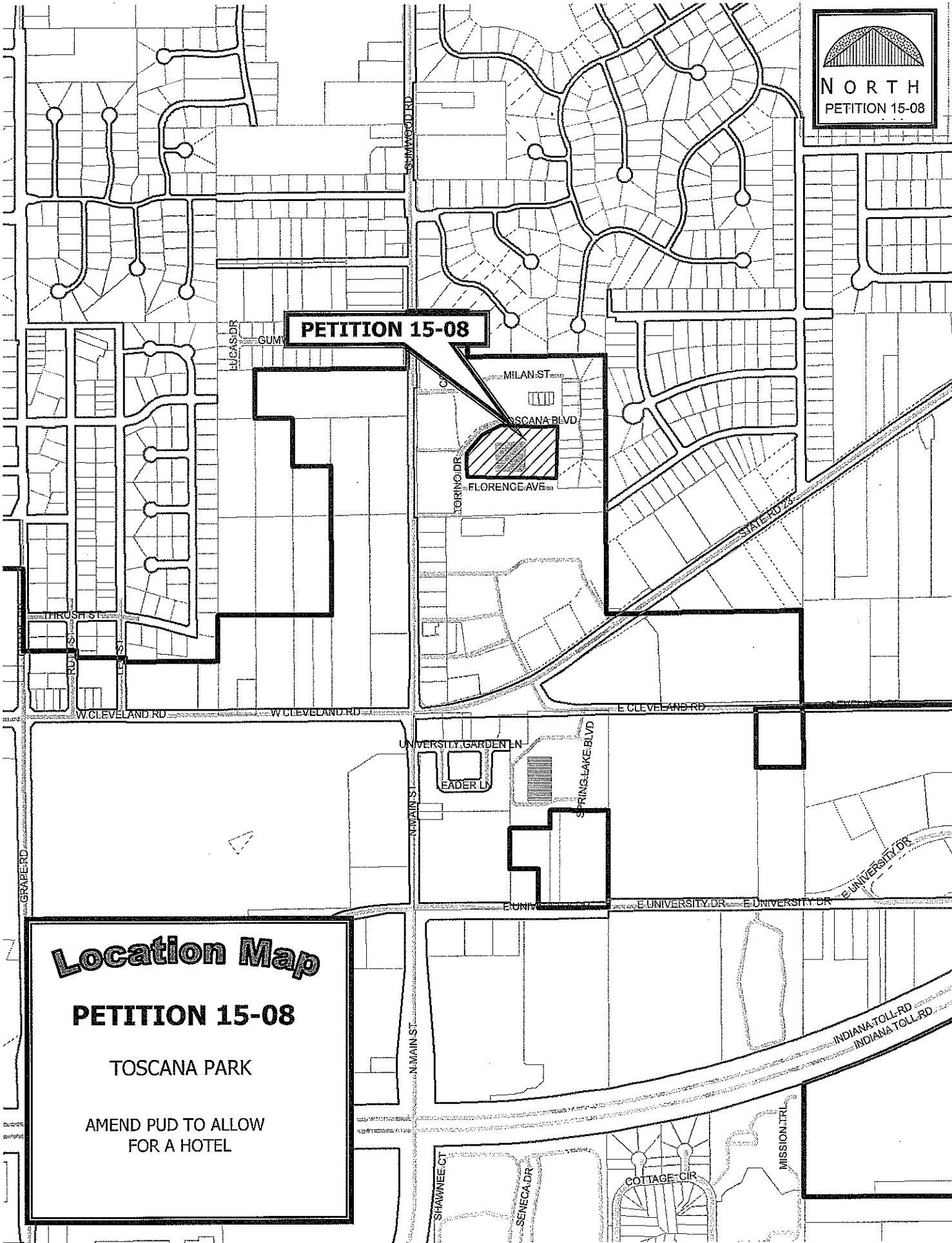
Toscana Realty, LLC
P.O. Box 540
South Bend, IN 46624

CONTACT PERSON:

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



PETITION 15-08



Location Map

PETITION 15-08

TOSCANA PARK

AMEND PUD TO ALLOW
FOR A HOTEL



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

March 11, 2015

Mr. Dale Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Dan Bilancio, At Large City Council
Mr. Matt Mammolenti, At Large City Council
Mr. John J. Roggeman, At Large City Council
Mrs. Deborah S. Block, City Clerk

RECEIVED
DEBORAH S. BLOCK MMC

MAR 11 2015

CITY CLERK
MISHAWAKA, IN

Re: Fiscal Plans and approving resolutions for proposed ordinances to Annex and Zone property into the City of Mishawaka: Property South of 226 Elder Road.

Dear Council Members and Clerk:

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

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

I will present a brief summary of the plan and be prepared to respond to questions at the Common Council meeting on March 16, 2015.

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

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor

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

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

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

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

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

MAR 11 2015

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2015-10

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

South of 226 South Elder Road, Mishawaka, Indiana

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

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

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

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

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

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

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

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

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 4 East, St. Joseph County, Indiana, better described as follows: Commencing at the center of said Section 18; thence South 89°50'16" West along the South line of said Northwest Quarter of Section 18, 1325.16 feet (from previous survey) to the West line of the Southeast Quarter of the Northwest Quarter of Section 18; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 588.76 feet to a PK nail for a place of beginning; thence North 88°17'35" East, parallel to the South R/W line of the Penn-Central Railroad, 456 feet to an iron pipe; thence South 0°26'15" West and parallel to the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to an iron pipe; thence South 88°17'35" West parallel to the said South R/W line of the Penn-Central Railroad 456 feet to a PK nail on the said West line of the Southeast Quarter of the Northwest Quarter; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to the place of beginning. Excepting therefrom that land previously annexed within the City limits of the City of Mishawaka, Indiana.

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

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day
of _____, 2015, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____
2015, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____ 2015, at
_____ o'clock ____M.

David A. Wood, Mayor

David A. Wood, Mayor



Mishawaka City Council

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

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

SOUTH ELDER STREET ANNEXATION FISCAL PLAN

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SOUTH ELDER STREET ANNEXATION FISCAL PLAN

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Annexation Fiscal Plan

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 4 East, St. Joseph County, Indiana, better described as follows: Commencing at the center of said Section 18; thence South $89^{\circ}50'16''$ West along the South line of said Northwest Quarter of Section 18, 1325.16 feet (from previous survey) to the West line of the Southeast Quarter of the Northwest Quarter of Section 18; thence North $0^{\circ}26'15''$ East along the said West line of the Southeast Quarter of the Northwest Quarter 588.76 feet to a PK nail for a place of beginning; thence North $88^{\circ}17'35''$ East, parallel to the South R/W line of the Penn-Central Railroad, 456 feet to an iron pipe; thence South $0^{\circ}26'15''$ West and parallel to the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to an iron pipe; thence South $88^{\circ}17'35''$ West parallel to the said South R/W line of the Penn-Central Railroad 456 feet to a PK nail on the said West line of the Southeast Quarter of the Northwest Quarter; thence North $0^{\circ}26'15''$ East along the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to the place of beginning. Excepting therefrom that land previously annexed within the City limits of the City of Mishawaka, Indiana.

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

CITY OF MISHAWAKA ANNEXATION POLICY

GENERAL POLICY

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

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

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

IMPACT OF ST. JOSEPH COUNTY GROWTH

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

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

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

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

STATUTORY LIMITATIONS

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

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

IMPLEMENTATION OF POLICY

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

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

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

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

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

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

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

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

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

SUMMARY

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

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

BASIC DATA

A. LOCATION AND SIZE

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

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 4 East, St. Joseph County, Indiana, better described as follows: Commencing at the center of said Section 18; thence South 89°50'16" West along the South line of said Northwest Quarter of Section 18, 1325.16 feet (from previous survey) to the West line of the Southeast Quarter of the Northwest Quarter of Section 18; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 588.76 feet to a PK nail for a place of beginning; thence North 88°17'35" East, parallel to the South R/W line of the Penn-Central Railroad, 456 feet to an iron pipe; thence South 0°26'15" West and parallel to the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to an iron pipe; thence South 88°17'35" West parallel to the said South R/W line of the Penn-Central Railroad 456 feet to a PK nail on the said West line of the Southeast Quarter of the Northwest Quarter; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to the place of beginning. Excepting therefrom that land previously annexed within the City limits of the City of Mishawaka, Indiana.

Annexation Area

The property to be annexed is located south of 226 South Elder Road. The property is bounded by property incorporated into the City to the north and west. The property is currently zoned agricultural within unincorporated St. Joseph County. If annexed, the Petitioner desires to zone the property to I-2 Heavy Industrial.

Contiguity with the Existing City Limits

The land to annexed into the City is approximately 1.05 acres total. The perimeter of the annexation area measures approximately 1113 linear feet. A total of 556.5 linear feet is contiguous with the corporate boundary of the City of Mishawaka. The border of the contiguous area is 50% of the total perimeter area. This is in excess of the 12.5% or (1/8) of the boundary that is required to be contiguous based on the determination requirements of the Indiana Code.

B. TOPOGRAPHY AND EXISTING USE

The area is characterized as being relatively flat. The property consists of wooded land with an existing industrial building and a cellular communications tower.

C. LAND USE/CURRENT ZONING

The proposed area to be annexed is currently zoned Agricultural within St. Joseph County. The property consists of wooded land and an existing industrial building and a cellular communications tower. If the Mishawaka Common Council approves the annexation request, the area will be rezoned I-2 Heavy Industrial.

Annexation Fiscal Plan

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 4 East, St. Joseph County, Indiana, better described as follows: Commencing at the center of said Section 18; thence South 89°50'16" West along the South line of said Northwest Quarter of Section 18, 1325.16 feet (from previous survey) to the West line of the Southeast Quarter of the Northwest Quarter of Section 18; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 588.76 feet to a PK nail for a place of beginning; thence North 88°17'35" East, parallel to the South R/W line of the Penn-Central Railroad, 456 feet to an iron pipe; thence South 0°26'15" West and parallel to the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to an iron pipe; thence South 88°17'35" West parallel to the said South R/W line of the Penn-Central Railroad 456 feet to a PK nail on the said West line of the Southeast Quarter of the Northwest Quarter; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to the place of beginning. Excepting therefrom that land previously annexed within the City limits of the City of Mishawaka, Indiana.

TAB B- BASIC DATA

D. ASSESSMENT

The territory to be annexed consists of one parcel. The Land and Improvement Valuations are shown below based upon current GIS parcel data:

Tax ID Number	Property Owner	Number of Acres	Land & Imp. Valuation
028-1003-022801	Marc V. Campbell	1.12	\$3900

E. CURRENT TAX RATE

The City's tax rate 2013 payable 2014 was \$2.0062 per \$100 of assessed valuation. For property owners in Penn Township, in which this proposed annexation is located, the total taxes will be \$4.2905 per \$100 of assessed valuation. Property owners in this area currently pay \$2.6172 per \$100 of assessed valuation. These rates are based on the best information available at the time this plan was prepared. Actual tax rates may vary.

Tax District	Existing Tax Rate	Tax Rate after Annexation
Penn Township	2.6164	4.2905

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

2014	\$2.0062
2013	\$1.9086
2012	\$1.8186
2011	\$1.7362
2010	\$1.6741
2009	\$1.6557
2008	\$1.5283
2007	\$1.3326
2006	\$1.3899
2005	\$1.3382
2004	\$1.3313
2003	\$1.2476
2002	\$1.8627
2001	\$5.5007 *
2000	\$5.2417

- Change in Tax Code

F. NEW ADDRESSES

If the proposed annexation is approved, the property will be I-2 Heavy Industrial. The property will be developed in accordance with the requirements of the City of Mishawaka Zoning Ordinance. Separate addresses will be assigned by the City of

Mishawaka Engineering Department for both the existing building and the cellular tower.

G. DETERMINATION OF SERVICE STANDARDS AND COSTS

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

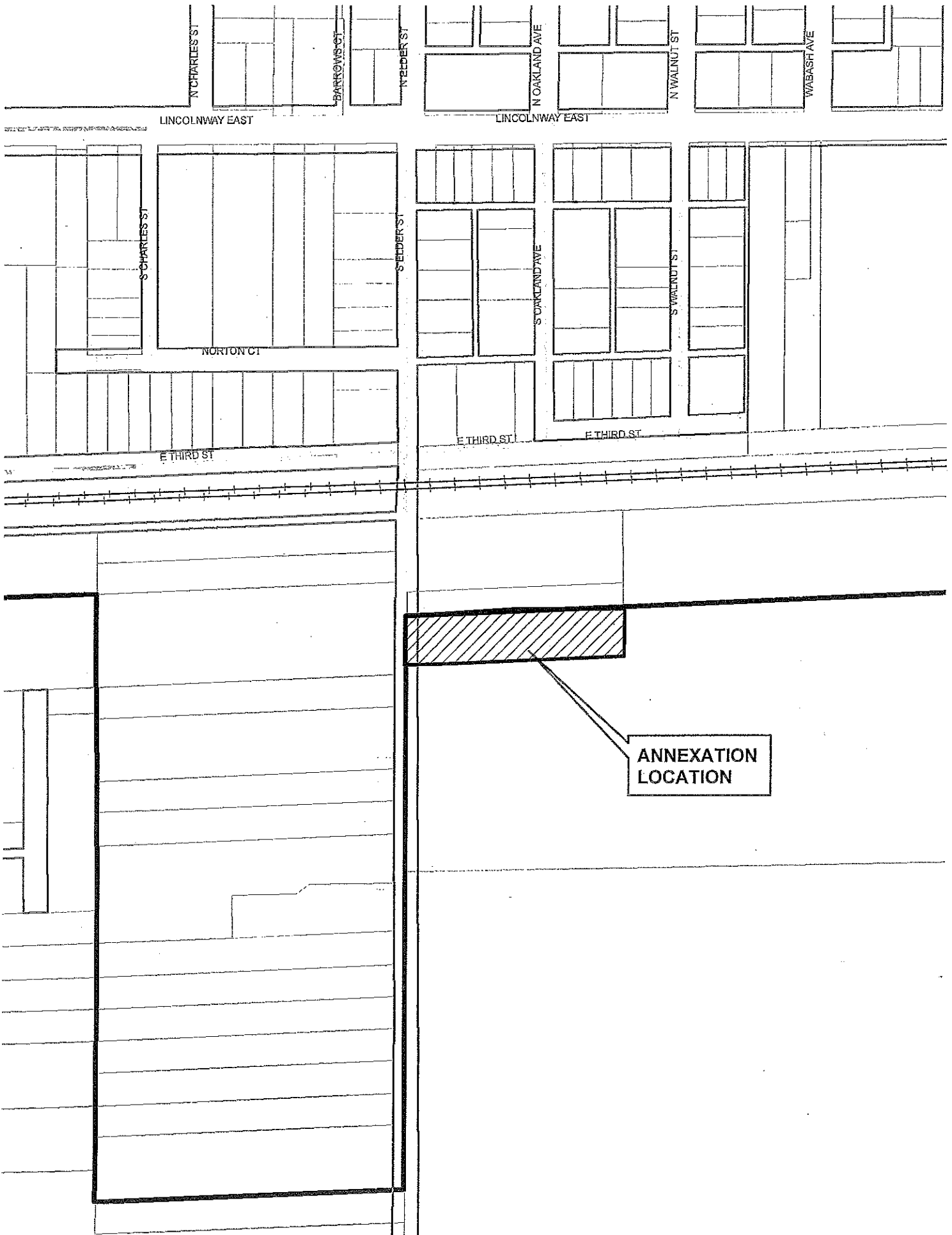
The standards for infrastructure and services provided by the City of Mishawaka, broken down by department, have been included within this document following Tab B. After establishing an understanding of the existing conditions, each department or agency was asked to identify any capital improvements required to serve the proposed annexation area to meet existing city standards. It is the responsibility of the property owner/developer to bear any expense required to connect to existing City services. Given the location of the proposed annexation area, adjacent to the existing city limits, and, considering the size of the area, each department identified that non-infrastructure-related services could be provided to the proposed annexation area with no additional expenditures. Increased maintenance costs for non-rate supported services, were identified as minimal and well within the approved budgets for each department.

Given that no consequential additional expenditures are anticipated, the itemization of costs associated with providing each service is not possible relative to the annexation area. However, to document that funds have been approved and are available for the services identified, a copy of the approved year 2015 City budget has been attached to the Summary of Service Report for each applicable non-rate supported department. These budgets identify the costs for personnel, equipment, repairs, and other expenditures anticipated for the budget year. Budgets for any department are available for the review of the public upon request at City Hall.

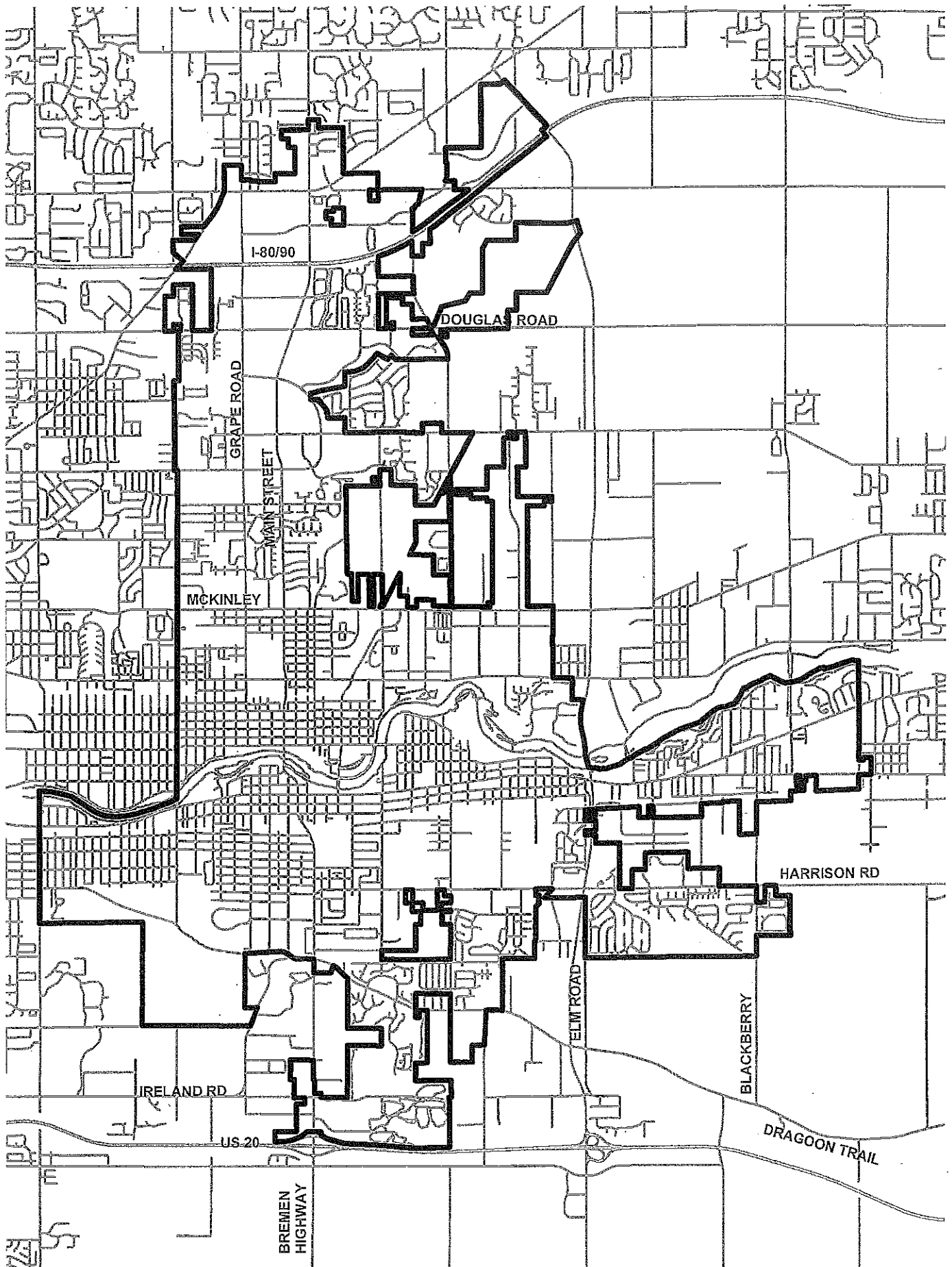
H. TERMS AND CONDITIONS

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

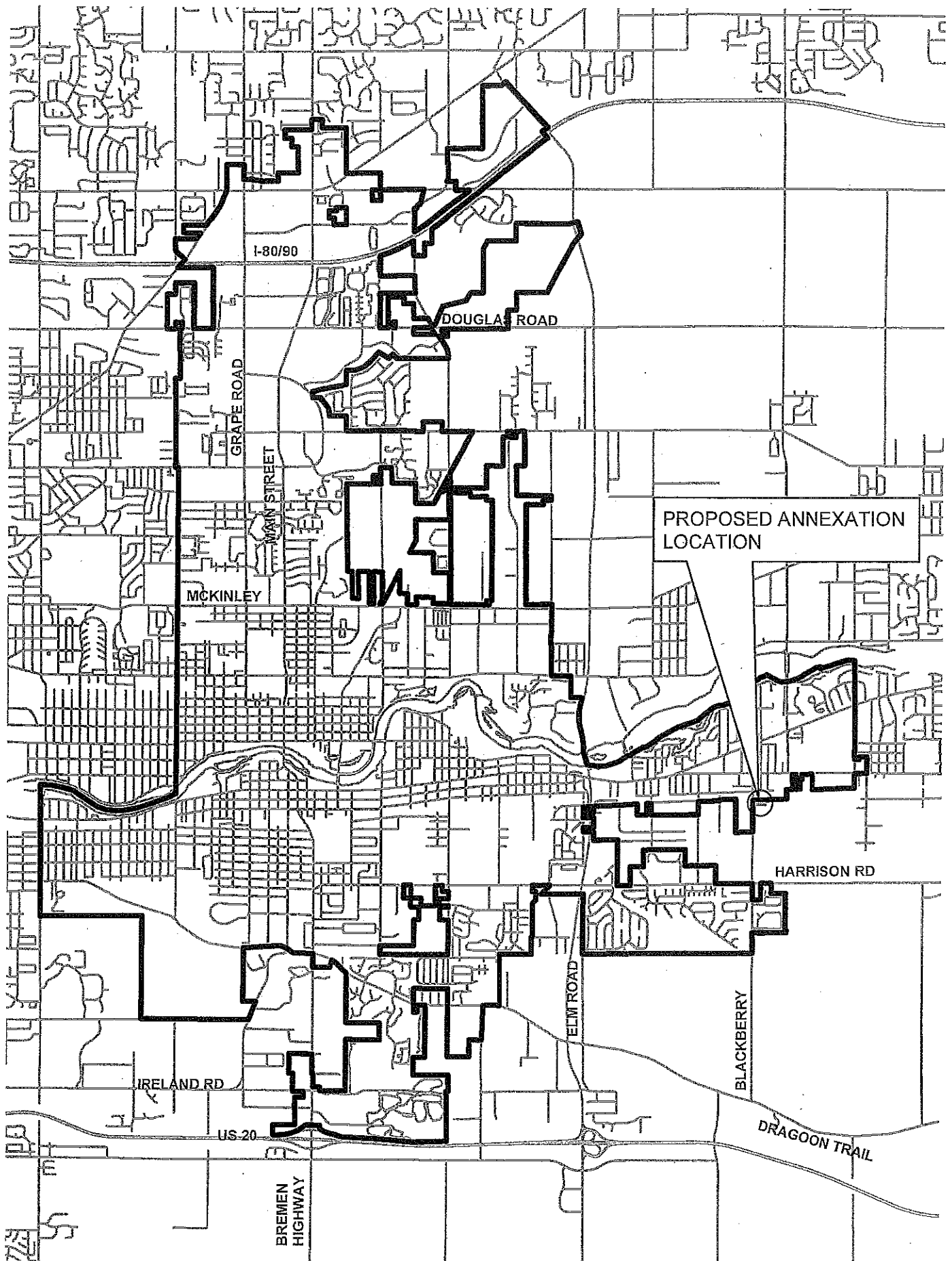
The effective date of annexation, if approved, will be thirty days from the date of approval of the annexation ordinance as required by law.



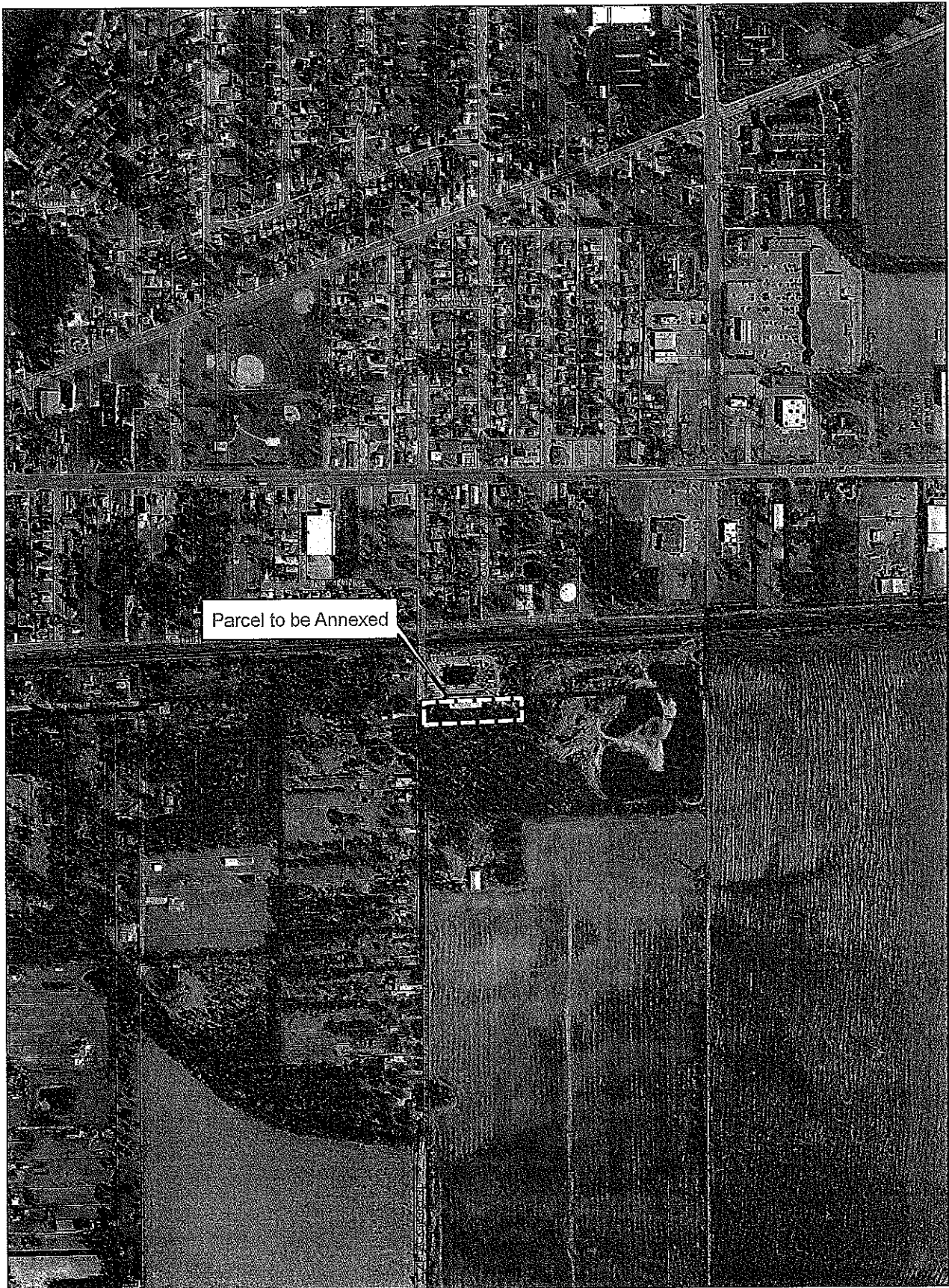
MAP OF EXISTING CITY LIMITS



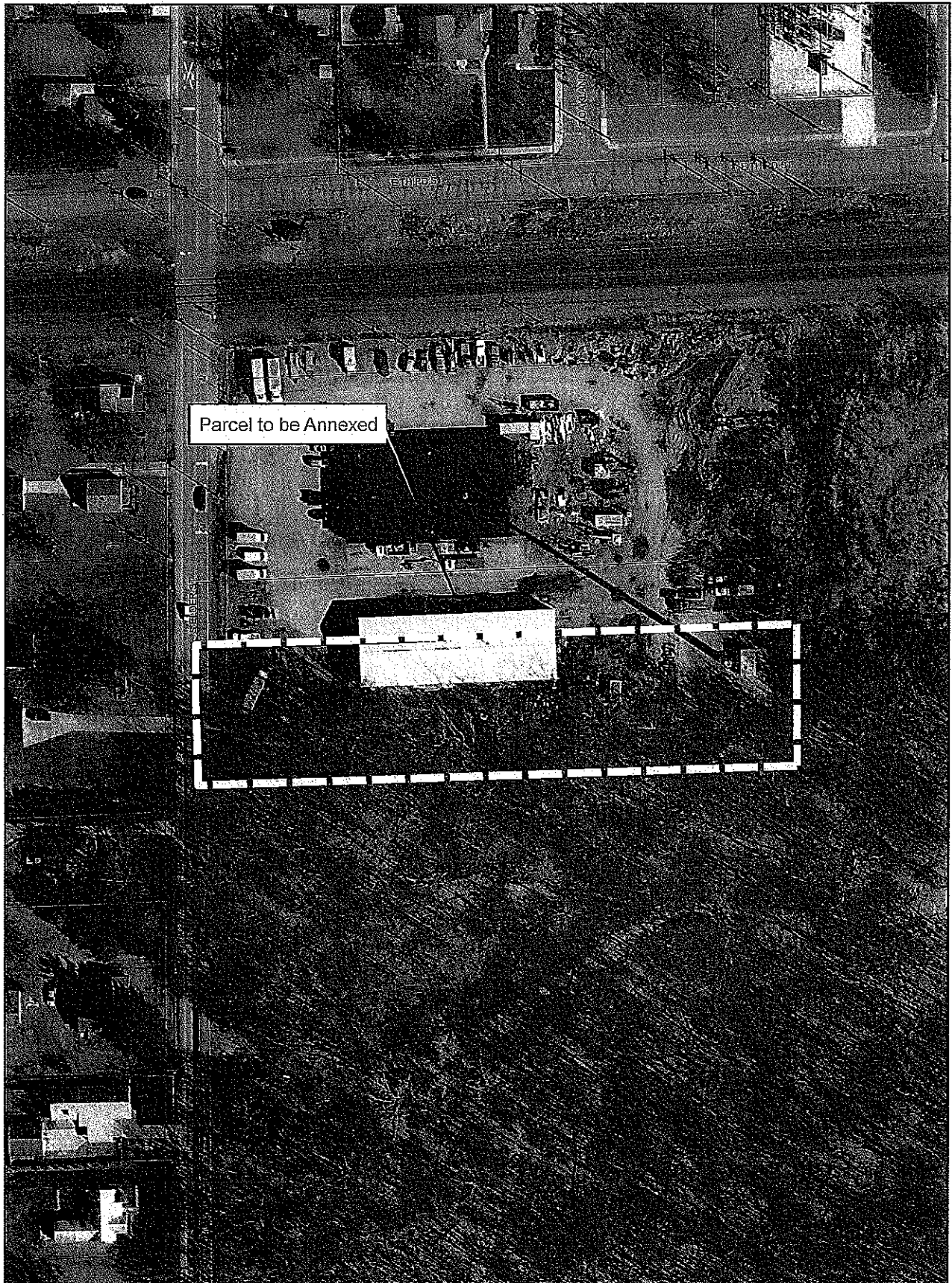
MAP OF PROPOSED CITY LIMITS



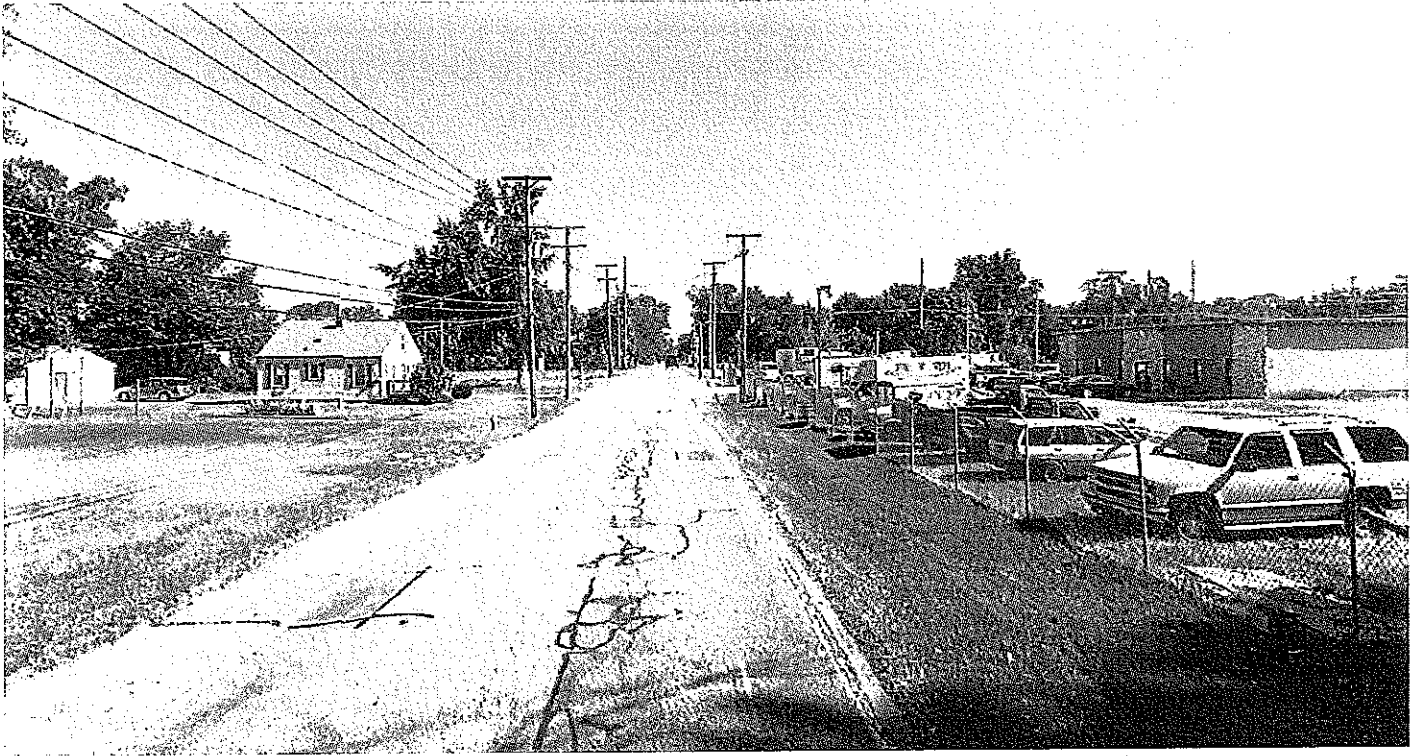
AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED



AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED



PROPOSED ANNEXATION PHOTOS



View looking North along South Elder Street



View looking at existing 226 South Elder Road property

PROPOSED ANNEXATION PHOTOS



View looking onto property to be annexed



LANG, FEENEY and ASSOCIATES, INC.

LAND SURVEYING – CONSTRUCTION ENGINEERING

715 SOUTH MICHIGAN STREET • SOUTH BEND, INDIANA 46601

TELEPHONE 574/233-1841 • FACSIMILE 574/674-0374

WILLIAM D. LANG, PRES.

JOHN B. FEENEY, L.S.

TERANCE D. LANG, L.S.

INDOT PREQUALIFIED:

5.4 ECOLOGICAL SURVEYS

5.5 WETLAND MITIGATION

6.1 TOPOGRAPHIC SURVEY DATA COLLECTION

SUB-DIVISIONS

BOUNDARY SURVEYS

CONSTRUCTION SURVEYS

PUBLIC WORKS PREQUALIFIED

Honorable Members of the Common Council
City of Mishawaka, In
And
Mishawaka City Plan Commission
City of Mishawaka, In.

January 15, 2015

JAN 21 2015

Re: Petition for Annexation and Zoning Classification
Marc V. Campbell

The undersigned, Marc V. Campbell, respectfully shows that he is the owner of the following described real estate located in the City of Mishawaka, In and in St. Joseph County, Indiana to wit:

ANNEXATION DESCRIPTION:

Marc V. Campbell

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 4 East, St. Joseph County, Indiana better described as follows: Commencing at the center of said Section 18; thence South 89° 50' 16" West along the South line of the said Northwest Quarter of Section 18, 1325.16 feet (from previous survey) to the West line of the Southeast Quarter of the Northwest Quarter of Section 18; thence North 0° 26' 15" East along the said West line of the Southeast Quarter of the Northwest Quarter 588.76 feet to a PK nail for a place of beginning; thence North 88° 17' 35" East, parallel to the South R/W line of the Penn-Central Railroad, 456 feet to an iron pipe; thence South 0° 26' 15" West and parallel to the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to an iron pipe; thence South 88° 17' 35" West parallel to the said South R/W line of the Penn-Central Railroad 456 feet to a PK nail on the said West line of the Southeast Quarter of the Northwest Quarter; thence North 0° 26' 15" East along the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to the place of beginning.

Excepting therefrom that land previously annexed within the city limits of the City of Mishawaka, Indiana.

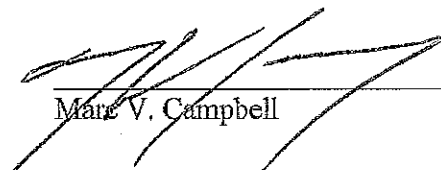
The said hereinabove tract of land being the same as that parcel of land conveyed to Marc Campbell by Warranty Deed recorded as instrument number 9747060 in the office of the Recorder of St. Joseph County, Indiana.

Petitioner owns One Hundred percent (100%) of the above described parcel of land which is located in the City of Mishawaka, Indiana as well as located in St. Joseph County, Indiana and petitioner desires the same to be annexed to the City of Mishawaka, Indiana with an I-2 (Heavy Industrial) Zoning District. Petitioner further States that he intends to utilize said land for industrial uses consistent with the growth of his business and with the rules and regulations of the City of Mishawaka.

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

Petitioner further shows this proposed annexation to be in the best interest of the City of Mishawaka Indiana and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka. The current City limits run through the interior of this parcel of land. By allowing this petition to proceed, the City has an opportunity to correct a minor discrepancy/error in the perimeter of the City Limits.

Wherefore, petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka city Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with an I-2 Industrial zoning classification.



Marc V. Campbell

Contact Person:

J. Bernard Feeney
Lang, Feeney & Associates, Inc.
715 S. Michigan St.
South Bend, In. 46601

Ph: 574-233-1841

Annexation Fiscal Plan

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 4 East, St. Joseph County, Indiana, better described as follows: Commencing at the center of said Section 18; thence South 89°50'16" West along the South line of said Northwest Quarter of Section 18, 1325.16 feet (from previous survey) to the West line of the Southeast Quarter of the Northwest Quarter of Section 18; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 588.76 feet to a PK nail for a place of beginning; thence North 88°17'35" East, parallel to the South R/W line of the Penn-Central Railroad, 456 feet to an iron pipe; thence South 0°26'15" West and parallel to the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to an iron pipe; thence South 88°17'35" West parallel to the said South R/W line of the Penn-Central Railroad 456 feet to a PK nail on the said West line of the Southeast Quarter of the Northwest Quarter; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to the place of beginning. Excepting therefrom that land previously annexed within the City limits of the City of Mishawaka, Indiana.

TAB C- SUMMARY OF SERVICES

SUMMARY OF SERVICES

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

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

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

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

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

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

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

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

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

The Mishawaka Police Department, with approximately 140 officers and employees, responds to critical incidents within three to five minutes. The Department offers many personal services. The personal service unit is divided into five entities; Community Relations Officers, a department training officers, and Street Crime Officers (SCU), DARE and School Resource Officers (SROs).

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

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

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

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

Trash pick-up in the City is also inexpensive and efficient, with the monthly fee for single-family trash pickup at \$13.77. For senior citizens, the rate is \$11.22. The rates include the cost of recycling, which is picked up on the same day the trash.

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

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

SANITARY SEWER, TRANSPORTATION, AND DRAINAGE

Existing Sewer Infrastructure

An existing 15" gravity sanitary sewer main is located in Third Street right-of-way, which is approximately 430LF north of the parcel. However, the railroad is south and parallel to Third Street acting as a barrier for a cost effective gravity extension for one parcel. A private grinder pump and matched small diameter forcemain is an option for direct connection by the parcel. Therefore upon any proposed new development or connection, the design engineer will fully evaluate the options available for the connection and present a plan to the Engineering Department for review. All costs associated with sanitary sewer connections are the developer's responsibility. The existing gravity system located in Third Street connects to a gravity system that ultimately discharges to the City of Mishawaka's Waste Water Treatment Plant. Capacity is available in the current sanitary sewer system to easily accommodate the proposed commercial use from this proposed development.

Existing Road/Transportation Infrastructure

Elder Road is a two lane section, one travel lane in each direction. The parcel takes their only access from the Elder Road Frontage. The developer is required to dedicate, if not already dedicated, any right-of-way for a total of 30LF measured from centerline for the length of the Elder Road frontage. With any proposed additional development, a deceleration lane and passing blister may be required to be constructed. However, these requirements will be evaluated once the site configuration and drive approach location with respect to existing neighboring parcels is submitted for review and comment with proposed site plan.

Existing Storm Sewer/Drainage Infrastructure

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

Specifically, this area historically has high groundwater that typically fluctuates and therefore will make the percolation methods of stormwater management more critical. This means that management methods utilizing drywells, aggregate-perforated pipe, and open basins may require additional analysis. Therefore, the designer will need to evaluate these unique features when determining the stormwater storage requirements for any proposed site improvements and corresponding management system. Finally, the developer is required to bear all costs associated with stormwater management.

Planned Capital Expenditures, Staff and Rates

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

Personal Service Programs

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

Specifically, the Sewer Lateral Insurance Program covers each single-family residential homeowner on the public sewer system within the City of Mishawaka. For a \$1.50 monthly fee (included on homeowner's Mishawaka Utilities sewer bill), the homeowner is protected from paying catastrophic sanitary sewer repair costs for the portion of sewer lateral between the street right-of-way and outside of foundation wall of the home. Currently, this annexation area proposes a commercial use, and therefore is not eligible for this program.

CITY OF MISHAWAKA
2015 BUDGET

ENGINEERING DEPARTMENT
101-13

2015
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Director of Engineering	72,701.00	
411-02	Assistant Director	60,117.00	
	Project Coordinator	36,447.00	
	Project Manager	50,735.00	
	Traffic Manager	49,436.00	
	Office Manager	<u>31,809.00</u>	
			301,245.00

Other Personal Services

411-65	PE Certification	<u>5,000.00</u>	
			<u>5,000.00</u>
			306,245.00

2 SUPPLIES

Office Supplies

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

3 OTHER SERVICES AND CHARGES

Professional Services

431-06	Consulting	5,000.00	
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Communication and Transportation

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

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

439-03	Subscriptions, Dues, etc.	<u>500.00</u>	
			<u>10,250.00</u>
			<u>320,495.00</u>

ELECTRIC SERVICE

Services and Rates

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

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

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

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

Personnel

Mishawaka Utilities – Electric Division has a staff of 44 employees. The Division, under the direction of the Electric Division Manager, is divided into the departments of engineering, construction, metering and operations:

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

Description of Services

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

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

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

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

Costs Associated with Services

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

FIRE PROTECTION/EMS

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

Staffing and Response Times

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

In accordance with the firefighter's union Collective Bargaining Agreement and the City of Mishawaka, minimum staffing of 29 personnel are available at all times. The department also has three members working in the City's Fire Inspection Bureau.

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

Fire Stations

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

Station No. 1, built in 1991, is located on Union Street near downtown. It is staffed by a minimum of eleven (11) firefighters manning one Seagrave pumper truck, one aerial truck, a 105' Sutphen aerial/pumper combination), one heavy-duty K.M.E. rescue truck and one A.L.S. Paramedic ambulance unit.

Station No. 2, located at 2332 N. Main St., is staffed by six (6) firefighters at all times, manning one Pierce pumper truck, and one A.L.S. Paramedic ambulance unit.

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

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

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

For the year 2014 out of 6,353 runs 5,115 or roughly 80% were medical in nature. The Mishawaka Fire Department restructured going to a three platoon system. With the addition of a third ambulance we were able to move ambulances out of one central location to be closer to the neighborhoods they served. This and the availability of paramedics on some engine companies have decreased the time in which it takes to start lifesaving interventions if needed. Engine companies also have Advanced E.M.T.'s on board who may begin vital treatment such as 12 lead E.K.G.'s, establishing I.V. lines, and administration of a handful of drugs. Once the ambulance arrives the paramedics take over in the continuum of care depending upon the severity of the call.

Equipment

Equipment for the department is very comparable with what is available to surrounding township departments, but the City's fire department offers other advantages not available to the township fire departments. By having 31 firefighters on duty at any given time Mishawaka is able to send more resources depending upon the nature of the call. The Mishawaka Fire Department has three ladder/pumper trucks available for emergencies. Two of these are in service at all times with the third being a reserve. Depending upon the location, some volunteer departments utilize mutual aid agreements in the event of the need for an aerial device.

The City maintains an eighteen (18) member Dive/Rescue team for water emergencies.

Training

The fire department undergoes year-round training in all areas of suppression, haz-mat emergency medical, inspection, water rescue, public education, confined space, high angle rescue, extrication and others.

In order to work on an ambulance, the State of Indiana requires personnel to be Emergency Medical Technicians (minimum training). Generally speaking, while employed with an ambulance service, employees have an opportunity to advance their skills. Training is offered at three additional levels. Advanced EMT, (IV therapy, cardiac monitoring), EMT-Intermediate, (addition of advanced airway skills and the administration of certain medications), Paramedic, (addition of several other medications). The EMS division is highly regarded by other services and municipalities in our area offering paramedic service.

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

In the calendar year 2014 each firefighter took part in an average of 200+ hours of continuing education.

Complete training records for all personnel are available.

Fire Insurance Rating

Mishawaka maintains a Class 3 fire rating with the Insurance Services Office. The lower the number in the rating, the lower a homeowner's insurance policy could be. Thus, properties that are annexed into the city could see a reduction in property insurance.

During the last audit in November of 2012 Mishawaka's rating improved from 72.25% out of a maximum of 100% in 2003 to 78.65% out of 100% in 2012.

We are currently only 1.35% away from a Class two (2) designation of which there are only two (2) in the State of Indiana.

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

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

For comparison, many township departments have ratings of 7 to 9. Mishawaka's fire insurance rating is the same as the City of South Bend.

Future Plans

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

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

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

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

Citizen Programs

The fire department provides regular fire inspections for businesses located in the area, and home inspections upon request.

In 2014 the Fire Prevention Bureau performed 1,923 fire inspections of new and existing buildings in Mishawaka.

In 2014 the City's Building Department began assisting the fire department in business inspections throughout the City.

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

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

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

Costs Associated With Services

If annexed, the City of Mishawaka Fire Department is capable of providing a level of service for the area that is equal to the services currently provided for the City. Given the proximity of the proposed annexation area, the Fire Department does not require any additional funds than what have been allocated within the current city budget to provide these services. For general information purposes, a copy of the year 2015 budget has been included for reference.

CITY OF MISHAWAKA
2015 BUDGET

FIRE/EMS DEPARTMENT
101-19

2015
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Fire Chief	67,736.00	
411-02	Assistant Chief		
	2 @ 62439	124,878.00	
	Chief Fire Prevention	58,754.00	
	Battalion Chief		
	4 @ 61051	244,204.00	
	Captains 15 @ 58056	870,840.00	
	Shift Supervisors 2 @ 56494	112,988.00	
	Lieutenants		
	13 @ 56445	733,785.00	
	Fire Inspectors		
	2 @ 55940	111,880.00	
	Paramedics 2 @ 55940	111,880.00	
	Driver Operator		
	30 @ 54869	1,646,070.00	
	Master Firefighters		
	25 @ 54139	1,353,475.00	
	1st Class Firefighter		
	16 @ 52139	834,224.00	
			6,270,714.00
	Specialty Pay	160,327.00	
	<u>Civilian</u>		
	Executive Secretary	32,084.00	
			192,411.00

Other Personal Services

411-60	Overtime	600,000.00	
411-66	Uniform Allowance 113 @ 1250	141,250.00	
411-67	Pension Equalization	<u>26,800.00</u>	
			768,050.00

Employee Benefits

413-01	Social Security	28,000.00	
413-02	Medicare	105,000.00	
413-03	PERF-14.2%	63,000.00	
413-05	Health Insurance	2,032,162.00	
413-06	Life/Disability Insurance	12,000.00	
413-09	77 Pension 22.7%	<u>1,291,000.00</u>	
			<u>3,531,162.00</u>
			10,762,337.00

CITY OF MISHAWAKA
2015 BUDGET

FIRE/EMS DEPARTMENT
101-19

2015
Budget

2 SUPPLIES

Office Supplies

421-90 Office Supplies 6,000.00

Operating Supplies

422-01 Operating Supplies 275,000.00

Other Supplies

429-10 Public Education
Training/ Seminar
Supplies/Refreshments

6,000.00

287,000.00

3 OTHER SERVICES AND CHARGES

Repairs and Maintenance

436-01 Building/ Equipment Repair 97,500.00

436-91 Laundry Maintenance 3,000.00

Other Services and Charges

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

103,500.00

11,152,837.00

PARKS AND RECREATION OPPORTUNITIES

Parks and Recreation

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

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

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

Staff and Equipment

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

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

Costs Associated With Services

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

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

For general information purposes, a copy of the year 2015 budget has been included for reference.

CITY OF MISHAWAKA
2015 BUDGET

PARK AND RECREATION
204-50

2015
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Department Head	62,898.00	
411-02	Regular Employees	489,350.00	
	Group 1: 14 @18.70*2088	546,639.00	1,098,887.00
	Reimburse CS Assts. 1.25	61,818.00	
	Reimburse MVH director 5%	2,944.00	64,762.00
411-03	Temporary/Summer Help	377,000.00	<u>377,000.00</u>
			1,540,649.00

Other Services Personal

411-60	Overtime	66,000.00	
411-62	Night Bonus	5,000.00	
411-63	Longevity	18,225.00	
411-64	FTO	15,000.00	104,225.00

Employee Benefits

413-01	Social Security	100,000.00	
413-02	Medicare	24,000.00	
413-03	PERF 14.2%	175,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Insurance Benefits	310,000.00	
413-06	Life Insurance	1,500.00	<u>615,500.00</u>
			2,260,374.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	8,000.00	
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Operating Supplies

422-02	Gas, Oil, Parts, etc.	55,000.00	
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Other Supplies

429-09	Merrifield Complex Supplies	50,000.00	
429-14	Maintenance Supplies	80,000.00	
429-15	Program Supplies	26,200.00	
429-18	Athletic Event Supplies	20,000.00	
429-20	Golf Course Supplies	30,000.00	
429-21	Concessions	60,000.00	
			329,200.00

CITY OF MISHAWAKA
2015 BUDGET

PARK AND RECREATION
204-50

2015
Budget

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 3,000.00

432-04 Telephone/Pager 7,000.00

Printing and Advertising

433-01 Printing/Newsletter etc. 7,500.00

Insurance

434-90 Insurance Premiums/Deductibles 110,000.00

Utility Services

435-01 MU/AEP Charges 285,000.00

435-02 NIPSCO 50,000.00

Repairs and Maintenance

436-01 Equipment/Facility Repair 30,000.00

436-90 Service Contracts 70,000.00

Rentals

437-05 Uniforms/Port-o-lets 11,500.00

Other Services and Charges

439-03 Subscription, Dues, etc. 1,400.00

439-09 Miscellaneous/Charges 1,000.00

439-18 Instructor Fees 25,000.00

439-19 Official/Referee Fees 5,000.00

439-21 Recreation Event/Entertainment 28,000.00

439-93 Sales Tax 25,000.00

669,400.00

3,258,974.00

CITY OF MISHAWAKA
2015 BUDGET

PARK AND RECREATION NON-REVERTING
214-50

2015
Budget

4 CAPITAL OUTLAYS

Improvements Other than Buildings

443-98	Eberhart Roof	60,000.00
443-94	Softball Field/Diamond Improve.	10,000.00
443-99	Merrifield Improvements	10,000.00

Buildings

442-05	Wilson Building Improvements	40,000.00
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Machinery and Equipment

444-12	Golf Course Mowers	46,000.00
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166,000.00

POLICE AND CRIME PREVENTION

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

Staffing

There are currently a total of 7 full time civilians within the Mishawaka Police Department, and are budgeted for 105 sworn officers. The Department has 23 officers on the day shift, 24 on the afternoon shift, and 22 on midnights, making for a total of 69 officers in the Uniform Division.

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

There are also 10 officers in the Investigative Division and 6 officers assigned to special duty (special crimes, domestic violence, school resource, etc.)

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

Equipment

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

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

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

Personal Services

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

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

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

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

Response Time and Crime Statistics

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

Mishawaka crime rates in general continue to remain low for cities of comparable sizes. Serious crimes such as robberies, burglaries, larceny/thefts, auto thefts and arsons have dropped from 2013 to 2014. There was a slight increase in rapes and assaults between 2013 and 2014. Overall there was a 10% decrease in crime in 2014. Mishawaka had 0 homicides in 2014. In 2013 there were 0 homicides as well. The Mishawaka Police Department responded to 41,525 calls for service in 2014 with the Dispatch Center receiving 69,348 calls. The MPD had 29,550 - 911 calls in the Dispatch Center in 2014.

For general information purposes, a copy of the year 2015 budget has been included for reference. The budget itemizes the costs of providing services for the entire city.

Costs Associated with Services

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

CITY OF MISHAWAKA
2015 BUDGET

POLICE DEPARTMENT
101-20

2015
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Police Chief	68,171.00	
411-02	Assistant Chief		
	3 @ 62872	188,616.00	
	Captains		
	7 @ 57483	402,381.00	
	Lieutenants		
	12 @ 56376	676,512.00	
	Sergeants		
	20 @ 55304	1,106,080.00	
	1st Patrol Officer		
	57 @ 54574	3,110,718.00	
	2nd Patrol Officer		
	7 @ 52574	<u>368,018.00</u>	5,920,496.00
	<u>Civilians</u>		
	Executive Secretary	32,084.00	
	Administrative Secretary	31,809.00	
	Secretary 2 @ 31374	62,748.00	
	Parking Personnel	31,374.00	
	Property Manager	35,367.00	
	Services Administrator	<u>36,555.00</u>	229,937.00
	Crossing Guards 20 @ 7103	142,060.00	
	Summer School @ 20.00 day per guard	2,000.00	
411-03	Substitute Crossing Guard	4,000.00	
	Temporary Help/Part-time	<u>15,000.00</u>	163,060.00

Other Personal Services

411-60	Overtime/ Court-time Officer	471,228.00	
411-66	Uniform Allowance		
	1 @ 500, 105 @ 2050	215,750.00	
	Equipment Allowance 106 @ 271.43	<u>28,772.00</u>	715,750.00

Employee Benefits

413-01	Social Security	26,000.00	
413-02	Medicare	102,000.00	
413-03	PERF 14.2%	35,000.00	
413-05	Health Insurance	2,000,000.00	
413-06	Life Insurance	6,250.00	
413-10	77 Pension 21.7%	<u>1,277,000.00</u>	
			<u>3,446,250.00</u>
			10,475,493.00

CITY OF MISHAWAKA
2015 BUDGET

POLICE DEPARTMENT
101-20

2015
Budget

2 SUPPLIES

Operating Supplies

422-01 Operating Supplies

71,500.00

Other Supplies

429-11 Seminars/ Community Relations

1,000.00

72,500.00

3 OTHER SERVICES AND CHARGES

Communication and Transportation

432-03 Travel and Training

2,000.00

Printing and Advertising

433-01 Printing

1,800.00

Repairs and Maintenance

436-01 Building Repair/ Maintenance
Service Contracts

80,000.00

Other Services and Charges

439-03 Subscriptions, Dues, etc.

3,000.00

439-11 Special Expense

13,000.00

439-12 Canine Expenses

3,000.00

439-16 Crime Stoppers Program

5,000.00

107,800.00

10,655,793.00

STREET DEPARTMENT

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

Staffing

The Mishawaka Street Department, headed by the Street Commissioner, has 32 union employees, two clerical personnel and two assistant street commissioners. The telephone is staffed 24 hours a day, and one manager is on call at all times, so that most emergencies can be handled in less than one hour.

Equipment

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

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

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

Services

The City's leaf pick-up program is completed on a weekly basis every fall, compared with the County's leaf pick-up program, which is done by quadrants.

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

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

Costs Associated with Services

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

For general information purposes, a copy of the year 2015 budget has been included for reference.

CITY OF MISHAWAKA
2015 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

2015
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Street Commissioner	58,864.00	
411-02	Office Manager	31,809.00	
	Secretary	31,374.00	
	Group 1: 32 @ 18.70*2088	1,249,459.00	
	CS reimburse 1.55 for assts.	76,654.00	
			1,448,160.00

Other Services Personal

411-60	Overtime	81,500.00	
411-62	Night Bonus .60/.55 per hr	8,000.00	
411-63	Longevity	21,000.00	
411-64	FTO (Flexible Time Off) Plan	<u>8,000.00</u>	118,500.00

Employee Benefits

413-01	Social Security	93,000.00	
413-02	Medicare	22,000.00	
413-03	PERF 14.2%	212,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Ins Benefits	470,000.00	
413-06	Life Insurance	2,000.00	<u>804,000.00</u>
			2,370,660.00

2 SUPPLIES.

Office Supplies

421-90	Office Supplies	1,500.00	
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Operating Supplies

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

423-03	Equipment/ Parts, Supplies	160,000.00	
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Other Supplies

429-08	Uniform Supplies	8,000.00	
429-13	Traffic Supplies	36,000.00	
			405,500.00

CITY OF MISHAWAKA
2015 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

2015
Budget

3 OTHER SERVICE AND CHARGES

Professional Services

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

Communication and Transportation

432-03	Travel and Training	5,000.00
432-04	Telephone/ Paging	10,000.00

Printing and Advertising

433-02	Publications	600.00
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Insurance

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

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

Repairs and Maintenance

436-01	Building/ Equipment Repair	200,000.00
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Rentals

437-05	Uniforms	8,000.00
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Other Services and Charges

439-09	Miscellaneous Charges	3,000.00
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554,600.00

3,330,760.00

CITY OF MISHAWAKA
2015 BUDGET

LOCAL ROAD AND STREET
202-50

2015
Budget

4 CAPITAL OUTLAYS

Improvements other than Buildings

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

WASTE DISPOSAL AND RECYCLING SERVICES

Waste Disposal and Recycling Services

Trash pick-up in the City of Mishawaka is inexpensive and efficient. The monthly fee for single family trash pickup is \$13.77. This includes trash, yard waste and recycling. Residents also are allowed to place up to two large items out each week for removal with their regular trash. Large items could include furniture, appliances, and similar objects that are not readily placed within containers.

A discounted rate of \$11.22 per month is provided for senior citizens.

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

Leaf pick-up and Fifth Street recycling center

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

WASTEWATER

Services

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

Facilities

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

For the year 2014 an average flow of 9.69 MGD was treated. The average cBOD removal was 98% and the average suspended solids removal was 97%.

Staff

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

Support Personnel

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

Planned Capital Improvements for 2015 and Beyond

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

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

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

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

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

Statistical Information

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

	Percent Removal	Effluent Concentration mg/l
CBOD	97%	2.2
Total Suspended Solids	96%	2.9
Phosphorus	79%	0.6
Ammonia Nitrogen	89%	0.8

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

Costs Associated with Services

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

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

WATER SERVICE

Water Utilities

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

Serving the Proposed Annexation Area

An existing twelve (12) inch distribution main is located on the west side of Elder Street, approximately four (4) feet east of the curb line of Elder Street. It extends from Lincolnway East to approximately (2148') south and dead ends at this point in front of 439 South Elder Street. Currently there is a 2" copper water line servicing this property just south of 226 Elder Street that is part of the Annexation Fiscal Plan.

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

Staff and Services

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

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

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

Services to Residents

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

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

Services to Residents - (Cont.)

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

Costs Associated with Services

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

Annexation Fiscal Plan

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 4 East, St. Joseph County, Indiana, better described as follows: Commencing at the center of said Section 18; thence South 89°50'16" West along the South line of said Northwest Quarter of Section 18, 1325.16 feet (from previous survey) to the West line of the Southeast Quarter of the Northwest Quarter of Section 18; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 588.76 feet to a PK nail for a place of beginning; thence North 88°17'35" East, parallel to the South R/W line of the Penn-Central Railroad, 456 feet to an iron pipe; thence South 0°26'15" West and parallel to the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to an iron pipe; thence South 88°17'35" West parallel to the said South R/W line of the Penn-Central Railroad 456 feet to a PK nail on the said West line of the Southeast Quarter of the Northwest Quarter; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to the place of beginning. Excepting therefrom that land previously annexed within the City limits of the City of Mishawaka, Indiana.

TAB D - APPENDICES

RESOLUTION NO. 2015-

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

South of 226 South Elder Road, Mishawaka, Indiana

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

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

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

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

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

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

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

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

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 4 East, St. Joseph County, Indiana, better described as follows: Commencing at the center of said Section 18; thence South 89°50'16" West along the South line of said Northwest Quarter of Section 18, 1325.16 feet (from previous survey) to the West line of the Southeast Quarter of the Northwest Quarter of Section 18; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 588.76 feet to a PK nail for a place of beginning; thence North 88°17'35" East, parallel to the South R/W line of the Penn-Central Railroad, 456 feet to an iron pipe; thence South 0°26'15" West and parallel to the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to an iron pipe; thence South 88°17'35" West parallel to the said South R/W line of the Penn-Central Railroad 456 feet to a PK nail on the said West line of the Southeast Quarter of the Northwest Quarter; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to the place of beginning. Excepting therefrom that land previously annexed within the City limits of the City of Mishawaka, Indiana.

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

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day
of _____, 2015, at _____ o'clock ____M.

ATTEST:

Presiding Officer

Deborah S. Block, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____
2015, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____ 2015, at
_____ o'clock ____M.

David A. Wood, Mayor

PETITION #15-04

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. _____

ORDINANCE NO. _____

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

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

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

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

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

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 4 East, St. Joseph County, Indiana, better described as follows: Commencing at the center of said Section 18; thence South 89°50'16" West along the South line of said Northwest Quarter of Section 18, 1325.16 feet (from previous survey) to the West line of the Southeast Quarter of the Northwest Quarter of Section 18; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 588.76 feet to a PK nail for a place of beginning; thence North 88°17'35" East, parallel to the South R/W line of the Penn-Central Railroad, 456 feet to an iron pipe; thence South 0°26'15" West and parallel to the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to an iron pipe; thence South 88°17'35" West parallel to the said South R/W line of the Penn-Central Railroad 456 feet to a PK nail on the said West line of the Southeast Quarter of the Northwest Quarter; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to the place of beginning. Excepting therefrom that land previously annexed within the City limits of the City of Mishawaka, Indiana.

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

Proposed Ordinance No. _____

Ordinance No. _____

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

1. Existing Conditions- The subject parcel is currently located adjacent to industrial zoned property and the area to be annexed.
2. Character of Buildings – The character of the buildings located adjacent is industrial and there is currently an industrial building located on the property to be annexed.
3. The most desirable/highest and best use – Because of the existing adjacent I-2 Heavy Industrial zoning to the north of the property to be annexed, the most desirable uses for the property is the continuation of the existing industrial use.
4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area, because the industrial use is consistent with the adjacent industrial uses located to the north. Property located to the south of land to be annexed is vacant woodland.
5. Comprehensive Plan- The proposed annexation is consistent with The Comprehensive Plan, created in 1990, which indicated industrial uses within this area.

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 _____, 2015, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2015, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No. _____

Ordinance No. _____

APPROVED by me this _____ day of _____, 2015, at
_____ o'clock _____ M.

David A. Wood, Mayor

MAR 12 2015

APPEAL #15-09

RESOLUTION NO. 2015- 11

CITY CLERK
MISHAWAKA, IN

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

West and Adjacent to Tanglewood Trace, 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 **west and adjacent to Tanglewood Trace, Mishawaka, Indiana**, more particularly known and described as follows:

Lot 5 Health Quest Grape Road Minor New Replat, City of Mishawaka, Clay Township, St. Joseph County, State of Indiana

The Use Variance will allow the installation of a 195' tall communications tower and related equipment subject to the following conditions:

1. The tower shall not exceed more than 195' in height.
2. An Administrative Site Plan shall be submitted for the property. The site plan shall be consistent with the general standards identified in the schematic site plan submitted.
3. Care shall be taken to preserve a significant number of trees west and south of the proposed tower location. Existing trees to be preserved shall be surveyed and identified on the Administrative Site Plan and shall be subject to staff review and approval. Placement of the tower may need to be shifted to the east, but should maintain a 5' setback. Existing vegetation shall be supplemented with new evergreen trees depending on the ability to save

existing vegetation. Evergreen trees shall be planted in sparse areas and shall not exceed a 15' X 15' triangular spacing with a minimum installed height of 8'.

4. The proposed access shall be paved.

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 property on which the tower is to be located sits far back from the road and at least 200' away from the closest residential building.
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 property on which the tower is to be located sits far back from the road and at least 200' away from the closest residential building.
3. The need for a variance arises because the Zoning Ordinance for the City of Mishawaka restricts the installation of cellular communication towers from all zoning districts other than I-2 Heavy Industrial zoned districts. With the increased usage of cell phones, the number of properly zoned parcels in areas needed to provide adequate cell coverage are becoming less available. However, each site needs to be evaluated on an individual basis.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because cell towers are only allowed in industrial zoned properties. The use of cellular phones and technology have rapidly increased in the past few years and created a higher demand for better cellular coverage for users. The location of properties zoned heavy industrial within the City requires that sites be evaluated on a case by case basis relative to the context of a specific location.
5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan. Although the Comprehensive Plan identifies this property for low density residential, the Comprehensive will not be substantially interfered with because of the limited use of the property and the specific hardships associated with the request.

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 _____, 2015, at _____ o'clock ____ .m.

Presiding Officer

ATTEST:

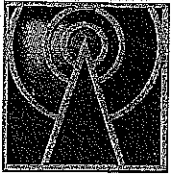
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2015,
at _____ o'clock ____m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2015, at
_____ o'clock ____m.

David A. Wood, Mayor



CHARLES S HAYES

814 MARIETTA STREET
SOUTH BEND, IN 46601

WWW.TELECOMPARK.COM

T+574.233.1296

F+574.232.4609

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 25 2015

CITY CLERK
MISHAWAKA, IN

03/11/2015

Board of Zoning Appeals
600 E. Third Street
City of Mishawaka, Indiana 46544

The undersigned appellant respectfully shows the Board:

1. I, Charles S. Hayes Inc. am the purchaser, of the following described real estate located within the City of Mishawaka, Clay Township, St. Joseph County, State of Indiana, to-wit:

Lot 5 Health Quest Grape Rd Minor New Replat Tr 7-10-03 5934 Wd, Parcel has no common address at this time.
2. The above-described real estate presently has a zoning classification of R-3 Multi-Family District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant proposes to occupy the above-described property in the following manner:

Charles S. Hayes Inc. proposes to occupy above-described property with a 190' high (195' overall) monopole type radio communications tower, various equipment shelters, equipment platforms, generators and related equipment.
4. Appellant desires to obtain a use variance to build a telecommunication tower in an area that is currently zoned R-3 Multi-Family.
5. The Zoning Ordinance of the City of Mishawaka requires a conditional use for industrial zoned properties.
6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.

Without the use variance, no cell phone communication towers could be built in this area.

(1) *Will approval be injurious to the public health, safety, morals or general welfare of the community?*

No. The proposed use will not be injurious to the public health, safety, morals or general welfare because the compound will be securely fenced and no dangerous materials will be used at the site.

(2) *Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?*

No. The proposed project will be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

(3) *Does the need for the variance arise from some condition peculiar to the property involved?*

The property is uniquely qualified for a cell phone communication tower because it is located off a main thoroughfare but near many cell phone users.

(4) *Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which variance is sought?*

There is a high cell phone use in the area and this proposed cell phone tower will provide better service to the businesses and residents of the area.

(5) *Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?*

No. The proposed use will not interfere with the Mishawaka 2000 Comprehensive Plan because it will not place demands on public services and facilities in excess of current capacity because no sewer or water or other public services are required at the site, no additional traffic will be generated, and adequate electric service is available. The facilities are necessary to further develop the existing and new wireless.

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

Anne F. Hayes

CONTACT PERSON:

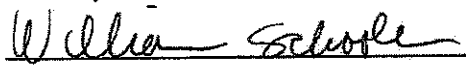
Anne Hayes
814 Marietta St
South Bend, IN 46601
574-233-1296
ahayes@telecompark.com

Board of Zoning Appeals
City of Mishawaka, Indiana
600 E Third Street
Mishawaka, IN 46544

Re: Petition for Variance – For the construction of a monopole type communications tower.

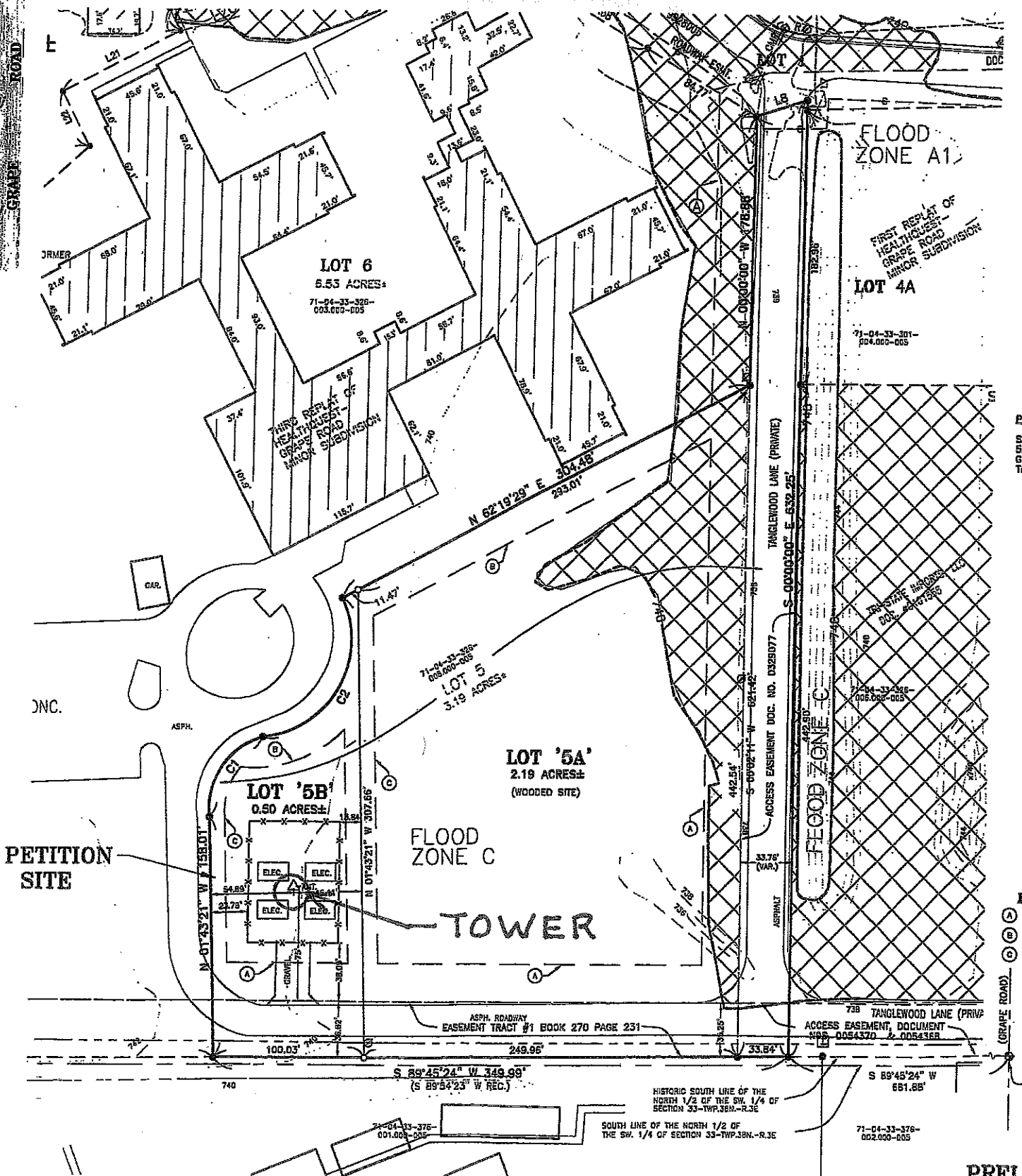
To: The Honorable Board,

Please be advised that Charles S. Hayes Inc., has been directed to represent my interest at the public hearing of the Board of Zoning Appeals of Mishawaka, Indiana at which this petition is to be considered.



Diocese of Fort Wayne-South Bend, Inc./Saint Pius X Catholic Church

ALTERNATIVE SITE PLAN
 A PART OF THE SW. 1/4 OF SECTION 33, T. 38 N., R. 3 E.,
 CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA
 (BEING A REPLAT OF LOT NO. 5 OF HEALTHQUEST-GRAPE ROAD MINOR SUBDIVISION)

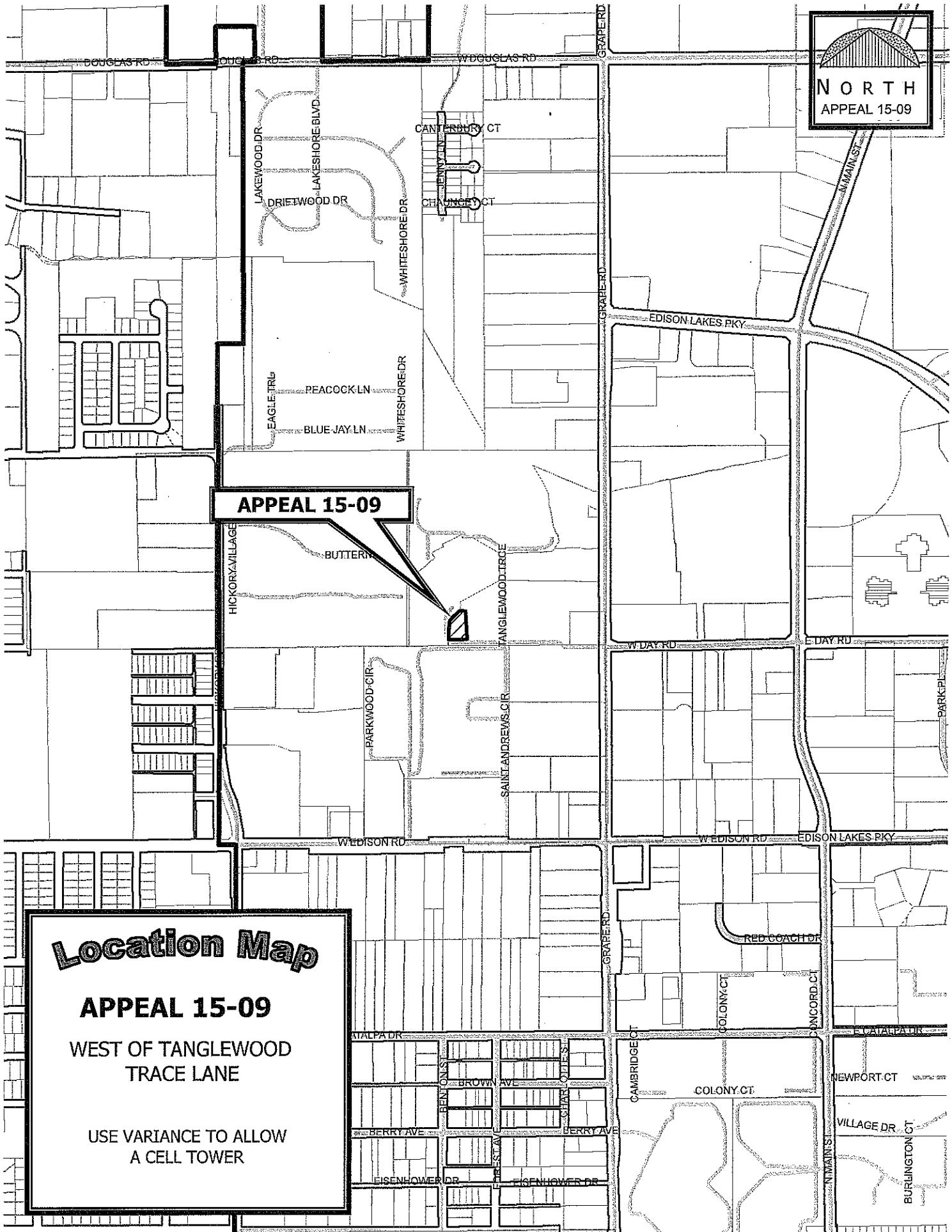
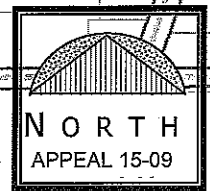


LEGEND

-  DENOTES AREA IN 100 YEAR FLOOD PLAIN, ZONED "A-1"
-  25' FRONTYARD SETBACK LINE
-  5' NON ACCESS EASEMENT

PREL

DATE
2/12/15
SCALE
1"=40'
FILE #
150115.5



MAR 12 2015

APPEAL #15-11

RESOLUTION NO. 2015- 12

CITY CLERK
MISHAWAKA, IN

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

403 South Main 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 at **403 South Main Street, Mishawaka, Indiana**, more particularly known and described as follows:

PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN THE CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA. A parcel of land being a part of the Southeast Quarter of Section 16, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana and being more particularly described as follows:

Beginning at the point of intersection of the East right-of-way line of Spring Street, a 60 foot right-of-way, with the Southerly right-of-way line of the Conrail Railroad right-of-way, thence south 0-00'-00" West along said East right-of-way line of Spring Street, a distance of 46.00 feet; thence South 78-24'-00" East, a distance of 50.00 feet; thence South 80-04'-00" East, 50.00 feet; thence South 82-54'-00" East, a distance of 50.00 feet; thence South 86-41'-00" East, a distance of 50.00 feet; thence South 88-37'-00" East, a distance of 50.00 feet; thence South 89-50'-00" East, a distance of 411.50 feet to the West right-of-way line of Main Street in said City of Mishawaka; thence North 1-17'-00" East, along said West right-of-way line, a distance of 92.50 feet to its intersection with said Southerly right-of-way line of the Conrail Railroad; thence South 88-43'-00" West, along said Northerly right-of-way line, a distance of 198.30 feet; hence South 88-31'-50" West, along said Northerly

right-of-way line, a distance of 463.22 feet to the place of beginning containing 52,860 square feet (1.21 acres) more or less. Subject to any easements, covenants or restrictions of record.

The Use Variance will allow the installation for the warehousing, resale, detailing, and rental of high-end, luxury automobiles in an I-1 Light Industrial Zoning District subject to the following conditions:

1. Outdoor parking of vehicles may be allowed. However, vehicles shall be parked only in the existing on-site parking spaces and the required number of parking spaces for industrial use, (1) space per employees at maximum shift, shall be maintained. A site plan shall be submitted showing location of proposed parking.
2. A grease/grit interceptor shall be installed per the Department of City Engineering.
3. No auto-mechanical and/or auto-body work may be performed on the property.

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 all state and local building codes will be adhered to during construction and/or improvements to the existing structure;
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 adjacent properties are zoned for industrial and/or commercial uses.
3. The need for the variance arises from some condition peculiar to the property in that it is located in an industrial area and does not allow for the proposed auto use which is more applicable to an industrial property than to a commercial property.
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 specific automotive uses within industrial zoned properties. The only means by which to allow the proposed car use and maintain the current industrial portion is through the use variance process;

5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

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 _____, 2015, at _____ o'clock _____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2015, at _____ o'clock _____ m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2015, at _____ o'clock _____ .m.

David A. Wood, Mayor

February 18, 2015

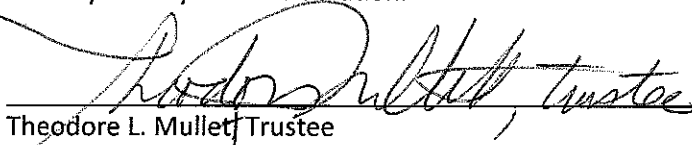
FEB 18 2015

BOARD OF ZONING APPEALS
City of Mishawaka, Indiana

AP 15-11

I am the Trustee for the Thomas W. Mittler Family Trust and I am authorized to execute agreements on behalf of the Trust. On February 16th, 2015 I entered into a Purchase Agreement with Maurice Bokhart on behalf of the Trust for the property identified below. We understand that even though Mr. Bokhart's desired use is nearly identical to the way the building has been used in the past, in order to be absolutely sure that the zoning is appropriate – we support his efforts to go before the Board of Zoning Appeals in order to obtain formal approval.

Thank you for your consideration.


Theodore L. Mullett, Trustee

3625 Park Place West, Suite 300
Mishawaka, IN 46545

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 25 2015

CITY CLERK
MISHAWAKA, IN

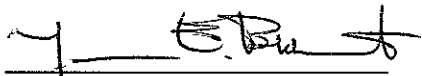
The undersigned appellants respectfully show the Board:

1. I, Maurice Bokhart have entered into a Binding Purchase Contract for the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana, to-wit: Parcel 1: 1.18 AC TR M OR L BEG 217.75'N OF LN WEST ST & E SPRING ST SE 1-4 SEC 16-37-3E FILED W/R E PERKINS ADD in the Office of the Recorder of St. Joseph County, Indiana. Common Address 403 S. Main Street, Mishawaka, Indiana, 46544.
2. The above described real estate presently has a zoning classification of Industrial I-1 District under the Zoning Ordinance of the City of Mishawaka.
3. The previous owner, Mr. Thomas Mittler has passed away, and this property is being sold in order to settle the estate. Mr. Mittler occupied the above described property in the following manner: Indoor storage and showroom for automobiles with an indoor wash bay for cleaning the autos. Appellant desires to occupy the building for the warehousing, resale, detailing and rental of high-end, luxury automobiles. Auto sales will be both internet driven and on-site. All vehicles will be housed indoors, and no painting or mechanical work (oil changes, etc.) will take place at this location. Hours of operation are expected to be from 8 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 2:00 p.m. on Saturday. Signage will be in compliance with the requirements established by the State of Indiana Dealer Licensing Department.
4. Appellant desires for you to allow the warehousing, resale, detailing and rental of high-end, luxury

automobiles.

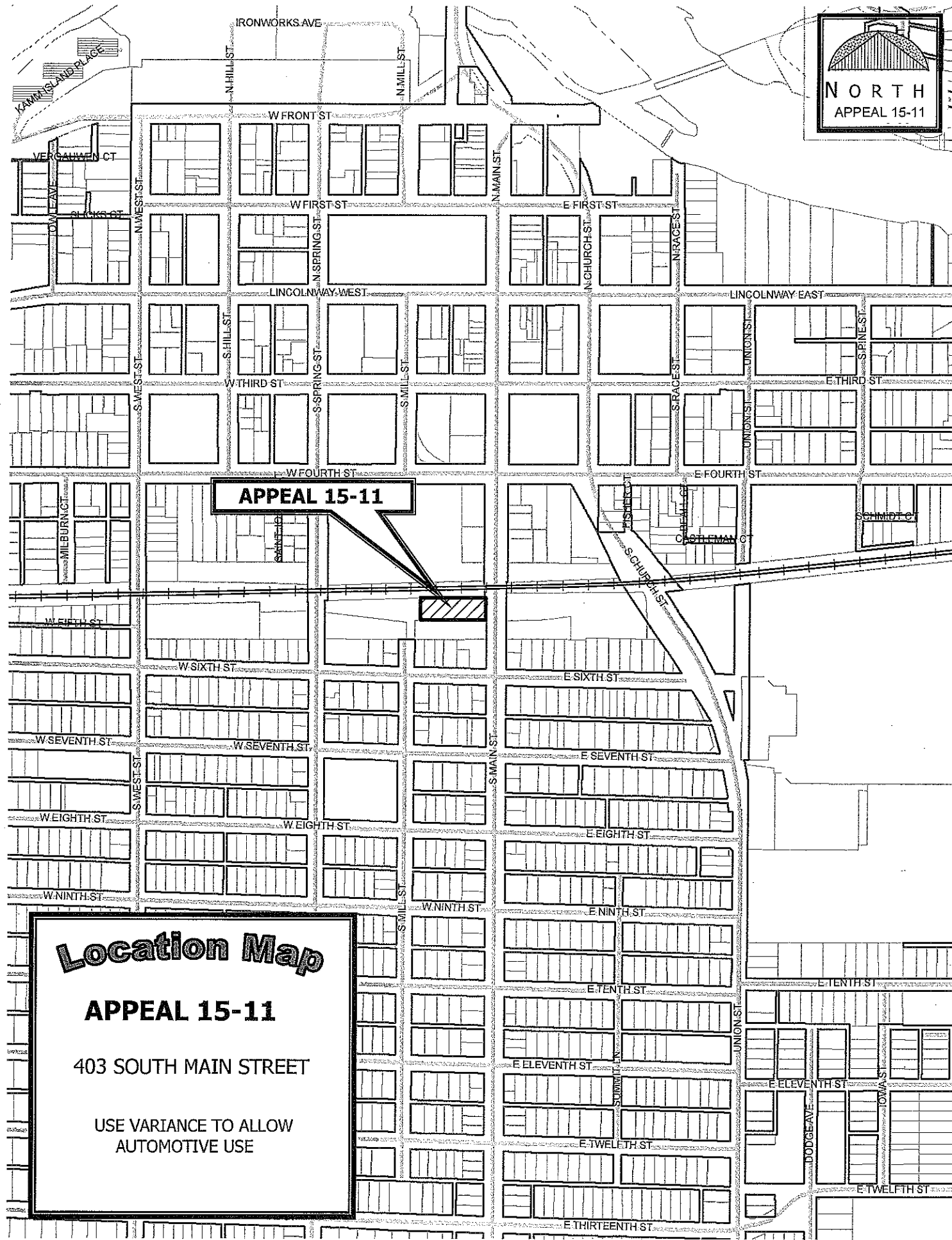
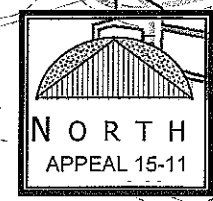
5. The Zoning Ordinance of the City of Mishawaka requires: it is our understanding that any automotive use will require a variance from existing zoning.
6. Without the Variance allowing for the warehousing, resale, detailing and rental of high-end, luxury automobiles, the executed purchase agreement between Maurice Bokhart and the Mittler Family Trust will be null and void – due to the inability to obtain appropriate zoning.
7.
 - A. This variance will not in any way be injurious to the public health, safety, morals or general welfare of the community.
 - B. It should have no adverse affect to any adjoining properties as the intended use will not in any significant way change the character of the building.
 - C. The need for the variance does not arise from some condition peculiar to the property.
 - D. It is our belief that strict adherence severely restricts our ability to utilize the space for the intended purposes, and the requested variance will allow for the vacant space to be utilized.
 - E. We do not believe that approval of the Variance will substantially interfere with the Mishawaka 2000 Comprehensive Plan. There will be minimal change in the nature and character of the internal or external building and minimal impact on traffic or visual aesthetics of the building.

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



By: Maurice E. Bokhart

16400 Kern Road
Mishawaka, IN 46544
(574) 254-0497
mebokhart@gmail.com



APPEAL 15-11

Location Map

APPEAL 15-11

403 SOUTH MAIN STREET

USE VARIANCE TO ALLOW
AUTOMOTIVE USE

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 12 2015

CITY CLERK
MISHAWAKA, IN

APPEAL #15-12

RESOLUTION NO. 2015- 13

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:

1231 Lincolnway West, 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 **1231 Lincolnway West, Mishawaka, Indiana**, more particularly known and described as follows:

Lots 110 and 111 Adam S. Bakers 1st, except North part split to State per Transfer 11790, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana

The Use Variance will allow the installation of a donation drop-off/collection center.

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 all state and local building codes will be adhered to during construction and/or improvements to the existing structure.
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 proposed use is less intense than what is allowed under the C-1 General Commercial zoning.
3. The need for the variance arises from some condition peculiar to the property in that it is located on a commercial zoned property and the Ordinance does not specify the proposed use as an allowable use in any of the zoning districts.
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 specific proposed use within commercially zoned properties. The only means by which to allow the proposed use is through the use variance process;
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

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 _____, 2015, at _____ o'clock _____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

RESOLUTION #2015-13
1231 Lincolnway West
Page 3 of 3

PRESENTED by me to the Mayor this _____ day of _____ 2015,
at _____ o'clock ____m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2015, at
_____ o'clock ____m.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

February 16, 2015

FEB 26 2015

Board of Zoning Appeals
City of Mishawaka
600 East Third Street
Mishawaka, IN 46544

CITY CLERK
MISHAWAKA, IN

FEB 18 2015

RE: Planet Aid Building and Site Developmental Variance
1231 Lincolnway West, Mishawaka, IN 46544

Dear Members of the Mishawaka Board of Zoning Appeals,

~~15-02~~
APL

1. I, Kai Nielsen, am the leaseholder of the project on the following described real estate located in the City of Mishawaka, Penn Township, St Joseph County, State of Indiana, to-wit:

Legal Description: Lots 110 111 Ex N Pt For St Adam S Bakers 1st 03-04
Split To State For St Per Tr 11790 1-6-03

Common Address: 1231 Lincoln Way West, Mishawaka, IN 46544

2. The above-described real estate presently has a zoning classification of C-1 General Commercial under the Zoning Ordinance of the City of Mishawaka.

3. Appellant proposed to occupy the above-described property in the following manner:

Site:

Attached is an existing and proposed site plan for the Planet Aid project. The Appellant proposes that the site be approved with minimal changes. The existing building was originally a service station and most recently occupied as a pizza carry out restaurant. The present building has been vacant for about 8 to 10 years. The use as proposed is a drop off collection center for donated clothing. Two exterior bins are proposed at the west part of the site, set against the building. Each bin is 4' wide x 4' long x 6.5' tall. Parking for patron drop-off is provided as noted on the site plan for short duration. The building is not planned to be an occupied facility, just a cold storage collection/distribution center for the Mishawaka regional area. No office or restroom is planned.

The present curb cuts on Lincoln Way West and Logan are proposed to remain without any changes. The existing concrete drive/parking areas north and west of the building is proposed to remain without any changes. Three new trees are proposed on the south west portion of the landscaped area of the site. The proposed patron traffic anticipated will entail short term parking while dropping off donating clothing and depositing the goods in the collection bins and collection slot throughout the day. Staff will regularly visit the building two times a day for pick-up and monitor the condition of the site and building. There will be no commercial truck parked at the property, other than short term pick-up or delivery. No goods are allowed to be dropped off other than clothing to be deposited in the drop-off slot on the north side or the bins on the west side. No drop-offs are allowed outside the building.

The present storm drainage will not change. The roof drains to the south at a gutter line and a single downspout to a splash block onto the grass lawn. The scrub vegetation at the south side will be removed. The lawn area will be improved and the grass will be mowed and maintain in an attractive manner.

Building:

The existing exterior finishes are painted concrete block, some infill painted vertical wood siding, glass and aluminum window frames, steel columns, metal soffit. The proposed

upgrades will entail repair of broken glass at the windows, repair of the canopy overhang, tuck-pointing the concrete block wall as needed and repainting the entire exterior of each side of the building. The interior will be cleaned up, damaged materials replaced, but given the fact that the use is non-occupied cold storage distribution center, no offices or restrooms are planned to be part of the improvements. The building will have power, interior lighting and emergency lighting, but no heating or plumbing.

The proposed exterior finishes are planned with the Planet Aid corporate blue and yellow paint for 30% of the exterior finish. The remaining 70% is proposed as a compatible tan color. Attached are the exterior colored elevations which show the materials along with their location and proposed color.

4. Appellant desires to retain the existing building as is with basic repair and upgrades to maintain the building exterior finish as outlined above. No additions are proposed and the present drive, curb cut and drainage is proposed to remain without change.
5. **USE VARIANCE:** The Appellant requests approval of the Use Variance as a Drop-off Collection/Distribution center within a C-1 General Commercial Zoning district (Section 137-300).

DEVELOPMENTAL VARIANCE: In addition, the Appellant requests the following Developmental Variances for the project;

1. Landscape variance from that required in Article VII, Section 105 to that provided on the Site Plan.
 2. Parking: Existing concrete drive, curb cuts, parking and drainage to remain as is. The Ordinance requires 4.25 or 5 parking spaces, but we request a variance to provide 3 parking spaces as proposed on the Site Plan.
 3. Setbacks, Side Yard: The existing building encroaches into the existing East side yard 5' setback. Provide a variance to allow for the existing setback of approximately 4'.
 4. Setbacks, Front Yard: 0-ft pavement setback for the area that encroaches into the ROW at the corner.
6. The strict adherence to the Ordinance requirements would create an unusual hardship as follows;
 - a. Given the encroachment into the sideyard setback would require a tear-down and re-build of the structure toward the east part of the lot which is impractical.
 7. In compliance with the requirements for filing this appeal for a Use Variance and Developmental Variances, the following points are noted:
 - A. The approval will not be injurious to the public health, safety, morals or general welfare of the community because this use of the building as a donation drop-off collection center will provide for a much needed service to the community. The size of lot and building size is a good fit for the re-use and the original use as a gas station is impractical as it is too small of a site. The present vacant building would be brought back to functional use and would clean-up a building that is been in need of repair and has been vacant for 10 years. The location of the facility is ideal in serving the larger community and the traffic patterns would be low volume, dispersed throughout the day and safe.
 - B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner in that the building will be repaired and properly maintained. Even though the building will not be an occupied building, Planet Aid staff will visit the building and site regularly to keep things in order.
 - C. Strict application of the terms of this chapter of the Ordinance will result in practical difficulties in the use of the property in that the setbacks and present curb cuts if compliant with the ordinance requirements would require demolition and rebuilding of the entire site in a different geometry. Granting this variance will allow economical reuse of this one-story masonry building on a corner lot.

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


Signature of Leaseholder

Kai Nielsen RM Landfill
Printed name of Leaseholder

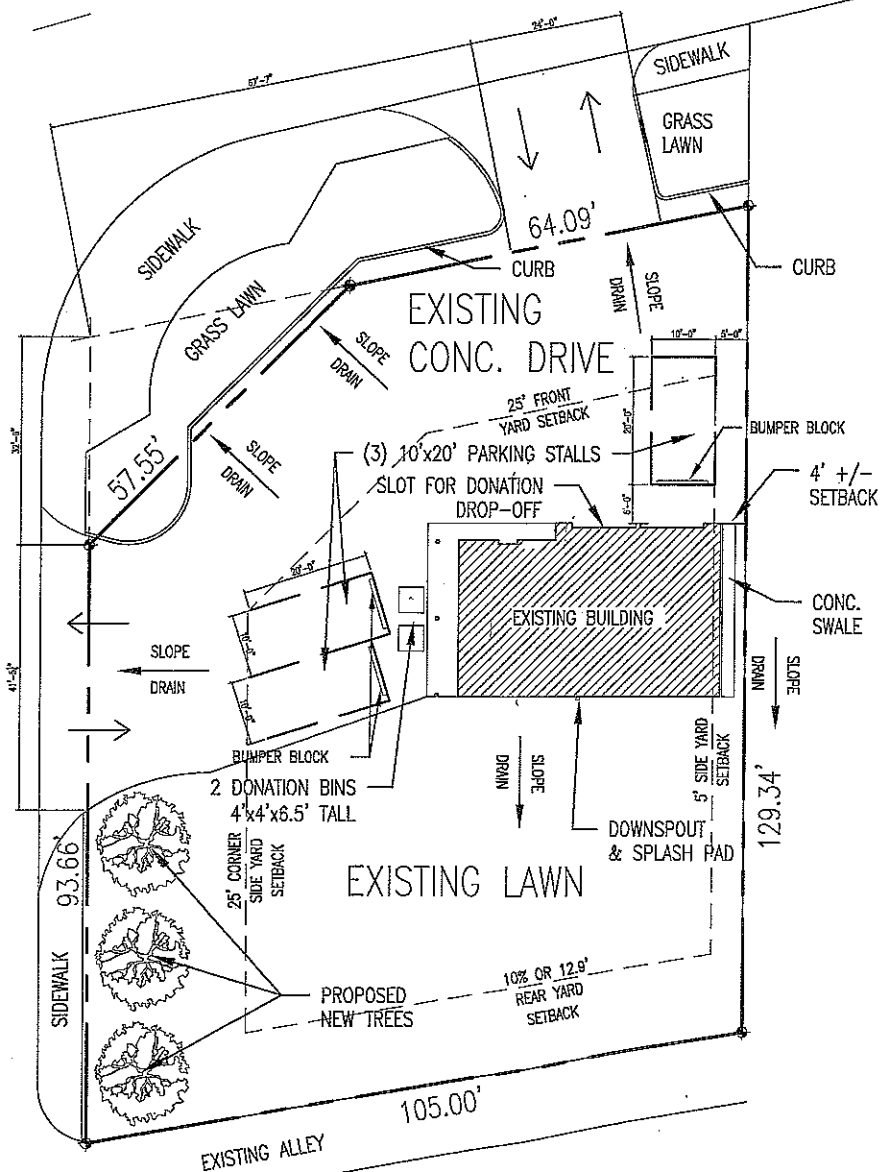
Signature of Property/Title Owner

Printed name of Property/Title Owner



Contact Person:

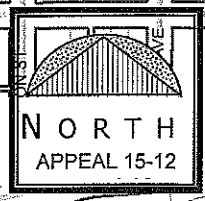
Gregory A. Kil, NCARB, AIA Architect
Kil Architecture/Planning
1126 Lincolnway East
South Bend IN 46601
(574) 288-2654 office phone
(574) 288-2420 office fax
gkil@kilarchitecture.com



3 PROVIDED

SCALE: 1:30

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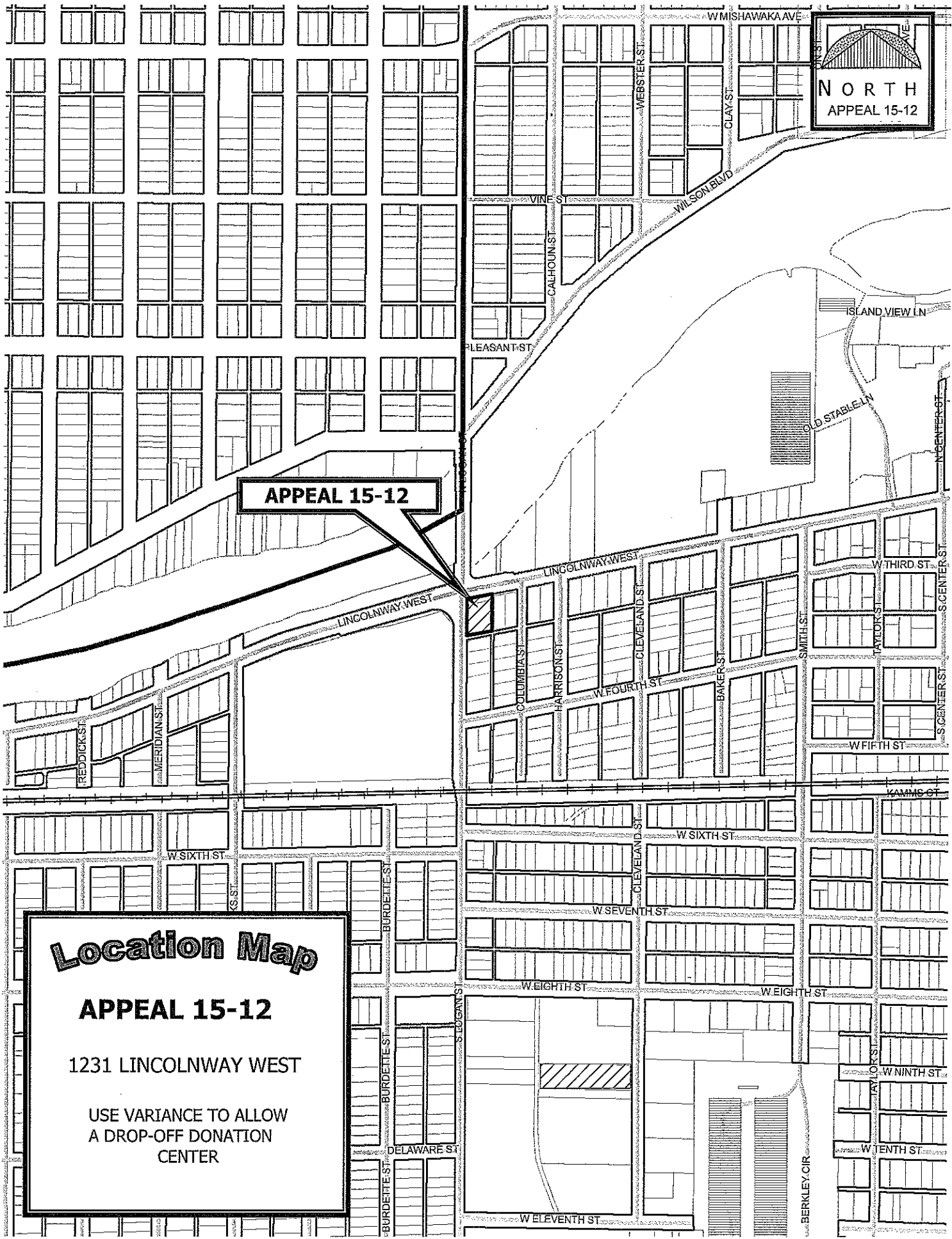
APPEAL 15-12

Location Map

APPEAL 15-12

1231 LINCOLNWAY WEST

USE VARIANCE TO ALLOW
A DROP-OFF DONATION
CENTER



1st Reading 2-16-15
2nd Reading
Passed
Failed
Continued To

PETITION #15-04

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-03

ORDINANCE NO. _____

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 11 2015

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 4 East, St. Joseph County, Indiana, better described as follows: Commencing at the center of said Section 18; thence South 89°50'16" West along the South line of said Northwest Quarter of Section 18, 1325.16 feet (from previous survey) to the West line of the Southeast Quarter of the Northwest Quarter of Section 18; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 588.76 feet to a PK nail for a place of beginning; thence North 88°17'35" East, parallel to the South R/W line of the Penn-Central Railroad, 456 feet to an iron pipe; thence South 0°26'15" West and parallel to the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to an iron pipe; thence South 88°17'35" West parallel to the said South R/W line of the Penn-Central Railroad 456 feet to a PK nail on the said West line of the Southeast Quarter of the Northwest Quarter; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to the place of beginning. Excepting therefrom that land previously annexed within the City limits of the City of Mishawaka, Indiana.

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

Proposed Ordinance No. 15-03

Ordinance No. _____

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

1. Existing Conditions- The subject parcel is currently located adjacent to industrial zoned property and the area to be annexed.
2. Character of Buildings – The character of the buildings located adjacent is industrial and there is currently an industrial building located on the property to be annexed.
3. The most desirable/highest and best use – Because of the existing adjacent I-2 Heavy Industrial zoning to the north of the property to be annexed, the most desirable uses for the property is the continuation of the existing industrial use.
4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area, because the industrial use is consistent with the adjacent industrial uses located to the north. Property located to the south of land to be annexed is vacant woodland.
5. Comprehensive Plan- The proposed annexation is consistent with The Comprehensive Plan, created in 1990, which indicated industrial uses within this area.

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 _____, 2015, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ____ day of _____,
2015, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No. 15-03

Ordinance No. _____

APPROVED by me this _____ day of _____, 2015, at
_____ o'clock _____ M.

David A. Wood, Mayor



LANG, FEENEY and ASSOCIATES, INC.

LAND SURVEYING – CONSTRUCTION ENGINEERING

715 SOUTH MICHIGAN STREET • SOUTH BEND, INDIANA 46601

TELEPHONE 574/233-1841 • FACSIMILE 574/674-0374

WILLIAM D. LANG, PRES.

JOHN B. FEENEY, L.S.

TERANCE D. LANG, L.S.

INDOT PREQUALIFIED:

5.4 ECOLOGICAL SURVEYS

5.5 WETLAND MITIGATION

6.1 TOPOGRAPHIC SURVEY DATA COLLECTION

SUB-DIVISIONS

BOUNDARY SURVEYS

CONSTRUCTION SURVEYS

PUBLIC WORKS PREQUALIFIED

January 15, 2015

Honorable Members of the Common Council
City of Mishawaka, In
And
Mishawaka City Plan Commission
City of Mishawaka, In.

Re: Petition for Annexation and Zoning Classification
Marc V. Campbell

The undersigned, Marc V. Campbell, respectfully shows that he is the owner of the following described real estate located in the City of Mishawaka, In and in St. Joseph County, Indiana to wit:

ANNEXATION DESCRIPTION:

Marc V. Campbell

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 4 East, St. Joseph County, Indiana better described as follows: Commencing at the center of said Section 18; thence South 89° 50' 16" West along the South line of the said Northwest Quarter of Section 18, 1325.16 feet (from previous survey) to the West line of the Southeast Quarter of the Northwest Quarter of Section 18; thence North 0° 26' 15" East along the said West line of the Southeast Quarter of the Northwest Quarter 588.76 feet to a PK nail for a place of beginning; thence North 88° 17' 35" East, parallel to the South R/W line of the Penn-Central Railroad, 456 feet to an iron pipe; thence South 0° 26' 15" West and parallel to the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to an iron pipe; thence South 88° 17' 35" West parallel to the said South R/W line of the Penn-Central Railroad 456 feet to a PK nail on the said West line of the Southeast Quarter of the Northwest Quarter; thence North 0° 26' 15" East along the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to the place of beginning.

Excepting therefrom that land previously annexed within the city limits of the City of Mishawaka, Indiana.

The said hereinabove tract of land being the same as that parcel of land conveyed to Marc Campbell by Warranty Deed recorded as instrument number 9747060 in the office of the Recorder of St. Joseph County, Indiana.

RECEIVED
DEBORAH S. BLOCK MMC

JAN 28 2015

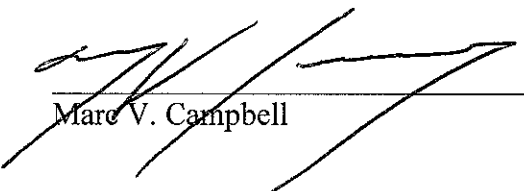
CITY CLERK
MISHAWAKA, IN

Petitioner owns One Hundred percent (100%) of the above described parcel of land which is located in the City of Mishawaka, Indiana as well as located in St. Joseph County, Indiana and petitioner desires the same to be annexed to the City of Mishawaka, Indiana with an I-2 (Heavy Industrial) Zoning District. Petitioner further States that he intends to utilize said land for industrial uses consistent with the growth of his business and with the rules and regulations of the City of Mishawaka.

~~Accompanying this petition is a drawing, to scale, showing the above described parcel of real estate, showing the size of the existing building and the size and location of any proposed buildings.~~

Petitioner further shows this proposed annexation to be in the best interest of the City of Mishawaka Indiana and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka. The current City limits run through the interior of this parcel of land. By allowing this petition to proceed, the City has an opportunity to correct a minor discrepancy/error in the perimeter of the City Limits.

Wherefore, petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka city Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with an I-2 Industrial zoning classification.



Marc V. Campbell

Contact Person:

J. Bernard Feeney
Lang, Feeney & Associates, Inc.
715 S. Michigan St.
South Bend, In. 46601

Ph: 574-233-1841

PART OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH,
RANGE 4 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA
FOR:
WAC CAMPBELL
226 SOUTH ELDER STREET
MISHAWAKA, IN. 46344



REFERENCE: D. CUNY FILES 9-0522



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