AGENDA

Monday, January 15, 2018

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

Moment of Silence for Beverly D. Crone former South Bend Council, County Auditor, County Commissioner.

3. Roll Call

4. Approval of the Minutes of the Previous Regular Meeting

January 02, 2018

5. Petitions, Communications, Remonstrance and Memorials

A letter from the City Plan Commission regarding recommendations from their January 9, 2018 meeting.

Outstanding and Unpaid Checks for a period of 2years to be voided.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2018-01 Amending the Salary Ordinance for 2018 Fire and Police (Petitioner Requesting Second Reading)

P.O. NO. 2018-02 Rezone from C-7 to C-9 Auto Sales 3805 LWE

P.O. NO. 2018-03 Grandview PUD Amendment Mixed Use Multi-family and Commercial Development - NW corner of Gumwood Rd & Cleveland Rd

8. Resolutions

R2018-01 Interest to Purchase Hums Park from School City

R2018-02 Purchase of Hums Park from School City

9. Ordinances on Second Reading

P.O. NO. 2017-36 Rezone from C-1 Commercial to C-9 Automobile Sales 611 W. McKinley (Assigned to Land Use Planning Committee)

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

Change the State of the City to March 12th Battell Center 7:00PM

13. Adjournment

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

PRESENTATION BY CHAMBER OF COMMERCE

Jeff Rea/Rob DeCleene

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
January 02, 2018

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 January 02, 2017, at 7:00 p.m. The meeting was called to order by Clerk Block all were asked to stand for the Pledge of Allegiance.

Woody Emmons 1st District
Mike Bellovich 2nd District
Ross Deal 3rd District
Kate Voelker 4th District
Michael Compton 5th District
Ron Banicki 6th District
Joe Canarecci At Large
Matt Mammolenti At Large
Bryan J. Tanner At Large

Deputy Clerk Raven Boston's roll call showed the following, **Roll Call. Present:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti. **Absent:** Mr. Emmons.

Others present; Mike Trippel Council Attorney.

Clerk Block opened the floor for nominations for President of the Council. Mr. Deal nominated Mr. Mammolenti with a second by Mr. Banicki the motion carried.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).
Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

Mr. Mammolenti thanked Mr. Deal for his time as President.

Mr. Deal made a motion, to close the nominations with a second by Mr. Tanner the motion carried

Clerk Block turned the meeting over to President Matt Mammolenti who opened the floor for nominations for Vice President of the Council. Mr. Deal nominated Mr. Emmons with a second by Mr. Banicki the motion carried.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).
Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

The minutes from the December 18, 2017 meeting was approved as received from the City Clerk's Office.

Clerk Block read the following Petitions to the Council, who referred them to the Board of the City Plan Commission, for their recommendation.

PETITION 2018-03 Rezone from C-7 to C-9 Auto Sales **3805 Lincoln Way East**

PETITION 2018-04 Grandview PUD Amendment Mixed Use Multi-Family and Commercial Development – **W. Cleveland and Gumwood Road**

Clerk Block read the following proposed ordinance by title and was opened for public hearing.

PROPOSED ORDINANCE NO. 2017-45

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

Mrs. 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. Banicki motion carried.

Ruth Huntt 1007 S. Main Street said this property has been her home for 17 years. She explained she wanted to refinance her home but the bank could not process the loan due to the property being zoned commercial. Ms. Huntt requested for a rezone to R-1 single family to continue the process of refinancing her home.

Question was called for at 7:08 P.M. for **PROPOSED ORDINANCE NO. 217-45** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti. Thus, it becomes **ORDINANCE NO. 5607**

UNFINISHED BUSINESS

Clerk Block read a letter from Danch, Harner, & Associates Inc. regarding the rezoning of **611 W. McKinley Avenue.** The petitioners requested **PETITION NO. 2017-36** be brought up for a public hearing at the January 15, 2018 meeting. The letter stated the issues that were brought up at the Plan Commission meeting were resolved.

NEW BUSINESS

Mr. Mammolenti spoke in regard to the complaints about late trash pick-up. Ken Prince, City Planner and Deputy Mayor said there were a number of service vehicles that were out of service. He informed there would be a press release regarding the matter.

MISHAWAKA COMMON COUNCIL
2018 COMMITTEE & APPOINTMENTS
President: Matt Mammolenti
Vice President: Dale "Woody" Emmons

BUDGET & FINANCE COMMITTEE
Mike Compton, Chairman
Joe Canarecci
Mike Bellovich

LAND USE PLANNING COMMITTEE
Ron Banicki, Chairman
Kate Voelker
Bryan Tanner

PUBLIC HEALTH & SAFETY/LONG RANGE PLANNING COMMITTEE
Bryan Tanner, Chairman
Ross Deal
Kate Voelker

PUBLIC IMPROVEMENTS COMMITTEE
Woody Emmons, Chairman
Mike Compton
Mike Bellovich

PERSONNEL COMMITTEE
Ross Deal, Chairman
Bryan Tanner
Mike Bellovich

SUB-STANDARD HOUSING COMMITTEE
Joe Canarecci, Chairman
Woody Emmons
Kate Voelker

COUNCIL ATTORNEY – Mike Trippel
PLAN COMMISSION – Woody Emmons 12/31/2018
TRAFFIC COMMISSION – Ron Banicki expires 12/31/2019
MBA – Bryan Tanner, No expiration
SOLID WASTE – Woody Emmons
MACOG – Joe Canarecci
INSURANCE COMMITTEE – Ross Deal
REDEVELOPMENT COMMISSION – Kris Ermeti & Janet Whitfield Hyduk 12/31/2018
FIRE DEPT PLATOON STUDY COMMITTEE – Woody Emmons
BOARD OF ZONING APPEALS – Chuck Trippel 12/31/2019
ANIMAL CONTROL COMMISSION – Mariah Covey 12/31/2019
HISTORIC PRESERVATION- Kate Voelker 12/31/2020

ADJOURNMENT 7:12P.M.

Deborah S. Block /s/	Matt Mammolenti /s/
Deborah S. Block, IAMC, MMC, City Clerk	Matt Mammolenti, President

City of Mishawaka

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

January 10, 2018

RECEIVED
DEBORAH S. BLOCK, MMC
JAN 10 2018
CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
January 9, 2018, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

PETITION #18-03 A petition submitted by J2K Investments, Inc. requesting to rezone **3805 Lincolnway East** from C-7 Automobile Oriented Restaurant Commercial District to C-9 Automobile Sales Commercial District.

The Commission, with a vote of 5-0, recommended approval.

PETITION #18-04 A request submitted by Gumwood Acquisitions, LLC, to amend the Northwest corner of Gumwood and Cleveland Planned Unit Development to refine the plan; delete the option of constructing assisted living housing and nursing homes; reduce the number of curb cuts on Gumwood Road; reduce the minimum distance of "throat/stacking area"; permit building heights up to four (4) stories and forty-eight feet (48'); and allow "fiber cement" as an exterior building material.

The Commission, with a vote of 5-0, recommended approval subject to the following:

- Refine the preliminary site plan dated 11/12/13 as approved per Petition 13-43 (Ordinance 5434) to the preliminary site plan dated 12/19/17 submitted with this petition;
- Delete assisted living and nursing homes as permitted uses;
- Reduce by one (1) the number of curb cuts on Gumwood Road;
- Reduce the minimum on-site throat/stacking area from 200 lineal feet to 115 lineal feet for each of the remaining proposed entrance points (access drives) from its intersection with the public right-of-way;
- Permit a maximum four (4) story or forty-eight (48) foot building height; and
- Allow fiber cement as an exterior building material.

The amended conditions of approval and development regulations, *with changes italicized*, are attached as Exhibit "A". Omissions from the original conditions and development regulations were made when appropriate.

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

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, City of Mishawaka Plan Commission

cc: Greg Shearon
Brian McMorrow

PETITION 18-04
EXHIBIT "A"

Northwest Gumwood & S.R. 23 Conditions of Approval

Traffic Impact:

1. The following general conditions shall apply. More specifics and refinements shall be made with each final planned unit development plan submission. A Traffic Impact Study may be required as determined by the City Director of Engineering. All traffic/transportation improvements required for the completion of this project (including but not limited to Gumwood Road and State Road 23) shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering, subject to modification by any potential development agreement with the City should one or more be established. The intent is not to have the applicant build the road for additional function for pass-through traffic, rather that any required turn lanes, widening, access control required as a result of this project be provided to ensure that proposed levels of service (based on proposed improvements) are maintained.

    a. Any additional right-of-way required for both Gumwood Road and State Road 23 improvements associated with the proposed development project shall be dedicated. There is a need to coordinate the timing of pending State and County improvements with the needed/required improvements of the development. Phasing of improvements associated with this project shall be as determined by the City Director of Engineering in coordination with other applicable jurisdictions.

    b. The number and or type of curb cuts shall be limited as determined appropriate by the City Director of Engineering and the applicable road authority/ jurisdictions.

    c. All improvements required shall be paid for by the developer and shall be identified as part of the phasing plan for the project.

Proposed Uses:

1. *Commercial uses shall be limited to those identified within the C-1 General Commercial and C-2 Shopping Center Commercial zoning districts. Multi-Family Residential uses may be allowed.*

2. Off-premise signs/billboards shall be prohibited.

3. Outside storage and display shall be prohibited.

4. All loading docks, dumpsters, ATM machines, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.

Road and Pedestrian Connections:

1. *A hierarchy of the internal vehicular road network shall be provided. A minimum access throat/stacking area of 115 lineal feet on the site shall be provided at each proposed entrance point from its intersection with the public right-of-way. Turning lanes within*

the site are a necessity. Internal stacking and turning movements at intersections shall be provided and protected based on actual proposed uses as the planned unit development is built out. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.

2. Access and utility easements shall be dedicated to adjacent properties, including the City Well Field and Centennial Plaza.

3. *A sidewalk and/or pedestrian access plan shall be submitted concurrent with the filing of the first final planned unit development site plan submission.*

Stormwater run-off:

1. The type of stormwater facilities proposed within the PUD shall be limited/restricted as required by City well-head protection standards and as may be directed by the City Director of Engineering based on the close proximity of the City Well Field. The purpose is to limit potential groundwater infiltration in that area.

2. An emergency overflow outlet for proposed retention ponds into City storm sewers may be provided by the City if deemed appropriate by the City Director of Engineering.

Lighting:

1. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. Shielding of lighting shall be required in the areas to the rear of buildings adjacent to (in sight of) residential areas.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 44+ acre site) and to otherwise further the intent of this chapter as follows:

    a) A maximum of (4) monument type signs may be located along Cleveland Road/S.R. 23 and (6) monument signs may be located along Gumwood Road. The maximum standard for area and height calculations for monument signs shall be further restricted as follows: the maximum sign area shall be limited to a maximum of 60 square feet (rather than 75 square feet) with a maximum length of any sign not exceeding 12 feet.

    b) Three freestanding identification/development signs for the entire planned unit development (not just for one tenant/occupant) shall be permitted in addition to the monument signage. One may be located along State Road 23. One may be located along Gumwood Road. And one may be located at the intersection of State Road 23 and Gumwood Road. The sign at the intersection of State Road 23 and Gumwood sign shall be limited to a maximum of 20 feet in height and 120 square feet in area. The Gumwood Road and State Road 23 signs shall be limited to a maximum of 12 feet in height and 96 square feet in area.

    c) A sign easement shall be provided to the City of Mishawaka well field property, located at the proposed entrance opposite Heritage Square Drive. This sign shall be subject limited to a maximum of 60 square feet with a maximum length not exceeding 12 feet.

d) Signs shall be located a minimum of 200 feet apart from one another (including the sign easement) except that signs may be located closer where an entrance drive is located between them.

2. All freestanding signs shall have a masonry base.

3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

4. Seasonal banners and general development identification banners may be allowed for decorative and parking lot light poles throughout the center.

5. Temporary Construction fence coverings which may include information about the project, elevations, renderings, slogans, logos and coming soon info may be allowed.

6. Directory Kiosks placed strategically around the center to help customers locate businesses with a directory map of the development and advertising for retailers and other businesses may be allowed.

7. Freestanding sandwich boards may be placed internally in the development, but shall not be placed where readable from SR 23 or Gumwood Road.

Landscaping:

1. A 3-foot high earth mounding shall be provided along Gumwood Road and State Road 23. A minimum 25-foot green buffer area shall be required along both corridors. Each buffer area shall comply with the landscape requirements of the C-1 General Commercial zoning district.

2. Utility areas shall be provided separate from required landscaped areas. If utilities are located within the 25 foot green area, an additional 10 feet of green area shall be required for planting.

3. A 2-foot high earthen mound planted with evergreen trees, minimum 8' height, and spaced 10' to12' max along with a 6' minimum height opaque fence shall be provided along the west property line abutting existing residential property.

4. If decorative ponds with fountains are proposed along public roadways, the landscaping requirement shall be reduced to eliminate the need for the 2' berm and shrubbery/low planting between the road and building/parking areas and where the normal water elevation of the pond is located.

5. All developments within the PUD, including the multi-family residential development, shall comply with the landscape requirements of the C-1 General Commercial zoning district. This shall be in addition to any required buffer planting.

6. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission. Phasing of installation shall occur concurrent with development, except that the Planning Commission may require the installation of screening and buffering along property lines prior to when adjacent developments are proposed when deemed necessary/appropriate.

Parking:

1. A minimum of (1.5) parking spaces per residential unit shall be provided for the multi-family residential use. Parking ratio may be reduced to a minimum of (1.25) per residential units for one bedroom apartments only. Garages, parking lots, and on-street parking may be utilized for required parking.

2. All other uses shall comply with the corresponding parking requirements as identified in the City of Mishawaka Zoning Ordinance.

Building/Parking Setbacks:

1. A minimum 50' building setback shall be provided along Gumwood Road and S.R. 23/Cleveland Road.

2. A minimum 25' parking setback shall be provided along Gumwood Road, S.R. 23/Cleveland Road.

3. A minimum 35' building setback shall be provided along the north property line adjacent to Gumwood Crossings and along the west property line abutting existing residential property.

4. A minimum 25' building setback and a 10' parking setback shall be property along the west property line adjacent to Centennial Plaza.

5. A minimum 25' building and 10' parking setback shall be provided along property adjacent to City of Mishawaka owned property.

6. *A minimum 10' building and parking setback shall be provided along internal roads and between outlot property lines within the Planned Unit Development. However, a 0' building and parking setbacks may be allowed between tax parcels 029-2017-0370.08 and 029-2017-370.22. A 0' parking setback may also be allowed to provide for shared parking bays at various locations within the development as deemed appropriate by the Planning Commission upon review as part of each subsequent final planned unit development site plan submission.*

Building Height & Architectural Material Standards:

1. *All buildings shall be a maximum of four (4) stories or forty-eight (48) feet in height.*

2. *All buildings shall be permitted to utilize fiber cement board as an appropriate exterior building material. Excluding this material, a minimum of two-thirds of each individual building façade facing the public right-of-way or private internal collector (access) roads within the PUD shall utilize appropriate architectural materials as defined per the C-1 General Commercial District.*

Phasing:

1. *The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first final planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit*

development site plan submission to provide for the interconnectivity of roads, sidewalks, pedestrian access, and other related infrastructure.

STAFF REPORT

Location: 3805 Lincolnway East

Date: January 9, 2018

Petition: 18 03

Prepared By: CH

GENERAL INFORMATION

Applicant:	J2K Investments
Status:	Property Owner
Request:	To rezone from C-7 Automobile Oriented Restaurant Commercial District to C-9 Automobile Sales Commercial District to allow for an automobile sales lot.
Zoning Classification:	C-7 Automobile Oriented Restaurant Commercial District
Lot Size:	Approximately 0.28 acres
Applicable Regulations:	Section 137-509 thru 137-510 / C-9 Automobile Sales Commercial District & Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern:	North:	C-1 General Commercial (residence) and R-1 Single Family Residential (church parking lot)
	South:	R-1 Single Family Residential (residence)
	East:	C-1 General Commercial (residence)
	West:	C-1 General Commercial (Pawn Shop)
Thoroughfare:	Lincolnway East	
School District:	School City of Mishawaka	
Township:	Penn Township	
Public Utilities:	Utilities are available and existing at the current business. Any changes would be at the developer's expense.	
Comprehensive Plan:	The Mishawaka 2000 Comprehensive Plan identified most of the Lincolnway corridor between Capital and Bittersweet as General Commercial.	

ANALYSIS

The Petitioners, J2K Investments, are requesting to rezone an approximate 0.28 acre parcel of land located at 3805 Lincolnway East from C-7 Automobile Oriented Restaurant Commercial to C-9 Automobile Sales Commercial to allow for an automobile sales lot.

In the past, the property operated as a drive-in restaurant, most recently under the name Korbellies. The C-9 District still allows all C-1 General Commercial uses, like restaurants (without drive-in or drive-thrus) and retail, however, adds automobile sales without automobile repair.

Just over 300' to the east is Gerver's Auto Sales at the intersection of Lincolnway East and Ballard Ave. Other automobile uses along this corridor include a BP gas station and car wash, Howard's Auto Sales, Fred's Transmission, and All Star Car Wash, all on the north side of Lincolnway East between the site and Bittersweet.

With this petition, the Petitioner is only seeking to establish the proper zoning required for the proposed use. If approved, an administrative final site plan shall be submitted for Staff review and approval prior to construction.

The preliminary site plans shows the existing building will remain. There will be room to display approximately 20 cars, and 5 parking spaces. The access on Lincolnway East will remain unchanged, but the access on Ray Street will be defined at the southern end of the lot. The preliminary site plan shows a 10' pavement setback, with room for landscaping, and a screening fence adjacent to residential.

Pertinent departments have reviewed and approved this request.

Engineering has approved the rezoning, but following items should be addressed on the site plan:

1. Drives shall conform to City Standards.
2. Provide details of existing drainage features.
3. Extend sidewalk to drive at northeast corner drive.

RECOMMENDATION

Staff recommends in **favor** of Petition 18-03 to rezone approximately 0.28 acres located at 3805 Lincolnway East from C-7 Automobile Oriented Restaurant District to C-9 Automobile Sales Commercial District to allow for an automobile sales lot.

This recommendation is based on the following findings of fact:

1. Existing Conditions –Lincolnway East is a major east/west corridor, with a wide variety of commercial and residential uses.

2. Character of Buildings – The existing business has striped parking spaces for just over 20 vehicles. The rezoning will require landscaping and access upgrades be made to the site.

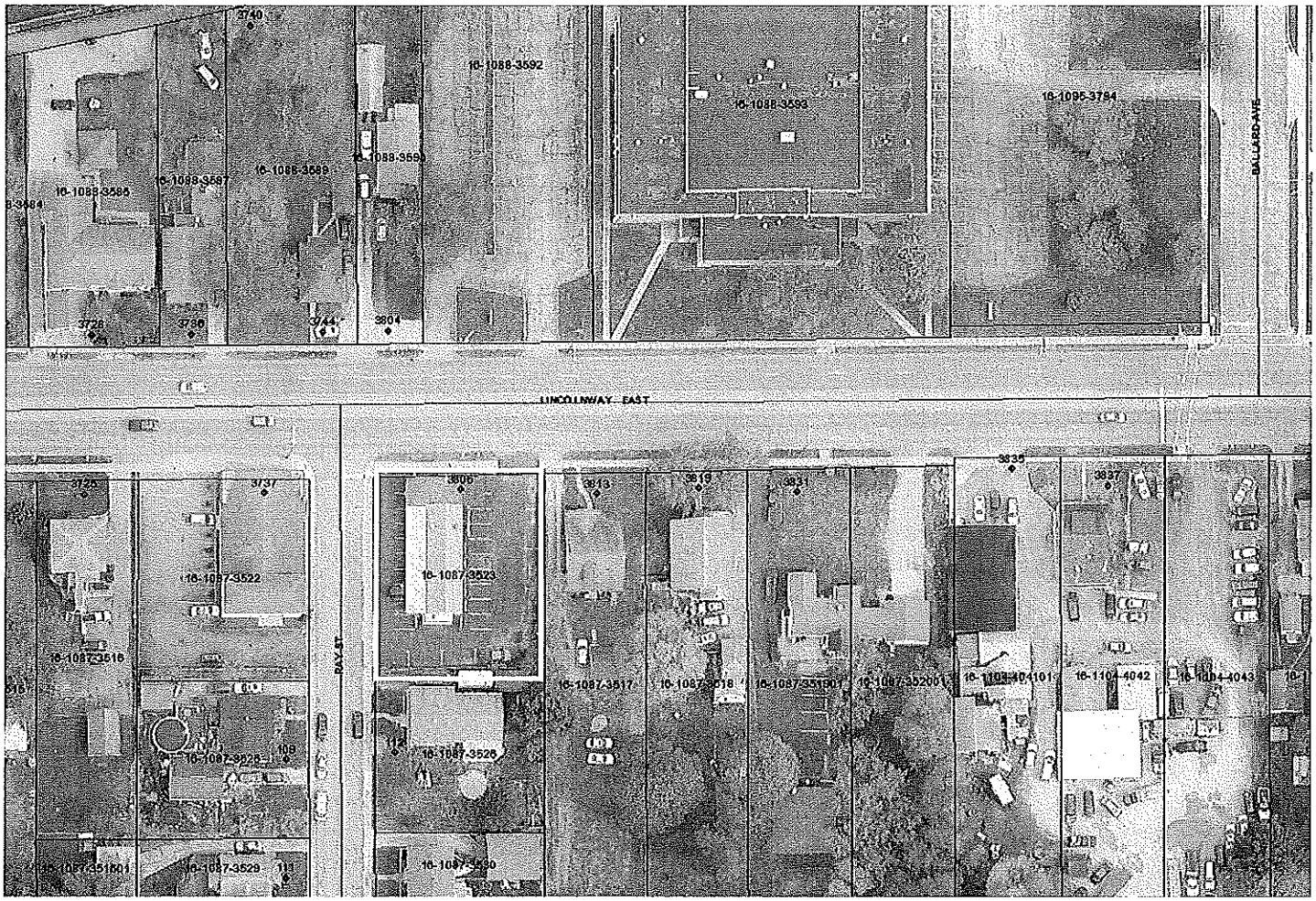
3. The most desirable/highest and best use – Being along one of most heavily travelled corridors in the City, the most desirable use of the property is a higher intensity commercial use.

4. Conservation of property values – The rezoning should not be injurious to property values in the area. The Lincolnway East corridor is a mix of residential, commercial, and automotive uses, therefore, C-9 Automobile Sales uses are compatible with the existing uses along the corridor from Capital to Bittersweet.

5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, identified most of the Lincolnway corridor, between Capital and Bittersweet as General Commercial. Since the C-9 District still allows all C-1 General Commercial uses, it still meets the goals of the Comprehensive Plan.

ATTACHMENTS

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



2015 Aerial Photography – 3805 Lincolnway East

The west side of the existing building.

The east side of the existing building. Location of entrance from Lincolnway East.

The rear of the existing building. Location of entrance from Ray Street.

STAFF REPORT

Location: Northwest corner of Gumwood Road & W. Cleveland Road (S.R. 23)

Date: January 9, 2018

Petition: 18-04

Prepared By: DJS

GENERAL INFORMATION

Applicants:	Gumwood Acquisitions, LLC
Status:	Property Owner
Request:	Amend a preliminary Planned Unit Development to refine the overall development plan, remove two of the previously approved permitted uses, and revise the previously approved conditions of approval.
Existing Zoning:	S-2 Planning Unit Development (Existing municipal well field and future redevelopment to include commercial, multi-family residential, assisted living and nursing homes)
Proposed Zoning:	S-2 Planning Unit Development (Existing municipal well field and future redevelopment to include commercial and multi-family residential)
Lot Size:	33.8 Acres
Applicable Regulations:	Section 137-671 thru 137-679 / S-2 Planned Unit Development District; Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern:	North:	S-2 Planned Unit Development (Grandview Mixed-Use Development including future commercial and existing multi-family residential uses & City of Mishawaka/Municipal Wellfield)
	South:	S-1 Extensive Open Space/Public (Cemetery/St. Joseph Valley Memorial Park)
	East:	S-2 Planned Unit Development (Heritage Square and Toscana Park Mixed-Use developments including commercial and residential uses)
	West:	C-2 Shopping Center Commercial (Multi-Tenant Commercial/Centennial Place) & Unincorporated St. Joseph County (Single-Family Residential)
Thoroughfare:	Gumwood Road & W. Cleveland Road (S.R. 23)	
School District:	South Bend Community School Corporation	
Public Utilities:	All utilities are available and/or will be extended to/throughout the site at the developer's expense	
Comprehensive Plan:	Not specifically identified in the Mishawaka 2000 Comprehensive Plan. However, the amended PUD and proposed uses are generally consistent with the established policy and trend of encouraging retail and multiple family uses within the area.	

ANALYSIS

The petitioner is requesting to amend the Northwest Gumwood and Cleveland Road Planned Unit Development (commonly known as the Grandview PUD) as follows:

- Refine the preliminary site plan dated 11/12/13 as approved per Petition 13-43 (Ordinance 5434) to the preliminary site plan dated 12/19/17 submitted with this petition;
- Delete assisted living and nursing homes as permitted uses;
- Reduce by one (1) the number of curb cuts on Gumwood Road;
- Reduce the minimum on-site throat/stacking area from 200 lineal feet to 115 lineal feet for each of the remaining proposed entrance points (access drives) from its intersection with the public right-of-way;
- Permit a maximum four (4) story or forty-eight (48) foot building height; and
- Allow fiber cement as an exterior building material.

The Planned Unit Development is located at the northwest corner of Gumwood Road and W. Cleveland Road (S.R. 23). The portion to be amended includes the remaining 28.05 acre undeveloped area (tax parcels 029-2017-0370.08 and 029-2017-0370.22) of the Grandview PUD and an approximate 5.5 acre area (tax parcels 029-2017-0370.23, 029-2017-0370.24, and 029-2017-0370.25) previously a part of the City North Wellfield Planned Unit Development (Petition 15-26/Ordinance 5509). The 5.5 acre area, which is not occupied by city wells nor unduly limited for future redevelopment per the adjacent well field operations, were purchased by the petitioner from the City in June 2016. While the planned unit development boundary was expanded to include these parcels, the amended preliminary site plan does not show any future development plans for this area.

The petitioner desires to construct four (4) mixed-use multi-tenant buildings shown on the preliminary site plan as Buildings "A" through "D" and the required parking areas, access drives, and related infrastructure. The buildings are proposed to include ground floor retail space, multi-family residential units, and enclosed public/private parking areas. The upper floors will consist solely of multi-family residential units. No specific retail/commercial tenants have been identified.

In addition to refining the layout of the previously approved preliminary site plan, the amendment request includes removing assisted living and nursing homes as permitted uses. It is presumed that there is less of a demand for these uses due to other assisted living and nursing home projects recently approved by the city, one of which is currently under construction.

The number of proposed curb cuts providing access to the development along Gumwood Road shall be reduced by one (1) from the previously approved preliminary site plan. Eliminating access drives and cut cuts establishes a more efficient and safer traffic flow into the development and along the highly traveled Gumwood Road corridor. The northern access is proposed at a signalized intersection and will align with Heritage Square Drive to the east. The southern access is proposed at a non-signalized intersection and will align with an existing access drive to the east located just north of Centier Bank. The Engineering Department commented that the southern access may need to be eliminated due to the presence of an existing telecommunications (AT&T) vault at this location. It may be cost prohibitive to move this vault. The Engineering Department also commented that the reduction in the number of curb cuts will require the existing deceleration lane and curb to be modified and existing drive to be removed at the developer's expense.

The petitioner shall submit a sidewalk and/or pedestrian access plan concurrent with the filing of the next detailed final planned unit development site plan. This plan shall demonstrate how pedestrian access will be provided between the existing sidewalk at the northwest corner of Gumwood Road and Concept Drive and the proposed northern access drive (the signalized intersection at Gumwood Road and Heritage Square Drive).

The minimum on-site throat/stacking area shall be reduced from 200 lineal feet to 115 lineal feet for each of the remaining proposed entrance points (access drives) from its intersection with the public right-of-way. The purpose for requiring this stacking area is to reduce the potential of vehicles backing up into the

public right-of-way due to internal on-site traffic conflicts. It is anticipated that this reduction shall still provide adequate and safe vehicular access into the development.

The maximum building height shall be four (4) stories or forty-eight (48) feet. Previously, the maximum permitted height was three (3) stories or forty-eight (48) feet to comply with the C-1 General Commercial and C-2 Shopping Center Commercial District requirements. The proposed height allows for an additional story and is generally consistent with the adjacent buildings ranging from 2-3 stories in the Grandview mixed-use development to the north to 4 stories for the Holiday Inn Express in the Toscana Park PUD to the east.

All future buildings are permitted to utilize fiber cement board as an exterior building material. Although a high quality material for which design waivers have been granted for use in other commercial and multi-family residential developments, such material is not expressly identified as an appropriate architectural material per the city's design review guidelines. Excluding this material, a minimum of two-thirds of each individual building façade facing the public right-of-way or private internal collector (access) roads within the development shall utilize appropriate architectural materials as defined per the C-1 General Commercial District.

Although not specifically requested in the petition, the building and parking setbacks will be permitted to be 0' between tax parcels 029-2017-0370.08 and 029-2017-370.22. The preliminary site plan shows proposed Buildings "A" and "C" and the adjacent parking areas crossing the common property line between these two parcels essentially treating the parcels as one lot.

Per the preliminary site plan, the existing access easement and drive currently provided between Gumwood Road and city's wellfield site is proposed to be removed. Access shall be maintained to the city's property and wellfield site via a newly established ingress/egress easement. This easement shall be recorded and dedicated on a subdivision plat, a dedication sheet recorded as part of the detailed final planned unit development site plan, or a separate ingress/egress easement document. Additionally, the petitioner shall be required to construct the off-site access drive as conceptually shown on the city-owned property to the west, or provide the necessary means to continue to utilize the existing access drive.

Similar to when the original Planned Unit Development was approved, the petitioner is only proposing to establish, or in this case, amend the range of permitted uses and basic development requirements of the planned unit development. If approved, a detailed final planned unit development site plan will be submitted at a later date concurrent with a specific development request. It is anticipated that the next development request will include proposed Buildings "A" through "D" as previously mentioned. The amended conditions of approval and development regulations are attached to this report as Exhibit "A".

RECOMMENDATION

Staff recommends in favor of amending the preliminary Northwest Gumwood and Cleveland Road Planned Unit Development (commonly known as the Grandview PUD) as follows:

- Refine the preliminary site plan dated 11/12/13 as approved per Petition 13-43 (Ordinance 5434) to the preliminary site plan dated 12/19/17 submitted with this petition;
- Delete assisted living and nursing homes as permitted uses;
- Reduce by one (1) the number of curb cuts on Gumwood Road;
- Reduce the minimum on-site throat/stacking area from 200 lineal feet to 115 lineal feet for each of the remaining proposed entrance points (access drives) from its intersection with the public right-of-way;
- Permit a maximum four (4) story or forty-eight (48) foot building height; and
- Allow fiber cement as an exterior building material.

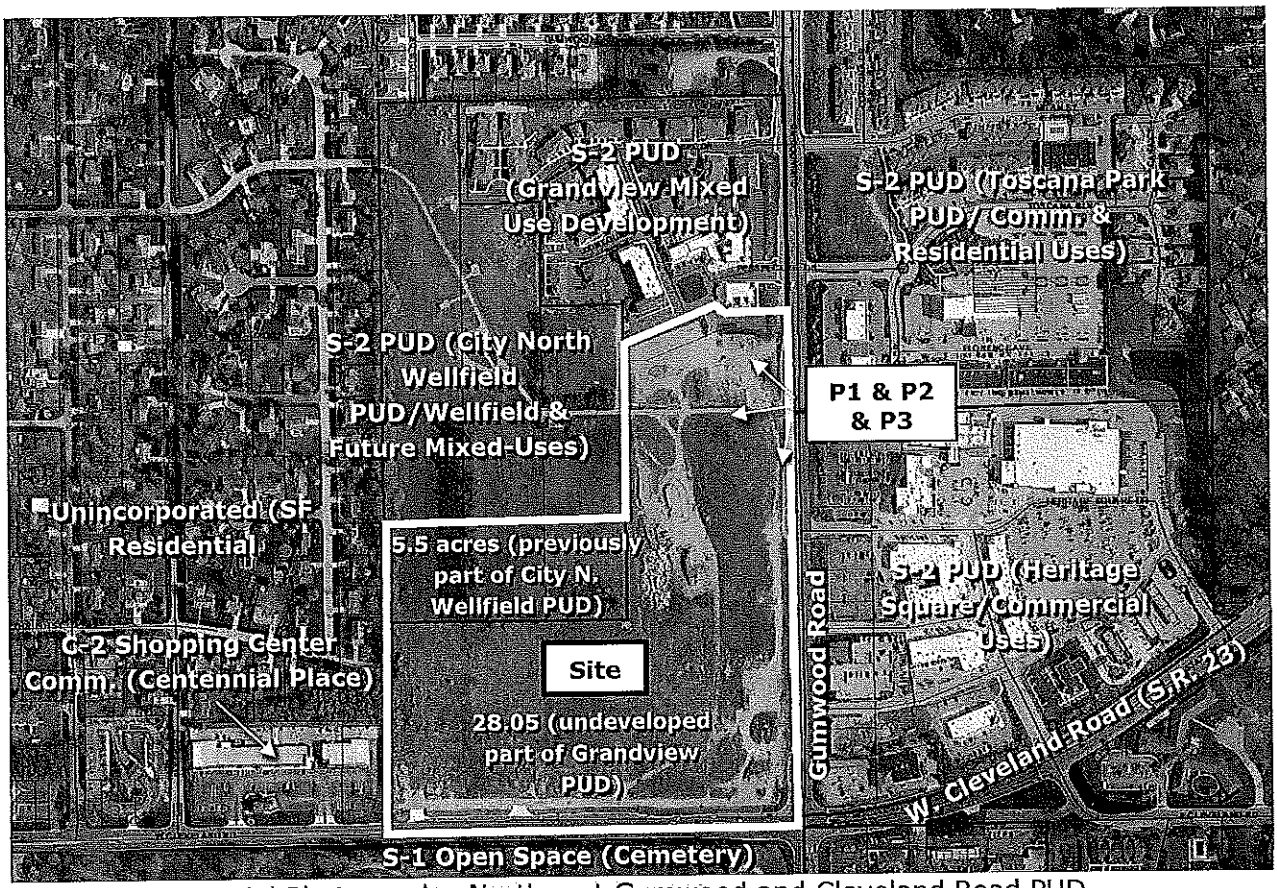
The amended conditions of approval and development regulations, *with changes italicized*, are attached as Exhibit "A". Omissions from the original conditions and development regulations were made when appropriate.

This recommendation is based on the following findings of fact:

1. Existing Conditions - The subject parcels are located on Gumwood Road and S.R. 23, both heavily traveled corridors. Existing similar multi-residential and commercial developments are located to the north and across Gumwood Road to the east.
2. Character of Buildings in Area - The character of a majority of the buildings along Gumwood Road and W. Cleveland Road (S.R. 23) are commercial. The buildings north and west of the proposed site are predominantly multi-family and single-family residential making the proposed transitional mixed-uses on the north side of the PUD property appropriate.
3. The most desirable/highest and best use – Due to the parcels' location and the significant commercial development along the Main Street/Gumwood Road corridor combined with the adjacent multi-family and single-family residential uses, the most desirable use for the property is a transitional mix of commercial and residential uses.
4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area due to the similar adjacent commercial and mixed-use retail and multi-family residential uses.
5. Comprehensive Plan - Although this specific property was not guided in the Mishawaka 2000 plan, the petition is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan. The Plan, created in 1990, guided general commercial uses along the Main Street (Gumwood Road extended) corridor. The continued change and expansion of the commercial areas of the City are proportionate to the substantial residential growth that occurred in an almost uncontrolled manner in the unincorporated County from the time of adoption of the Mishawaka 2000 Comprehensive Plan in the early 1990's.

ATTACHMENTS

Aerial Map, Photographs, Exhibit A – Conditions of Approval, Petition, Prior Preliminary PUD Site Plan (as approved per Petition 13-43/Ordinance 5434), Amended Preliminary Site Plan, Building Floor Plans and Elevations for Proposed Buildings "A" through "D"



Aerial Photograph - Northwest Gumwood and Cleveland Road PUD

P1. Looking southerly from the existing access drive on Gumwood Road toward the site.

P2. Looking westerly along the existing access drive on Gumwood Road toward the site.

P3. Looking northwesterly from the existing access drive on Gumwood Road toward the site and the existing buildings within the Grandview PUD to the north.

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurt Vardaman, Deputy Controller

Date: January 8, 2018

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: **Presentment of voided two year old checks**

Pursuant to IC 5-11-10.5, all checks outstanding and unpaid for a period two years as of December 31st of each year are voided and receipted back into their original fund. This list is to be presented to the fiscal body by March 1st of each year.

Please contact me with any questions.

c: David A. Wood

RECEIVED
DEBORAH S. BLOCK, MMC
JAN 09 2018
CITY CLERK
MISHAWAKA, IN

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2015 - To Payment Date: 12/31/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
LCGN - LCB GENERAL									
Check									
15495	01/20/2015	Open			Accounts Payable	GARDNER, DONALD, G	$36.60		
15526	01/20/2015	Open			Accounts Payable	RICHARDSON, SETH, C	$6.05		
15539	01/20/2015	Open			Accounts Payable	WHITEMAN, CHAD, A	$8.31		
15830	02/03/2015	Open			Accounts Payable	DOYLE, KELLY	$27.20		
15847	02/03/2015	Open			Accounts Payable	JOHNSON, TEAKA, L	$87.26		
15872	02/03/2015	Open			Accounts Payable	RILEY, BRENT, L	$24.55		
15894	02/03/2015	Open			Accounts Payable	WIRGAU, JAXON, G	$160.83		
16028	02/03/2015	Open			Accounts Payable	SECRETARY OF THE COMMISS IURC	$106.03		
16351	02/17/2015	Open			Accounts Payable	ALOTAIBI, EID, R N	$3.18		
16353	02/17/2015	Open			Accounts Payable	BARKER, CHRISTOPHER	$3.42		
16356	02/17/2015	Open			Accounts Payable	CHOCKLEY, CHRISTOPHER, R	$22.94		
16361	02/17/2015	Open			Accounts Payable	CUKROWICZ, STEPHEN, F	$20.79		
16389	02/17/2015	Open			Accounts Payable	MIDDLEBROOKS, ANTONITA, R	$5.63		
16398	02/17/2015	Open			Accounts Payable	TODD, CHRISTOPHER, R	$3.77		
16488	03/03/2015	Open			Accounts Payable	DE BUSK, STEPHEN, S	$15.12		
16490	03/03/2015	Open			Accounts Payable	DOMBROWSKI, KEVIN, J	$5.96		
16510	03/03/2015	Open			Accounts Payable	KLINE, STEFANIE, J	$8.57		
16511	03/03/2015	Open			Accounts Payable	KULCZAR, DYLAN, J	$9.64		
16515	03/03/2015	Open			Accounts Payable	LEHMAN, JESSICA, F	$65.32		
16521	03/03/2015	Open			Accounts Payable	MICKOW-SIMPKINS, CATHERINE	$27.48		
17135	03/31/2015	Open			Accounts Payable	ALABBUD, FAISAL, SM	$18.35		
17159	03/31/2015	Open			Accounts Payable	DAVIS, ROBERT	$6.36		
17189	03/31/2015	Open			Accounts Payable	LOWRY, TERRY, L	$11.85		
17211	03/31/2015	Open			Accounts Payable	RICKETTS, TRACY, E	$22.25		
17219	03/31/2015	Open			Accounts Payable	SCHEIBEL, JR., KEVIN, E	$25.45		
17728	04/28/2015	Open			Accounts Payable	ANTONELLI, JOHN, G	$18.01		
17745	04/28/2015	Open			Accounts Payable	BOREM, JOSEPH, M	$80.00		
17769	04/28/2015	Open			Accounts Payable	EBERT, KIMBERLY, J	$9.12		
17776	04/28/2015	Open			Accounts Payable	FOWLKES, ROSEMARY, J	$3.00		
17777	04/28/2015	Open			Accounts Payable	FOWLKES, ROSEMARY, J	$29.62		
17810	04/28/2015	Open			Accounts Payable	LICHTENFELS, EMILY	$2.75		
17857	04/28/2015	Open			Accounts Payable	STACKED INC	$22.09		
17868	04/28/2015	Open			Accounts Payable	UDOFOT, BASSEY	$95.47		
17871	04/28/2015	Open			Accounts Payable	VANZANT, MICHAEL, A	$127.73		
17949	04/28/2015	Open			Accounts Payable	HARNESS, EVELYN , L	$72.82		
18354	05/12/2015	Open			Accounts Payable	CYBULSKI, RON	$457.00		
18391	05/12/2015	Open			Accounts Payable	EDMONDSON, JAMESHIA, T	$4.60		
18416	05/12/2015	Open			Accounts Payable	MARTIN, CLARIKA, D	$18.55		
18433	05/12/2015	Open			Accounts Payable	RAGER, JESSICA, M	$0.63		
18434	05/12/2015	Open			Accounts Payable	REAL ONE RESIDENTIAL BROKERS LLC	$241.85		
18450	05/12/2015	Open			Accounts Payable	SUNRISE TANNING SALON	$424.64		
18498	05/26/2015	Open			Accounts Payable	AMES, THEODORE , W	$83.11		
18499	05/26/2015	Open			Accounts Payable	AUGUSTINE, TERESITA, A	$0.19		
18505	05/26/2015	Open			Accounts Payable	CAMPAU, DERRIK, J	$33.74		
18532	05/26/2015	Open			Accounts Payable	KHA, HUONG, N	$31.75		
18540	05/26/2015	Open			Accounts Payable	MC BRIDE, ARNIKA, C	$48.52		

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2015 - To Payment Date: 12/31/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
18543	05/26/2015	Open			Accounts Payable	MORIN, MCKENZIE, L	$4.23		
18561	05/26/2015	Open			Accounts Payable	SCHMIDT, SHANNON, L	$81.30		
18892	06/09/2015	Open			Accounts Payable	ALHALAFI, ADEL, G	$61.35		
18903	06/09/2015	Open			Accounts Payable	BROWN, JESSICA, RENEE	$62.38		
18904	06/09/2015	Open			Accounts Payable	BURNS, STACEY, M	$32.31		
18939	06/09/2015	Open			Accounts Payable	PATTERSON, ROBERT, A	$88.58		
18947	06/09/2015	Open			Accounts Payable	ROSE, KIMBERLY, C	$3.37		
18949	06/09/2015	Open			Accounts Payable	SIMPSON, TYNE, M	$5.40		
18963	06/09/2015	Open			Accounts Payable	WILLIAMS, MONTY , D	$31.50		
18965	06/09/2015	Open			Accounts Payable	WITTENHAGEN, JEFFREY, A	$1.52		
19255	06/23/2015	Open			Accounts Payable	GERICK, SHAWNTEL	$10.46		
19276	06/23/2015	Open			Accounts Payable	LAPEHN, MELISSA	$2.42		
19278	06/23/2015	Open			Accounts Payable	LI, ZUOHONG	$80.58		
19325	06/23/2015	Open			Accounts Payable	TRUJILLO, MICHAEL, J	$23.57		
19335	06/23/2015	Open			Accounts Payable	WOODLOCK, MICHAEL, B	$83.35		
19578	07/07/2015	Open			Accounts Payable	AHMED, MOHAMMAD, S	$21.98		
19582	07/07/2015	Open			Accounts Payable	BAXTER, MICHAEL, W	$51.75		
19588	07/07/2015	Open			Accounts Payable	BRAGG, RUTH, ANN	$8.45		
19622	07/07/2015	Open			Accounts Payable	MILLER, ORRY, M	$30.08		
19636	07/07/2015	Open			Accounts Payable	TOTH, BONNIE, F	$2.47		
20141	07/22/2015	Open			Accounts Payable	BASTEDO, MEGAN, R	$0.91		
20179	07/22/2015	Open			Accounts Payable	FONTENOT, JACOB, M	$121.12		
20199	07/22/2015	Open			Accounts Payable	HOLDERMAN, JANET, L	$47.67		
20256	07/22/2015	Open			Accounts Payable	NISWONGER, ALYSSA, K	$23.91		
20332	07/22/2015	Open			Accounts Payable	WOTRING, MEGAN, E	$1.31		
20448	08/04/2015	Open			Accounts Payable	MORROW, KATHLEEN	$13.77		
20457	08/04/2015	Open			Accounts Payable	PATILLO, PASCIA, N	$12.12		
20461	08/04/2015	Open			Accounts Payable	RESHAN, NOAH, M	$89.29		
20468	08/04/2015	Open			Accounts Payable	SINGLETON, RUTH, A	$23.89		
20949	08/18/2015	Open			Accounts Payable	HOWLAND, ANN	$8.98		
20984	08/18/2015	Open			Accounts Payable	NOFFSINGER, TODD, M	$29.32		
21007	08/18/2015	Open			Accounts Payable	SHEPARD, JORDAN, M	$33.43		
21112	09/01/2015	Open			Accounts Payable	BOEN, JEWELIANNA, L	$2.42		
21139	09/01/2015	Open			Accounts Payable	GIRALDO-CALDERON, GLORIA, I	$13.16		
21142	09/01/2015	Open			Accounts Payable	GREER, KYLE, W	$82.82		
21145	09/01/2015	Open			Accounts Payable	HANCOCK, ALFRED	$9.18		
21177	09/01/2015	Open			Accounts Payable	RATHWICK, DEAVEN, R	$7.57		
21178	09/01/2015	Open			Accounts Payable	REX, PAULA, J	$5.21		
21181	09/01/2015	Open			Accounts Payable	SHAFER, TIMOTHY	$89.95		
21199	09/01/2015	Open			Accounts Payable	WAKE, DYSON, T	$6.18		
21251	09/01/2015	Open			Accounts Payable	G.A.T.E. AMERICA INCORPORATED	$250.00		
21439	09/15/2015	Open			Accounts Payable	ALZAHRANI, KHALID, M	$20.83		
21440	09/15/2015	Open			Accounts Payable	AUBLE, KYLE	$69.86		
21444	09/15/2015	Open			Accounts Payable	BIRCH, BENJAMIN, E	$60.45		
21445	09/15/2015	Open			Accounts Payable	BLANKENSHIP, JACOB, T	$23.67		
21455	09/15/2015	Open			Accounts Payable	CULP, SARAH, P	$31.26		
21509	09/15/2015	Open			Accounts Payable	SCHEIDLER, NICOLE, H	$37.98		
21524	09/15/2015	Open			Accounts Payable	WENTLAND, ANDREW, E	$49.59		
22047	09/29/2015	Open			Accounts Payable	FAN, YICONG	$78.16		
22052	09/29/2015	Open			Accounts Payable	FERRELL, DANIEL, F	$62.98		

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2015 - To Payment Date: 12/31/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
22057	09/29/2015	Open			Accounts Payable	GAREN, THOMAS, F	$94.27		
22088	09/29/2015	Open			Accounts Payable	KURIEN, VINCY	$54.42		
22089	09/29/2015	Open			Accounts Payable	LACY, APRIL, L	$34.71		
22093	09/29/2015	Open			Accounts Payable	LUBBEN, MICHAEL, J	$71.56		
22143	09/29/2015	Open			Accounts Payable	SHIPP, ALLAN	$4.86		
22206	10/13/2015	Open			Accounts Payable	DERICKSON, JENNIFER, M	$5.58		
22228	10/13/2015	Open			Accounts Payable	KINNEAR, CHAD, D	$0.51		
22232	10/13/2015	Open			Accounts Payable	LONG, TIMOTHY, D	$3.86		
22248	10/13/2015	Open			Accounts Payable	TAVERNIER, RAYMOND	$0.28		
22450	10/13/2015	Open			Accounts Payable	ANGLEMYER, SETH	$6.06		
22578	10/27/2015	Open			Accounts Payable	PEREZ, DANIEL, D	$3.71		
22593	10/27/2015	Open			Accounts Payable	TONGYING, PORNTHIP	$87.77		
22875	11/10/2015	Open			Accounts Payable	BLAND, LAURA	$100.00		
22878	11/10/2015	Open			Accounts Payable	BURCH, JASON, D	$3.37		
22895	11/10/2015	Open			Accounts Payable	GAITAN, PETER, S	$0.39		
22902	11/10/2015	Open			Accounts Payable	HABINSHUTI, VICTOR	$3.70		
22905	11/10/2015	Open			Accounts Payable	HAXTON, JOSHUA, N	$8.08		
22945	11/10/2015	Open			Accounts Payable	RODRIGUEZ, RYAN, F	$77.88		
22950	11/10/2015	Open			Accounts Payable	SEARS, KAREN, L	$14.76		
23191	11/24/2015	Open			Accounts Payable	BROWN-ORTH, EARL, R	$6.10		
23203	11/24/2015	Open			Accounts Payable	ERLANDSON, ARVID, M	$7.90		
23206	11/24/2015	Open			Accounts Payable	FOFANA, LYNDA	$12.45		
23233	11/24/2015	Open			Accounts Payable	LUCAS, ROBERT, A	$9.92		
23244	11/24/2015	Open			Accounts Payable	MHANGO, HENZ, R	$140.98		
23287	11/24/2015	Open			Accounts Payable	WROBLEWSKI, ELIZABETH, K	$74.62		
23592	12/08/2015	Open			Accounts Payable	DAVIS JR., OSCAR, E	$17.89		
23596	12/08/2015	Open			Accounts Payable	FANG, YAN	$56.07		
23608	12/08/2015	Open			Accounts Payable	HUANG, JUN	$59.35		
23611	12/08/2015	Open			Accounts Payable	INMAN, NADINE, F	$1.98		
23615	12/08/2015	Open			Accounts Payable	KANE, MATTHEW, T	$37.79		
23636	12/08/2015	Open			Accounts Payable	NATIONSTAR MORTGAGE	$59.92		
23648	12/08/2015	Open			Accounts Payable	SHAMMAS, DIANA, NATALIA	$36.26		
23667	12/08/2015	Open			Accounts Payable	WELDY, STEPHANIE, J	$251.17		
23916	12/22/2015	Open			Accounts Payable	BISHOP, JOSHUA, A	$2.94		
23919	12/22/2015	Open			Accounts Payable	BOGNAR-YOUNG LANDSCAPE NURSERY	$55.79		
23955	12/22/2015	Open			Accounts Payable	KELVER, ERIC	$42.39		
23962	12/22/2015	Open			Accounts Payable	KRUEGER, JUDITH, M	$56.12		
23973	12/22/2015	Open			Accounts Payable	MEADE, TYLER, P W	$16.34		
23979	12/22/2015	Open			Accounts Payable	PEACOCK, KALENE, D	$9.66		
Type Check Totals:					135 Transactions		$6,063.55		
LCGN - LCB GENERAL Totals									

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2015 - To Payment Date: 12/31/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name		Transaction Amount	Reconciled Amount	Difference
				Checks	Status	Count	Transaction Amount		Reconciled Amount	
					Open	135	$6,063.55		$0.00	
					Total	135	$6,063.55		$0.00	
				All	Status	Count	Transaction Amount		Reconciled Amount	
					Open	135	$6,063.55		$0.00	
					Total	135	$6,063.55		$0.00	

Grand Totals:

				Checks	**Status**	**Count**	**Transaction Amount**		**Reconciled Amount**	
					Open	**135**	**$6,063.55**		**$0.00**	
					Total	**135**	**$6,063.55**		**$0.00**	
				All	**Status**	**Count**	**Transaction Amount**		**Reconciled Amount**	
					Open	**135**	**$6,063.55**		**$0.00**	
					Total	**135**	**$6,063.55**		**$0.00**	

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller

Date: January 12, 2018

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: Amend Civil City 2018 Salary Ordinance 5592

I respectfully request first and second reading on the salary amendment as we are into the new year and our first payroll is the 12th.

These changes are due to the negotiated contract changes for fire and police that were not approved until late in the year, and an insurance plan restriction brought to our attention.

Fire:

1. Fire Inspector is the same as the Lieutenant salary.
2. Those employees who were Master Firefighters are now 1st Class firefighters and receive an additional $100 annual pay.
3. Those employees who were 1st Class Firefighters are now Master Firefighters.
4. There is no longer a maximum mandatory $2000 separation between 1st Class and Master.
5. Out Of Rank pay has been eliminated.

Police:

1. New hires in the following ranks are locked in to 2017 salaries:
    a. 2nd Class Patrol Officer
    b. Probationary Officer
    c. Recruit
2. There is no longer the mandatory $2000 separation between 1st and 2nd Class.
3. 2nd shift and 3rd shift receive an additional $350 and $700 annually respectively.

Assistant City Attorneys:

1. Due to their part time status it has been determined that, they are not eligible for the City's health insurance. Each attorney will receive $500 per month as an insurance stipend in lieu of participating in the plan.

Please contact me with any questions.

c: David A. Wood, Mayor
Geoff Spiess, Corporation Counsel

1st Reading 1-15-18
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC
JAN 12 2018
CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2018 -01

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 5592 FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2018.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, THAT:

Section 1. Ordinance number 5542 passed by the Common Council of the City of Mishawaka, Indiana, on the 18th of September, 2017 is hereby amended as follows:

	BIWEEKLY SALARY
FIRE – CHANGE:	
FIRE INSPECTOR	2,255.97
1st CLASS FIREFIGHTER	2,168.44
MASTER FIREFIGHTER	2,086.90
POLICE – ADD:	
NEW HIRES after 01/01/18:	
2nd CLASS PATROL OFFICER	2,064.26
PROBATION	1,875.18
POLICE RECRUIT	1,638.44
2ND SHIFT DIFFERENTIAL	13.46
3RD SHIFT DIFFERENTIAL	26.92

	ANNUAL/MISC
FIRE – REMOVE:	
~~OUT OF RANK PAY:~~	~~PER OCCURRENCE~~
~~FIREFIGHTER TO DRIVER~~	~~10~~
~~DRIVER TO OFFICER~~	~~25~~
~~OFFICER TO HIGHER RANKING OFFICER~~	~~25~~
~~FIREFIGHTER TO OFFICER~~	~~25~~
~~FIRE APPARATUS ASSIGNED TO AMBO~~	~~30~~
ADD:	
INSURANCE STIPEND – ASST CITY ATTORNEY AND COUNCIL ATTORNEY	$500/Month

Section 2. This ordinance shall be in full force and effect from and after its signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on

this _____ day of _____2018, at _____o'clock, ___.m.

_____
Matthew Mammolenti, President

ATTEST:

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

PRESENTED BY ME, to the Mayor on this _____ day of _____ 2018, at _____o'clock, __.m.

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

APPROVED BY ME this _____ day of _____, 2018, at _____ o'clock, __.m.

_____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC
JAN 10 2018
CITY CLERK
MISHAWAKA, IN

1st Reading 1-15-18
2nd Reading
Passed
Failed
Continued To

PETITION 18-03

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-02

ORDINANCE NO. _____

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

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

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

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

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

Lots 14 and 15 of the recorded plat of Smalley's Addition to the City of Mishawaka, as recorded in the office of the Recorder of St. Joseph County, Indiana.

COMMON ADDRESS: 3805 Lincolnway East

which real estate is now classified as C-7 Automobile Oriented Restaurant Commercial District shall hereafter be within and a part of that District known as C-9 Automobile Sales 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 –Lincolnway East is a major east/west corridor, with a wide variety of commercial and residential uses.

2. Character of Buildings – The existing business has striped parking spaces for just over 20 vehicles. The rezoning will require landscaping and access upgrades be made to the site.

3. The most desirable/highest and best use – Being along one of most heavily travelled corridors in the City, the most desirable use of the property is a higher intensity commercial use.

Proposed Ordinance No: 18-02

Ordinance No: _____

4. Conservation of property values – The rezoning should not be injurious to property values in the area. The Lincolnway East corridor is a mix of residential, commercial, and automotive uses, therefore, C-9 Automobile Sales uses are compatible with the existing uses along the corridor from Capital to Bittersweet.

5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, identified most of the Lincolnway corridor, between Capital and Bittersweet as General Commercial. Since the C-9 District still allows all C-1 General Commercial uses, it still meets the goals of the Comprehensive Plan.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____day of _____, 2018, at _____ o'clock ___.M.

_____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _____ day of _____, 2018, at _____ o'clock _____.M.

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

APPROVED by me this _____ day of _____, 2018, at _____o'clock ____.M.

_____
David A. Wood, Mayor

Date: December 1, 2017

To the: Honorable Members of the Common Council,
City of Mishawaka, Indiana:

RE: J2K Investments, Ind. Petition for Rezoning:

The undersigned, for J2K Investments, Inc., respectfully show that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

That part of the Northeast Quarter of Section 13, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Lots # 13 and # 14 of the Plat of "Smalley's Addition to the City of Mishawaka" as recorded in the records of the St. Joseph County, Indiana Recorders Office.
Containing 0.28 acres more or less.
Subject to all legal highways, Easements and restrictions of record.
Also, commonly known as 3805 Lincolnway East, Mishawaka, Indiana 46544.

The above described parcel is presently zoned: C-7 Commercial District.
Petitioners desire said real estate to be rezoned to C-9 Commercial District. The purpose for the rezoning is to allow for the operation of automotive sales lot.

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

John M. Crites

For J2K Investments, Inc. – Property Owner
3805 Lincolnway East
Mishawaka, Indiana 46544

PET 19-03

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BUILDING, PLANNING
COMMUNITY DEVELOPMENT

Contact person:
Michael Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
(574) 234-4003,
mdanch@danchharner.com

RECEIVED
DEBORAH S. BLOCK MMC
DEC 28 2017
CITY CLERK
MISHAWAKA, IN

DHA Danch, Harner & Associates, Inc.

Michael J. Danch, L.A., ASLA
Ron Harner, P.S.

Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

Honorable Members of the Common Council,
City of Mishawaka, Indiana
600 East 3rd Street
Mishawaka, Indiana 46544

December 1, 2017

RE: J2K Investments, Inc. Petition for Rezoning:

Dear Council Members;

Please accept this letter as written confirmation that we have granted Danch, Harner & Associates, Inc. to represent us at all required Council meetings for our rezoning request for property at 3805 Lincolnway East, Mishawaka, Indiana.

If you have any questions concerning this matter please feel free to give me a call at 574-535-8242.

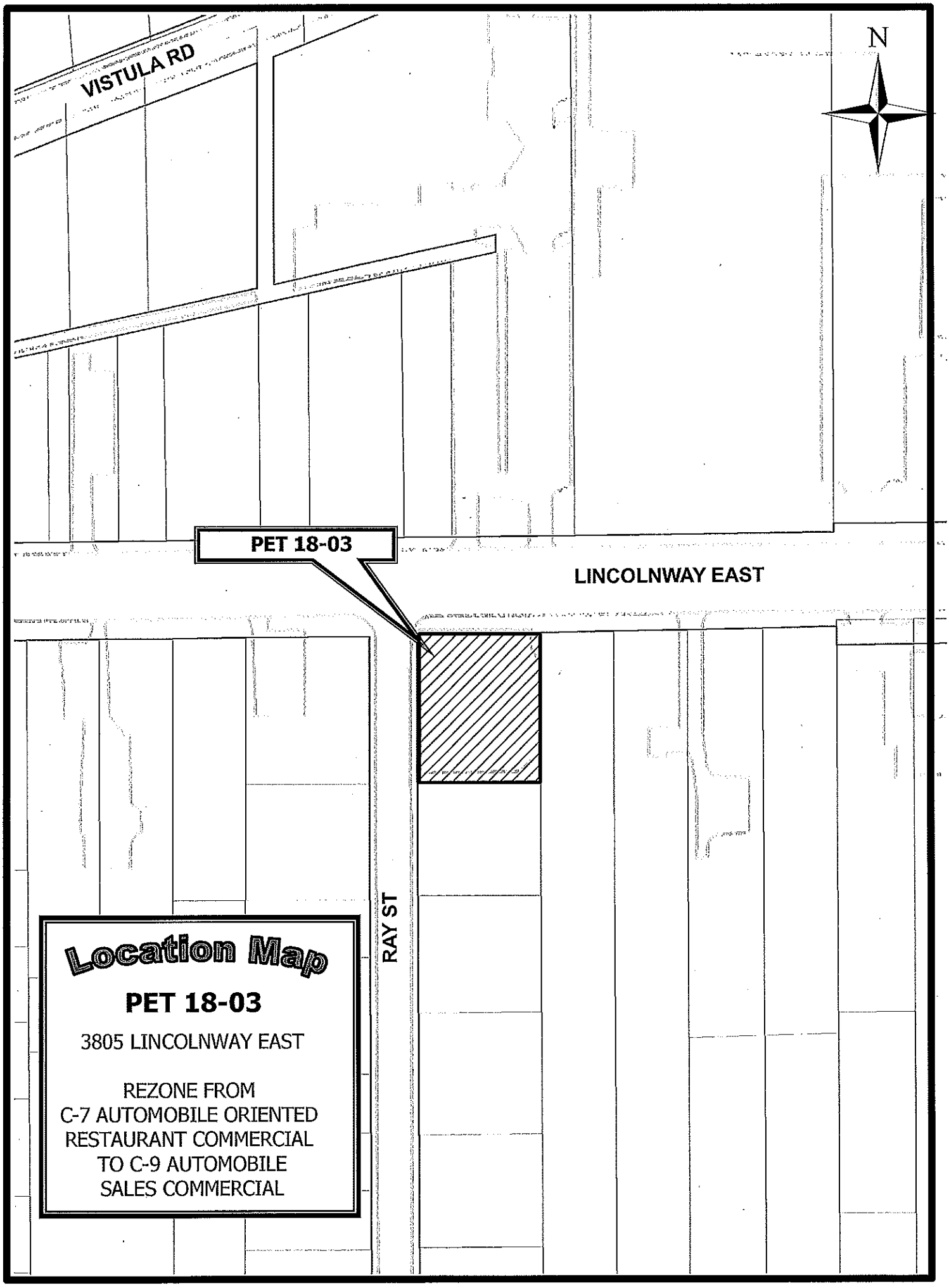
Sincerely,

John M. Crites

For J2K Investments, Inc.
3805 Lincolnway East
Mishawaka, Indiana 46544

1643 Commerce Drive • South Bend, IN 46628
Office: (574) 234-4003 / (800) 594-4003 • Fax: (574) 234-4119

208 West Mars • Berrien Springs, MI 49103
Office: (269) 471-3010 • Fax: (269) 471-7237


VISTULA RD
N
PET 18-03
LINCOLNWAY EAST
RAY ST
Location Map
PET 18-03
3805 LINCOLNWAY EAST
REZONE FROM
C-7 AUTOMOBILE ORIENTED
RESTAURANT COMMERCIAL
TO C-9 AUTOMOBILE
SALES COMMERCIAL

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DEBORAH S. BLOCK, MMC
JAN 10 2018
CITY CLERK
MISHAWAKA, IN

1st Reading 1-15-18
2nd Reading
Passed
Failed
Continued To

PETITION 18-04

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-03

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

LOT 2 AND A PART OF LOT 1 IN GUMWOOD ROAD DEVELOPMENT P.U.D. SUBDIVISION, RECORDED AS INSTRUMENT NUMBER 1518561 IN THE RECORDER'S OFFICE OF ST. JOSEPH COUNTY, INDIANA AND ALSO BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2, THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID LOT 2 EXTENDED, 912.90 FEET; THENCE NORTH 89°27'41"EAST, 782.68 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 2; THENCE NORTH 00°28'12" WEST ALONG THE WEST LINE OF SAID LOT 2, 562.65 FEET; THENCE NORTH 68°36'22" EAST, 327.80 FEET; THENCE SOUTH 21°40'35" EAST, 37.48 FEET; THENCE NORTH 89°46'50" EAST, 171.07 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE SOUTH 00°31'05" EAST ALONG THE EAST LINE OF SAID LOTS 1 AND 2, 1531.34 FEET; THENCE SOUTH 44°28'18" WEST, 35.36 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 2; THENCE SOUTH 89°27'41" WEST ALONG THE SOUTH LINE OF SAID LOT 2, 1249.18 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 33.80 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

COMMON ADDRESS: Northwest Corner of Gumwood Road and Cleveland Road

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to refine the plan; delete the option of constructing assisted living housing and nursing homes; reduce the number of curb cuts on Gumwood

Road; reduce the minimum distance of "throat/stacking area"; permit building heights up to four (4) stories and forty-eight feet (48'); and allow "fiber cement" as an exterior building material. The amended conditions of approval and development regulations, *with changes italicized*, are attached as Exhibit "A". Omissions from the original conditions and development regulations were made when appropriate.

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

1. Existing Conditions - The subject parcels are located on Gumwood Road and S.R. 23, both heavily traveled corridors. Existing similar multi-residential and commercial developments are located to the north and across Gumwood Road to the east.

2. Character of Buildings in Area - The character of a majority of the buildings along Gumwood Road and W. Cleveland Road (S.R. 23) are commercial. The buildings north and west of the proposed site are predominantly multi-family and single-family residential making the proposed transitional mixed-uses on the north side of the PUD property appropriate.

3. The most desirable/highest and best use – Due to the parcels' location and the significant commercial development along the Main Street/Gumwood Road corridor combined with the adjacent multi-family and single-family residential uses, the most desirable use for the property is a transitional mix of commercial and residential uses.

4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area due to the similar adjacent commercial and mixed-use retail and multi-family residential uses.

5. Comprehensive Plan - Although this specific property was not guided in the Mishawaka 2000 plan, the petition is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan. The Plan, created in 1990, guided general commercial uses along the Main Street (Gumwood Road extended) corridor. The continued change and expansion of the commercial areas of the City are proportionate to the substantial residential growth that occurred in an almost uncontrolled manner in the unincorporated County from the time of adoption of the Mishawaka 2000 Comprehensive Plan in the early 1990's.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____day of _____, 2018, at _____ o'clock ___.M.

_____
Presiding Officer

Proposed Ordinance No: 1803

Ordinance No: _____

ATTEST:

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

PRESENTED by me to the Mayor this _____ day of _____, 2018, at _____ o'clock _____.M.

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

APPROVED by me this _____ day of _____, 2018, at _____o'clock ____.M.

_____
David A. Wood, Mayor

PETITION 18-04
EXHIBIT "A"

Northwest Gumwood & S.R. 23 Conditions of Approval

Traffic Impact:

1. The following general conditions shall apply. More specifics and refinements shall be made with each final planned unit development plan submission. A Traffic Impact Study may be required as determined by the City Director of Engineering. All traffic/transportation improvements required for the completion of this project (including but not limited to Gumwood Road and State Road 23) shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering, subject to modification by any potential development agreement with the City should one or more be established. The intent is not to have the applicant build the road for additional function for pass-through traffic, rather that any required turn lanes, widening, access control required as a result of this project be provided to ensure that proposed levels of service (based on proposed improvements) are maintained.

    a. Any additional right-of-way required for both Gumwood Road and State Road 23 improvements associated with the proposed development project shall be dedicated. There is a need to coordinate the timing of pending State and County improvements with the needed/required improvements of the development. Phasing of improvements associated with this project shall be as determined by the City Director of Engineering in coordination with other applicable jurisdictions.

    b. The number and or type of curb cuts shall be limited as determined appropriate by the City Director of Engineering and the applicable road authority/ jurisdictions.

    c. All improvements required shall be paid for by the developer and shall be identified as part of the phasing plan for the project.

Proposed Uses:

1. *Commercial uses shall be limited to those identified within the C-1 General Commercial and C-2 Shopping Center Commercial zoning districts. Multi-Family Residential uses may be allowed.*

2. Off-premise signs/billboards shall be prohibited.

3. Outside storage and display shall be prohibited.

4. All loading docks, dumpsters, ATM machines, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.

Road and Pedestrian Connections:

1. *A hierarchy of the internal vehicular road network shall be provided. A minimum access throat/stacking area of 115 lineal feet on the site shall be provided at each proposed entrance point from its intersection with the public right-of-way. Turning lanes within*

the site are a necessity. Internal stacking and turning movements at intersections shall be provided and protected based on actual proposed uses as the planned unit development is built out. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.

2. Access and utility easements shall be dedicated to adjacent properties, including the City Well Field and Centennial Plaza.

3. *A sidewalk and/or pedestrian access plan shall be submitted concurrent with the filing of the first final planned unit development site plan submission.*

Stormwater run-off:

1. The type of stormwater facilities proposed within the PUD shall be limited/restricted as required by City well-head protection standards and as may be directed by the City Director of Engineering based on the close proximity of the City Well Field. The purpose is to limit potential groundwater infiltration in that area.

2. An emergency overflow outlet for proposed retention ponds into City storm sewers may be provided by the City if deemed appropriate by the City Director of Engineering.

Lighting:

1. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. Shielding of lighting shall be required in the areas to the rear of buildings adjacent to (in sight of) residential areas.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 44+ acre site) and to otherwise further the intent of this chapter as follows:

    a) A maximum of (4) monument type signs may be located along Cleveland Road/S.R. 23 and (6) monument signs may be located along Gumwood Road. The maximum standard for area and height calculations for monument signs shall be further restricted as follows: the maximum sign area shall be limited to a maximum of 60 square feet (rather than 75 square feet) with a maximum length of any sign not exceeding 12 feet.

    b) Three freestanding identification/development signs for the entire planned unit development (not just for one tenant/occupant) shall be permitted in addition to the monument signage. One may be located along State Road 23. One may be located along Gumwood Road. And one may be located at the intersection of State Road 23 and Gumwood Road. The sign at the intersection of State Road 23 and Gumwood sign shall be limited to a maximum of 20 feet in height and 120 square feet in area. The Gumwood Road and State Road 23 signs shall be limited to a maximum of 12 feet in height and 96 square feet in area.

    c) A sign easement shall be provided to the City of Mishawaka well field property, located at the proposed entrance opposite Heritage Square Drive. This sign shall be subject limited to a maximum of 60 square feet with a maximum length not exceeding 12 feet.

d) Signs shall be located a minimum of 200 feet apart from one another (including the sign easement) except that signs may be located closer where an entrance drive is located between them.

2. All freestanding signs shall have a masonry base.

3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

4. Seasonal banners and general development identification banners may be allowed for decorative and parking lot light poles throughout the center.

5. Temporary Construction fence coverings which may include information about the project, elevations, renderings, slogans, logos and coming soon info may be allowed.

6. Directory Kiosks placed strategically around the center to help customers locate businesses with a directory map of the development and advertising for retailers and other businesses may be allowed.

7. Freestanding sandwich boards may be placed internally in the development, but shall not be placed where readable from SR 23 or Gumwood Road.

Landscaping:

1. A 3-foot high earth mounding shall be provided along Gumwood Road and State Road 23. A minimum 25-foot green buffer area shall be required along both corridors. Each buffer area shall comply with the landscape requirements of the C-1 General Commercial zoning district.

2. Utility areas shall be provided separate from required landscaped areas. If utilities are located within the 25 foot green area, an additional 10 feet of green area shall be required for planting.

3. A 2-foot high earthen mound planted with evergreen trees, minimum 8' height, and spaced 10' to12' max along with a 6' minimum height opaque fence shall be provided along the west property line abutting existing residential property.

4. If decorative ponds with fountains are proposed along public roadways, the landscaping requirement shall be reduced to eliminate the need for the 2' berm and shrubbery/low planting between the road and building/parking areas and where the normal water elevation of the pond is located.

5. All developments within the PUD, including the multi-family residential development, shall comply with the landscape requirements of the C-1 General Commercial zoning district. This shall be in addition to any required buffer planting.

6. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission. Phasing of installation shall occur concurrent with development, except that the Planning Commission may require the installation of screening and buffering along property lines prior to when adjacent developments are proposed when deemed necessary/appropriate.

Parking:

1. A minimum of (1.5) parking spaces per residential unit shall be provided for the multi-family residential use. Parking ratio may be reduced to a minimum of (1.25) per residential units for one bedroom apartments only. Garages, parking lots, and on-street parking may be utilized for required parking.

2. All other uses shall comply with the corresponding parking requirements as identified in the City of Mishawaka Zoning Ordinance.

Building/Parking Setbacks:

1. A minimum 50' building setback shall be provided along Gumwood Road and S.R. 23/Cleveland Road.

2. A minimum 25' parking setback shall be provided along Gumwood Road, S.R. 23/Cleveland Road.

3. A minimum 35' building setback shall be provided along the north property line adjacent to Gumwood Crossings and along the west property line abutting existing residential property.

4. A minimum 25' building setback and a 10' parking setback shall be property along the west property line adjacent to Centennial Plaza.

5. A minimum 25' building and 10' parking setback shall be provided along property adjacent to City of Mishawaka owned property.

6. *A minimum 10' building and parking setback shall be provided along internal roads and between outlot property lines within the Planned Unit Development. However, a 0' building and parking setbacks may be allowed between tax parcels 029-2017-0370.08 and 029-2017-370.22. A 0' parking setback may also be allowed to provide for shared parking bays at various locations within the development as deemed appropriate by the Planning Commission upon review as part of each subsequent final planned unit development site plan submission.*

Building Height & Architectural Material Standards:

1. *All buildings shall be a maximum of four (4) stories or forty-eight (48) feet in height.*

2. *All buildings shall be permitted to utilize fiber cement board as an appropriate exterior building material. Excluding this material, a minimum of two-thirds of each individual building façade facing the public right-of-way or private internal collector (access) roads within the PUD shall utilize appropriate architectural materials as defined per the C-1 General Commercial District.*

Phasing:

1. *The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first final planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit*

development site plan submission to provide for the interconnectivity of roads, sidewalks, pedestrian access, and other related infrastructure.

ABONMARCHE

Engineering • Architecture • Land Surveying

December 19, 2017

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DEC 28 2017
CITY CLERK
MISHAWAKA, IN

Mr. Kenneth B. Prince, ASLA, AICP, City Planner
City of Mishawaka
600 East Third Street
Mishawaka, IN 46544

RE: **GrandView Flats, LLC & Gumwood Acquisitions, LLC**
Petition for PUD Zoning Amendment

Dear Mr. Prince:

On behalf of the current property owners, GrandView Flats, LLC, and Gumwood Acquisitions, LLC, we are submitting for your review and processing a petition to amend the PUD which was approved in 2014.

The properties included in the approved PUD have tax identification numbers of 029-2017-037007 in the name of GrandView Flats, LLC and 029-2017-037008 and 029-2017-037022 in the name of Gumwood Acquisitions, LLC. Contiguous properties included for addition to the PUD have tax identification numbers of 029-2017-037023, 029-2017-037024, and 029-2017-037025 in the name of Gumwood Acquisitions, LLC. The tract is bounded to the north by the Gumwood Crossing development, to the east by Gumwood Road, to the south by Cleveland Road and to the west by the Centennial Place shopping plaza.

We are respectfully requesting that the PUD be amended as follows:

- Refine the plan dated 11/12/13 to propose instead the enclosed plan dated 12/19/17;
- Redefine the boundary of the PUD to include parcels 029-2017-037023, 029-2017-037024, and 029-2017-037025;
- Delete the option of constructing assisted living housing and nursing homes;
- Reduce by one (1) the number of curb cuts on Gumwood Road;
- Reduce the minimum distance of "throat/stacking area" from 200' to 75';
- Permit building heights up to four (4) stories and forty-eight feet (48'); and
- Allow "fiber cement" as an exterior building material.

This mixed-use development will continue to include construction of public and private roadways and utilities, and a drainage detention system to provide storage for storm water runoff as it is released at a rate into existing drainage facilities.

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COMMUNITY DEVELOPMENT

PC 18-04

750 Lincoln Way East, South Bend, IN 46601 • 574.232.8700
abonmarche.com

If you have any questions or require additional information, please do not hesitate to contact our office at (574) 314-1022.

Sincerely,

Abonmarche Consultants, Inc.

Brian McMorrow
Senior Project Manager

CC: Ryan Rans, GrandView Flats, LLC/Gumwood Acquisitions, LLC
Kristen Sawdon, Great Lakes Capital, LLC
Anson Keller, DkGr Architects
Daryl S. Knip, Abonmarche Consultants, Inc.

DATE: December 19, 2017

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

RE: **PETITION FOR PUD ZONING AMENDMENT**

The undersigned, Gumwood Acquisitions, LLC respectfully show that they are the owner of the following described real estate which was the subject of a PUD established by Ordinance No. 5434 on January 21, 2014, amended on December 7, 2015 by Ordinance No. 5509 and located in the County of St. Joseph, State of Indiana, to-wit:

LOT 2 AND A PART OF LOT 1 IN GUMWOOD ROAD DEVELOPMENT P.U.D. SUBDIVISION, RECORDED AS INSTRUMENT NUMBER 1518561 IN THE RECORDER'S OFFICE OF ST. JOSEPH COUNTY, INDIANA AND ALSO BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2, THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID LOT 2 EXTENDED, 912.90 FEET; THENCE NORTH 89°27'41"EAST, 782.68 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 2; THENCE NORTH 00°28'12" WEST ALONG THE WEST LINE OF SAID LOT 2, 562.65 FEET; THENCE NORTH 68°36'22" EAST, 327.80 FEET; THENCE SOUTH 21°40'35" EAST, 37.48 FEET; THENCE NORTH 89°46'50" EAST, 171.07 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE SOUTH 00°31'05" EAST ALONG THE EAST LINE OF SAID LOTS 1 AND 2, 1531.34 FEET; THENCE SOUTH 44°28'18" WEST, 35.36 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 2; THENCE SOUTH 89°27'41" WEST ALONG THE SOUTH LINE OF SAID LOT 2, 1249.18 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 33.80 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

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BUILDING, PLANNING
COMMUNITY DEVELOPMENT

PET 18-04

Petitioner owns One Hundred (100%) percent of the above described land, excluding the right-of-way of Cleveland Road, and is located within a part of the east half of Section 21, Township 38 North, Range 3 East, Harris Township, St. Joseph County, and that the Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with an "S-2" Planned Unit Development District zoning classification desired. Petitioner further states they intend to utilize said land for a mixed-use multi-family residential and commercial development.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate.

For: Gumwood Acquisitions, LLC

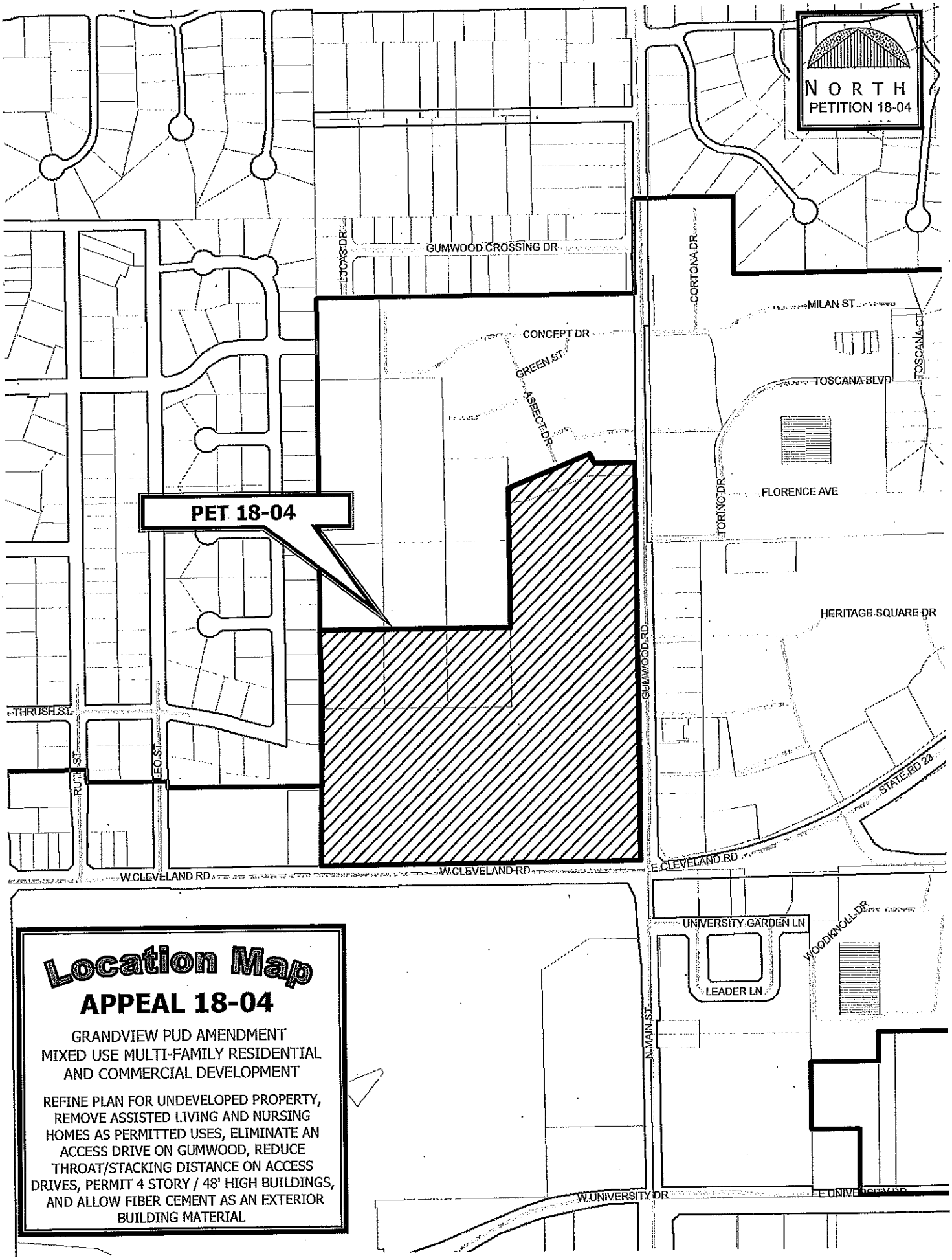
DocuSigned by:
Ryan C. Rans
7529A3DF4916416...

Managing Partner

Date: 12/19/17

CONTACT PERSON:

Brian McMorrow
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 314-1022
bmcmorrow@abonmarche.com



Location Map

APPEAL 18-04

GRANDVIEW PUD AMENDMENT
MIXED USE MULTI-FAMILY RESIDENTIAL
AND COMMERCIAL DEVELOPMENT

REFINE PLAN FOR UNDEVELOPED PROPERTY, REMOVE ASSISTED LIVING AND NURSING HOMES AS PERMITTED USES, ELIMINATE AN ACCESS DRIVE ON GUMWOOD, REDUCE THROAT/STACKING DISTANCE ON ACCESS DRIVES, PERMIT 4 STORY / 48' HIGH BUILDINGS, AND ALLOW FIBER CEMENT AS AN EXTERIOR BUILDING MATERIAL

Good afternoon,

Attached for the Council's consideration on Monday are Resolutions 2018-01 and 2018-02 concerning the City's potential acquisition of Hums Park from School City of Mishawaka.

As you may be aware, the City and School City have been discussing this potential purchase for some time. Currently the City leases the property from School City for $1. Although once viewed as a potential expansion/replacement area for Hums School, School City has considered this area as surplus property for some time. The City is interested in purchasing the property to insure its long term use as a City park. As you can imagine, not owning the property has required continuous dialogue regarding the City's long term improvements to the Park, including when the road was constructed to serve Fire Station #4 which required spending considerable funds for the replacement of the bathroom and a reconfiguration of fields.

Since most of our acquisitions occur through Redevelopment and Park acquisitions are guided under separate statutes, we asked Mr. Trippel for his guidance representing School City on what would be required on the City side to make the purchase possible. In his attached memo, he indicated that two resolutions would need to be approved by the City Council, the first to initiate the purchase, the second to authorize the Mayor (administration) to complete the purchase. These two resolutions have been attached. The cost of the purchase is the average of two certified appraisals that were performed for the property which is $47,500. Closing costs would be paid by the City and are in addition to this amount. Funds for the purchase are coming from encumbered CEDIT funds from last year's budget. The administration originally were planning to use these for the Castle Manor renovation, but when the Castle Manor project moved from maintenance to reconstruction, it made more sense to utilize TIF funds for that project.

Please do not hesitate to contact me with any questions.

As always, we appreciate your consideration.

Ken

Kenneth B. Prince ASLA, AICP

City Planner

City of Mishawaka

600 East Third Street

Mishawaka, IN 46544

(574) 258-1625

kprince@mishawaka.in.gov

RECEIVED
DEBORAH S. BLOCK, MMC
JAN 11 2018
CITY CLERK
MISHAWAKA, IN

TO: Civil City of Mishawaka

FROM: Michael A. Trippel, Esq.

DATE: January 4, 2018

RE: Transfer of Property from School City of Mishawaka to the City of Mishawaka

A transfer of property known as Hums Park from School City to the City of Mishawaka has been pending. In order to execute and finalize this property transfer, the City of Mishawaka must approve two resolutions.

Under Ind. Code § 36-1-10.5-5, the fiscal body of the purchasing entity must pass a resolution to the effect that it is interested in making a purchase of the real estate. I am unaware of any such resolution being approved by the City of Mishawaka Common Council; if such resolution has not been approved, I have attached a draft which should suffice for your approval.

In addition to the resolution expressing interest, under Ind. Code § 36-1-11-8, the Common Council must adopt a resolution substantially identical to the resolution adopted by School City of Mishawaka stating the terms and conditions of the sale in order for the transfer to be executed and finalized. I have attached a draft of a resolution for the Common Council substantially identical to the resolution adopted by the Board of Trustees of the School City of Mishawaka stating the terms and conditions of the sale for the Council's approval.

RECEIVED
DEBORAH S. BLOCK, MMC
JAN 11 2018
CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2018-01

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA STATING INTEREST IN THE PURCHASE OF REAL PROPERTY FROM THE SCHOOL CITY OF MISHAWAKA

WHEREAS, it has been discussed in the past that it may be in the best interest of the Civil City of Mishawaka to acquire and purchase from School City of Mishawaka Hums Park; and

WHEREAS, for many years, Civil City of Mishawaka has leased the Hums Park Real Estate from School City of Mishawaka for use as a city park without payment of rent.

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

Section 1. The Common Council is interested in making a purchase of the Hums Park Real Estate from School City of Mishawaka.

Section 2. Two appraisers have been appointed and have returned their separate appraisals, and these appraisals shall be kept on file by the City of Mishawaka for five (5) years from the date of return.

RECEIVED
DEBORAH S. BLOCK, MMC
JAN 11 2018
CITY CLERK
MISHAWAKA, IN

Passed and adopted at a meeting of the Common Council of the City of Mishawaka, Indiana, held on January 15, 2018.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

_____
Matt Mammolenti, President

ATTEST:

_____
Deborah S. Block
Clerk of the City of Mishawaka, Indiana

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____ day of January, 2018, at the hour of _____ ____.m.

_____
Deborah S. Block
Clerk of the City of Mishawaka, Indiana

This Resolution approved and signed by me on the _____ day of January, 2018, at the hour of _____ ____.m.

_____
David A. Wood
Mayor of the City of Mishawaka, Indiana

RESOLUTION NO. 2018-02

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA REGARDING THE PURCHASE OF REAL PROPERTY FROM THE SCHOOL CITY OF MISHAWAKA

WHEREAS, the Civil City of Mishawaka has expressed an interest in acquiring and purchasing from School City of Mishawaka Hums Park; and

For many years Civil City of Mishawaka has leased the Hums Park Real Estate from School City of Mishawaka for use as a city park without payment of rent; and

WHEREAS, School City of Mishawaka has owned Hums Park for many years and the property is considered surplus real estate.

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

Section 1. The Common Council hereby authorizes City of Mishawaka Mayor Dave Wood, or the City's legal counsel on his behalf, to execute any and all documents necessary to purchase the real estate commonly known as Hums Park from the School City of Mishawaka for forty seven thousand five hundred dollars ($47,500.00) as determined by the average of two (2) appraisals. Closing costs shall be in additional expense permitted in addition to the purchase price.

Section 2. The Mayor is hereby authorized to take the appropriate actions to effectuate the purchase transfer of the real property to Civil City of Mishawaka from the School City of Mishawaka on the terms as set forth in Section 1 herein.

Section 3. The City Controller is hereby authorized to transfer the purchase amount from the appropriate fund(s).

RECEIVED
DEBORAH S. BLOCK, MMC
JAN 11 2018
CITY CLERK
MISHAWAKA, IN

Passed and adopted at a meeting of the Common Council of the City of Mishawaka, Indiana, held on January 15, 2018.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

_____
Matt Mammolenti, President

ATTEST:

_____
Deborah S. Block
Clerk of the City of Mishawaka, Indiana

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____ day of January, 2018, at the hour of _____ ____.m.

_____
Deborah S. Block
Clerk of the City of Mishawaka, Indiana

This Resolution approved and signed by me on the _____ day of January, 2018, at the hour of _____ ___.m.

_____
David A. Wood
Mayor of the City of Mishawaka, Indiana

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 13 2017
CITY CLERK
MISHAWAKA, IN

1st Reading 9-18-17
2nd Reading
Passed
Failed
Continued To 1-15-18

PETITION 17-23

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2017-36

ORDINANCE NO. _____

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

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

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

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

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

That part of the Northwest Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana, which is described as: Lots #21 and #22 of the Plat of "Liberty Park First Addition to the City of Mishawaka" as recorded in the records of the St. Joseph County, Indiana Recorders Office. Containing 0.22 acres more or less. Subject to all legal highways, easements and restrictions of record.

COMMON ADDRESS: 611 West McKinley Avenue

which real estate is now classified as C-1 General Commercial District and shall hereafter be within and a part of that District known as C-9 Automobile Sales 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 is adjacent, on two sides, to automobile sales. McKinley Avenue is a major east/west corridor, with a wide variety of commercial uses.

2. Character of Buildings – The existing automobile sales lot to the west holds just over 60 vehicles. Several of the businesses along McKinley Avenue have large parking areas in the front of their buildings.

Proposed Ordinance No: 2017-36

Ordinance No: _____

3. The most desirable/highest and best use – Due to the property's location adjacent to various commercial and restaurant uses and being along one of most heavily travelled corridors in the City, the most desirable use of the property is a similar higher intensity commercial use.

4. Conservation of property values – The rezoning should not be injurious to property values in the area. The McKinley Avenue corridor is a mix of retail, restaurant, and automotive uses, therefore, C-9 Automobile Sales uses are compatible with the adjacent existing uses.

5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, identified most of the McKinley corridor as General Commercial. Since the C-9 District still allows all C-1 General Commercial uses, it still meets the goals of the Comprehensive Plan.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____day of _____, 2018, at _____ o'clock ___.M.

_____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _____ day of _____, 2018, at _____ o'clock ____.M.

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

APPROVED by me this _____ day of _____, 2018, at _____o'clock ____.M.

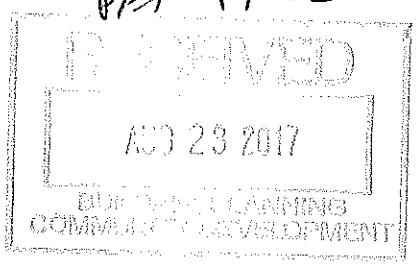
_____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 28 2017

CITY CLERK
MISHAWAKA, IN

PET 17-23



Date: August 20, 2017

To the: Honorable Members of the Common Council,
City of Mishawaka, Indiana:

RE: Tony Rucano & Joseph Simeri Petition for Rezoning:

The undersigned, Tony Rucano and Tony Rucano for Joseph Simeri, respectfully show that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

That part of the Northwest Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana which is described as: Lots # 21 and # 22 of the Plat of "Liberty Park First Addition to the City of Mishawaka" as recorded in the records of the St. Joseph County, Indiana Recorders Office.
Containing 0.22 acres more or less.
Subject to all legal highways, Easements and restrictions of record.
Also, commonly known as 611 West McKinley Highway, Mishawaka, Indiana 46545.

The above described parcel is presently zoned: C-1
Commercial District.
Petitioners desire said real estate to be rezoned to C-9 Commercial District. The purpose for the rezoning is to allow for the operation of automotive sales lot.

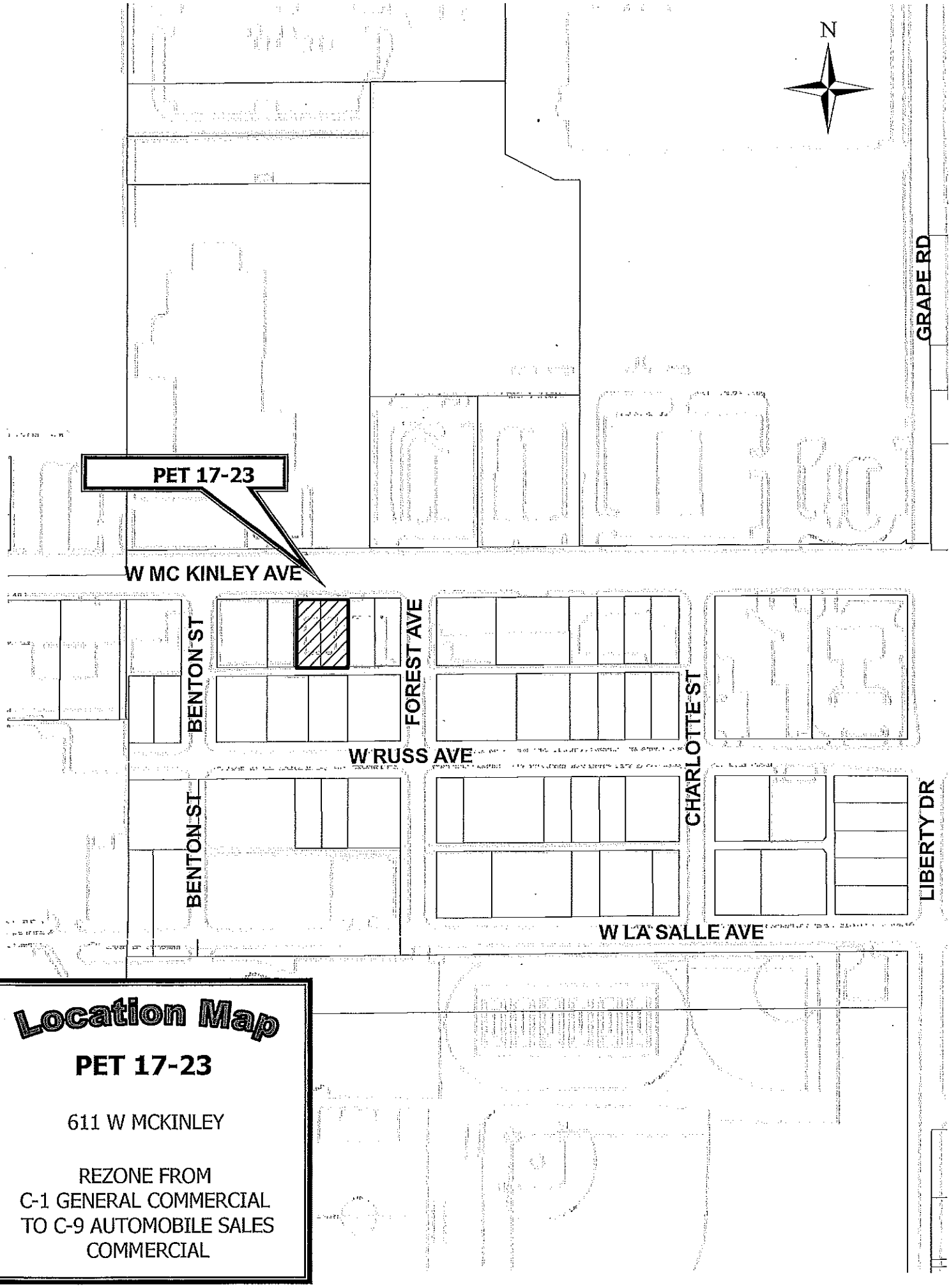
Wherefore, the Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above descried parcel of real estate located in the City of Mishawaka.

Tony Rucano – Property Owner

Contact person:
Michael Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
(574) 234-4003,
mdanch@danchharner.com

LEGAL DESCRIPTION:

That part of the Northwest Quarter of section 9, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana which is described as: Lots # 21 and # 22 of the Plat of "Liberty Park First Addition to the City of Mishawaka" as recorded in the records of the St. Joseph County, Indiana Recorders Office. Containing 0.22 acres more or less.
Subject to all legal highways, Easements and restrictions of record.
Also, commonly known as 611 West McKinley Highway, Mishawaka, Indiana 46545.



Location Map

PET 17-23

611 W MCKINLEY

REZONE FROM
C-1 GENERAL COMMERCIAL
TO C-9 AUTOMOBILE SALES
COMMERCIAL

DHA Danch, Harner & Associates, Inc.

Michael J. Danch, L.A., ASLA
Ron Harner, P.S.

Land Surveyors ▪ Professional Engineers
Landscape Architects ▪ Land Planners

Members of the Mishawaka Plan Commission
City of Mishawaka, Indiana
600 East 3rd Street
Mishawaka, Indiana 46544

August 20, 2017

RE: Tony Rucano & Joseph Simeri Petition for Rezoning:

Dear Commission Members;

Please accept this letter as written confirmation that we have granted Danch, Harner & Associates, Inc. to represent us at all required Plan Commission meetings for our rezoning request for property at 611 W. Mc Kinley Highway, Mishawaka, Indiana.

If you have any questions concerning this matter please feel free to give me a call at 276-1366.

Sincerely,

Tony Rucano

1643 Commerce Drive ▪ South Bend, IN 46628
Office: (574) 234-4003 / (800) 594-4003 ▪ Fax: (574) 234-4119

208 West Mars ▪ Berrien Springs, MI 49103
Office: (269) 471-3010 ▪ Fax: (269) 471-7237

DHA
Danch, Harner & Associates, Inc.
Land Surveyors ■ Professional Engineers
Landscape Architects ■ Land Planners
Office: (574)234-4003 / (800)594-4003 ■ Fax: (574)234-4009
1643 Commerce Drive ■ South Bend, IN 46628

City of Mishawaka Common Council
Attn: Mr. Ross Deal- Council President
600 East Third Street
Mishawaka, Indiana 46544

September 29, 2017

RE: Bill No. 17-36, Plan Commission Petition No. 17-23
611 West McKinley Avenue,
Mishawaka, Indiana:

Dear Mr. Deal:

On behalf of our clients, we are requesting an indefinite tabling of Bill No. 17-36, Plan Commission Petition No. 17-23, for property located at 611 West McKinley Avenue, Mishawaka, Indiana. This tabling will allow our clients to address issues that were brought up at the Mishawaka Plan Commission meeting.

If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

Michael J. Danch

Michael J. Danch
President
Danch, Harner & Associates, Inc.

Cc: Steve Ellison

JAMES F. GROVES
*CLINT A. ZALAS
*ROBERT G. LEPKOWSKI
ALEX C. BOWMAN

ROBERT D. LEE
OF COUNSEL

LEE, GROVES AND ZALAS
ATTORNEYS AND COUNSELLORS
205 WEST JEFFERSON BOULEVARD
SUITE 502
SOUTH BEND INDIANA 46601-1887

TELEPHONE (574) 232-3923
FAX (574) 232-5943
* Also licensed in the State of Michigan
EMAIL jimfgroves@aol.com

June 23, 2017

Yeung Hui Zing
Hi Ho Restaurant
611 W. McKinley
Mishawaka, IN 46545

Re: Hi Ho Restaurant Tenancy

Dear Ms. Zing:

As you may know I represent Tony Rucano who is your landlord. You have been occupying the premises under a month to month lease, and Mr. Rucano has sold the building.

This letter is to inform you that you will need to vacate the premises by mid-September 2017. Because of the long standing relationship Mr. Rucano has had with you, he is willing to allow you to remain in the premises, without any further rent payments, until mid-September. However, you must vacate my mid-September or you will be subject to a claim for lease payments in the event Mr. Rucano has to bring legal proceedings to remove you from the property.

We are sorry to inform you of our need to end the business relationship, but Mr. Rucano has found it necessary to sell the real estate. By now, he probably has discussed this with you, so we would appreciate your cooperation.

Very truly yours,

James F. Groves

JFG/bl

Cc: Tony Rucano

JAMES F. GROVES
*CLINT A. ZALAS
*GEORGE C. LEPENIOTIS
ALEX C. BOWMAN

ROBERT D. LEE
OF COUNSEL

LEE, GROVES AND ZALAS
ATTORNEYS AND COUNSELLORS
205 WEST JEFFERSON BOULEVARD
SUITE 502
SOUTH BEND INDIANA 46601-1887

TELEPHONE (574) 232-5923
FAX (574) 232-5942
* Also licensed in the State of Michigan
EMAIL jimfgroves@aol.com

September 28, 2017

Yeung Hui Zing
Hi Ho Restaurant
611 W. McKinley
Mishawaka, IN 46545

Re: Hi Ho Restaurant Tenancy

Dear Ms. Zing:

This letter will confirm that Tony Rucano is giving you until November 15th, 2017 to vacate the premises. Once again, I am reminding you that you have been under a month to month lease for several years. However, Rucano is selling the property to Gates Chevrolet, and you will need to vacate the property. We are giving you this extension until November 15th, 2017 as an accommodation from Mr. Rucano and Gates Chevrolet.

Very truly yours,

James F. Groves
JFG:bt

Cc: Tony Rucano

LEE, GROVES AND ZALAS
ATTORNEYS AND COUNSELLORS
205 WEST JEFFERSON BOULEVARD
SUITE 502
SOUTH BEND INDIANA 46601-1887

JAMES F GROVES
CLINT A ZALAS
DEBORAH C LEPKOWSKI*
ALEX C BOWMAN

ROBERT D LEE
OF COUNSEL

TELEPHONE (574) 232-3923
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June 23, 2017

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Very truly yours,

James F. Groves

JFG/pt

cc: Tony Rucano

JAMES F. GROVES
*CLINT A. ZALAS
*GEORGE C. LEPENIOTIS
ALEX C. BOWMAN

ROBERT D. LEE
OF COUNSEL

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Very truly yours,

James F. Groves
JFG:bt

Cc: Tony Rucano

DHA
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Land Surveyors ■ Professional Engineers
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Office: (574)234-4003 / (800)594-4003 ■ Fax: (574)234-4009
1643 Commerce Drive ■ South Bend, IN 46628

City of Mishawaka Common Council
Attn: Mr. Ross Deal- Council President
600 East Third Street
Mishawaka, Indiana 46544

December 27, 2017

RE: Bill No. 17-36, Plan Commission Petition No. 17-23
Rezoning Petition for 611 West McKinley Avenue,
Mishawaka, Indiana:

Dear Mr. Deal:

On behalf of our clients, we are requesting that Bill No. 17-36, Plan Commission Petition No. 17-23, a Rezoning request for property located at 611 West McKinley Avenue, Mishawaka, Indiana be brought up for a public hearing at the January 15, 2018 meeting of the Mishawaka Common Council. The issues that were brought up at the Mishawaka Plan Commission meeting have been resolved.

If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

Michael J. Danch

Michael J. Danch
President
Danch, Harner & Associates, Inc.

Cc: Steve Ellison

RECEIVED
DEBORAH S. BLOCK MMC
DEC 27 2017
CITY CLERK
MISHAWAKA, IN