AGENDA

Monday, February 15, 2016

Elected Officials Pictures

6:15PM

The Beiger Bots Champion Display

will be at 6:30PM

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

February 01, 2016

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendations from their February 09, 2016 meeting.

A letter from the City Plan Commission regarding recommendations from their February 09, 2016 meeting

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2016-04 Rezone from S-2PUD to C-1 for Additional Parking for adjacent Hotel - Vacant Land East of 1220 E. Douglas Rd.

8. Resolutions

R2016-03 Honoring Indiana Lego Champs - Beiger Bots

R2016-04 Confirming Resolution - Patrick Industry - 1141 and 1241 E. 12th Street

R2016-05 Use Variance to allow for Indoor/Outdoor Warehousing & Display of Vehicles 411 S. Main St.

R2016-06 Sell of Real Estate - Portion of Gumwood Wellfield

9. Ordinances on Second Reading

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
February 1, 2016

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 February 1, 2016, at 7:00 p.m. The meeting was called to order by President Ron Banicki all were asked to stand for the Pledge of Allegiance.

Roll Call.

Present: Ms. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki,

Mr. Banicki stated John Roggeman, has resigned from the Mishawaka City Council to accept a position with the City of Mishawaka Law Department as the City Attorney.

Others present; Council Attorney Mike Trippel, Mary Ellen Hazen Chief Deputy I, and Linda Dotson Chief Deputy II

The minutes from the January 18, 2016 meeting were approved as received from the City Clerk's Office.

Clerk Block presented the following Appeals to the Council, who referred them to the Board of Zoning Appeals for their recommendation.

Appeal No. 2016-03 Use Variance to allow for Indoor/Outdoor Warehousing & Display of Vehicles 411 S. Main Street.

Clerk Block presented the following Petitions to the Council, who referred them to the Plan Commission for their recommendation

Petition No. 2016-05 Rezone From S-2 PUD to C-1 for Additional Parking For Adjacent Hotel – Vacant Land East of 1220 East Douglas Road.

There was the matter of unpaid checks for a period of 2 years to be voided this was presented to the Council with no action required.

Clerk Block read **RESOLUTION NO. 2016 05** opening it for public hearing.

RESOLUTION NO. R2016-02

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA INDIANA DECLARING CERTAIN AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA KNOWN AS: 1141 & 1241 East 12th Street, Mishawaka, Indiana 46544 TO BE AN ECONOMIC REVITALIZATION AREA AND ECONOMIC DEVELOPMENT TARGET AREA FOR PURPOSES OF

PERSONAL PROPERTY TAX ABATEMENT FOR PATRICK INDUSTRIES, INC. (LESSEE)

Josh Boone 5520 Towncenter Drive, Granger said he was with Patrick Industries and their Headquarters is located in Elkhart, Indiana they operate in 11 states. He said they were primarily the major supplier of the RV Industry. Mr. Boone said the majority of their manufacturing was in Elkhart and surrounding counties and they are looking to expand. Mr. Boone stated one of the properties they were interested in was right here in Mishawaka where they have no presence today. He said they were looking to enter into a five year lease with the option of extending that to 10 years. Mr. Boone went on to say he was looking to invest over a million dollars in personal property equipment and between 80 and 100 employees, which should ramp up fairly quickly as they are busting out of the seams where they are.

Ms. Voelker asked why they would opt to lease the building instead of purchasing. Mr. Boone explained they lease 50% of their buildings, they have two million square feet under lease and approximately two million square feet that they own; leasing provides them flexibility for the long term and helps with cash flow purposes.

Mr. Bellovich asked what percentage of their business was RV related. Mr. Boone replied 75% RV, 15% was manufactured housing; the remainder of 10% that was growing significantly was industrial.

Mr. Canarecci asked if the 80 jobs they would bring here were new people or transfers from other locations. Mr. Boone said he expects for 75% of them to be new jobs incremental. Mr. Canarecci asked why Mishawaka when they had other places pretty close. Mr. Boone stated from a strategic stand point he guesses there was no real competitive advantage to be in Mishawaka from a supplier base, it helps them diversify from outside of Elkhart County.

Mr. Compton asked what type of abatement they were going to request. Mr. Boone stated it was a Nine Hundred fifteen thousand dollar investment of One Hundred percent the first year, seventy-five the second year, and Fifty percent the third year. Mr. Compton said so it would be a three year abatement. Mr. Boone said yes, they would have a five year commitment if they enter into this agreement and they do plan on being there longer than five years. Mr. Compton asked if they were considering other facilities. Mr. Boone said yes, they were looking at consolidating they do like the Mishawaka facility, they like the space it provides and they like the flexibility of the long term lease and because it was outside of Elkhart County.

Question was called for at 7:12 p.m. on RESOLUTION NO. 2016-02 Vote: Motion carried by unanimous roll call vote **Roll Call. Present:** M(**summary:** Yes = 8) Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.

Clerk Block read **PROPOSED ORDINANCE NO. 2016-01** opening it for public hearing**.**

PROPOSED ORDINANCE NO. 2016-01

AN ORDINANCE AUTHORIZING THE MISHAWAKA CITY CONTROLLER TO PURCHASE BLANKET BONDS COVERING OFFICIALS AND EMPLOYEES OF THE CITY OF MISHAWAKA

Authorizing the Purchase of Blanket Bonds covering Officials and Employees of the City

Mr. Bellovich reported the Budget and Finance Committee recommended this proposed ordinance should be adopted and moved for acceptance of same, upon a second by Mr. Compton, the motion carried.

Becky Miller, Controller said approval of this ordinance allows her to purchase Blanket Bonds to cover all employees who handle money and Blanket Bonds are required by Code for Redevelopment Commission. She said they were two separate Codes but both were covered by the same Blanket Bond.

Ms. Voelker asked if it was like insurance. Ms. Miller said yes.

Question called for at 7:14 on **PROPOSED ORDINANCE NO. 2016-01** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Ms. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Emmons, Mr. Bellovich, Mr. Cannarecci, Mr. Banicki.
THUS IT BECOMES ORDINANCE NO. 5523.

Clerk Block read **PROPOSED ORDINANCE NO. 2016-02** opening it for public hearing**.**

PROPOSED ORDINANCE NO. 2016-02

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

Rezone from C-1 Commercial to R-1 Residential 516 East Mishawaka Avenue

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

Mark Hughes 516 E. Mishawaka Avenue said he just wants to rezone his house to residential he is not leaving or selling it.

Question was called for at 7:17 p.m. on **PROPOSED ORDINANCE NO. 2016-02** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). Ms. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Emmons, Mr. Bellovich, Mr. Cannarecci, Mr. Banicki. **THUS IT BECOMES ORDINANCE NO. 5524.**

Clerk Block read **PROPOSED ORDINANCE NO. 2016-03** opening it for public hearing**.**

PROPOSED ORDINANCE NO. 2016-03

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

Rezone property from C01 Commercial to S-2 PUD for Residential Use N orth of 124 Cedar Rd.

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

Terry Lang, Lang Feeney & Associates 715 S. Michigan Street, South Bend, said he represents the petitioner. He said last year this parcel came before the Council to annex and zone to C-1, the property owner has since been working with home builder and they have come to an agreement to build duplexes on these with family ownership in each half. Mr. Lang stated they have put together the preliminary plan that was submitted to the Plan Commission. He went on to say the streets would be private, the sewer and water would be extended to the site. Mr. Lang said they are asking at this time to switch this from the previously intended C-1 to ST-PUD for residential use.

Mr. Banicki asked if they have met with any of the neighbors to discuss the change in what was originally proposed. Mr. Lang said there was one resident that showed up at the Plan Commission Meeting wanting to know about the extension of the water connection. Mr. Lang explained it would have to be done with a lift station so the sewage would be pumped to a man hole located south of the sight at the corner of Casey's General Store and Car Wash. He said her concern was how it would affect her sewer and well. Mr. Lang said it would not affect anyone's septic or well because they are extending water for this project.

Mr. Banicki asked how many bedrooms each unit would have. Mr. Lang said 2 or 3 maximum it was not going to be a large duplex set up. Mr. Banicki stated they were in the Penn District school system. Mr. Lang stated they would. Mr. Banicki asked if the rent would be subsidized. Mr. Lang stated they would be single family owned.

Ms. Voelker asked if there would be garages. Mr. Lang said yes, two attached garages. Ms. Voelker asked if this was the same property that last year the neighbors were concerned about the lights. Mr. Lang said yes. Ms. Voelker said and so far the only question presented was about sewer. Mr. Lang said yes.

Mr. Compton asked if it would be condo ownership or town homes. Mr. Lang stated that has not been determined yet. Mr. Compton asked who would be responsible for taking care of the property. Mr. Lang said it has not been determined whether there would be a homeowners association or if it would be done on a individual lot by lot basis.

Mr. Emmons asked about the square footage. Mr. Lang replied they were still working on the final plan; his guess was somewhere around 1,200 sq. ft. per unit.

Ms. Voelker said for clarity, as far as snow removal it would be all private. Mr. Lang said that was correct. Ms. Voelker asked who the builder was. Mr. Lang said presently they were talking with Ward Custom Homes.

Question was called for at 7:24 p.m. on **PROPOSED ORDINANCE NO. 2016-03** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Ms. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Emmons, Mr. Bellovich, Mr. Cannarecci, Mr. Banicki. **THUS IT BECOMES ORDINANCE NO. 5525.**

NEW BUSINESS

Mr. Mammolenti said Mr. Roggeman's absence from the Council, and leadership on this Council will be truly and utterly missed, he has really enjoyed working with him and seeking his advice on several items. Mr. Mammolenti said he wishes him luck and was glad he was within the city but he will definitely be missed here.

Mr. Banicki said the Mayor's State of City has been moved to the first meeting in March.

Emmons said regarding his monthly meetings the next one would be the 3^{rd} Thursday in March and the speaker would be from Well Pet.

Mr. Deal said there would be a Twin Branch neighborhood meeting on Wednesday February 17^{h} at 7:00 p.m. at Twin Branch School with the guests being the Director of Transpo and the Executive Director from MACOG regarding the trolley.

There being no further business to come before the Council, President Banicki adjourned the meeting at 7:28 p.m.

Deborah S. Block ______________________	Ronald S. Banicki_________
Deborah S. Block, IAMC, MMC, City Clerk	Ronald S. Banicki, President

City of Mishawaka

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

February 10, 2016

RECEIVED
DEBORAH S. BLOCK, MMC
FEB 10 2016
CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
February 9, 2016, Public Hearing

Honorable Members:

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

APPEAL #16-03 An appeal submitted by Kenneth A. and Diana K Eby and Maurice Bokhart requesting a Use Variance for **411 South Main Street** to permit warehousing and display of high-end, luxury automobiles, and utilize existing commercial kitchen space.

The Board, with a vote of 4-0, recommended approval 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 and connection to adjacent property's site.

2. No auto-mechanical and/or auto-body work may be performed on the property.

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Maurice Bokhart

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

STAFF REPORT

Location: 411 South Main Street Date: Feb. 9, 2016

Appeal: 16 03 Prepared By: KM

GENERAL INFORMATION

Applicant:	Kenneth & Diana Eby, and Maurice Bokhart
Status:	Property Owners/Binding Purchase Contract Property Owner
Request:	Use Variance to allow for warehousing and display of high-end, luxury automobiles, and commercial kitchen space (existing)
Zoning Classification:	I-1 Light Industrial
Lot Size:	.52 acres
Applicable Regulations:	Section 137-42 Board of Zoning Appeals Use Variance

SPECIAL INFORMATION

Area Development Pattern:	North:	I-1 Light Industrial
	South:	C-1 General Commercial, R-1 Single Family Residential
	East:	I-1 Light Industrial
	West:	I-1 Light Industrial
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 Appellants are requesting a Use Variance to allow for warehousing and display of high-end, luxury automobiles and use of a portion of the building as a commercial kitchen. The property is surrounded by industrial and commercial uses and limited residential to the south.

The Appellant, Mr. Bokhart, has entered into a binding purchase contract for this property located immediately to the south of property he recently purchased at 403 South Main Street. Until recently, the property was used for K&D Catering. The building housed their commercial kitchen and they parked the food trucks behind the building. The owners are retiring and Mr. Bokhart has the opportunity to purchase the property (contingent upon approval of this Use Variance).

Mr. Bokhart's plans for this building are similar to that of 403 S. Main Street in that he intends to store and display luxury automobiles inside the building. His plans include removing the doors facing Main Street and replacing with glass doors through which the vehicles can be viewed. Mr. Bokhart indicated he hopes to "update" the exterior of the building as it has a run-down appearance and is working with an architect and masonry company.

Similar to his property to the north, 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 10 a.m. to 6 p.m. Wednesday through Friday, and 8 a.m. to 2 p.m. on Saturday. Also, there is a vehicle entry gate to the rear of the property off of Mill Street from 6th Street. That will be closed and no longer be utilized for entry to the rear of the property. Access will take place via the property to the north. Privacy panels will be installed on the fencing along the south side of the property and the residential homes will no longer have to look at parked vehicles.

The Appellant also states a portion of the building is set up with a commercial kitchen and he may lease that portion to a tenant. The general public will not be able to enter the facility to order food and eat; this is not a restaurant activity.

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.

The Building Department states, "Change of occupancy permit required from Building Department". Other pertinent City departments have reviewed and approved.

RECOMMENDATION

The Planning Staff recommends approval of Appeal #16-03 to allow the warehousing and display of high-end, luxury automobiles, and use of portion of the building for commercial kitchen, in an I-1 Light 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 and connection to adjacent property's site.
2. 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.

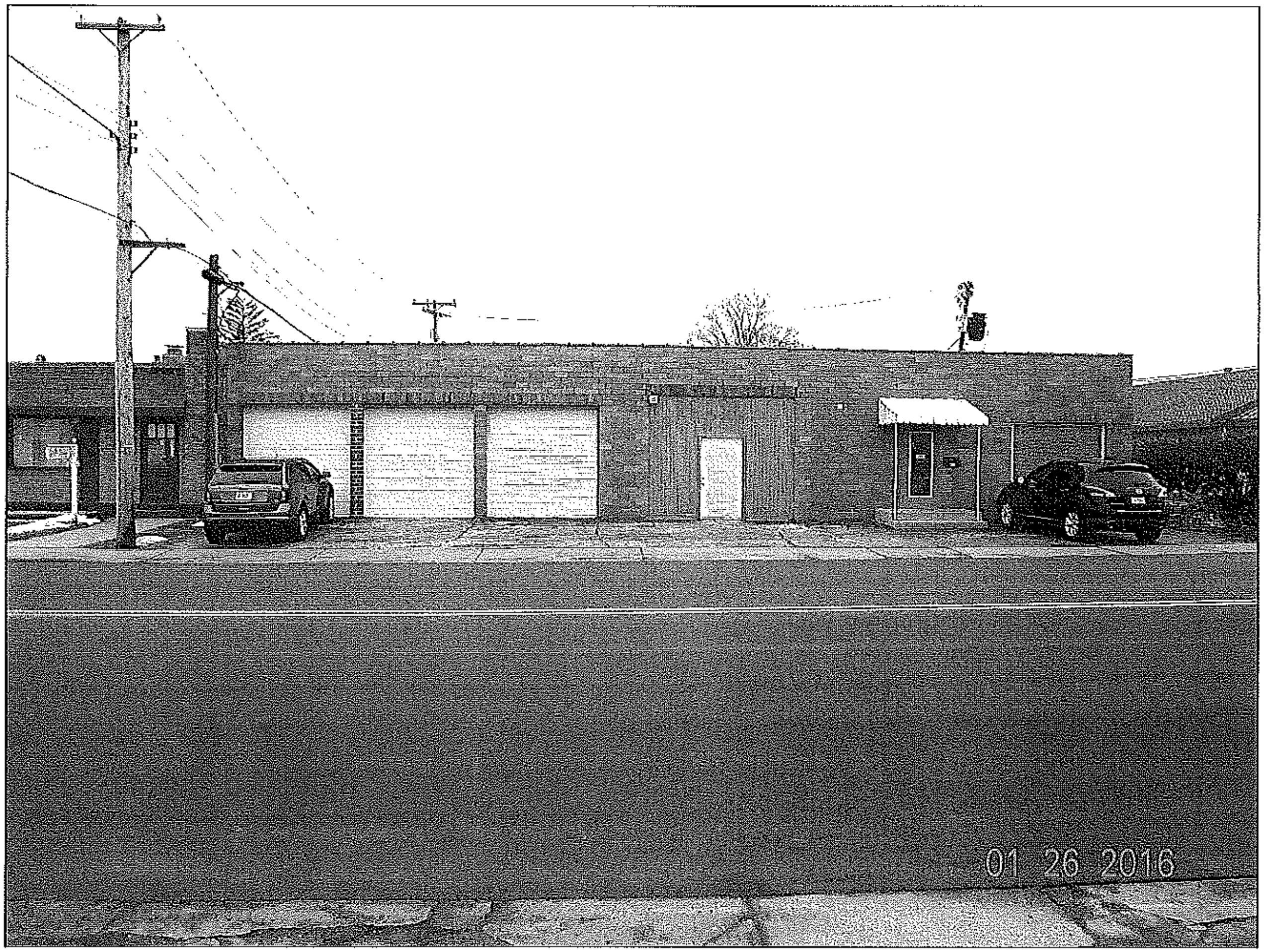
3. The need for the variance arises from some condition peculiar to the property in that it is located in an industrial area and does not allow for the proposed auto use which is more applicable to an industrial property than to a commercial property.

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.

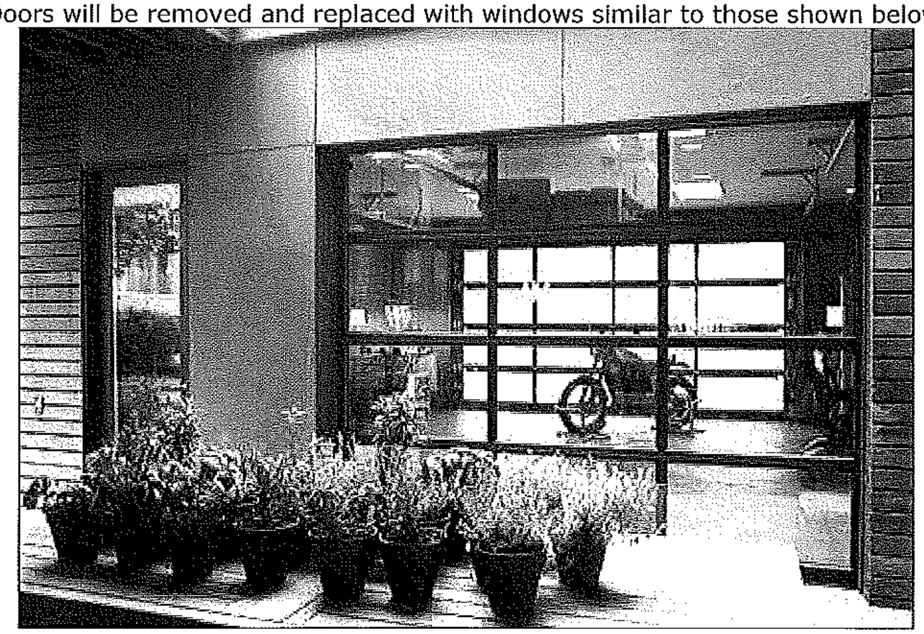
ATTACHMENTS

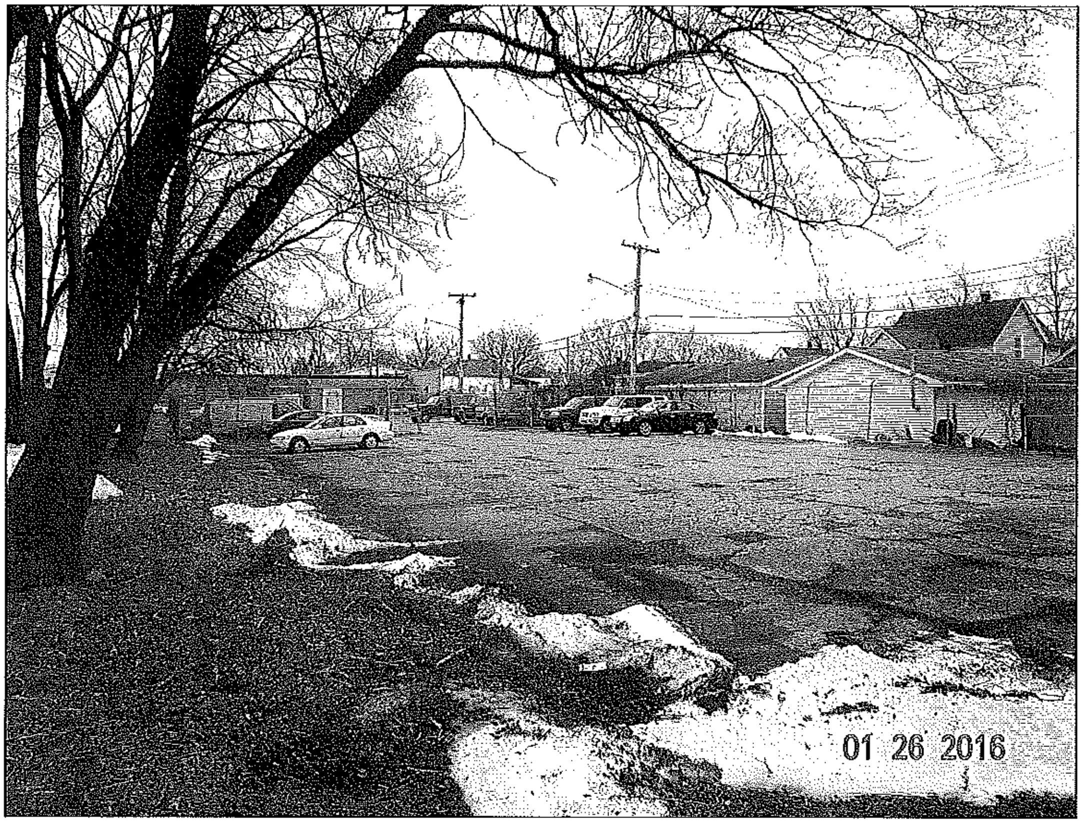
Photographs, Appeal, Location Map



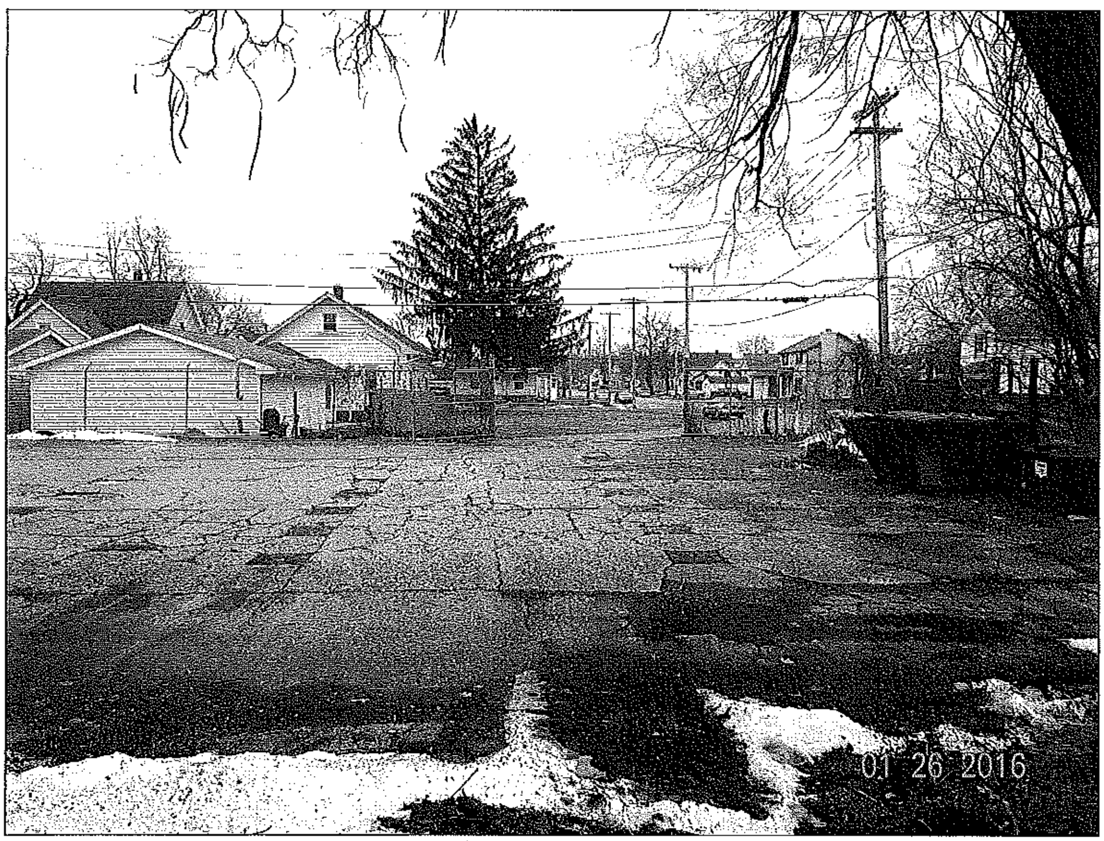
View of 411 S. Main Street

Doors will be removed and replaced with windows similar to those shown below.





View of rear parking area



View of entrance to rear parking area from Mill Street. The gate will be closed and no longer used to gain entry to the property.

City of Mishawaka

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

February 10, 2016

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 10 2016

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
February 9, 2016, 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 Ordinance was considered:

PETITION #16-05 A petition submitted by BJ Hospitality LLC requesting to rezone 197' X 245' parcel east and **adjacent to 1220 East Douglas Road** from S-2 Planned Unit Development to C-1 General Commercial District.

The Commission, with a vote of 6-0, recommended approval.

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

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Terry Lang

STAFF REPORT

Location: Vacant Land East of 1220 E. Douglas Road Date: February 9, 2016

Petition: 16- 05 Prepared By: DJS

GENERAL INFORMATION

Applicant:	BJ Hospitality LLC (A.J. Patel)
Status:	Property Owner
Request:	Rezone from the S-2 Planned Unit Development District to the C-1 General Commercial District
Zoning Classification:	S-2 Planned Unit Development District
Lot Size:	1.11 acres (245.67' x 197.66' being the northern 197.66' of Lot 1 of Miller's Douglas Road Minor Subdivision)
Applicable Regulations:	137.301 – 137.303 Commercial C-1 District 137.41 Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern:	North:	Unincorporated (Single-family residential in the County)
	South:	S-2 Planned Unit Development (Permitted uses include assisted living facility, independent living facility, nursing facility, garden homes and other accessory uses)
	East:	S-2 Planned Unit Development (Permitted uses include assisted living facility, independent living facility, nursing facility, garden homes and other accessory uses)
	West:	C-1 General Commercial (currently being developed as a hotel)
Thoroughfare:	Douglas Road	
School District:	Penn-Harris-Madison School Corporation	
Township:	Penn	
Public Utilities:	All utilities are available or will be extended to the site at the expense of the owner/developer.	
Comprehensive Plan:	Low Density Residential	

ANALYSIS

The Petitioner, BJ Hospitality LLC, is requesting to rezone approximately 1.11 acres of land from the S-2 Planned Unit Development District to the C-1 General Commercial District.

The property, which is a vacant wooded area, is located north of Douglas Road immediately east of Candlewood Suites currently under development. The property is a part of the Douglas Meadows PUD (PET 08-17) annexed into the City of Mishawaka in 2008, and zoned for an assisted, independent living, and nursing facility; garden homes; and other accessory uses.

If rezoned, the Petitioner desires to use the property for additional parking to serve the adjacent Candlewood Suites. When the final site plan was approved for both Candlewood Suites and the Holiday Inn (SP 13-G), which are being developed concurrently and cohesively by the same owner, the Board of Zoning Appeals was petitioned to allow a reduction in the number of required parking spaces to serve both hotels (APP 13-39). Since the approval of this variance, the Petitioner has determined that additional parking will be needed.

The proposed parking lot will be connected to the adjacent parking lot and will provide an additional 106 spaces. With the addition of these parking spaces, a total of 344 spaces will be provided for both hotels exceeding the required 293 spaces.

At this time, the Petitioner is only seeking to establish the proper zoning required for the proposed parking area. If approved, a detailed final site plan, and potential subdivision plat, will be required prior to construction to address storm drainage, grading, landscaping, and other required improvements.

All pertinent City Departments have reviewed the proposed rezoning and approved the request.

The Engineering Department provided the following comments which will need to be addressed with the final site plan submittal:

1. Required to satisfy 100-year return storm management on-site with inclusion of appropriate setbacks for hard surface.
2. Proximity of the proposed stormwater basin to the property lines may not allow for maintenance of the basin. If basin should fail, all stormwater runoff shall only impact the Petitioner's property and not the adjacent property to the north, east or south.

The Planning Department has the following comments which will also need to be addressed with the final site plan, and subdivision plat, if required:

1. A 5' parking lot setback is required along the west property line, or the property being rezoned must be combined with the adjacent lot to the west via a subdivision plat.
2. An ingress-egress easement may be required to provide cross access to the property to the south.

RECOMMENDATION

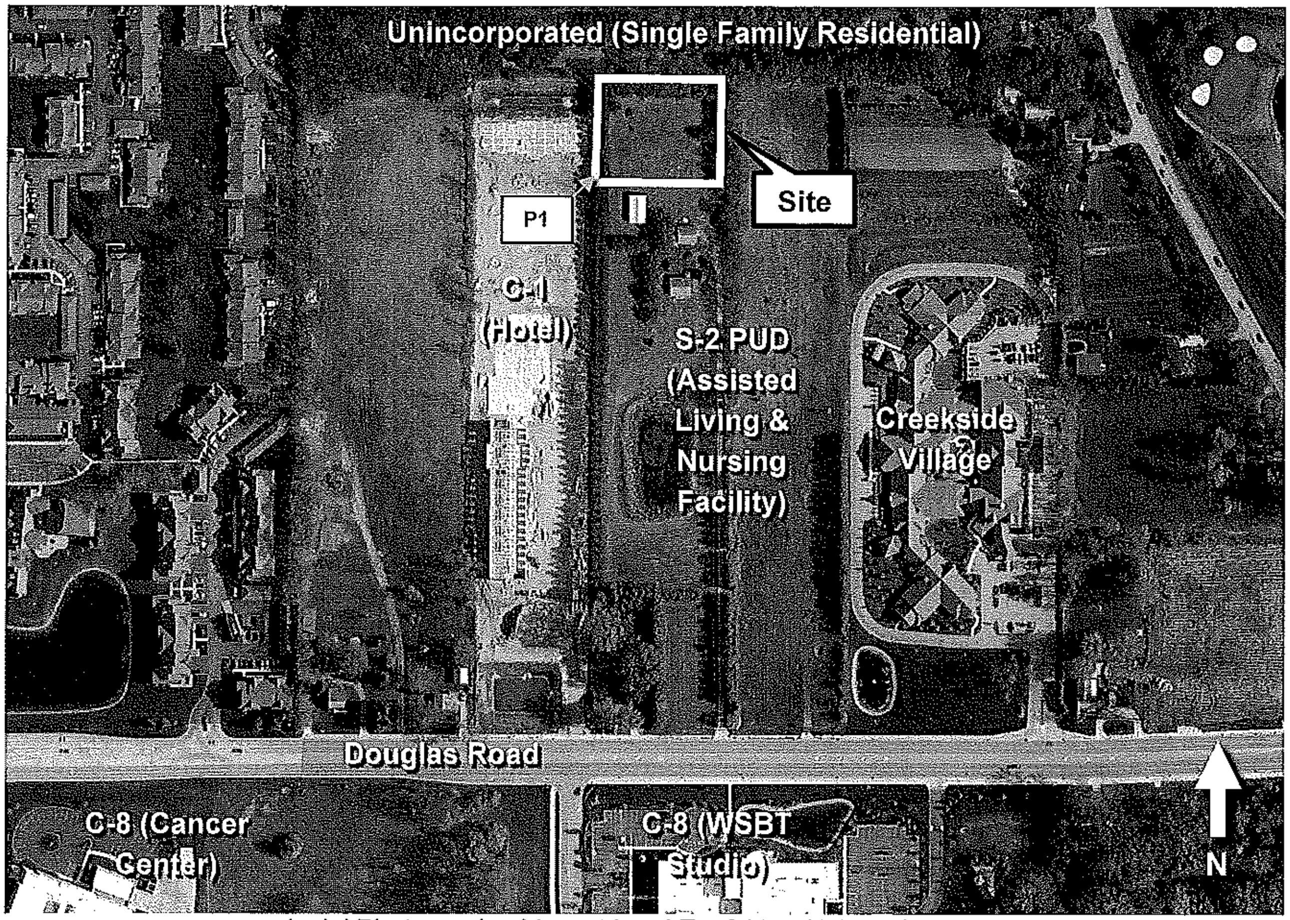
Staff recommends in favor of Petition 16-05 to rezone approximately 1.11 acres of land located immediately east of Candlewood Suites (1220 E. Douglas Road) from the S-2 Planned Unit Development District to the C-1 General Commercial District. This recommendation is based on the following findings of fact:

1. Existing Conditions- The subject property, which is located north of Douglas Road and immediately east of Candlewood Suites, is a part of the Douglas Meadow PUD previously proposed for development as an assisted, independent living, and nursing facility. Investment along the Douglas Road corridor has continued over the years with the development of the WSBT Studios, Creekside Village nursing and long term care facility, Candlewood Suites, Holiday Inn, Michiana Hematology Oncology Cancer Center, and the St. Joseph Regional Medical Center.
2. Character of Buildings in Area – Development along Douglas Road has transitioned the area from low-density single-family residential to more intensive commercial, residential, and health care uses. Therefore, the proposed expansion of the parking area to serve the adjacent hotel is an appropriate use for the property being rezoned.
3. The most desirable/highest and best use –Because of the property's location along Douglas Road and close proximity to several commercial, residential, and health care uses, the most desirable use for the property is commercial allowing for the expansion of an adjacent commercial use.
4. Conservation of property values- The proposed rezoning will not be injurious to property values in the surrounding area since it will only permit the expansion of parking area for a hotel currently under development. Furthermore, a final site plan will be required prior to construction of the parking lot to ensure compliance with all development regulations and design standards.

5. Comprehensive Plan- The 2000 Mishawaka Comprehensive Plan, created in 1990, guided low density residential uses for this area. However, the continued change and expansion of the commercial areas along the Douglas Road corridor has profoundly changed the character of the area.

ATTACHMENTS

Aerial Photograph, Photographs, Petition, Location Map, Preliminary Site Plan



Aerial Photograph – Vacant Land E. of 1220 E. Douglas Road

P1. Looking northwesterly toward area to be rezoned for expanded parking.

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 10 2016

CITY CLERK
MISHAWAKA, IN

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

PETITION 16-05

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2016-04

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

A parcel of land being a part of Lot 1 Miller's Douglas Road Minor Subdivision as shown on Instrument number 8508040 in the Office of the Recorder of St. Joseph County, Indiana, and being more particularly described as follows: Beginning at the northwest corner of said Lot 1; thence north 90°00'00" East along the North line of said Lot 1, a distance of 245.67 feet to the Northeast corner of said Lot 1; thence South 00°05'50" West along the east line of said Lot 1, a distance of 197.66 feet, thence South 90°00'00" West, a distance of 245.67 feet to the West line of said Lot 1, thence North 00°05'50" East along the west line of said Lot 1, a distance of 197.66 feet to the place of beginning containing 1.11 acres more or less.

COMMON ADDRESS: Vacant Land east of 1220 East Douglas Road

which real estate is now classified as S-2 Planned Unit Development shall hereafter be within and a part of that District known as C-1 General Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions- The subject property, which is located north of Douglas Road and immediately east of Candlewood Suites, is a part of the Douglas Meadow PUD previously proposed for development as an assisted, independent living, and nursing facility. Investment along the Douglas Road

corridor has continued over the years with the development of the WSBT Studios, Creekside Village nursing and long term care facility, Candlewood Suites, Holiday Inn, Michiana Hematology Oncology Cancer Center, and the St. Joseph Regional Medical Center.

2. Character of Buildings in Area – Development along Douglas Road has transitioned the area from low-density single-family residential to more intensive commercial, residential, and health care uses. Therefore, the proposed expansion of the parking area to serve the adjacent hotel is an appropriate use for the property being rezoned.

3. The most desirable/highest and best use – Because of the property's location along Douglas Road and close proximity to several commercial, residential, and health care uses, the most desirable use for the property is commercial allowing for the expansion of an adjacent commercial use.

4. Conservation of property values - The proposed rezoning will not be injurious to property values in the surrounding area since it will only permit the expansion of parking area for a hotel currently under development. Furthermore, a final site plan will be required prior to construction of the parking lot to ensure compliance with all development regulations and design standards.

5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan, created in 1990, guided low density residential uses for this area. However, the continued change and expansion of the commercial areas along the Douglas Road corridor has profoundly changed the character of the area.

<u>Section 3.</u> 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 ______________________, 2016, at _________ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

Proposed Ordinance No: 2016-04

Ordinance No: ____________________

PRESENTED by me to the Mayor this ________ day of ____________________, 2016, at _________ o'clock ____.M.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ________ day of __________________, 2016, at ________o'clock ____.M.

____

David A. Wood, Mayor

December 23, 2016

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

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 2 7 2016

CITY CLERK
MISHAWAKA, IN

Re: Petition for Rezoning

The undersigned, BJ Hospitality LLC respectfully show they are the owners of the following described real estate located in the City of Mishawaka, Harris Township, Indiana:

A parcel of land being a part of Lot 1 Miller's Douglas Road Minor Subdivision as shown on Instrument number 8508040 in the Office of the Recorder of St. Joseph County, Indiana and being more particularly described as follows: Beginning at the northwest corner of said Lot 1; thence north 90°00'00" East along the North line of said Lot 1, a distance of 245.67 feet to the Northeast corner of said Lot 1; thence South 00°05'50" West along the east line of said Lot 1, a distance of 197.66 feet, thence South 90–00'00" West, a distance of 245.67 feet to the West line of said Lot 1, thence North 00°05'50" East along the west line of said Lot 1, a distance of 197.66 feet to the place of beginning containing 1.11 acres more or less.

The above described parcel of land is presently zoned S-2 Planned Unit Development District.

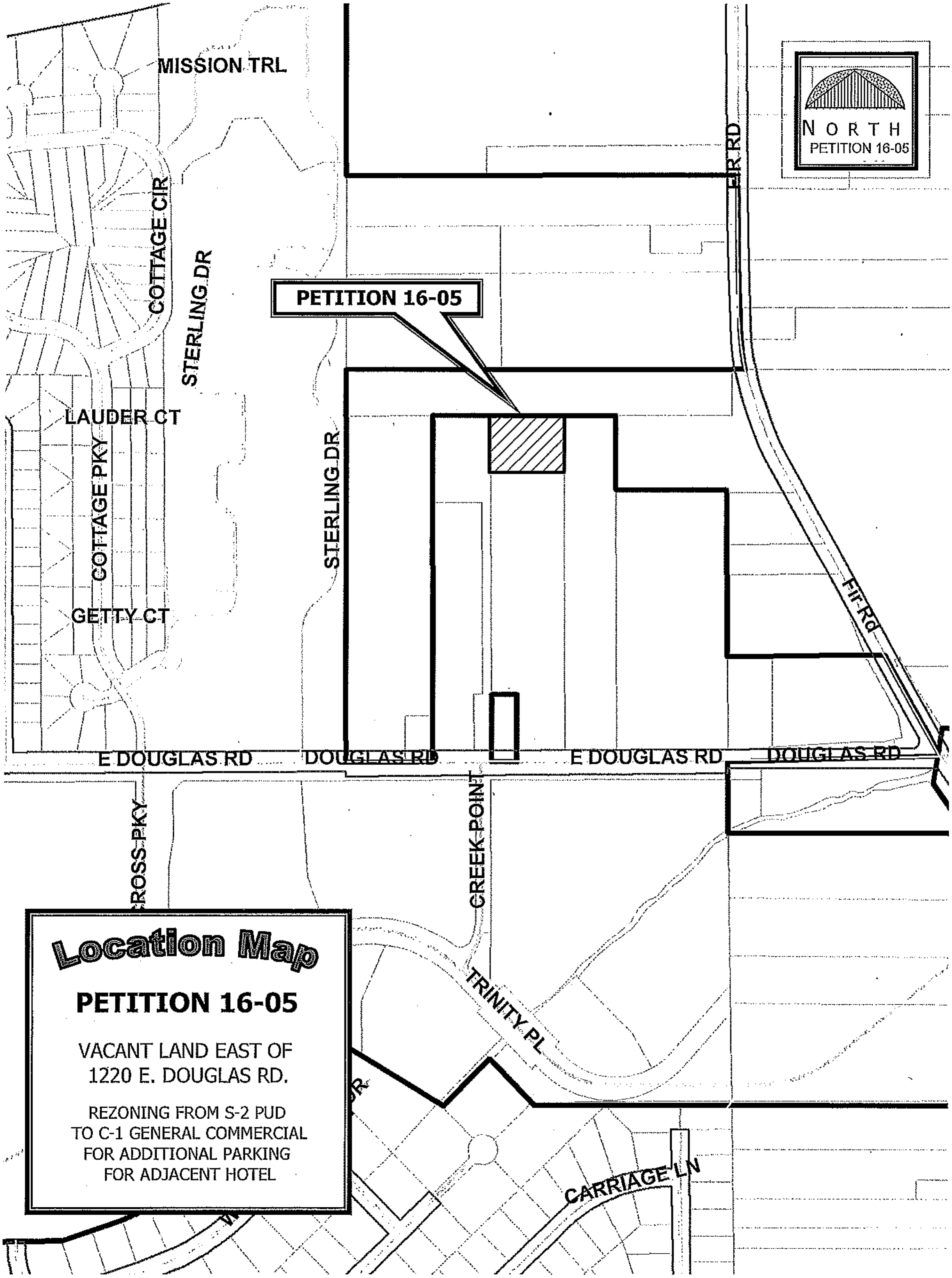
Petitioners desire said real estate to be rezoned to C-1 General Commercial District classification. This shall allow for additional parking to serve the adjacent hotel area.

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

BJ Hospitality LLC
AJ Patel
247 Dixie Way North
South Bend, Indiana 46637

CONTACT PERSON:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
Phone: 574-233-1841

Pet 16-05


NORTH
PETITION 16-05
MISSION TRL
COTTAGE CIR
STERLING DR
LAUDER CT
COTTAGE PKY
GETTY CT
FIR RD
Fir Rd
PETITION 16-05
E DOUGLAS RD
DOUGLAS RD
E DOUGLAS RD
DOUGLAS RD
CROSS PKY
CREEK POINT
TRINITY PL
CARRIAGE LN
Location Map
PETITION 16-05
VACANT LAND EAST OF
1220 E. DOUGLAS RD.
REZONING FROM S-2 PUD
TO C-1 GENERAL COMMERCIAL
FOR ADDITIONAL PARKING
FOR ADJACENT HOTEL

City of Mishawaka

RESOLUTION 2016-03

WHEREAS, the Beiger Bots were recently named the 2015 Indiana FIRST LEGO LEAGUE STATE CHAMPIONS. The team of 10 fourth-through sixth-graders won first place in the Indiana Championship Tournament at Indiana University-Purdue University Fort Wayne, and

WHEREAS, a group of LEGO League students at Beiger Elementary School were so dedicated to their team and its cause that they sifted through garbage in a landfill to conduct research for this year's project "Trash Trek", and

WHEREAS, Carol Dostal, director of outreach programs for IPFW's College of Engineering, Technology, & Computer Science invited the "Beiger Bots" to the FIRST LEGO League World Festival, which will take place in St. Louis in April, 2016, and

WHEREAS, the FIRST LEGO program was divided into three parts. One was a project centered on a theme, second was learning about and exercising core values, such as teamwork, and third was designing, building and programming a robot to compete in a game.

WHEREAS, while scouring the landfill for the project they decided to repurpose Styrofoam window cutouts thrown away by an RV manufacture and fashioned them into an array of trays, including a Lego tray and folding breakfast tray, and

WHEREAS, the Beiger Bots Lego Champion Team consists of Ben Pamchena, Lilly Wilson, Jonas Knorr, Elizabeth Ball, David Sharp, Ana DeVries, Jacob Stanton, Illiana Vanlue, Max Ford, Briella Buchmann ; and

WHEREAS, this first time LEGO Championship brings honor to the students and their Coaches, Maria DeVries, Sarah Knorr, Bob Pamachena, and JoAnn Pamachena and the City of Mishawaka, their families and to our Community; and such efforts and achievements deserve recognition and commendation from the City of Mishawaka:

NOW THEREFORE, Let it be known and Resolved by the City of Mishawaka's Common Council, Mayor and Clerk, that February 15, 2016 is hereby proclaimed

"BEIGER BOTS DAY"

in our community and we call upon all of our citizens to join us in saluting and congratulating this talented and truly remarkable team thanking them for their efforts on behalf of their school, the community and the citizens of Mishawaka, and the State of Indiana.

Dale "Woody" Emmons, President, 1st District	Ron Banicki, President, 6th District
Mike Bellovich, 2nd District	Matt Mammolenti At Large
Ross Deal, 3rd District, Vice President	Joe Canarecci, At Large
Kate Voelker, 4th District	Brian J. Tanner At Large
S. Michael Compton 5th District	
Deborah S. Block, IAMC, MMC,, City Clerk	David A. Wood, Mayor

February 15, 2016

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. Ross Deal, 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. Joe Canarecci, At-Large City Council
Mr. Matt Mammolenti, At-Large City Council
Vacant, At-Large City Council
Mrs. Deborah Block, City Clerk

RECEIVED
DEBORAH S. BLOCK, MMC
FEB 10 2016
CITY CLERK
MISHAWAKA, IN

Re: Confirming Resolution 2016-04
Personal Property Tax Abatement for Patrick Industries, Inc.

Dear Council Members and Clerk:

Attached is the staff prepared draft of Confirming Resolution 2016-04 for consideration at your February 15, 2016 meeting. As previously identified, the request is for a personal property tax abatement for Patrick Industries, Inc., which will be leasing a vacant industrial building located at 1241 E. 12th Street. The company manufactures various building components used primarily by the recreational vehicle and manufactured housing industries and other industrial markets. While Patrick Industries has a large presence in northern Indiana and southwest Michigan with nine (9) facilities, including corporate headquarters in Elkhart, this will be their first facility in Mishawaka. The business plans to occupy and equip the 99,000 sq. ft. building with the adjacent 40,000 sq. ft. building at 1141 E. 12th Street available for future expansion. The company has a minimum 5 year lease on the property with the right of first refusal on negotiating a subsequent 5 year lease. With the addition of this facility and equipment, the company anticipates continued revenue growth ensuring that they remain competitive in the marketplace. The company also anticipates that they will continue to have a presence in Mishawaka dependent upon continued market growth.

Declaratory Resolution 2016-02 for this abatement was approved at the Council's February 1st meeting which allowed the Clerk's office to proceed with the advertising requirements, including notification to other taxing units that would potentially be impacted by the abatement. To date, no correspondence has been received from other taxing units regarding the request. Prior to the Council's approval of the Declaratory Resolution, the Redevelopment Commission considered and approved the tax abatement request at their January 25, 2016 meeting. This was required since the property is located within the City's TIF District.

The SB-1 form for personal property (SB-1/PP) and the City's application for tax abatement are attached for your reference and are identical to the information previously provided with the Declaratory Resolution packet. Patrick Industries, Inc. plans to make a capital investment of $915,000 in personal property including new manufacturing and information technology equipment. With this investment, the company

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241
Community Development • Redevelopment • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999
E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

will purchase new general woodworking equipment, CNC routers, a vinyl forming press, an air compressor, and a dust collection system. Further investments will be made in improvements to the existing electrical system and new technology infrastructure to support the new equipment. The installation of the equipment is expected to begin in late March 2016, and will be completed by the end of October 2016. In addition to the personal property improvements, the company will invest less than $100,000 in real property improvements to the facility, which does not warrant consideration for a real property tax abatement.

The company estimates that 84 new jobs will be created as a directed result of this investment having a pay range of $11.78 per hour for semi-skilled positions up to $37.60 per hour for salaried positions. The blended hourly wage rate for all employees, excluding benefits and overtime, is $16.91 per hour. The 84 new positions will result in an estimated $2,953,900 in new wages. Additional benefits are available to employees including, but not limited to, health insurance, dental and vision, sick leave, 401(k), and long and short term disability.

As previously indicated, we recommend a three-year phase-in of the personal property taxes on the manufacturing and technology equipment. Furthermore, we recommend that the graduated scale of the abatement be increased from the standard percentages to 100% for year 1 (2016/payable 2017), 75% for year 2 (2017/payable 2018), and 50% for year 3 (2018/ payable 2019) due to the number of jobs created and the fact the building has been vacant for an extended period of time. If a three-year phase-in is granted, we estimate that the tax impact based upon the anticipated assessed value of $375,000 for the new personal property to be minimal. Taxes abated over the three-year period would be $28,499, while the taxes paid would be $9,499. After the expiration of the abatement, it is estimated that the company will pay $12,666 in taxes for the new equipment. All of these estimates factor in the property tax cap rates for St. Joseph County.

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

Sincerely,

Derek Spier

Derek J. Spier, AICP
Senior Planner & Economic Development Specialist

cc: David A. Wood, Mayor
Kenneth B. Prince, ASLA, AICP

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241
Community Development • Redevelopment • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999
E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

RESOLUTION NO. 2016-04
(Patrick Industries, Inc.)

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

1141 & 1241 EAST 12TH STREET, MISHAWAKA, IN 46544

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

PATRICK INDUSTRIES, INC. (LESSEE)

WHEREAS, the Common Council of the City of Mishawaka, Indiana, adopted a Declaratory Resolution which designated the area known as 1141 & 1241 East 12th Street, Mishawaka, IN 46544, to be an Economic Revitalization Area and Economic Development Target Area under the provisions of Indiana Code § 6-1.1-12.1-1 et seq. (the "Act"):

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

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22, THENCE SOUTH 0°00'00" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 759.00 FEET; THENCE SOUTH 89°58'40" WEST, A DISTANCE OF 330.00 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 89°58'40" WEST, A DISTANCE OF 1122.53 FEET; THENCE NORTH 0°00'19" WEST, A DISTANCE OF 759.00 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22; THENCE NORTH 89°58'40" EAST ALONG SAID NORTH LINE, A DISTANCE OF 957.60 FEET; THENCE SOUTH 0°00'00" WEST PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 495.00 FEET; THENCE NORTH 89°58'40" EAST, A DISTANCE OF 165.00 FEET; THENCE SOUTH 0°00'00" WEST PARALLEL WITH SAID EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 264.00 FEET TO THE PLACE OF BEGINNING.

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

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

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

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

1. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area and Economic Development Target Area for the purposes of tax abatement. Such designations are for personal property tax abatement only and is limited to three (3) calendar years.

2. The Common Council hereby determines that the property owner is qualified for and is granted a personal property tax deduction; provided the same shall be limited to a period of three (3) years for real property only in the following applicable deduction percentages:

Year 1:	100%
Year 2	75%
Year 3	50%

3. That the petition for tax abatement, and the Statement of Benefits submitted by Patrick Industries, Inc., Lessee, comply with <u>Indiana Code</u> § 6-1.1-12.1-1 <u>et seq</u>. and are hereby approved.

4. That this determination is final except that an appeal may be taken and heard as provided under <u>Indiana Code</u> § 6-1.1-12.1-2-5 and subjections (d) and (e) of the Act.

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

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this ____ day of February, 2016.

____
Ronald S. Banicki, President

ATTEST:

____
Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _____ day of February, 2016.

____
Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this _____ day of February, 2016, at _____ o'clock ____.M.

____
David A. Wood, Mayor

STATEMENT OF BENEFITS
PERSONAL PROPERTY

State Form 51764 (R4 / 11-15)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

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

INSTRUCTIONS

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body* ***BEFORE*** *a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.*
2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.*
3. *To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.*
4. *Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
5. ~~*For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed.*~~ *For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer	Name of contact person
Patrick Industries, Inc.	Mathew Davis

Address of taxpayer *(number and street, city, state, and ZIP code)*	Telephone number
107 W Franklin St, PO Box 638, Elkhart, IN 46515-0638	(574) 294-7511 Ext 7750

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body		Resolution number (s)
City of Mishawaka Common Council		
Location of property	**County**	**DLGF taxing district number**
1241 E 12th St, Mishawaka, IN 46544	St. Joseph	71022

Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. *(Use additional sheets if necessary.)*		ESTIMATED START DATE	ESTIMATED COMPLETION DATE
General woodworking equipment, CNC routers, vinyl forming press, air compressor, and dust collection baghouse.	Manufacturing Equipment	03/21/2016	10/31/2016
	R & D Equipment		
	Logist Dist Equipment		
	IT Equipment	03/21/2016	10/31/2016

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
0	0	0	0	84	$2,953,900

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the **COST** of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current values	0	0	0	0	0	0	0	0
Plus estimated values of proposed project	895,000	375,900	0	0	0	0	20,000	8,400
Less values of any property being replaced	0	0	0	0	0	0	0	0
Net estimated values upon completion of project	895,000	375,900	0	0	0	0	20,000	8,400

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted *(pounds)* ______________ Estimated hazardous waste converted *(pounds)* ______________

Other benefits:

SECTION 6 — TAXPAYER CERTIFICATION

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

Signature of authorized representative	Date signed *(month, day, year)*
Joshua Boone	
Printed name of authorized representative	**Title**
Joshua Boone	EVP - Finance / CFO

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

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

B. The type of deduction that is allowed in the designated area is limited to:

1. Installation of new manufacturing equipment; ☐ Yes ☐ No
2. Installation of new research and development equipment; ☐ Yes ☐ No
3. Installation of new logistical distribution equipment. ☐ Yes ☐ No
4. Installation of new information technology equipment; ☐ Yes ☐ No

☐ Enhanced Abatement per IC 6-1.1-12.1-18 *Check box if an enhanced abatement was approved for one or more of these types.*

C. The amount of deduction applicable to new manufacturing equipment is limited to $ ________________ cost with an assessed value of $ ___________________. *(One or both lines may be filled out to establish a limit, if desired.)*

D. The amount of deduction applicable to new research and development equipment is limited to $ ________________ cost with an assessed value of $ ___________________. *(One or both lines may be filled out to establish a limit, if desired.)*

E. The amount of deduction applicable to new logistical distribution equipment is limited to $ ________________ cost with an assessed value of $ ___________________. *(One or both lines may be filled out to establish a limit, if desired.)*

F. The amount of deduction applicable to new information technology equipment is limited to $ ________________ cost with an assessed value of $ ___________________. *(One or both lines may be filled out to establish a limit, if desired.)*

G. Other limitations or conditions *(specify)*____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

☐ Year 1	☐ Year 2	☐ Year 3	☐ Year 4	☐ Year 5
☐ Year 6	☐ Year 7	☐ Year 8	☐ Year 9	☐ Year 10

☐ Enhanced Abatement per IC 6-1.1-12.1-18
Number of years approved: __________
(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? ☐ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

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

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

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

IC 6-1.1-12.1-17
Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

City of Mishawaka
Building - Community Development - Planning

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

PERSONAL PROPERTY TAX ABATEMENT

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

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

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

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

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

Questions, applications, and fees should be directed to the:
City of Mishawaka
Building - Community Development - Planning
600 East Third Street
Mishawaka, Indiana 46544
Attention: Kenneth B. Prince, City Planner
574-258-1625
kprince@mishawaka.in.gov

1. Name of the firm for which tax abatement is being requested:
   Patrick Industries, Inc.

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

Name and Title: JOSHUA BOONE - EVP FINANCE / CFO

Address: PO BOX 638, ELKHART, IN 46515-0638

Telephone: 574-294-7511

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

Name and Title: Mathew Davis, Tax Manager

Address: PO Box 638, ELKHART, IN 46515-0638

Telephone: 574-294-7511 EXT 7750

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

   a) Street Address: 1241 E. 12th St, MISHAWAKA, IN

   b) Township: PENN

   c) Taxing District Number: 022

   d) Council District Number: 2

   e) Tax Parcel Number(s): 71-09-22-226-002.000-022

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

   Land: 105,700

   Improvements: 1,795,300

   Inventory: - 0 -

Equipment: -0-

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

7. Does your firm currently conduct manufacturing operations at this location? If so, how long has your company been at this location? NO

a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification. 321900 Other Wood Product manufacturing

b) Please list any special certifications/designations.
None

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

Yes. Elkhart, Wakarusa, Middlebury, Bremen, Ligonier, Warsaw, Syracuse, & Goshen, IN, Edwardsburg, MI, Valdosta, GA, Mount Joy, PA, Waco, TX, Bensenville, IL, Fontana, CA, Tualatin, OR, Decatur, AL, & Tolleson, AZ. Headquarters in Elkhart, IN.

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

98,738 SF

a) What is your facility currently zoned? I-1   b) Do you need rezoning? No

10. Briefly describe the product(s) manufactured by your company. Manufacture various building components used mainly by the Recreational Vehicle and Manufactured Housing Industries and by industrial markets.

11. Briefly describe the equipment to be installed by your company. General Woodworking equipment, CNC Routers, vinyl forming press, air compressor & dust collection baghouse.

12. Has new manufacturing equipment been installed (Please note that state statute requires petitioner to delay installation until after abatement has been granted)? ______Yes X No

13. What is the anticipated date for installation to begin? March 21, 2016

14. What is the anticipated date for project completion? Final phase by October 31, 2016

***(If installation will occur over a multi-year/phased-in period or involve multiple pieces of equipment, please provide a separate detailed installation timetable an note when equipment will be ready to use in production and attach this information to the SB-1/PP.)**

15. Does the equipment being installed serve the same function as the equipment currently in place at the facility? N/A. No current equipment in place. ______Yes ______No

    a) If no, please describe the new functions to be performed by the new manufacturing equipment:

    ____

    ____

    ____

    ____

    b) What is the estimated value of the equipment to be purchased for which personal property tax abatement is being requested? (If possible, please provide a written quote or estimate attached to this application.) $915,000 (See attached)

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

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

    b) Number of current full time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**) No current employees in Mishawaka

Skilled	0	Average hourly wage rate for skilled positions	______
Semi-skilled	0	Average hourly wage rate for unskilled positions	______
Clerical	0	Average hourly wage rate for clerical positions	______
Salaried	0	Average salary (per hour) for salaried positions	______

TOTAL NUMBER OF TEMPORARY/ON-CALL EMPLOYEES (if any) 0

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

    c) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.) Sick time, medical insurance, 401(k), LT/ST disability, dental and vision insurance, health club reimbursement, employee assistance program.

    d) Approximate value of benefits for existing and new employees on a per hour basis (i.e. benefits are valued at an additional $3.00 per hour, etc.) $a.87

    e) What is the total dollar amount spent on retained salaries? 0

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

Skilled	61	Average hourly wage rate for skilled positions	$ 15.73
Semi-skilled	14	Average hourly wage rate for unskilled positions	$ 11.78
Clerical	2	Average hourly wage rate for clerical positions	$ 16.25
Salaried	7	Average salary (per hour) for salaried positions	$ 37.60

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time) 84

g) What is the total dollar amount to be spent on new salaries? $ 2,953,900

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

Current hourly employees N/A

Retained hourly employees N/A

New hourly employees $ 16.91

f) What is the usual market for goods produced by the company? List the percentage of the company's product that reaches it:

Inside St. Joseph County: 0.0 %

Outside St. Joseph County, but inside Indiana: 89.9 %

Outside Indiana, but within 500 miles 4.1 %

Outside of 500 miles 5.9 %

Outside of the United States: 0.0 %

g) Where do your company's raw materials/supplies come from? List the percentage of the supplies that are acquired from each category:

Inside St. Joseph County: 1.6 %

Outside St. Joseph County, but inside Indiana: 12.8 %

Outside Indiana, but within 500 miles: 39.0 %

Outside 500 miles of Indiana: 39.1 %

Outside of the United States: 7.5 %

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

1. Omnova Solutions, Chicago, IL USA
2. Flakeboard America LTD, Charlotte, NC USA
3. Carpenter Co. VR, Charlotte, NC USA
4. Uniboard Canada, Laval QU CAN
5. MJB Wood Group, Irving, TX USA

17. Please give a detailed description of what the impact on your business will be if the new manufacturing equipment is not installed (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

If we do not have this property to add the new equipment and install other operations, we will place constraints on our revenue growth. We will also be at risk to lose business to our competition. We would need to look elsewhere in Elkhart to expand.

18. Please briefly describe how and why the manufacturing equipment to be replaced or the facility in which equipment will be added is currently technologically, economically, or energy obsolete and how and why that obsolescence may lead to a decline in employment and tax revenues.

The facility where the equipment will be placed has been vacant for a number of years reducing tax revenues to 56% compared to 6 years ago. The facility will continue to degrade if it remains unoccupied which will lead to further decline in tax revenue.

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

No

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

No

21. Miscellaneous Attachments Required:

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

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

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

Joshua Bon

Signature of Owner or Authorized Representative

EVP FINANCE / CFO

Title

1/19/16

Date

Supplement 15(b)

2016 Capital Expenditures - 1241 E. 12th Street Expansion

		Asset Description	Priority	Approved	Reason	Proj. Cost	
New		2 Air Make up Units Installed	1			$ 105,000	
New		Compressed Air system	1			$ 230,000	
New		Dust Collection System	1			$ 250,000	
New		Electrical System Production Equipment Infrastructure	1			$ 80,000	
New		Computer Network Infrastructure	1			$ 20,000	
New		CNC Panel saw	1			$ 230,000	
New		**Total Proposed Capital**				**$ 915,000**	

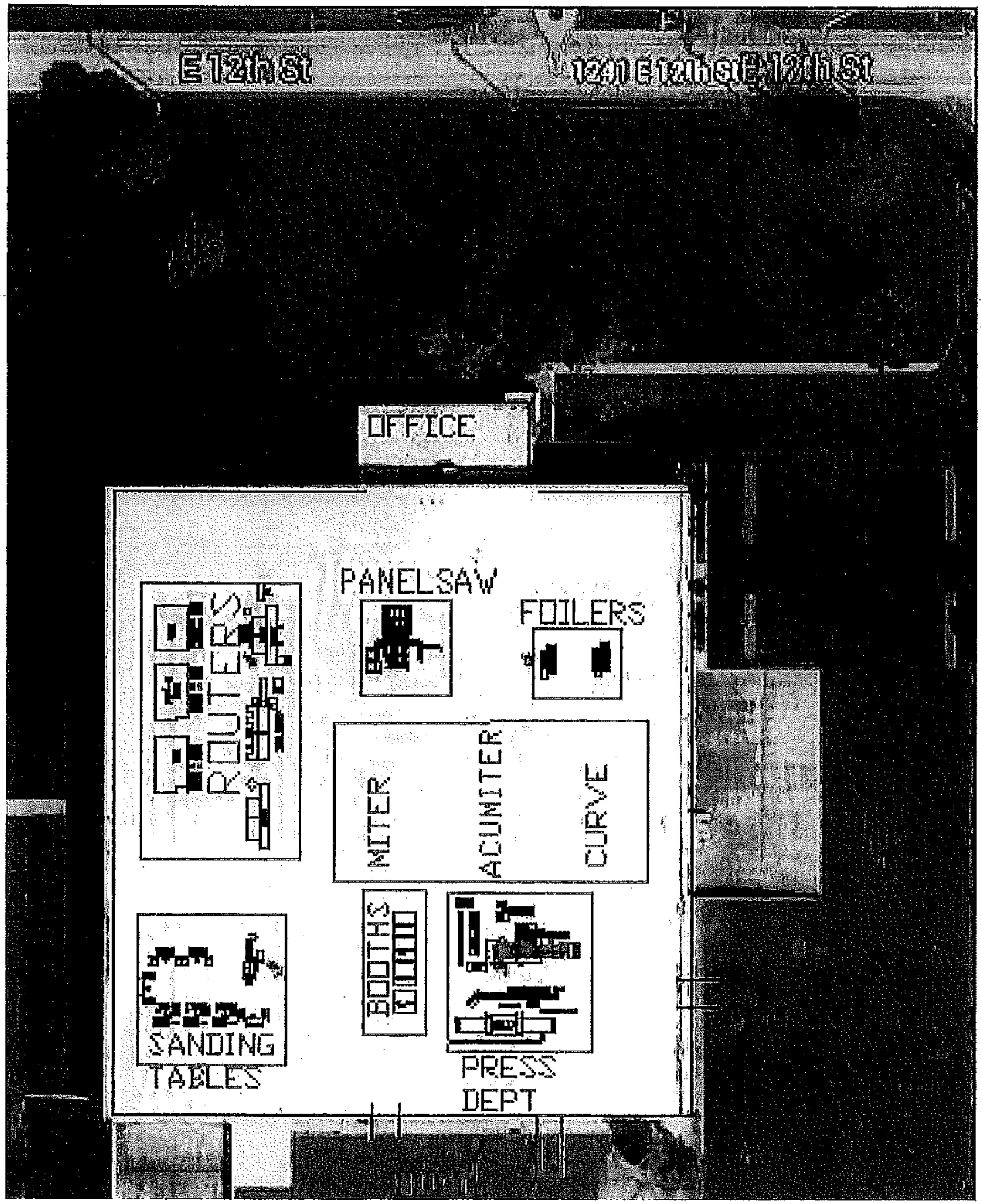
Exhibit A

A parcel of land being a part of the northeast quarter of section 22, township 37 north, range 3 east, Penn Township, St. Joseph County, Indiana and being more particularly described as follows:

Commencing at the northeast corner of said section 22, thence south 0°00'00" west along the east line of said northeast quarter, a distance of 759.00 feet; thence south 89°58'40" west, a distance of 330.00 feet to the place of beginning; thence continuing south 89°58'40" west, a distance of 1122.53 feet; thence north 0°00'19" west, a distance of 759.00 feet to the north line of the northwest quarter of said section 22; thence north 89°58'40" east along said north line, a distance of 957.60 feet; thence south 0°00'00" west parallel with the east line of said northeast quarter, a distance of 495.00 feet; thence north 89°58'40" east, a distance of 165.00 feet; thence south 0°00'00" west parallel with said east line of said northeast quarter, a distance of 264.00 feet to the place of beginning.

More Commonly Known As: 1141 and 1241 E. 12th Street, Mishawaka, IN 46544

Exhibit B



E 12th St
1241 E 12th St E 12th St
OFFICE
PANELSAW
FOILERS
ROUTERS
MITER
ACUMITER
CURVE
BOOTHS
SANDING TABLES
PRESS DEPT

NOTICE OF A PUBLIC HEARING CONCERNING THE DECLARATION OF A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA AS AN ECONOMIC REVITALIZATION AREA

Notice is hereby given that the Common Council of the City of Mishawaka, Indiana, did on **February 1st, 2016** adopt a Declaratory Resolution **R2016-02**, declaring that a certain area located within the corporate limits of the City of Mishawaka, Indiana as an Economic Revitalization Area and being described as follows:

R2016-02
Patrick Industries, Inc. (Lessee)
1141 and 1241 E. 12th St.
Mishawaka, IN 46544

A lot or parcels of land described as follows:

A parcel of land being a part of the northeast quarter of section 22, township 37 north, range 3 east, Penn Township, St. Joseph County, Indiana and being more particularly described as follows:

Commencing at the northeast corner of said section 22, thence south 0°00'00" west along the east line of said northeast quarter, a distance of 759.00 feet; thence south 89°58'40" west, a distance of 330.00 feet to the place of beginning; thence continuing south 89°58'40" west, a distance of 1122.53 feet; thence north 0°00'19" west, a distance of 759.00 feet to the north line of the northwest quarter of said section 22; thence north 89°58'40" east along said north line, a distance of 957.60 feet; thence south 0°00'00" west parallel with the east line of said northeast quarter, a distance of 495.00 feet; thence north 89°58'40" east, a distance of 165.00 feet; thence south 0°00'00" west parallel with said east line of said northeast quarter, a distance of 264.00 feet to the place of beginning.

Notice is hereby given that on the **15th** day of February **2016** at 7:00 p.m. local time, Council Chamber, City Hall, 600 East Third Street, Mishawaka, Indiana, the Mishawaka Common Council will conduct a public hearing to receive and hear all remonstrance's and objections from interested persons. Upon consideration of the evidence, the Common Council shall take final action determining whether the qualifications for an Economic Revitalization Area have been met and confirming, modifying and confirming or rescinding the aforementioned **Resolution 2016-02**. The determination of the Mishawaka Common Council in this matter will be final except that an appeal may be taken and heard as provided by I.C. 6-1.1-12.1-2 (d) and (e).

Deborah S. Block, IAMC, MMC, City Clerk

33--

State of Indiana St. Joseph County

Personally Appeared Before Me The Undersigned:

Nancy Nich

Legal Clerk of the **MISHAWAKA ENTERPRISE**, a public newspaper of general circulation, published in the city of Mishawaka in the County aforesaid, who being duly sworn, upon her oath saith, that the notice of which she attached is the true copy, was duly published in the **Mishawaka Enterprise** for:

_XX_ One __ TWO __THREE

times successively to-wit:

On the _4th_ day of _February_, 2016, and

On the _______ day of __________, 2016, and

On the _______ day of __________, 2016,

Nancy L. Nich

Subscribed & Sworn To Before Me
This _4th_ day of _February_, 2016

William L. Nich

William L. Nich, Notary Public
Residing in Elkhart County
My Commission Expires 5/30/2019

CHARGES: $ 31.80

APPEAL #16-03

RESOLUTION NO. 2016-05

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:

411 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 **411 South Main Street, Mishawaka, Indiana**, more particularly known and described as follows:

79.5' W Side Main Street X 308' Dp E & W N & Adj Dodge Mfg Co. Add in the Office of the Recorder of St. Joseph County, Indiana

The Use Variance will allow the warehousing of high-end, luxury automobiles and use of a portion of the building as a commercial kitchen 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 and connection to adjacent property's site.

2. 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_________________, 2016, at ______o'clock _____ .m.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________day of ____________________2016, at _______ o'clock ___m.

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

APPROVED by me this _______ day of______________________, 2016, at _______o'clock ______.m.

____
David A. Wood, Mayor

January 19, 2016

RECEIVED
DEBORAH S. BLOCK, MMC
JAN 2 / 2016
CITY CLERK
MISHAWAKA, IN

RECEIVED
JAN 19 2016
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

AP 16-03

BOARD OF ZONING APPEALS
City of Mishawaka, Indiana

We are the owners of a property with an address of 411 South Main Street in Mishawaka Indiana 46544. On January 19th, 2016 we entered into a Purchase Agreement with Maurice Bokhart from Bokhart Properties LLC. We understand that Mr. Bokhart's desired use will require a Special Use Variance from the Board of Zoning. We support his efforts to go before the Board of Zoning Appeals in order to obtain formal approval.

Thank you for your consideration.

Kenneth A. Eby

Kenneth A. Eby

Diana K. Eby

Diana K. Eby

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: 79.5' W Side Main Street X 308' Dp E & W N & Adj Dodge Mfg Co Add in the Office of the Recorder of St. Joseph County, Indiana. Common Address 411 S. Main Street, Mishawaka, Indiana, 46544.

2. The above described real estate presently has a zoning classification of Light Industrial I-1 District under the Zoning Ordinance of the City of Mishawaka.

3. The previous owners, Mr. Kenneth A. Eby and Mrs. Diana K. Eby are retiring and closing down their business, and therefore desire to sell the property. The Eby's operated K & D Catering for many years at this location, and occupied the above described property in the following manner: Indoor and Outdoor storage of catering vehicles and associated kitchen and related food preparation equipment. Appellant owns an adjacent business and desires to utilize the building and property for the warehousing and display of high-end, luxury automobiles along with providing customer parking on the paved lot located behind the building. No painting, detailing or mechanical work (oil changes, etc.) will take place at this location. Hours of operation are expected to be from 10 a.m. to 6 p.m. Wednesday through Friday, and 8 a.m. to 2:00 p.m. on Saturday. Signage will be attached to the East side of the building facing Main Street, and will be modest in nature. There will not be any lighting installed behind the building that would be typical of a car sales location. Currently, there is a vehicle entry gate for the property located off of 6th Street and Mill Street. This gate will be locked and will no longer be utilized for access to the property. Access to the rear of the building and the paved parking area will take place via the Appellants adjacently owned properties at 403 S. Main Street and 410 S. Spring Street. Tasteful privacy panels will be installed on the existing fencing located on the South Side of the property so that the residential neighbors will no longer have to look at parked vehicles. Please note that a portion of the building is currently configured to function as a commercial kitchen. Appelants' intention is to locate a tenant to lease this portion of the building. The general public would NOT be able to enter the facility to order food and eat – no restaurant type of activity. The envisioned use is for the preparation of food – that

will then be transported to another location for consumption. This type of use is currently permitted by the zoning ordinance for an I-1 property.

4. Appellant desires for you to allow for the indoor and outdoor warehousing and display of high-end, luxury automobiles along with paved parking for customers. Please note that no customer parking will take place on Main Street. The parking will take place on the paved lot located behind the building – on the westernmost portion of the property.

5. The Zoning Ordinance of the City of Mishawaka requires: it is our understanding that any automotive use will require a special use variance from existing zoning.

6. Without the Variance allowing for the indoor and outdoor warehousing and display of high-end, luxury automobiles along with paved parking for customers, the executed purchase agreement between Maurice Bokhart and the Eby's 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.

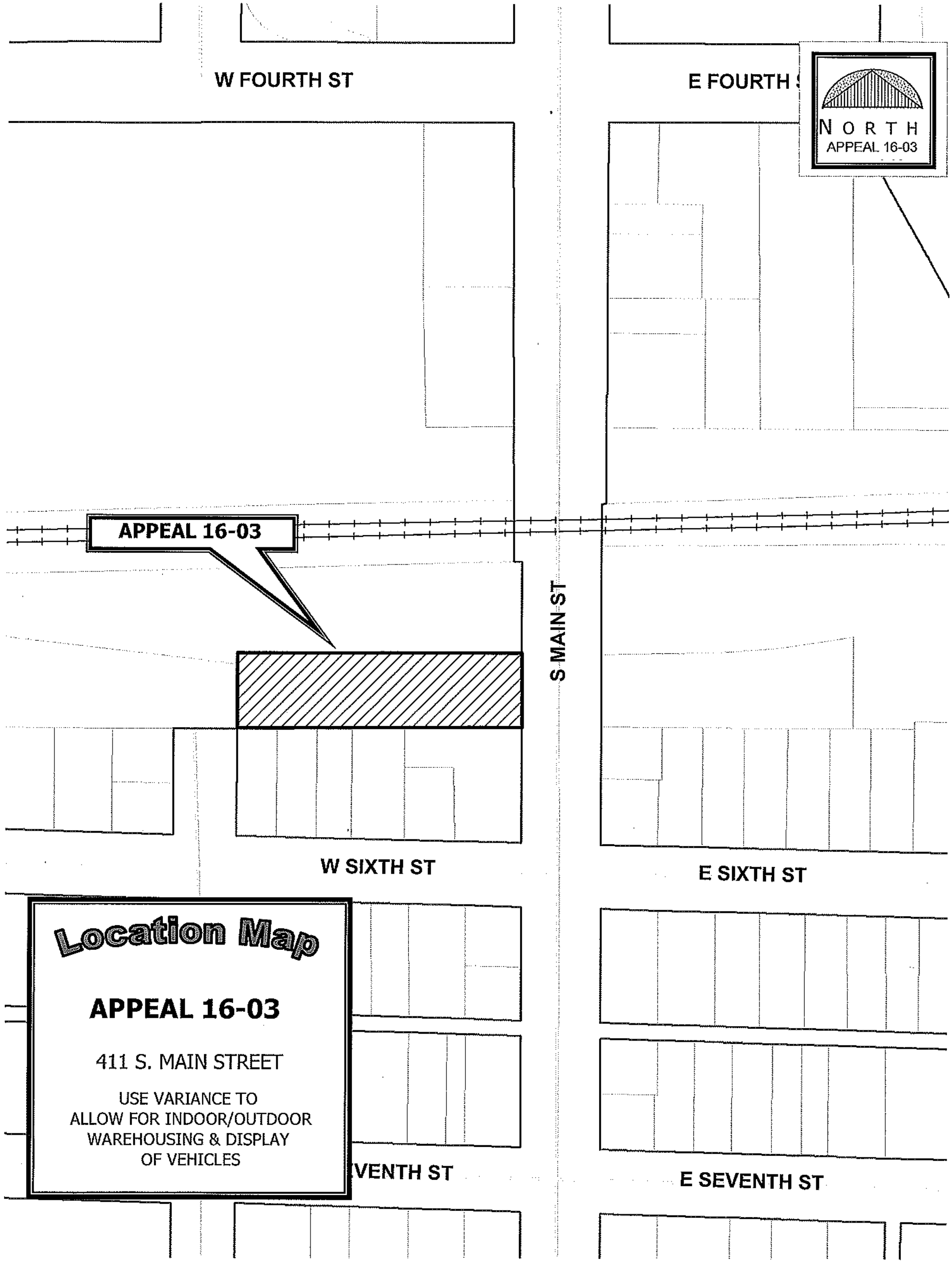
   D. It is our belief that strict adherence severely restricts our ability to utilize the space for the intended purposes, and the requested variance will allow for the vacant space to be utilized.

   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 – President of Bokhart Properties LLC

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


W FOURTH ST
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NORTH
APPEAL 16-03
APPEAL 16-03
S MAIN ST
W SIXTH ST
E SIXTH ST
Location Map
APPEAL 16-03
411 S. MAIN STREET
USE VARIANCE TO
ALLOW FOR INDOOR/OUTDOOR
WAREHOUSING & DISPLAY
OF VEHICLES
VENTH ST
E SEVENTH ST

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR | **OFFICE OF THE MAYOR**

January 18, 2016

Mr. Gary West, President
City of Mishawaka, Board of Public Works and Safety
600 East Third Street
Mishawaka, IN 46544

RE: Appointment of Board of Public Works and Safety
Potential Disposal of Property- Portion of Gumwood Wellfield

Dear Mr. West,

I have written this letter to provide an official notice of appointment of the City of Mishawaka Board of Public Works and Safety as the official City entity to hold a public meeting pursuant to the Indiana Code, and prepare a recommendation for disposal for the City of Mishawaka Common Council, concerning property currently owned by Mishawaka Utilities Water Division as part of the Gumwood Wellfield.

As you are aware, the City was contacted by an adjacent developer of the Grandview Planned Unit Development regarding the City's interest and ability in selling a portion of the wellfield to allow for a more comprehensive private development in this location. At that time, knowing that the long term plan was to replace the wellfield and that the City's overall goal will be to sell this property over time, we asked Mishawaka Utilities Water Division to analyze the existing wellfield and to determine if any of the property could be disposed of and not jeopardize the on-going operation of this wellfield. It was determined that the southern 5.75 acres of the wellfield could be disposed of without impacting the water production or the on-going operation compliance of the wellfield.

Based on this assessment, to lead up to this process and to determine if the value of the property had merit, Mishawaka Utilities Water Division had two independent appraisals performed which is the standard required by Indiana Code. When the property was brought into the City, the annexation established two ranges of uses, one for the northern half (more residential) and one for the southern half (more commercial). The average of the two appraisals came in at \$4.10 per square foot for the north half of the wellfield, and \$4.875 per square foot for the south half.

Based on 5.75 acres. At \$4.875 a square foot, the corresponding minimum asking price for the property is (5.75 x 43,560 x 4.875) = \$1,221,041.25. Based on the value of the property and the on-going capital needs of the Mishawaka Utilities Water Division, I feel that there could be merit to consider disposal of a portion of the wellfield property at this time and am asking you specifically to advertise and hold a public meeting on this matter in accordance with the Indiana

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241
Office of the Mayor Phone: (574) 258-1601
E-mail: dwood@mishawaka.in.gov

Code. Following the public meeting, you will need to take any input received and prepare a recommendation letter to forward to the Mishawaka Common Council.

I have asked the Law Department to lay out the procedure and general timeline for this process in accordance with IC 36-1-11-3, 36-1-11-4. The process is as follows:

- Mayor appoints BPWS to hold Public Meeting for recommendation on disposal
- Notice of Public Meeting is published (IC 5-3-1)
- BPWS holds Public Meeting and adopts resolution recommending for or against
- Common Council receives Mayor's recommendation through the BPWS and adopts a resolution approving or rejecting the sale
- If the Common Council approves the resolution, the City will be required to retain an auctioneer
- Notice of Auction is published (IC 5-3-1)
- Prepare a purchase agreement
- Hold Auction, start bidding at minimum offering price- if a successful bid is received- collect earnest money, sign Purchase Agreement
- Close the transaction

If successful, I believe the sale of this property at this time with the momentum taking place at Grandview, could provide immediate and long term benefits to our water rate payers. If the process is not successful, the Water Division will continue to hold and maintain the property until such a point in time as the entire wellfield can be closed and marketed for redevelopment.

As always, I appreciate the Board's assistance.

Sincerely,

David A. Wood, Mayor

cc- Jim Schrader, Mishawaka Utilities Business Manager
Dave Majewski, Mishawaka Utilities Water Division Manager
Kenneth B. Prince, City Planner/Economic Development Director
City of Mishawaka Common Council
Deb Block, City Clerk

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Office of the Mayor Phone: (574) 258-1601
E-mail: dwood@mishawaka.in.gov

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 10 2016

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2016-06

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING THE BOARD OF WORKS AND SAFETY DETERMINATION TO SELL REAL ESTATE PURSUANT TO INDIANA CODE 36-1-11-4

PORTION OF THE GUMWOOD WELLFIELD

WHEREAS, On February 2, 2016, the Mishawaka Board of Public Works and Safety Resolution No. 2016-02, a copy of which is attached hereto and incorporated herein as Exhibit 1, which Resolution authorizes the sale of real estate located at a little over 800 feet northwest of the intersection of Gumwood Road and Cleveland Road (S.R. 23), Mishawaka, Saint Joseph County Indiana, which is more particularly described in Exhibit A attached hereto, Mishawaka, St. Joseph County, Indiana, pursuant to Indiana Code 36-1-11-4; and

WHEREAS, under I.C. 36-1-11-4, such real estate can be sold by the Board of Public Works and Safety following a public hearing and favorable recommendation of the Board of Public Works and Safety, as appointee of the City Executive; and

WHEREAS, the real estate was appraised by two (2) appraisers and the average of the two appraisals is $1,221,041.25.

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

SECTION I. The Board of Public Works and Safety determination to sell real estate located at a little over 800 feet northwest of the intersection of Gumwood Road and Cleveland Road (S.R. 23), Mishawaka, Saint Joseph County Indiana, which is more particularly described in Exhibit A attached hereto, Mishawaka, St. Joseph County, Indiana is approved at a price of not less than $1,221,041.25. and in accordance with the provisions of Indiana Code 36-1-11-4 and pursuant to Board of Public Works and Safety Resolution No. 2016-02 dated February 2, 2016.

SECTION II. In its sale of the subject real estate, the Board of Public Works and Safety shall comply fully with the terms and conditions of I.C. 36-1-11-4.

SECTION III. This Resolution shall be effective from and after its passage by the Common Council.

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this 15th day of February, 2016.

____
Ron Banicki, President

ATTEST:

____
Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _____ day of February, 2016.

____
Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this _____ day of February, 2016, at _____ o'clock _____.M.

____
David A. Wood, Mayor

Exhibit 1

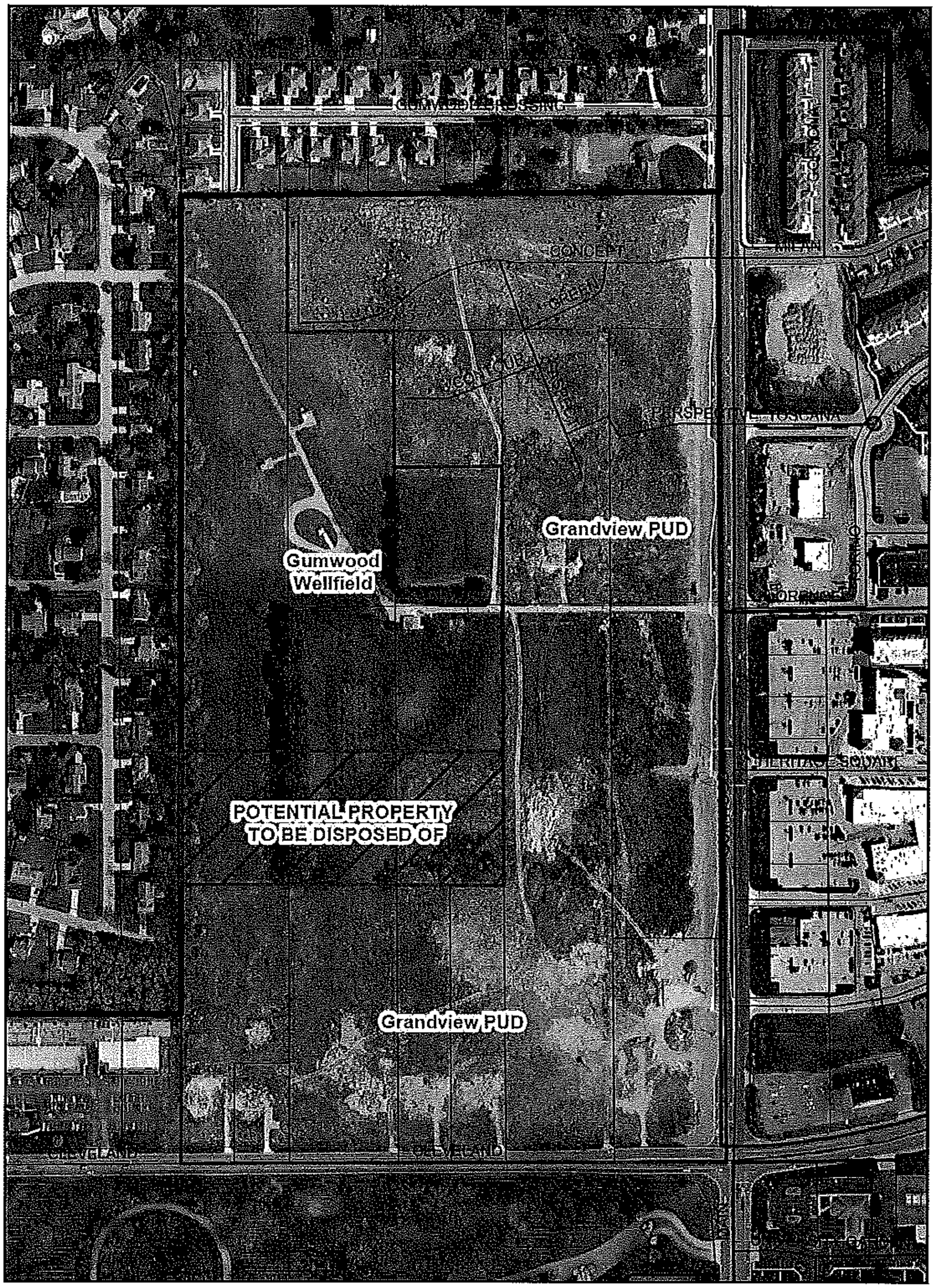
(Mishawaka Board of Public Works and Safety Resolution No. 2016-02)

EXHIBIT A
(1 of 2)

(Legal Description of Property)

A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF LOT 2 IN GUMWOOD ROAD DEVELOPMENT P.U.D. AS RECORDED AS INSTRUMENT NUMBER 1518561 IN THE OFFICE OF THE RECORDER IN SAID COUNTY; THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID LOT 2, 592.90 FEET TO THE POINT OF BEGINNING, ALSO BEING THE NORTH MOST WESTERLY CORNER OF SAID LOT 2; THENCE CONTINUING NORTH 00°30'31" WEST ALONG THE EAST LINE OF COUNTRY SIDE ESTATES SECTION THREE AS RECORDED AS INSTRUMENT NUMBER 7818691 IN SAID RECORDER'S OFFICE, 320.00 FEET; THENCE NORTH 89°27'41" EAST PARALLEL TO THE NORTH LINE OF SAID LOT 2, 782.68 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2; THENCE SOUTH 00°28'12" EAST ALONG SAID WEST LINE, 320.00 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 89°27'41" WEST ALONG THE NORTH LINE OF SAID LOT 2, 782.47 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 5.75 ACRES, MORE OR LESS AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

Exhibit "A"
2 of 2



MISHAWAKA, INDIANA
prepared by: Department of City Planning

0 80 160 320 480 640 Feet

NORTH

RESOLUTION NO. 2016-02

A RESOLUTION OF THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF MISHAWAKA, INDIANA, AUTHORIZING THE INITIATION OF A PROCESS PURSUANT TO I.C. 36-1-11-4 TO SELL CERTAIN REAL PROPERTY OWNED BY THE CITY AND LOCATED AT A LITTLE OVER 800 FEET NORTHWEST OF THE INTERSECTION OF GUMWOOD ROAD AND CLEVELAND ROAD (S.R. 23), MISHAWAKA, INDIANA

WHEREAS, the City of Mishawaka, Indiana, Board of Public Works and Safety (the "Board") has custody of and may maintain and dispose of all real property owned by the City of Mishawaka, Indiana (the "City") pursuant to I.C. 36-9-6-3; and

WHEREAS, the City of Mishawaka, Indiana ("City") is the owner of certain real estate located at a little over 800 feet northwest of the intersection of Gumwood Road and Cleveland Road (S.R. 23), Mishawaka, Saint Joseph County Indiana, which is more particularly described in "**EXHIBIT A**" attached hereto and incorporated herein (the "Property"); and

WHEREAS, the City has the power and authority, pursuant to the Indiana Home Rule Act, I.C. 36-1-3, to exercise all powers necessary or desirable in the conduct of its affairs, and further pursuant to I.C. 36-1-4-5 and I.C. 36-1-4-6 to acquire, use, improve, develop, maintain and dispose of interests in property; and

WHEREAS, I.C. 36-1-11-4 provides for sale or transfer of real property by the City after the property has been appraised by two (2) appraisers; and

WHEREAS, the Property has recently been appraised by two appraisers and the average of the two appraised values is one million two hundred and twenty one thousand forty one dollars and 25 cents ($1,221,041.25); and

WHEREAS, I.C. 36-1-11-4(e) provides that the City may engage an auctioneer to conduct the sale by public auction which may be conducted either at the time for beginning the sale in accordance with a public notice or after the beginning of the sale; and

WHEREAS, the Board wishes to sell the Property pursuant to the provisions of I.C. 36-1-11-4, with a minimum bid price of $1,221,041.25.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF MISHAWAKA:

EXHIBIT 1 (1 OF 4)

1. The authorized representative of the Board is directed to engage an auctioneer qualified pursuant to I.C. 36-1-11-4 to conduct a public sale of the Property. The authorized representative is directed to cause notice of such sale to be published in accordance with I.C. 5-3-1, stating the minimum amount of any offer to be accepted at the auction is $1,221,041.25 and that the public auction shall be conducted at the time for beginning the sale.

2. The Property shall be sold for cash or its equivalent, "AS IS - WHERE IS" without any warranties of any kind, and closing of the sale shall take place within 10 days of the close of the auction.

3. The Board determines that Ken Prince, a member of the Board, is an appropriate person to act as the Board's authorized representative and does hereby appoint Ken Prince as the Board's authorized representative to act on behalf of the Board in effecting the terms and intent of this Resolution.

4. The sale is subject to an approval of the Common Council of the City of Mishawaka approving the Board of Works and Safety sale of the real estate in accordance with I.C. 36-1-11-4.

Adopted this 2nd day of February, 2016.

CITY OF MISHAWAKA, INDIANA
BY ITS BOARD OF PUBLIC WORKS
AND SAFETY

Gary S West

Gary West, President

Ronald Watson, Vice President

Kenneth Prince, Member

ATTEST:

Kari Myers

Kari Myers, Clerk

EXHIBIT 1 (2 OF 4)

EXHIBIT A
(1 of 2)

(Legal Description of Property)

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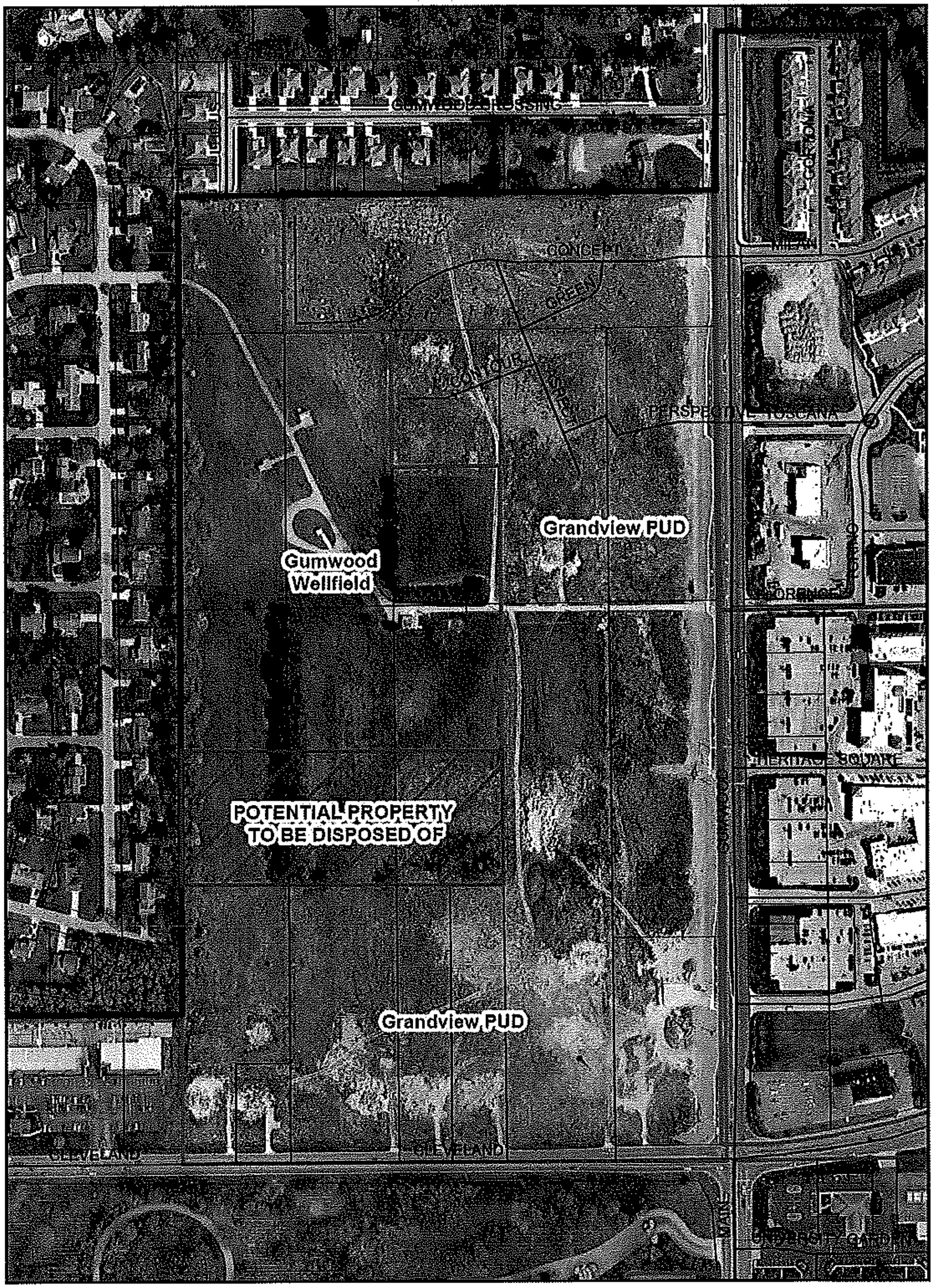

MISHAWAKA, INDIANA
prepared by: Department of City Planning

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NORTH

EXHIBIT 1 (4 of 4)