

## **Building and Planning Department**

*Brock Hundt, Building Commissioner*

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### **Overview**

The Building and Planning Departments are responsible for overseeing all aspects of city planning and private construction within the City of Mishawaka. This department also serves in a limited capacity to support the Community Development Department. The Planning Department also serves a lead function relative to economic development initiatives and services. On a daily basis, the Department is responsible for the issuance of permits for virtually all new construction including residential, commercial, and industrial. The Department also evaluates and approves smaller projects such as the modification of signs, fences, sheds, decks, and garages. Although separate departments, the Building and Planning Departments work together to efficiently provide the best possible service for our City.

### **Responsibilities and Duties**

- Work with developers who have an interest in developing projects in, or adjacent to the City. This includes working with developers in the design of site plans to ensure that they are consistent with the City's ordinances, goals, objectives, and policies.
- Issue and track all building permits, including electric permits, plumbing permits, HVAC permits, and other miscellaneous permits. In addition, all Adult Care Homes are inspected yearly.
- Provide information to the public on matters relating to zoning, rezoning, annexation, vacations of public right-of-way, subdivision regulations, sign control, historic buildings, and obtaining building permits.
- Work with the Metropolitan Planning Organization, the Michiana Area Council of Governments (MACOG). The City Planner serves as a member of the Transportation Technical Advisory Committee on transportation projects, including alternative forms of transportation.
- Preparation and adoption of long-range planning projects. Projects include various elements of the Comprehensive Plan including: land use, housing, historic preservation, transportation, capital improvements, annexation, and parks and recreation.
- Administer the issuance of Improvement Location Permits for construction within the City, including evaluating construction projects relative to the National Flood Insurance Program (NFIP).
- Day-to-day administration of the zoning ordinance. The zoning administrator is responsible for interpreting City codes and ordinances related to development. The Department enforces the zoning and sign ordinances of the City including issuing citations and stop work orders.
- Preparation of fiscal plans associated with both voluntary and involuntary annexations. Fiscal Plans require coordination with all applicable Departments including utilities, police, fire, emergency medical, engineering, parks, and finance.
- Coordination with the Information Technology Department on the implementation and continual maintenance of the City's Geographic Information System (GIS).

- Prepare revisions and updates to land use codes and ordinances. Responsible for preparing Historic Preservation Districts including ordinances, maps, preservation guidelines and standards.
- Prepare budgets, work program, and annual report for the Department. Annual evaluation of the previous year, identification of development trends, identification of future projects, and funding allocation.
- Work with industry and businesses on tax abatement requests and compliance reporting. Makes recommendations to the Mayor, Redevelopment Commission, and Common Council concerning economic development issues.
- Provide staff support to the City Redevelopment Commission including the drafting of development agreements with other public and private entities. Reviews and prepares amendments to Tax Increment Financing Districts.

## **Building Department**

Whether we are in our homes, workplaces, schools, or places of entertainment, we rely on the safety of the structures that surround us. This underscores the importance of modern building codes and their enforcement. The structural integrity of a building, the means of egress, fire suppression systems, smoke alarms, safe electrical wiring, proper sanitation, safe heating, and the energy efficiency of buildings are ensured by building code requirements.

Residential building codes are for the personal safety of your family and guests invited into your home and to ensure the economic well-being of the community by reducing the potential for spread of fire and disease, the conservation of energy, and to protect future home purchasers who deserve reasonable assurance that the home they buy will be safe and secure.

Commercial building codes help to provide safe means of egress, structural integrity, reduced risk of the spreading of fire or disease, and provide safety to all public who enter a commercial building. Most aspects of building construction, whether electrical, HVAC, plumbing, fire suppression or structural integrity represent a potential hazard to building occupants and its users. Building codes provide safeguards to help reduce those risks. Although no code can completely eliminate all risk, reducing risks to an acceptable level is the goal of building codes. The Building Department helps to ensure codes are followed, and to help the builder, owner or tenant meet code requirements. Most of this is done through the inspection process.

In 2014, the Building Department conducted 2,012 inspections, or approximately 4-7 inspections per work day; per inspector. Approximately 40 to 60 minutes are spent per inspection. Other building department duties include plan review of building design drawings, and meetings with contractors, owners, and tenants to explain and help with building code interpretation and enforcement.

The Building Department has become more knowledgeable in the ever-changing building code world. All inspectors have been trained to become combination inspectors, better serving the community and the public.

The Building Department's permit software has an online inspection program. A permit may be reviewed online to see which inspections have been completed, and which ones have passed or failed. This is a great way for permit holders to access detailed records of inspections and of corrections needed. The safety and welfare of the public is of the highest importance to the Building Department and the City of Mishawaka.

By enforcing building code requirements, the buildings and homes in the City of Mishawaka will be structurally and mechanically sound. The Building Department will continue to become more efficient in the inspection process, as well as more knowledgeable and accessible for our clients.

### **Building and Development Activity**

In 2014, overall the construction industry gained significant momentum over the previous few years. In 2014, there were 43 new housing starts, a modest increase of 4 homes over 2013. Although this is a modest increase in number, it is still a 10% increase over the previous year. This is still significantly lower than the number of starts that occurred prior to 2007. The current lack of population growth continues to be the largest influence on residential construction.

New commercial building activity is the area where the most significant increases occurred. In 2014, commercial permits were issued with an estimated construction cost of 56.1 million. This is 17.7 million dollars more than the 38.4 million dollars reported in 2013. This represents a significant 46% increase. By the numbers, 9 new commercial building permits were pulled for new free standing buildings in 2014 compared to 8 in 2013. The single largest permit was for the new Costco Wholesale which was built on University Drive.



*Images taken following Costco's opening in December of 2014*

The City of Mishawaka continued to grow and in 2014 the City issued permits with a total estimated construction cost of \$67.8 million dollars. For comparison, in 2013, the City issued permits with an estimated construction value of \$53.4 million. This is a \$14.4 million dollar year to year increase (27%), showing significant improvement over the years that followed the great recession. The good news continues to be that the market appears to be stable and growing again.

Although the City continues to reap the benefits of long-term strategic decision making such as

the relocation of the hospital; the continued soft housing market and lack of population growth continue to place a limit on the overall demand for new construction.

### **2014 Planning and Building Permits**

A summary of the 2014 permit activity is as follows:

#### Residential

\$10.9 million in estimated construction costs (\$2 million increase from 2013)

- 43- new single family homes
- 527- residential alterations/additions

#### Multi-Family

\$750,000 in estimated construction costs (\$5.3 million less than 2013)

- 1 Unit

#### Commercial/Industrial

\$56.1 million in estimated construction costs (\$17.7 million more than 2013)

- 9- new commercial buildings
- 136- alterations/additions

<b>New Single Family Home Construction by Year:</b>	
<b>2014</b>	<b>43 Homes</b>
2013	39 Homes
2012	28 Homes
2011	22 Homes
2010	22 Homes
2009	32 Homes
2008	46 Homes
2007	112 Homes
2006	95 Homes
2005	147 Homes
2004	163 Homes
2003	121 Homes

### **Annexations**

The City continues to grow in a steady and orderly fashion. There were 3 voluntary annexations, adding area to the City in 2014. The City grew by 48.64 acres or 0.076 square miles. The existing area within city limits, according to our Geographic Information System, is now 17.89 square miles. 2014 Annexations included:

**1. Northwest of 1904 East McKinley Avenue**

The City of Mishawaka approved the annexation and zoning of 0.44 acres located just northwest of 1904 East McKinley Avenue. The property was zoned to I-1 Light Industrial to allow for a building addition to an existing industrial business.

**2. North of 124 Cedar Road**

2.70 acres of land located north of 124 Cedar Road was annexed into the City of Mishawaka. The property was zoned to C-1 General Commercial to allow for a development of a facility consisting of several office suites.

**3. Northwest State Road 23 and Gumwood Road**

An annexation totaling 45.50 acres located northwest of State Road 23 and Gumwood Road was annexed into the City of Mishawaka. The entire 45.50 acres was zoned to S-2 Planned Unit Development to allow for a variety of commercial uses and a multi-family residential development.

**Downtown Activity**

Although we thought the project was going to start earlier, at the end of 2014, a significant project named "River Rock" conceived by the Barak Group for the west ¾ of the block bordered by Mishawaka Avenue, Main Street, Elizabeth Street, and Grove Street started construction. The project will contain 72 apartments and first floor commercial space fronting on Mishawaka Avenue. The project has been named "River Rock" and is intended to be ready for occupancy in 2016.



*Concept rendering of the proposed "River Rock" mixed use project*

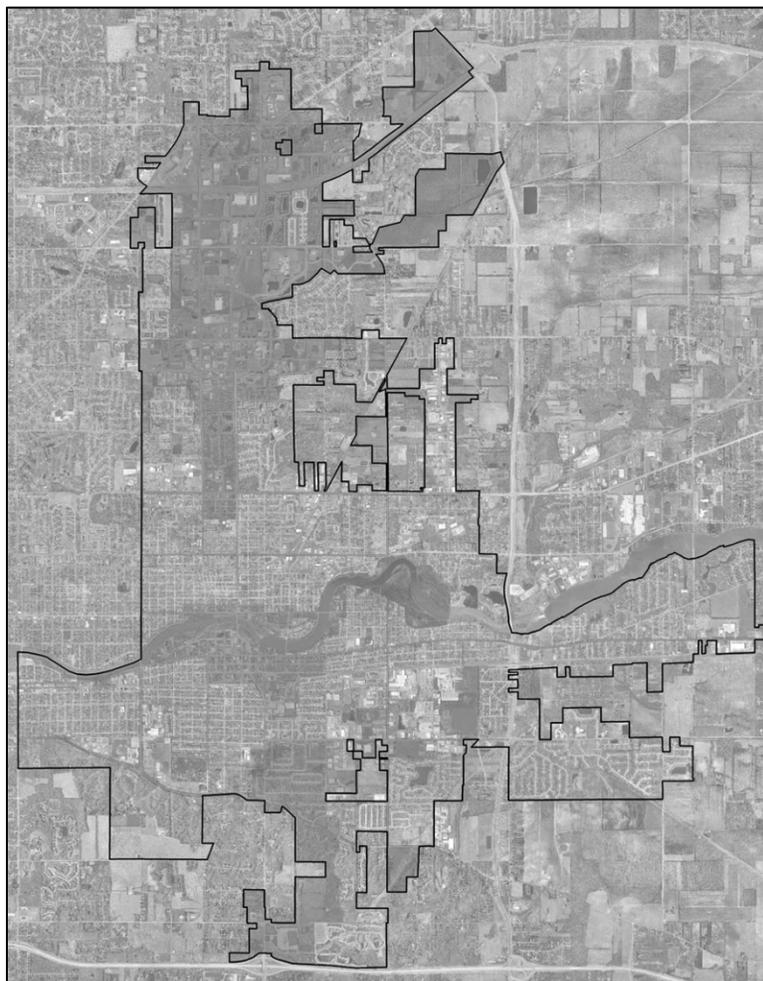
**TIF Updated To Meet Long-Term Infrastructure Needs**

Another significant project of the City managed by the Planning Department was the amendment and consolidation of the City's northwest and south side Tax Increment Financing Districts (TIF) into one consolidated district. As part of the process, the City reviewed a combined list of our

long-term infrastructure needs, our likely growth areas, and our current areas where funding shortfalls were apparent. This drove the process to identify a consolidated TIF area that would both continue to generate revenue while giving us added ability to spend tax increment financing funds in our areas of greatest need over a projected 20 year period.

The planning process itself, specifically starting with the proposed TIF amendment, was appropriate because funding mechanisms had to dictate what goals were created and what might be realistic to accomplish over a 20 year timeframe. To that end, an Economic Development Plan Project Needs document was created so that we could evaluate our perceived need relative to the projected funds to be received from TIF. Although many projects were listed, a great number of these will not be constructed or acted on in the 20 year timeframe. There is just not enough funding.

As projected, it appears that only about half the funding for these projects could be provided by TIF. As such, the intent is to use the economic development plan as a tool to develop priorities, create partnerships, apply for grants, negotiate with INDOT, and do everything we can to maximize the impact of the funds. Projects will be better prioritized in the coming months as we move forward with the funding of committed long-term control plan and combined sewer overflow projects.



*Map of the current City consolidated TIF area, adopted in 2014*

## Public Works Projects

The City is committed to serving the Mishawaka community through its support of various public works projects designed to enhance our citizen's quality of life. During 2014, the Planning Department was responsible for directing private firms and other City departments on several significant public works projects.

## Mishawaka Riverwalk

The Mishawaka Riverwalk continues to be the cornerstone for many of the City's redevelopment efforts. It connects neighborhoods and parks by taking advantage of the City's greatest natural resource; the St. Joseph River. The Mishawaka Riverwalk also adds value to existing homes and neighborhoods, and will undoubtedly be a source of pride for Mishawaka's citizens for generations to come.



Plan View of the proposed Riverwalk extension through Merrifield Park

In 2014 the City continued to plan for the future expansions of the Riverwalk. In January of 2012 the City applied through MACOG for \$1.1 million in Federal Transportation Enhancement (TE) funds to extend the Riverwalk through Merrifield Park. In 2013, the City worked to finalize construction drawings and submitted permits for construction within the floodplain of the St. Joseph River. In 2014 the City responded to an appeal submitted by property owners located on the north side of the river who were concerned about the impact proposed park improvements might have on their property.

Although we believe that the engineering design as submitted was sound and that no adverse impacts would have occurred, following extensive review and negotiation, we believe that a mutually agreeable solution has been found that will allow the project to proceed without the further review of the appeal by the Indiana Department of Natural Resources. Although the City will work to try to secure funding early, right now the project has been slated for construction in 2017 based on the limited availability of federal funds.

The project itself includes the relocation of the existing access drive, the construction of the Riverwalk, creation of a more formal boat launch, new parking, and restroom upgrades. Once completed, this section will extend the walk from the “Merrifield/Crawford Park Connector” to the intersection of Prospect and Indiana Avenue.

### **Riverwalk Security Camera Project**

In 2014, the Planning Department continued to work on plans and specifications for a camera and call box system that will place 27 surveillance cameras and a handful of call boxes along the Riverwalk. The project was originally delayed in part due to the changing status of a consolidated call center for the City. In 2014, the City contracted with the St. Joseph Valley Metronet to install fiber optic underground cable that will connect all the cameras and call boxes directly to the City's computer network. We also completed an agreement with the Indiana Department of Transportation on permitting a camera attached to a signal pole at the intersection of Lincolnway and Main Street. The project is expected to be bid and constructed in 2015.

### **Park Master Planning**

#### *Central Park Renovation*

The Planning Department is responsible for managing the renovation of Central Park, currently under construction. Ziolkowski Construction is the general contractor and thankfully they have made significant progress through the winter with the intent of opening the new improvements in July of 2015. We look at each one of our parks as unique, and Central Park's history as a company picnic area, located adjacent to the river, in close proximity to the downtown, and connected by the Riverwalk system, dictated this significant investment. Each of our parks along the river and Riverwalk system is like a pearl on a string. Each one different but contributing to the greater system. The improvements underway are intended to be a once in a generation investment.

The following is a list of some of the key elements of the Park:

- For older kids, a 28 foot tall rope climbing tower will be installed. As far as we know, this German made structure will be the tallest “play” climber in the United States.
- For younger kids, concrete storm pipes will be set into a hill to provide a realistic tunnel crawl experience without the dangers associated with actual storm pipes.
- A variety of standard play equipment will be provided including swings, slides, and climbers that overall can accommodate over 100 kids at a time.
- A programmable interactive fountain that will provide relief from the summer heat.
- Five rentable pavilions. Four smaller pavilions that will accommodate a typical birthday or family picnic up to 30 people. One larger pavilion that can accommodate 70, with a decorative fireplace.
- A new restroom building. Rather than creating large rooms with multiple stalls, the building will contain 5 family sized restrooms for occupancy by one individual or family at a time. The building will be situated between the main play area of the park and the Riverwalk to serve both functions.
- An open event lawn surrounded by a multipurpose walk. This will replace the existing softball field and will be an ideal place to fly a kite, watch fireworks, or even sled in the winter.
- The existing tennis courts will be redone to provide one fenced tennis court and one fenced full court basketball court. Other notable park improvements include tiled play surfacing, new site furnishings, decorative lighting, and gateway signage.

The Planning Department also continues to provide input on the renovation of a number of Park facilities, including Merrifield Park and Battell Center. The Park Department is currently performing an analysis of all facilities, evaluating where activities are best located, as well as capital improvement needs.

## **2014 Activity of Commissions and Boards**

### *Plan Commission*

A total of 50 petitions were filed before the Plan Commission in 2014. This is a decrease over the 58 petitions that were filed in 2013, and still significantly lower than the peak of 104 petitions filed in 2007. This is another statistic indicative of a still sluggish economy. When considering the multiple petitions made by the Commission to rezone some of the residual parcels associated with the Main Street underpass and widening in 2013, there was essentially no increase or decrease in private activity between 2013 and 2014, although as noted earlier the project values were higher in 2014. Petitions included 22 rezoning/annexation requests, 19 final site plans, and 9 Plats/Re-plats.

There were a few significant changes to the Commission in 2014. Sadly, long time Commission members Ed Salyer and Rosemary Klaer both passed away. Together they had decades of experience and played a significant planning role in the development of the City. Their wisdom, experience, and friendship will be missed.

The following people served on the 2014 Plan Commission:

Murray Winn	President (2014 President)
Matthew Lentsch	Vice President
Edward Salyer*	Member (BPW&S)
Victor Kasznia, Jr.**	Member (BPW&S)
Gary West	Member (City Engineer)
Ross Portolese	Member (Parks & Rec. Bd.)
Nick Troiola	Member
Don McCampbell	Member (2014 Vice President)
Rosemary Klaer*	Member
Kathy White Gadacz**	Member
Dale “Woody” Emmons	Member (Council Rep.)

### *Board of Zoning Appeals*

The Board of Zoning Appeals heard a total of 31 appeals in 2014. This total is significantly lower than the 49 appeals heard in 2013. Sadly in 2014, long time Board member Rosemary Klaer passed away. She will be missed. Mayor Wood appointed Marcia Wells as her replacement. We look forward to Marcia carrying on Rosemary’s passion and involvement. The following people served on the 2014 Board of Zoning Appeals:

Don McCampbell	Chairman
Charles Trippel	Vice Chairman
Rosemary Klaer*	Member
Marcia Wells**	Member
Charles Krueger	Member
Ross Portolese	Member

\* Denotes a member that passed away in 2014

\*\* Denotes a current member who replaced a deceased member

### **City of Mishawaka Historic Preservation Commission**

The Planning Department serves as the staff for the City of Mishawaka Historic Preservation Commission. The Historic Preservation Commission, established in 1991, is charged with preserving and promoting the historical past of Mishawaka. The Commission, a nine member appointed board, is responsible for the designation of local single and multiple site historic districts, the nomination of sites to the National Register of Historic Places, and the promotion of local historic preservation related activities and events.

In 2014, the Historic Preservation Commission (HPC) consisted of Dick Barnette, Mike Bultinck, David Eisen, John Gleissner, Judy Gray, Tony Obringer, Kate Voelker, Dave Vollrath and Cliff Zenor. Advisory Members were Terry DeMaegd, Jennifer Johns, Bryan Tanner and Nancy Seidler.

An overview of the 2014 activities and accomplishments are as follows:

Decommissioned Fire Station Number 4, located at 2319 Lincolnway East:

- Outlined the structure's history, architecture and preferred preservation strategies to the prospective buyers;
- Presented a preservation report preceding the sale; and
- Approved a Certificate of Appropriateness (COA) for the sale.

Daniel Ward House:

- Through annexation, the HPC gained the Daniel Ward House, at the northwest corner of Gumwood and Cleveland, which is a Local Landmark and on the National Register.
- Chairman Cliff Zenor authored an article featured in the October issue of "Save This Old House" magazine.
- Approved a Certificate of Appropriateness (COA) for the sale and relocation of the landmark structure.

Approved a Certificate of Appropriateness (COA) for the local landmark Dodge Old People's Home, 318 E. Third Street, for exterior repairs of gutters and downspouts.

The HPC, as a community education event and to celebrate National Historic Preservation Month, placed over 100 yard signs on local properties.

Commission members continued to make public presentations to community groups to create awareness on Historic Preservation such as:

- Sought new Commission logo designs from the Mishawaka High School graphic design and computer science classes. Produced and presented classroom programs about HPC and commission logos concepts.
- Notre Dame School of Architecture class regarding historic architecture in the downtown and a design project that was part of their classwork.

The HPC weeded and planted flowers in the garden areas of the Ball Band Monument Park.

The HPC continued to purchase bronze plaques for properties that have been designated Landmark Status to promote community awareness.

Sold 5 of the preserved sections of the former Mishawaka High gym floor.

Please refer to the 2013 Certified Local Government Report for a full accounting of the activities of the Historic Preservation Commission during the past year. A copy of this report is available for review at the Department of Community Development and Planning.

### **Zoning Enforcement and Administration**

Another responsibility of the Planning Department is the enforcement of our ordinances and responding to violations and complaints in a speedy and considerate manner.

In addition to countless phone calls and personal contact with those in violation, the Department followed up by sending out letters addressing land use concerns, notices of violation and citation warnings. Approximately 38 citations were mailed to those who repeatedly violated the ordinance or disregarded letters, an increase from last year.

Welcome letters, with sign code information, were mailed to new businesses opening in Mishawaka.

### **Economic Development**

The Planning Department is also responsible for organizing and implementing programs and initiatives aimed at retaining local businesses and assisting them to grow and benefit the greater community. In 2014, the City worked with the St. Joseph County Chamber of Commerce to better clarify roles and responsibilities to help respond to State leads and responses to requests. The Chamber serves as the Lead Economic Development Organization (L.E.D.O. for St. Joseph County).

### **Tax Abatements**

The City Planning Department is responsible for reviewing and administering the tax abatement program of the City. This includes performing annual compliance reviews and presenting applicable information to the Mishawaka Common Council.

The City of Mishawaka awards tax abatements on commercial real estate and personal property taxes to corporations involved in new capital investments and facility expansions that will further the economic development of the Mishawaka community.

Since 1986, the City has approved a total of 51 tax abatements for 34 different companies. Currently there are 5 active abatements in the City including the following companies: Jamil Packaging, Nyloncraft, BD Development LLC (St. Joseph Hospital Medical Office Building), Long Term Care Investments LLC, and North American Composites (NAC).