

## **Building – Planning Department**

*Brock Hundt, Building Commissioner*

*Kenneth B. Prince, City Planner*

### **Overview**

The Building and Planning Department's 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. 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**

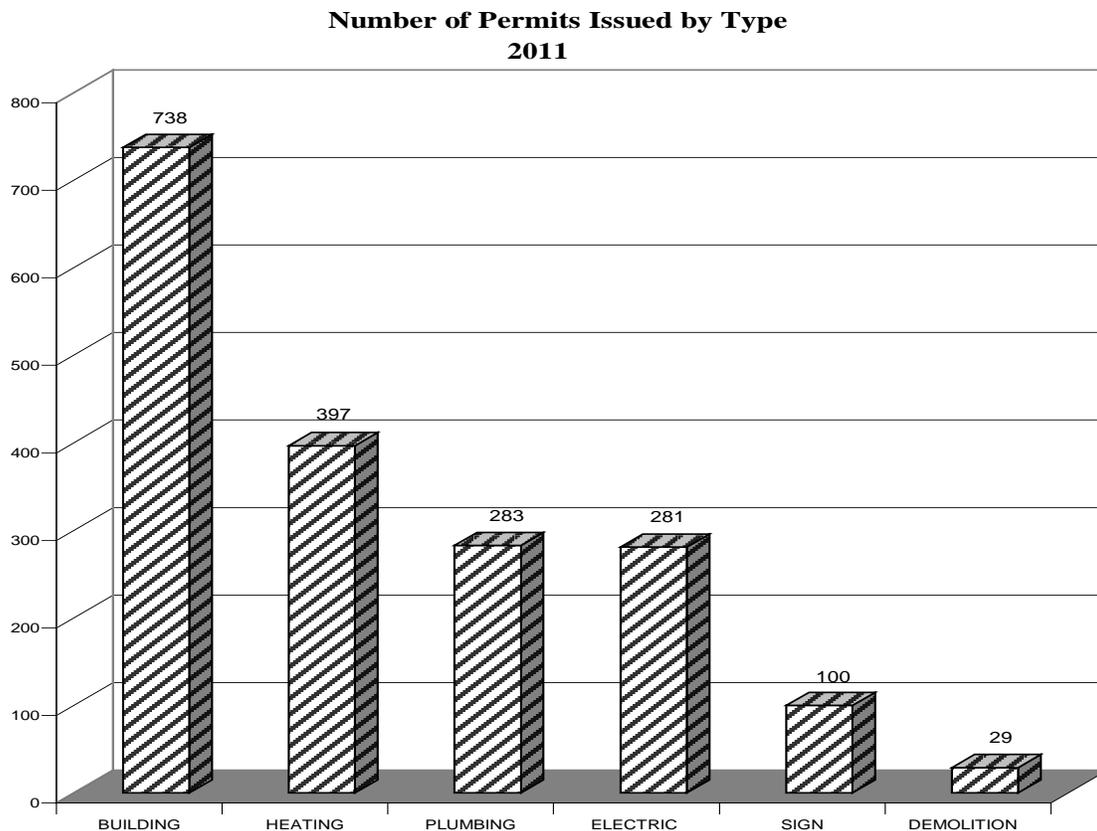
- Work with developers who have an interest in developing projects in, or adjacent to the City. This includes working with developers in the design of site plans to insure that they are consistent with the City's ordinances, goals, objectives, and policies.
- Responsible for issuing and tracking all building permits, including electric, plumbing, HVAC, 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 prepares for the 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.
- Issue Improvement Location Permits for construction within the City including evaluating construction projects relative to the National Flood Insurance Program (NFIP).
- 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.
- Work with the Information Technology Department on the maintenance of the City's Geographic Information System (GIS)
- Revise and update land use codes and ordinances and prepare Historic Preservation Districts including ordinances, maps, preservation guidelines and standards.

- Prepare budgets, work program, and annual report for the Department for evaluation of, and identification of development trends, identification of future projects, and funding allocation.

## Building Department

Whether we are in our homes, workplace, or school, we rely on the safety of structures that surround us. This underscores the importance of modern building codes and their enforcement.

Residential Building codes ensure the personal safety of your family and guests in your home. Building codes ensure the economic well-being of the community by reducing potential spread



of fire and disease, the conservation of energy, and protecting future home purchasers who deserve reasonable assurance that the home they buy will be safe and secure.

Commercial building codes help to ensure safe means of exiting, structural integrity, reduced risk of spreading fire or disease, and provide safety to all public entering commercial buildings. Most aspects of building construction, whether electrical, HVAC, plumbing, fire suppression or structural, represent a potential hazard to building occupants and users. Building codes provide safeguards to help reduce those risks. Although no code can completely eliminate all risk,

building codes reduce the risk to an acceptable level. The Building Department is there to help insure codes are followed and to help the builder, owner or tenants meet these requirements. Most of this is done through the inspection process.

In 2011, the building department conducted 1803 inspections, or approximately 3 to 6 inspections per work day, per inspector, with approximately 40 to 60 minutes spent per inspection. Other building department duties include review of building blue-prints and meetings with contractors, owners and tenants to explain and help with building code interpretation and enforcement. In 2011 construction activity remained relatively constant when compared to 2010.

***...an opportunity to become more knowledgeable in building code changes***

With the overall decline in the construction activity, the Building Department has taken advantage of

this slower period as an opportunity to become more knowledgeable in building code changes. The Department has also been training all inspectors to become combination inspectors to better serve the community. Once completed, this training and associated certifications will enable us to have one inspector show up at a site instead of two or even three. Having knowledgeable inspectors is a priority for the Department. Over the last two years approximately 25 days of seminars were attended by one or more inspectors. This cross training has the potential to save time and costs associated with the inspection process. The Building Department's permit software has an online inspection program, where a permit can be checked to see which inspections have been completed and which ones have passed or failed. This is a great way for permit holders to keep detailed records of inspections and of corrections needed.

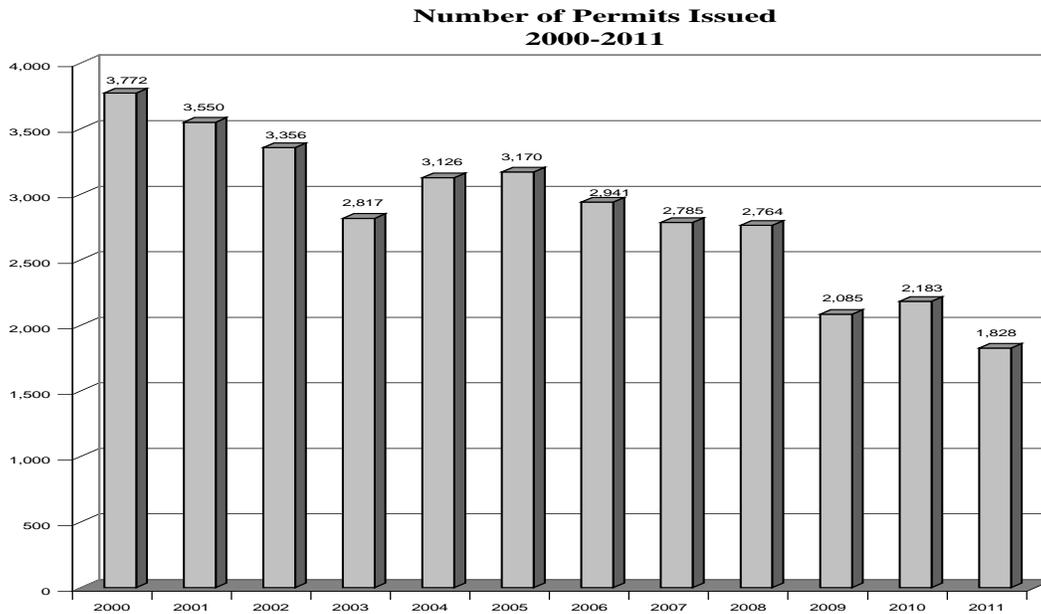
Although the cost of permits increased in 2011, it should be noted that residential permits have been raised only by establishing a \$10.00 minimum. Commercial building permits saw the greatest increase. Until this year, commercial and residential permits cost the same. This year will be the second year where commercial building permits have their own fee schedule. The fee increase was necessary to pay for the on-going costs of running the building department. The slow economy has been deterrent for new development. As the market for new homes fell, new home starts declined and the commercial market followed suit. The city issued permits worth almost \$45 million in 2011 compared to \$43 million in 2010. This marks the third consecutive year of totals among the lowest in the past 10 years.

**Building and Development Activity**

In 2011, the total number of new housing starts was the same as 2010. The saturated market and housing speculation has had the biggest influence on residential construction. Commercial construction has also been trending downward since 2007.

- A total of 22 new single family permits were issued in 2011. This is the same as last year but down from 32 from the previous year, and down from 47 in 2008.
- There were 4 new commercial buildings started in 2011, compared to 9 in 2010 and 8 in 2009.

Although the current economic downturn was predicted to hit bottom in the middle of 2009, the City of Mishawaka continued to grow in 2011. The City issued permits worth just less than \$43 million in 2011 compared to an estimated \$53 million in 2009. Between 2005 and 2008, even excluding the St. Joseph Regional Medical Center project, the City had averaged close to \$100 million in construction every year. \$45 million is the second lowest valued construction that has occurred in the City in the past ten years, second only to 2010.



Although the City continues to reap the benefits of long-term strategic decision making such as the relocation of the hospital, unfortunately the poor housing market, saturated retail market, and the lingering effects of the national economic recession continue to be a drag on the quantity of new construction.

### **2011 Planning and Building Permits**

Residential – 6.9 million dollars in estimated construction costs

- 22 - new single family homes
- 522 - residential alterations/additions
- 17 - garages/carports additions
- 29 - accessory buildings
- 2 - pools

Commercial/industrial- 37.9 million dollars in estimated construction costs

- 4 - new commercial buildings
- 134 - alterations/additions

## Points of interest

- For the first time in three years, multiple-family building permits were pulled for new structures. AHEPA, 52 senior apartments are being constructed along south Merrifield Avenue, just north of the existing Kroger shopping center. In addition, the permit was pulled for the Mishawaka River Center Apartments. This 32-unit senior apartment conversion of the Old Main Junior High/former Mishawaka Furniture building is being funded in part through tax credits and in part through Northwest TIF funding. The project will be worked on throughout 2012 with expected occupancy at the end of the year.
- A total of 22 new single family permits were issued in 2011, identical to 2010. This is down from the 32 new single family permits that were issued in 2009 and 46 new single family permits in 2008. This is significantly down from the 112 permits issued in 2007 and representative of the national recession and continued problems in the housing market.
- Only 4 new commercial buildings were constructed in 2011, compared to 9 that were constructed in 2010. Only 8 new commercial buildings were started in 2009 and 13 new commercial buildings were started in 2008. For reference and comparison, prior to the downturn in the economy, 24 permits were issued for new commercial buildings in 2007.

***A total of 22 new single family permits were issued in 2011***

### New Single Family Home Construction by year:

2011 - 22 Homes	
2010 - 22 Homes	2005- 147 Homes
2009 - 32 Homes	2004- 163 Homes
2008 - 46 Homes	2003- 121 Homes
2007 - 112 Homes	2002- 118 Homes
2006 - 95 Homes	2001- 108 Homes

## Annexations

The City continues to grow in a slow and orderly fashion. Two voluntary annexations occurred in 2011. The City grew by less than one tenth of one percent (14 Acres or .082 square miles). The existing city limits according to our Geographic Information System is 17.32 square miles. 2011 Annexations included:

1. City of Mishawaka- Fire Station #4 Replacement:  
The City of Mishawaka requested and received approval to annex and zone 7.9 acres on Harrison Road, south of Bennington Drive, immediately west of Hums Park. The property will be occupied by a new fire station, intended to replace existing station #4 located on Lincolnway East, just west of Capital.

2. 914 and 916 East McKinley Avenue:

Approximately 6 acres of land located north of 914 & 916 East McKinley Avenue was annexed into the City of Mishawaka. The portion of property annexed into the City was actually apart of the 914 & 916 East McKinley property, but only approximately 125-ft of the property, from the McKinley Avenue centerline, was located within the City. That portion of the property within the City was zoned I-1 Light Industrial. The petitioner, PD Realty LLC zoned the proposed annexed property into two separate zoning classifications. Parcel 2 (914 E. McKinley Ave) was zoned to C-4 Automobile Oriented Commercial District. That portion of this parcel, previously zoned I-1 Light industrial within the City of Mishawaka, was rezoned to C-4 Automobile Oriented Commercial in order to allow for a car dealership. Parcel 1 (916 E. McKinley Ave.) was zoned to I-1 Light Industrial to allow for an electrical contracting business.

### Commercial Growth

Similar to the past two years, the overbuilt retail areas on the north side of the City combined with the lingering effects of the recession continued to contribute to a buyers market and left property owners cutting deals to fill tenant space. With the downturn in the economy and buyers market, it appears that there will continue to be large retail vacancy rates and deals to be had in



*The remodeled Yorktown Building, now home to Roc's Sports Café*

the coming years. This will also be a time where centers may take the opportunity to reinvest to lure new tenants. Over the next few years, we anticipate that the City will continue to see the transformation of longstanding retail centers as a result of competition. It is likely that the City will continue to see a decrease in the quantity of new retail construction in the coming years and potentially increased vacancies while the market sorts itself out.

Despite the downturn in construction there were positives to be highlighted from 2011. One of those positives is the reinvestment occurring in Historic Downtown Mishawaka. Significant

vacant or underutilized space was renovated and Occupied in 2011. The first floor of the Yorktown Center Building located at the intersection of Lincolnway and Main Street was remodeled for Roc's Sports Café. The building adjacent to Yorktown to the East was converted into Smith's Pub. The Former Women and Children's Center located at the intersection of Mill Street and Lincolnway is now the home of Frost Engineering, with a new tenant planned for the ground level floor.

## **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 2010, 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.

In 2011 the "Merrifield/Crawford Park Connector" started in 2009 was completed. This project was constructed as part of the restoration and widening of the Mishawaka Avenue Bridge and includes a connective tunnel underneath Mishawaka Avenue between Merrifield Park and the Riverwalk. The vast majority of the construction costs were paid for through Federal Grants and not local money. This was possible only due to the City's partnership on this project with the Michiana Area Council of Governments (MACOG). The increased funding for this project was made possible because other projects in the region that were allocated funds through MACOG that were then not able to be accomplished within the allocated time/funding cycle.



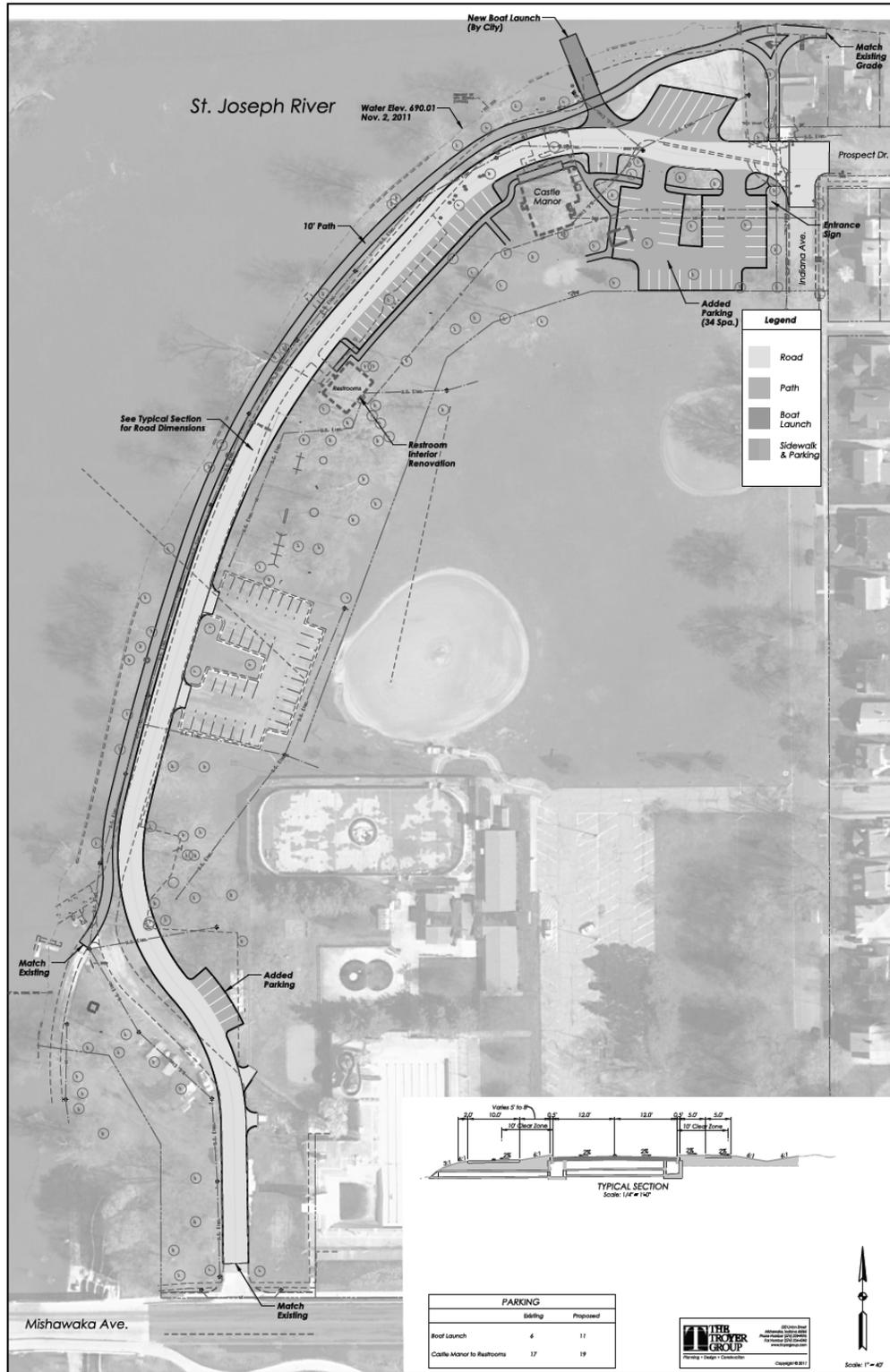
*Picture of the completed tunnel and bridge taken in the summer of 2011*

The City also continues to plan for the future expansions of the riverwalk. Already in January of 2012 the City has applied through MACOG for \$1,098,144 in Federal Transportation Enhancement (TE) funds to extend the riverwalk through Merrifield Park. The project includes the relocation of the existing access drive, the construction of the riverwalk, creating a more formal boat launch, parking, and restroom upgrades. Once completed, this section will extend the walk from the recently completed “Merrifield/Crawford Park Connector” to the intersection of Prospect and Indiana Avenue. The City acquired and demolished 1002 Prospect Avenue in 2011 specifically to allow for the widening of this intersection and to provide a suitable connection to the adjacent neighborhoods. It will likely take few years to receive funding, bid, and construct this phase of the project.

In addition to this section through Merrifield, the City continues to work on the design and property acquisition required to extend the walk to Cedar Street. As part of the agreement with Center for Hospice, the riverwalk will be extended through the former Moose property concurrent with other improvements. The City also continues to work with DLZ on the design and acquisition of property from Race Street to Cedar Street on the south side of the river.



*Picture of Merrifield Park illustrating the location of the proposed riverwalk extension*



*Illustrative drawing prepared by the Troyer Group of proposed Merrifield Park Improvements associated with the extension of the riverwalk*

## **Hillis Hans Park Improvements**

In 2011, the Planning Department was charged with overseeing the construction improvements of Hillis Hans Park. In general, the improvements included:

- Updating park amenities, replacing older dated equipment
- Making the park more usable and accessible
- Equipment and activity areas reflective of current times and how the park is currently used. A new pavilion as desired by the neighborhood was installed
- All Improvements installed emphasized “ease of maintenance”, knowing the City has fewer resources to operate and maintain parks
- Adjacent street around the park were resurfaced, curb ramps were installed to make the area more handicapped accessible

The project was awarded to LL Geans construction of Mishawaka and was completed in June of 2011 through funding provided by the South Side Tax Increment Financing District as approved by the City Redevelopment Commission. In addition, the City Central Services Department remodeled the interior of the restrooms and installed site furnishings to save on labor costs. The total cost for the park improvements, furnishings, and street/sidewalk work was just under \$500,000.



*Picture of Hillis Hans Park taken immediately following completion*

## **Park Capital Improvement Implementation**

In the summer of 2010, the Planning Department became involved in proactively trying to develop an internal Park Capital Improvement Plan based on assessing needs, utilizing the

capabilities of the newly formed Central Services Department, and receiving input from the Park Department/Board as part of their long range planning processes. In 2011, funds were approved as part of the CEDIT Plan for the City and we began to implement improvements. These improvements were coordinated by the planning Department, with the actual work either being bid to contractors or performed internally through Central Services. In 2011, park capital improvements accomplished as part of this plan included:

- Single family home and demolitions adjacent to Mary Gibbard Park
- Sign and entrance improvements at Merrifield Park
- Exterior improvements to the Rose Park Restroom
- Addition Parking at Prickett Marina for the Off-Leash Dog Run
- Concrete Deck Improvements at Merrifield Park
- Battell Park Restroom Renovations

## **2011 Activity of Commissions and Boards**

### **Planning Commission**

A total of 33 petitions were filed before the Planning Commission in 2011. This is significantly less than the 44 petitions that were filed in 2010. And significantly lower than the peak of 104 petitions that were filed in 2007. This is another statistic indicative of the downturn in the economy and how our local markets have been hampered by economics. Petitions included 12 rezoning/annexation requests, 13 final site plans, and 8 Plats/Re-plats. The following people served on the 2011 Planning Commission:

Murray Winn	President
Matthew Lentsch	Vice President
Edward Salyer.	Member (BPW&S)
Gary West	Member (City Engineer)
Ross Portolese	Member (Parks & Rec Bd.)
Carol Sergeant	Member
Don McCampbell	Member
Rosemary Klaer	Member
Ross Deal	Member (Council Rep.)

### **Board of Zoning Appeals**

The Board of Zoning Appeals heard a total of 41 appeals in 2011. This total is lower than the 51 appeals heard in 2010. The following people served on the 2011 Board of Zoning Appeals:

Don McCampbell	Chairman
James Trippel	Vice Chairman
Rosemary Klaer	Member
Charles Krueger	Member
Ross Portolese	Member

## City of Mishawaka Historic Preservation Commission

The City of Mishawaka Historic Preservation Commission was established in January of 1991. The Historic Preservation Commission consists of nine (9) voting members and no more than five (5) advisory members who are appointed by the Mayor and City Council. The following people currently serve on the Historic Preservation Commission:

Cliff Zenor	Chairman
Judy Gray	Vice Chairman
Marcia McClure	Member (Council Representative)
Richard Barnette	Member
David Eisen	Member
Michael Bultinck	Member
Tony Obringer	Member
David Vollrath	Member
John Gleissner	Member

The Planning Department serves as the staff for the City of Mishawaka Historic Preservation Commission. The Historic Preservation Commission 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

### ***...preserving and promoting the historical past of Mishawaka***

of sites to the National Register of Historic Places, and the promotion of local historic preservation related activities and events.

An overview of the 2011 activities and accomplishments are as follows:

- The HPC was an advocate for the renovation and security of WPA constructed restroom located in Battell Park and plans for the Rose Park WPA constructed restroom.
- The HPC continued to pursue the installation of local historic plaques on properties that have been designated Landmark Status to promote community awareness.
- The HPC was an advocate for the renovation of the former Mishawaka Furniture structure at 402 Lincolnway West. Although the HPC campaigned for the retention of the existing wood windows, they will be replaced.
- The HPC co-sponsored an educational workshop with Indiana Landmarks and the South Bend-St. Joseph County Historic Preservation Commission at the Mishawaka P-H-M downtown library titled House Detectives. The event was well attended by homeowners from Mishawaka and surrounding towns.
- Commission members continued to make public presentations to community groups to create awareness on Historic Preservation.

Please refer to the 2011 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.

On a sad note, Dr. William Gering, who was most recently an Advisory Member of the Commission passed away on February 8<sup>th</sup>, 2012 at the age of 89. Dr. Gering was a founding member of the Commission and long served as its Chairman. Bill was a leader, volunteer, and mentor for Historic Preservation. He had a love for historic preservation that included an antique tool collection that he would share on a regular basis with service clubs and school classrooms. He will be missed and our thoughts and prayers go out to his wife Lucille, family, and friends.

***Dr. Gering was a founding member of the Commission***

### **Zoning Enforcement and Administration**

Another responsibility of the Planning Department is the need to enforce our ordinances and respond 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 228 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. Fifty-six 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 2011, 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 over time, particularly near and north of the Hospital on Fir Road. Of note, the county-wide economic development organization, Project Future, was disbanded in 2011 with some of the functions being taken over by the St. Joseph County Chamber of Commerce. As 2012 unfolds, the City anticipates having discussions with the Chamber on economic development in the region.

### **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 2011, one abatement was submitted and approved by the City.

Specifically, Jamil Packaging received an abatement on a 900 thousand dollars investment in manufacturing equipment. With this investment, Jamil purchased a EXPERTFOLD 300 A-4 Specialty Folder Gluer to more efficiently manufacture their corrugated boxes and increase production.

At the time, at their Mishawaka location, Jamil employed 73 people at this location up from 53 in 2006. Jamil Packaging is a member of the A.I.C.C. (Association of Independent Corrugated Converters). As a direct result of this investment, six (6) new jobs were created (increasing total employment to 79 people) with an hourly wage rate for new hires projected at \$14.50 per hour plus benefits.

The Common Council approved similar requests for Jamil in 2006 and in 2008 for equipment abatements.

Since 1986, the City has approved a total of 48 tax abatements for 32 different companies. Currently there are 8 active abatements in the City including the following companies: Damon Products, Patrick Industries, Jamil Packaging (2 abatements), Nyloncraft, BD Development LLC (St. Joseph Hospital Medical Office Building), Long Term Care Investments LLC.