

## **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 construction including new 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 insure 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.
- The Department is responsible for the 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.
- Administers the issuance of Improvement Location Permits for construction within the City, including evaluating construction projects relative to the National Flood Insurance Program (NFIP).
- Responsible for the 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.

- Coordinates with the Information Technology Department on the implementation and continual maintenance of the City's Geographic Information System (GIS).
- Prepares 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.
- Provides 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 present 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 the risk to an acceptable level is the purpose 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 2013, the Building Department conducted 2,051 inspections, or approximately 4 to 7 inspections per work day by each inspector. This is significantly higher than the 1,586 inspections performed in 2012. 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 a world where the building codes are ever-changing. All inspectors have been trained to become combination inspectors, better serving the community and the public.

Continuing education is very important to the Building Department. In the last four years, approximately 50 days of educational seminars were attended by one or more inspectors. 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 utmost 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 structural 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 2013 the construction industry continued to gain modest momentum over previous years. In 2013, there were 39 new housing starts, an increase of 11 over 2012. Although this is a modest increase in number, it is a significant 40% increase over the previous year. This is still significantly lower than the number of starts that occurred prior to 2007. The saturated market and current lack of population growth continue to be the largest influences on residential construction. Only 22 new homes were constructed in both 2011 and 2010. Out of those 22, 6 to 10 were subsidized by the City either through our First-Time Homebuyer Program or the City's partnership with St. Joseph County Habitat for Humanity. When considering the percentage of past subsidies, the 11 additional housing starts in the City in 2013 are significant because they were funded privately.

New commercial building activity remained relatively constant between 2012 and 2013. Eight commercial building permits were pulled for new free-standing buildings in 2013 compared to 10 in 2012. This is still a significant increase compared to the 4 new commercial buildings that were started in 2011.

The City of Mishawaka, and northern Indiana in general continued to grow, but at a very slow pace. In 2013 the City issued permits with an estimated construction cost of \$53.4 million. By comparison, in 2012, the City issued permits with an estimated construction value of just under \$51.6 million. Although just a modest 3.5% increase, this shows continued improvement over multiple years and is higher than the \$43 million in estimated construction cost that occurred in 2011. In comparison, between 2005 and 2008, even excluding the St. Joseph Regional Medical Center project, the City had averaged close to \$100 million in construction in each of those years. 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.

### **Princess City Apartments Condemnation and Demolition**

Unfortunately, all cities of a certain size need to address bad situations from time to time. One of those situations in 2013 was the condemnation and demolition of the privately-owned Princess City Apartments building located at 635 East Twelfth Street. Following numerous code violations, a complaint was received through Code Enforcement in mid-March. Upon arriving at the building, water could be heard running throughout the building. Upon further inspection, a water pipe had burst and was running over the main electrical panel serving the building. The crawl space had 3 to 5 inches of standing water in it. At that time, three residents asked the City to inspect other problems they were having. These further inspections revealed walls covered in mold, leaking pipes, uncompleted construction, exposed floor openings, and floor joists that appeared to be failing. The building had very dangerous safety and health issues that needed to be addressed. The Building Department contacted the property owner and indicated that for safety reasons, the power would be shut down later that day. This obviously had serious consequences for the property owner, the residents, and the City as the entity taking action. Although having been contacted, the property owner chose not to immediately address the situation.



*Mold growth, covering walls at a Princess City Apartments unit*

As a team, Code, Fire, Building, Electric, Law, and the Mayor's office reviewed the situation and deemed that immediate action was required to protect the safety of the residents. The City contacted the St. Joseph County Board of Health and an additional inspection of the property was performed. Following that inspection, the City went door-to-door to inform the residents of the situation and the need to immediately vacate the unsafe property. Before shutting off the power, a team of agencies and organizations agreed to provide help where needed for temporary food and shelter including the American Red Cross, Quality Dining, Motel 6, and Coalbush United Methodist Church.

We also made the decision to proceed with immediate condemnation action given the severity of the situation. Notice was provided to the owner, the building was condemned, and ultimately on May 31, 2013, Jackson Services pulled the permit to proceed with the demolition of the structure. The demolition proceeded and within a few months the structure was gone and the property was seeded.

*...the City took the necessary actions required to protect the health and safety of our residents*



*Princess City Apartments, 635 East Twelfth Street, before and after demolition*

The City has since filed a lien on the property for the demolition and other associated costs. Although there are still issues to be resolved, in this difficult and unfortunate situation, the City took the necessary actions required to protect the health and safety of our residents.

### **2013 Planning and Building Permits**

A summary of the 2013 permit activity is as follows:

Residential - \$8.9 million in estimated construction costs (\$2 million more than 2012)

- 39 new single family homes
- 426 residential alterations/additions
- 12 garages/carports additions
- 14 accessory buildings
- 2 pools

Multi-Family - \$6 million in estimated construction costs (\$4 million less than 2012)

- 50 Units

Commercial/industrial - \$38.4 million in estimated construction costs (\$3.7 million more than 2012)

- 8 new commercial buildings
- 144 alterations/additions

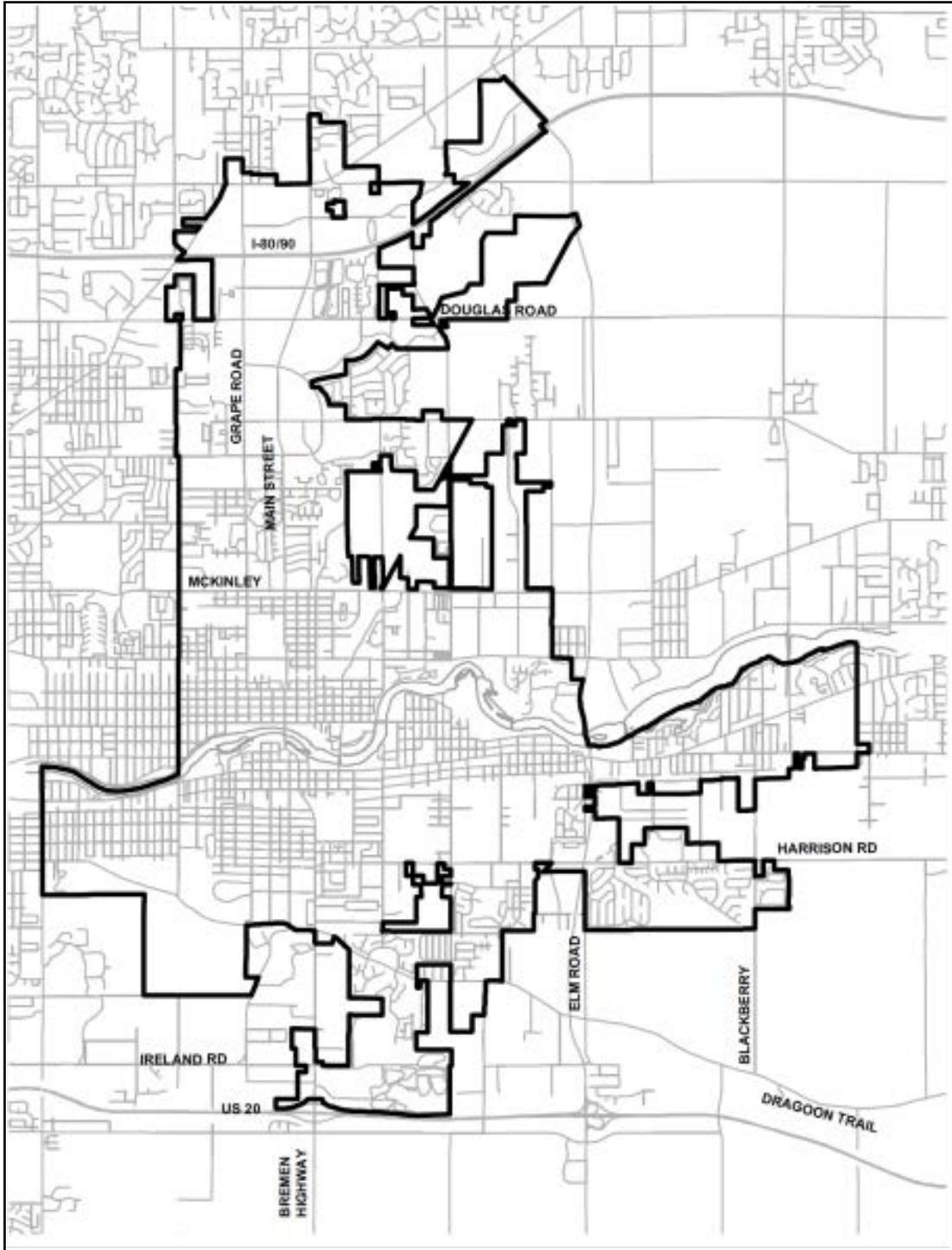
New Single Family Home Construction by year:

<b>2013</b>	<b>39 Homes</b>
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**

Even though no annexations were submitted in 2013, the City continues to grow in a steady and orderly fashion. As referenced in last year's report, three voluntary annexations occurred which added area to the City in 2012. This was significant because the City grew by 308 acres or .481 square miles. 2012 annexations represented a growth in area of about 2.8%. Although significant in terms of area, the vast majority of those annexations were vacant farmland that will be developed over the next few decades.

An annexation of 45 acres of property located at the northwest corner of Gumwood and Cleveland Road (SR 23) was approved in January of 2014 that will be featured in next year's report. This is continued evidence of the City's slow, stable, and continued growth. The current city limits comprise an area of 17.81 square miles.



City of Mishawaka - 2013 Boundary

## Commercial Growth

In 2011 and 2012, the overbuilt retail areas on the north side of the City, combined with the lingering effects of the recession, continued to contribute to a buyer's market. Unlike the previous two years, vacant commercial space has been filled and new commercial building activity progressed, including the construction of eight new freestanding commercial buildings. New buildings of interest that received site plan approval in 2013 included:

- Costco on University Drive between Main Street and Fir Road
- Long Term Care Investments, Nursing and Rehabilitation Center, Fir Road north of Douglas Road
- Rivercrest Hospital Expansion, Jefferson Boulevard South of the intersection of Fir Road
- All-Secure Storage, located adjacent to Movies 14, Edison Road just east of Hickory Road
- Hampton Inn, located at Heritage Square northeast corner of Gumwood Road and State Road 23
- Holiday Inn and Candlewood Suites on the north side of Douglas Road, between Main Street and Fir Road



*Artist rendering of new Costco Building proposed on University Drive*

Some significant renovations also occurred/began in 2013, including:

- The former Mishawaka Brewing Company building on north Main Street began renovations and will be opening in 2014 as the Evil Czech Brewery.
- Jordan Ford began renovations overhauling their Ford Showroom at the intersection of Jefferson and Cedar Streets.

- Red Lobster on North Main Street completely remodeled their existing restaurant located on north Main Street.
- The Dental Center finished and occupied space in the Ironworks Building, Downtown Mishawaka just west of Main Street.



*Artist rendering of the Evil Czech Brewery Building Remodel, North Main Street*

Over the next few years, we anticipate that City will continue to see the transformation of longstanding retail centers as a result of competition, as well as scattered new-site construction.

### **Downtown Activity**

In 2013, a significant project was conceived by the Barak Group for the west  $\frac{3}{4}$  of the block bordered by Mishawaka Avenue, Main Street, Elizabeth Street, and Grove Street. The project will contain between 60 and 80 apartments and condominiums, and first floor commercial space fronting Mishawaka Avenue. The project has been named “River Rock” and is intended to start construction in mid-summer of 2014.



*Concept rendering of the proposed “River Rock” mixed use project*

Also significant to downtown Mishawaka in 2013 was the completion of the Center for Hospice Care administrative building. This is the first part of a larger plan to develop an entire Hospice campus downtown.



*Center for Hospice Care Administrative Building Construction, Fall 2013*

### **Public Works Projects**

The City is committed to serving the Mishawaka community through its support of various public works projects designed to enhance citizen's quality of life. During 2013, 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.

*The Mishawaka Riverwalk continues to be the cornerstone for many of the City's redevelopment efforts*



Plan View of the proposed Riverwalk extension through Merrifield Park

In 2013 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 applications for permits for construction within the floodplain of the St. Joseph River. Although the City will work to try to secure funding early, right now the project has been slated for construction in 2018 based on the limited availability of federal funds.

The project includes the relocation of the existing access drive, the construction of the Riverwalk, creating a more extensive boat launch, 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 Extension - Central Park To Madison Street**

The City made significant strides to both improve and extend the Riverwalk in 2013. As part of the agreement with Center for Hospice, the Riverwalk was extended from Central Park through to Madison Street in 2013. As part of that extension, the City also worked with the Indiana Department of Natural Resources to improve the access and appearance of the fish ladder located adjacent to the Downtown dam. As part of the renovation, the sculpture “Circle of Life” by sculptor Robert Kuntz was placed on the deck area adjacent to the ladder.

On the south side of the river, the City continues to work with DLZ on the design of future Riverwalk and acquisition of property between Race Street and Cedar Street.

## **Mishawaka Main Junior High Apartments**

Upon the resignation of the former Redevelopment Director in 2011, the management and oversight of this project was undertaken by the Planning Department. Following over a year of bidding and construction, the occupancy permit was issued in December of 2012. It took all of a year, but we are pleased to report that the building was fully occupied as of December of 2013. The primary reason for the lengthy lease-up period was the very restrictive income limits placed as part of the Tax Credit process. The total construction cost for the project was \$7.6 Million, of which, close to \$5 million in tax credits were received.



*“Circle of Life” sculpture erected in 2013  
Sculptor Robert Kuntz pictured in the center*

## **Riverwalk Security Camera Project**

In 2013, 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 delayed in part due to the changing status of a consolidated call center for the City. We also are working 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 2014.

## **Park Master Planning**

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

## **2013 Activity of Commissions and Boards**

### **Plan Commission**

A total of 58 petitions were filed before the Plan Commission in 2013. This is an increase over the 48 petitions that were filed in 2012, but still significantly lower than the peak of 104 petitions filed in 2007. This is another statistic indicative of the still sluggish economy. When considering the multiple petitions made by the Commission itself to rezone some of the residual parcels associated with the Main Street underpass and widening, there was essentially no increase in private activity between 2012 and 2013. Petitions included 25 rezoning/annexation requests, 23 final site plans, and 10 Plats/Re-plats.

The only change in service that occurred in 2013 was long-time Commission member Carol Sergeant stepping down following 15 years of service. We thank Carol for her commitment to the City, the wisdom and experience she provided, and her friendship. The following people served on the 2013 Plan Commission:

Murray Winn	President (2014 President)
Matthew Lentsch	Vice President
Edward Salyer	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
Dale (Woody) Emmons	Member (Council Rep.)

### **Board of Zoning Appeals**

The Board of Zoning Appeals heard a total of 49 appeals in 2013. This total is slightly higher than the 45 appeals heard in 2012. Sadly in 2013, long-time Board member Jim Trippel passed away. Jim was a leader of the Board and served in the role of Chairman for many years. He started on the Board in the early 1980's and witnessed and participated in some remarkable growth and changes that have occurred in the City. We could always count on Jim to get to the root of an issue and run orderly and efficient meetings. He will be missed. Fittingly, for his replacement, the Common Council appointed his son Charles Trippel to replace him. We look forward to Chuck carrying Jim's passion and involvement forward. The following people served on the 2013 Board of Zoning Appeals:

Don McCampbell	Chairman
James Trippel	Vice Chairman
Charles Trippel	Member
Rosemary Klaer	Member
Charles Krueger	Member
Ross Portolese	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 2013, 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. The HPC enthusiastically welcomed new Advisory Members: Terry DeMaegd, Jennifer Johns, Bryan Tanner and Nancy Seidler.

An overview of the 2013 activities and accomplishments are as follows:

- The HPC placed yard signs on local properties as a community education event and to celebrate National Historic Preservation Month.
- The HPC weeded and planted flowers in the garden areas of the Ball Band Monument Park.
- The HPC continued to purchase bronze plaques to promote community awareness of properties that have been designated Landmark Status.
- The HPC provided Preservation Awards to:
  - Brian Finch and Bill Hawse were awarded the Preservation Award for their 1920 American Four Square, 502 Calhoun Street.
  - Gilbert Eberhart, President of the Redevelopment Commission and Roger Shields, Redevelopment Department were awarded the Adaptive Reuse Award for Main Junior High Apartments
  - Service Award went to Greg Kil and Kil Architecture & Planning, architects for the Main Junior High Apartment Project located at 402 Lincolnway West.
  - Heritage Home Award for homes 50 years or older was awarded to owners Brent Spring and Lou Ann Welsh, for their Colonial Revival home at 1202 East Mishawaka Avenue, rated Notable, and built in 1928
  - Ed Chamberlin was presented the Mayor's Award, for his research about local history, including Ball Band Manufacturing, Mishawaka High School, Mishawaka churches and the Lincoln Highway.
- Preserved approximately seventy-five 11x14-inch sections of the former Mishawaka High gym floor that are offered for sale as a fundraiser for the Commission.
- Commission members continued to make public presentations to community groups to create awareness of Historic Preservation efforts.

Please refer to the 2012 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 sent out 123 residential and commercial letters addressing land use concerns, notices of violation and citation warnings. Welcome letters, with sign code information, were mailed to new businesses opening in Mishawaka. Gladly, due to the persistent vigilance and education of our commercial community, sign violations decreased this past year. Only nineteen citations were mailed to those who repeatedly violated the ordinance or disregarded letters.

### **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 2012, the City continued to build and extend infrastructure to not only improve existing businesses and neighborhoods, but also to make more area available for development, particularly near and north of the Hospital on Fir Road. Of note, with the dissolution of Project Future in 2011, the St. Joseph County Chamber of Commerce became the county-wide economic development organization. As 2013 unfolds, the City anticipates having discussions with the Chamber, the regional economic development entity CPEG, and other Cities, including South Bend, on how best to pursue regional economic development.

### **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. In 2012, two tax abatements were applied for and approved by the City.

Specifically, Long Term Care Investments received a 4-year abatement for a proposed new \$15-million nursing and rehabilitation center on Fir Road, north of Day Road. The Barak Group received a 5-year abatement for the \$15-million dollar mixed-use River Rock development proposed on the north side of Mishawaka Avenue between Elizabeth Street and Main Street.

Since 1986, the City has approved a total of 51 tax abatements for 34 different companies. Currently there are five 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).